

TOWNSHIP OF PULASKI

ORDINANCE NO. 9

"Zoning Ordinance"

An Ordinance adopted under authority of, and in accordance with the provisions of the Township Planning Act 168 of 1959 as amended, and as applicable Township Rural Zoning Act No. 184 of the 1943 and Township Public Acts of Michigan, as amended, to establish comprehensive zoning regulations for Pulaski Township, Jackson County, Michigan, and to provide for the administration, enforcement penalties and amendment thereof, and the repeal of all ordinances in conflict herewith.

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ARTICLE I ENACTING CLAUSE, TITLE, PURPOSES

SECTION 1.1 - ENACTING CLAUSE

An Ordinance adopted under authority of, and in accordance with the provisions of the Township Planning Act 168 of 1959 as amended, and, as applicable Township Rural Zoning Act No 184 of the 1943 and Township Public Acts of Michigan, as amended, to establish comprehensive zoning regulations for Pulaski Township, Jackson County, Michigan, and to provide for the administration, enforcement penalties and amendment thereof, and the repeal of all ordinances in conflict herewith.

SECTION 1.2 - TITLE

This Ordinance shall be known and may be cited as "The Zoning Ordinance of Pulaski Township." The Zoning Map referred to herein is entitled "Zoning Map, Pulaski Township."

SECTION 1.3 - PURPOSES

This Ordinance has been established for the purpose of:

- A. Promoting and protecting the public health, safety, and general welfare;
- B. Protecting the character and stability of the agricultural, recreational, residential, commercial, and industrial areas, and promoting the orderly and beneficial development of such areas;
- C. Preventing the overcrowding of land and undue concentration of population by regulating the intensity of use of land and the area of open spaces surrounding buildings and structures necessary to provide adequate light, air, and privacy to protect the public health;
- D. Lessening and avoiding congestion on public highways and streets;
- E. Providing for the needs of agriculture, recreation, residence, commerce, and industry in future growth to conform with the most advantageous uses of land, resources, and properties, with reasonable consideration for the general and appropriate trend and character of land, buildings, and population development as shown by studies and as recommended by the Planning Commission and the Township Board.
- F. Encouraging the most appropriate use of lands in accordance with their character and adaptability, and prohibiting uses which are incompatible with the character of development permitted within a specified zoning district;

- G. Conserving the taxable value of land and structures;
- H. Conserving the expenditure of funds for public improvements and services;
- I. Protecting against fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards in the interest of the people;
- J. Providing for the completion, restoration, reconstruction, extension or substitution of non-conforming uses.

ARTICLE II

GENERAL PROVISIONS

SECTION 2.1 - SCOPE

Every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of or addition to an existing use, building, or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance, which are applicable in the zoning district in which such building, or structure, or lot is located.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance, provided that construction shall be completed within three hundred sixty-five (365) days of such effective date and be subject thereafter to the provisions of Section 5.7 of this Ordinance.

The adoption of this Ordinance shall not limit the construction of any building or structure for which a zoning permit had been obtained prior to the effective date of adoption or amendment of this Ordinance even though such building or structure does not conform to the provisions of this Ordinance, provided that work shall commence and be carried on within thirty (30) days of obtaining such permit and be subject thereafter to the provisions of Section 5.7 of this Ordinance.

SECTION 2.2 - DEFINITIONS

For the purpose of this Ordinance certain terms are herewith defined. When not inconsistent with the context, the present tense includes the future; the words used in the singular number include the plural number, and the plural, the singular. The word "shall" is always mandatory and not merely (suggestive). The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The words "used" or "occupied" include the words "intended," "designed," or "arranged" to be used or occupied.

2.2.1 Accessory Structure, Building, or Use:

A detached structure, building, or use on the same lot with, and of a nature customarily incidental and subordinate to the principal structure, building, or use.

2.2.2 Alley:

A public or private way not more than thirty-three (33) feet wide which affords only a secondary means of access to abutting property.

2.2.3 Alter:

Any structural change in the supporting or load bearing member of a building, such as bearing walls, columns, beams, girders, or floor joists.

2.2.4 Apartment:

A dwelling unit in an apartment house arranged, designed, or occupied as a residence by a single family, individual, or group of individuals.

2.2.5 Automobile Service Station:

Structures and premises used or designed to be used for the retail sale of fuels, lubricants, or grease, and other operating commodities for motor vehicles, including the customary space and facilities for the installation of such commodities; and including space for temporary minor repair, or servicing such as polishing, washing, cleaning, greasing, but not including bumping, painting, or refinishing thereof.

2.2.6 Automobile Wrecking:

The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles, or their parts.

2.2.7 Basement:

A story of a building having part but not more than one half its height above grade.

2.2.8 Boarding House or Rooming House:

A dwelling where meals and/or lodging are provided for compensation to persons by pre-arrangement for definite periods of time.

2.2.9 Building

An enclosed structure having a roof supported by columns, walls, or other devices and used for the housing, shelter, or enclosure of persons, animals, chattels, or personal property.

2.2.10 Building Height:

The vertical distance measured from grade to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the average height between eaves and ridges for gable, hip, or gambrel roofs.

2.2.11 Building Setback Line:

A line parallel to or concentric with property lines delineating the minimum allowable distance between the street right-of-way and the front of any building.

2.2.12 Central Sanitary Sewerage System:

Any person, firm, corporation, municipal department, or board duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public a sanitary sewerage disposal system from a central location or plant, but not including septic tanks.

2.2.13 Central Water System:

Any person, firm, corporation, municipal department, or board duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public a central water system from a central location or plant.

2.2.14 District:

A portion of Pulaski Township within which certain uniform regulations and requirements apply under the provisions of this Ordinance.

2.2.15 Drive-In Establishment:

A business establishment so developed that its retail or service character is primarily dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicles as well as within the building.

2.2.16 Dwelling Unit:

One or more rooms with independent cooking facilities designed as a unit for residence by only one family.

2.2.17 Dwelling - Single-Family

A detached building other than a mobile home, designed for or occupied by one (1) family only minimal habitable living space shall be in accordance with Table 4.5A.

2.2.18 Dwelling -Two-Family:

A detached building designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each. Minimal habitable living space shall be in accordance with Table 4.5A.

2.2.19 Dwelling - Multiple-Family:

A building designed for or occupied by three (3) or more families living independently of each other with separate housekeeping and cooking facilities for each.

2.2.20 Easement:

Any private or dedicated public way other than a street or alley, providing a means of access to a property having a width of not less than sixty-six (66) feet.

2.2.21 Essential Services:

The erection, construction, alteration, or maintenance by public utilities or municipal departments, commissions, or boards, or underground, surface, or overhead gas, electric, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals or signs and fire hydrants, and other similar equipment and accessories in connection therewith, for the general public health, safety, convenience, or welfare, but not including buildings, towers, or maintenance depots.

2.2.22 Family:

One or more persons living together in a room or rooms comprising of four or more unrelated adults, or a group occupying a rooming-house, boarding-house, lodging-house, club, fraternity-house, hotel, motel, or tourist home.

2.2.23 Feedlot:

An area in which animals are confined at high density in stalls, pens or other limited quarters without ability to graze or forage in appropriate seasons and where both of the following are true for contiguous areas owned or leased by the operator:

1. There exist more than two (2) cattle per acre, ten (10) hogs per acre, ten (10) sheep or goats per acre, three hundred (300) chickens per acre, three hundred (300) small animals such as rabbits per acre. All other animals not mentioned shall be limited to less than fifteen hundred (1500) pounds per acre.

2. Production of feed (including crops sold or bartered for the required feed supplies) not sufficient to provide at least 75% of the feeding requirements of the confined animals. For calculation of this feed ratio, leased land must be either contiguous or within a ten (10) mile radius of the site.

2.2.24 Home Occupation:

An occupation that is carried on in the home being primarily incidental to the principal residential use, and using not more than one room of the residence for business purposes.

2.2.25 Hotel:

A building containing guest rooms in which lodging is provided, with or without meals, for compensation and which is open to transient or permanent guest, or both, and where provision is made for cooking in any guest room.

2.2.26 Junk Yard:

A structure or parcel of land where junk, waste, discard, salvage, or similar materials such as old iron or other metal, wood, lumber, glass, paper, rags, cloth, leather, rubber, bagging, cording, barrels, containers, etc., are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto wrecking yards, inoperative machines, used lumber yards, house wrecking, and structural steel materials, and equipment and including establishments for sale, purchase, or storage of salvaged machinery and the processing of used, discarded, or salvaged materials, for any thirty (30) consecutive days.

2.2.27 Kennel:

Any lot or premises on which three (3) or more dogs, four (4) months old or more are confined either permanently or temporarily.

2.2.28 Lot:

A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area; and to provide such yards and other open spaces as herein required. Such lot may consist of a single lot of record; a portion of a lot of record; a combination of contiguous lots of record, or contiguous portions of lots of record; or a parcel of land described by metes and bounds.

2.2.29 Lot Area:

The area within the lot lines.

2.2.30 Lot Corner:

A parcel of land at the junction of and fronting or abutting on two or more intersecting streets.

2.2.31 Lot Depth:

The average distance between the front and rear line of a lot measured in the general direction of its side lot lines.

2.2.32 Lot Coverage:

The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

2.2.33 Lot of Record:

A lot which is part of a subdivision and is shown on a map thereof which has been recorded in the Office of the Register of Deeds of Jackson County, or a lot described by metes and bounds, the deed to which has been recorded in said office.

2.2.34 Lot Through (Double Frontage):

An interior lot having frontage on two parallel or approximately parallel streets.

2.2.35 Lot Width:

The average width measured at right angles to the lot's depth.

2.2.36 Mobile Home:

A detached portable residential dwelling unit within a floor area of at least seven hundred twenty (720) square feet, prefabricated on its own chassis and intended for long-term occupancy. The unit shall contain sleeping accommodations, a flush toilet, tub or shower, and eating and living quarters. It is designed to be transported on its own wheels or on a flatbed arriving at the site where it is to be occupied as a complete dwelling without permanent foundation and shall be connected to existing utilities. A travel trailer is not to be considered a mobile home.

2.2.37 Mobile Home Park:

A tract of land prepared and approved according to the planned unit development procedures in its Ordinance to accommodate mobile homes on rented or leased lots.

2.2.38 Mobile Home Subdivision:

A legally platted residential subdivision accommodating mobile homes, in accordance with the Subdivision Control Act P.A. 288 of 1967, as amended, effective January 1, 1968.

2.2.39 Motel:

Any establishment in which individual cabins, courts, or similar structures or units are let or rented to transients for periods of less than thirty (30) days. The term "motel" shall include tourist cabins and motor courts. A motor court or motel shall not be considered or construed to be either a multiple dwelling, a hotel, or a mobile home park.

2.2.40 Off Street Parking:

A facility providing vehicular parking spaces with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of automobiles.

2.2.41 Parking Space, Area, Lot:

An off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employees.

2.2.42 Quarry:

Any pit, excavation, or mining operation for the purpose of searching for or removing from the premises any earth, rock, sand, gravel, clay, stone, slate, marble, or other non-metallic mineral in excess of fifty (50) cubic yards in any calendar year, but shall not include an excavation preparatory to the construction of a structure or public highway.

2.2.43 Riding Academy:

Any establishment where horses are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch, or similar establishment.

2.2.44 Roadside Stand:

A structure temporarily operated for the purpose of selling produce raised or produced principally on the premises where situated, and its use shall not make a commercial district

2.2.45 Sign:

Any device designed to inform, or attract the attention of persons not on the premises on which the sign is located; except, however, the following which shall not be included with this definition:

- A. Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
- B. Flags and insignias of any government, except when displayed in connection with commercial promotion;
- C. Legal notices; identification, information, or directional signs erected or required by governmental bodies;
- D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
- E. Signs directing and guiding traffic and parking to private property, but bearing no advertising matter.

2.2.46 Sign Area:

The area of a sign consisting of the entire surface of any regular geometric form or combinations of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of such area.

2.2.47 Sign, On-Site:

A sign advertising a product for sale or a service to be rendered on the immediate premises where the sign is located.

2.2.48 Site Plan Review:

A review by the Zoning Board and the Township Board of certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, and on adjacent land usage.

2.2.49 Story:

That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling above it.

2.2.50 Street:

A public or private thoroughfare which affords the principal means of access to abutting property having a right-of-way not less than sixty-six (66) feet in width.

2.2.51 Structure:

Anything constructed, erected or placed with a fixed location on the surface of the ground.

2.2.52 Travel Trailer:

A vehicle designed as a travel unit for occupancy as a temporary or seasonal living unit, capable of being towed by a motor vehicle or self powered.

2.2.53 Yard, Front:

An open, unoccupied space extending the full width of the lot between the front lot line and the nearest line of the principal building on the lot.

2.2.54 Yard, Rear:

An open, unoccupied space extending the full width of the lot between the rear line of the lot and the rear line of the principal building.

2.2.55 Yard, Side:

An open, unoccupied space on the same lot with the principal building, between the side line of the principal building and the adjacent site line of the lot and extending from the rear line of the front yard to the front line of the rear yard, and if no front yard is required, the front boundary of the side yard shall be the front line of the lot.

SECTION 2.3 - UNDEFINED TERMS

Any term not defined herein shall have the meaning of common or standard use.

SECTION 2.4 - APPLICATION OF REGULATIONS

The regulations established by this Ordinance within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall not preclude the establishment of higher or more restrictive standards or requirements for the authorization of any conditional use permit, where such higher or more restrictive standards or requirements are found necessary by the Zoning Board to attain the purposes of this Ordinance.

ARTICLE III

ESTABLISHMENT OF ZONING DISTRICTS

SECTION 3.1 - ESTABLISHMENT OF ZONING DISTRICTS

The Pulaski Township is hereby divided into the following zoning districts:

- AG-1 Agricultural District
- RC-1 Recreation Open Space District
- RNF-1 Rural Non-Farm Residential District
- C-1 Local Commercial District
- I-1 Light Industrial District

SECTION 3.2 - OFFICIAL ZONING MAP

The zoning districts as provided in Section 3.1 of this Ordinance are bounded and defined on a map entitled, "Official Zoning Map, Pulaski Township, Jackson County, Michigan, dated 4/13/81 - which map, with all explanatory matter thereon, is hereby adopted as a part of this Ordinance.

3.2.1 Identification of Official Zoning Map

The Official Zoning Map shall be identified by the signature of the Township Supervisor and attested by the Township Clerk. The Official Zoning Map shall be located in the office of the Clerk and available for examination.

SECTION 3.3 - INTERPRETATION OF DISTRICT BOUNDARIES

Except where specifically designated on the Official Zoning Map, the zoning district boundary lines are intended to follow lot lines, the center lines of streets or alleys, the center lines of creeks, streams, or rivers, the center lines of streets or alleys projected, center lines of railroad rights-of-way lines, section lines, one-quarter section lines, one-eighth section lines, or a corporate limit line, all as they existed at the time of the enactment of this Ordinance, as subsequently modified and designed as such boundary line. Where a district boundary does not coincide with any of the above lines, the district boundary lines shall be dimensioned on the Official Zoning Map.

When the location of a district boundary is uncertain, the Board of Appeals shall interpret the exact location of the district boundary.

ARTICLE IV

ZONING DISTRICTS REGULATIONS

The intent, permitted uses, conditional uses, height, area, density, and sign regulations of each district are set forth in this section.

SECTION 4.1-OPEN DISTRICTS

Open Districts are established to protect land best suited for open use from the encroachment of incompatible land uses, to preserve valuable agricultural land for agricultural uses, and to retain land suited for open space and recreation use for the future.

4.1.1 Agricultural District (AG-1):

The intent of this district is to set aside land suitable for agricultural development and agricultural related uses.

A. Permitted Uses:

1. General and specialized farming and agricultural activities except feedlots, but including the raising or growing and storage or preservation of crops, sod, livestock, poultry, rabbits, furbearing animals, and other farm animals, and plants, trees, shrubs, and nursery stock.
2. Sale of agricultural products raised or grown on the farm premises including roadside stand for said sales.
3. Single-family detached dwellings.
4. Mobile homes limited as defined in Section 4.5.
5. Home occupations only in accordance with the regulations specified in Article V, Section 5.14.
6. Kennels.
7. Conservation and/or recreation areas including forest preserves, game refuges, nature reservations, hunt clubs, and similar areas of low intensity use.
8. On-site signs only in accordance with the regulations specified in Article V, Section 5.2.1.

9. Essential services and structures of a non-industrial character, but not including maintenance depots and warehouses only in accordance with the regulations specified in Article V, Section 5.16.

10. Accessory uses or structures.

B. Conditional Uses:

1. Quarries.

2. Golf courses.

3. Group or organized camps, camping grounds, and general or specialized resorts.

4. Airports.

5. Public and private nurseries, primary or secondary non-profit schools, and colleges and universities.

6. Convalescent homes, nursing homes, care homes, hospital, sanitariums, and orphanages.

7. Riding academies and stables.

8. Churches and other buildings for religious worship.

9. Cemeteries.

10. Golf driving ranges.

11. Travel trailer parks.

12. Feedlots.

13. Animal hospitals.

14. Sanitary land fills.

C. Area, Yard, Height, and Bulk Requirements:

See Section 4.5.

4.1.2 Recreation Open Space District (RC-1):

The intent of this district is to set aside those lands which, because of their physical characteristics, would be suitable for recreation and open space use.

A. Permitted Uses:

1. Public or private forest preserve, game refuge, golf course and club, park, camping ground, playground, or other recreation purpose.
2. Public and private conservation area and structure for the development, protection and conservation of open space, watersheds, water, soil, forest, and wildlife resources.
3. A lot may be used for general and specialized farming and agricultural activities including the raising or growing of crops, livestock, poultry and other farm animals, products and foodstuffs, and provided that any lot that is kept as idle cropland shall be so treated as to prevent soil erosion by wind or water and so treated as to prevent excessive growth of obnoxious weeds and shrubs, and provided that any lot kept as noncropland shall be so treated as to prevent soil erosion by wind or water.
4. A lot may be used for the raising or growing of plants, trees, shrubs, and nursery stock.
5. A lot may be used for the growing, stripping, and removal therefrom of sod provided that said lot or portion thereof shall be reseeded after stripping by fall of the year in which it was stripped as to reduce the actual or potential erosion of soil by water or wind.
6. Essential services and structures of a non-industrial character, but not including maintenance depots or warehouses.

B. Conditional Uses:

1. Quarries.
2. Single-family dwellings or mobile homes.
3. Commercially operated trails for use by motorcycles, dunebuggies, snowmobiles, and similar types of vehicles.
4. Amusement Parks.

5. Travel trailer parks.

C. Area, Yard, Height and Bulk Regulations:

See Section 4.5.

SECTION 4.2 - RESIDENTIAL DISTRICT

The Rural Non-Farm Residential District is designated principally for residential use and is limited to dwellings and uses normally associated with residential neighborhoods in order to encourage a suitable and healthy environment for family life. The residential district is designed to regulate the location of residential uses and dwellings according to a well-considered plan which reflects the different types of residential uses and dwellings, the different densities of population and the intensity of land use desired; potential nuisances and hazards which may cause unhealthy conditions; and the relationship of residential uses and dwellings to other areas devoted to agricultural, commercial, or industrial use and to streets. The purpose of the residential district is further stated below.

4.2.1 Rural Non-Farm Residential District (RNF-1):

This district is established to provide suitable areas for single-family dwellings at low densities to preserve a predominantly rural character in these areas fit for concentrated residential use because of the ability of the soil to absorb sewage waste from individual septic tanks.

A. Permitted Uses:

1. Single-family detached dwellings.
2. Two-family dwellings.
3. Home occupations, only in accordance with the regulations specified in Article V, Section 5.14.
4. On-site signs, only in accordance with the regulations specified in Article V, Section 5.2.1.
5. Essential services, only in accordance with the regulations specified in Article V, Section 5.16.
6. Accessory uses or structures.

B. Conditional Uses:

1. Planned-unit residential developments.
2. Multiple family dwellings.
3. Golf courses, but not including golf driving ranges.
4. Country clubs; public swimming pools; recreation centers and parks, playgrounds, and playfields.
5. Churches and other buildings for religious worship.
6. Public and private nursery; primary and secondary non-profit schools.
7. Essential service structures of a non-industrial character, but not including maintenance depots or warehouses.
8. Government-or community-owned buildings, excluding maintenance depots, garages, or warehouses.

C. Area, Yard, Height, and Bulk Regulations:

See Section 4.5.

SECTION 4.3 - COMMERCIAL DISTRICT

The Local Commercial District is designed to limit compatible commercial enterprises at appropriate locations to encourage efficient traffic movement, parking, and utility service; advance public safety; and protect surrounding property. The commercial district is designed to regulate the location of these business uses according to a well considered plan which determined the types of such uses and the intensity of land, street and highway use in each such district; potential nuisances and hazards which may cause unsafe conditions; and the relationship on commercial uses to each other and to other areas devoted to agricultural, residential, or industrial use and to streets and highways. The purpose of the commercial district is further stated below.

4.3.1 Local Commercial District (C-1):

This district is designed to encourage planned and integrated groupings of stores that will retail convenience goods and provide personal services to meet regular and recurring needs of the neighborhood resident population. To these ends, certain uses, which would function more effectively in other districts and would interfere with the operation of these business activities and the purpose of this district, have been excluded.

A. Permitted Uses:

1. Personal services, including barber shops and beauty salons; medical and dental clinics; dry cleaners and self-service laundromats; and sale and repair shops for watches, shoes, radios, and televisions.
2. Business services including banks, loan offices, real estate offices, and insurance offices.
3. Offices of an executive, administrative, or professional nature.
4. Retail sale of foods, drugs, hardware, notions, books, and similar convenience goods.
5. On-site signs, only in accordance with the regulations as specified in Article V, Section 5.2.2.
6. Essential services and structures of a non-industrial character.
7. Accessory uses or structures.

B. Conditional Uses:

1. Planned-commercial unit developments.
2. Churches and other buildings for religious worship.
3. Government- or community-owned buildings, but not including schools.
4. Eating and drinking establishments, but not including drive-in types.
5. Business schools; including dance schools, music schools, and art schools.
6. Indoor retail sales establishments.
7. Indoor commercial amusement and recreation services, including theaters, bowling alleys, and roller and ice skating rinks.
8. Clubs and lodges.
9. Funeral homes.
10. Printing establishments.

11. On-site signs, only in accordance with the regulations as specified in Article V, Section 5.2.3.

12. Automobile service stations.

13. Hotels or motels.

C. Area, Yard, Height, and Bulk Regulations:

See Section 4.5.

SECTION 4.4 - INDUSTRIAL DISTRICT

It is recognized by this Ordinance that there may be value to the public in later designating certain areas for certain types of industrial uses represented in the employment opportunities afforded to citizens and the resultant economic benefits conferred upon Pulaski Township. In order that this value may be maintained and this use encouraged, this Ordinance has defined a zoning district designed to regulate industrial uses according to a well-considered plan which reflects the types of such uses and the intensity of land, street, and highway use in the township; potential nuisances and hazards which may cause unsafe and unhealthy conditions; and the relationship of industrial uses to each other and to other areas devoted to agricultural, residential, or commercial use and to streets, highways, and other means of transportation. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these industrial activities and the purpose of these districts have been excluded. The purpose of the industrial district is further stated below.

4.4.1 Light Industrial District (I-1):

This district is designed to provide suitable space for light industrial uses which operate in a safe, nonobjectionable and efficient manner, and which are compatible in appearance with and require a minimum of buffering measures from adjoining non-industrial zoning district. These uses generate a minimum of noise, glare, odor; dust, vibration, air and water pollutants, fire, explosive and radioactive hazards, and other harmful or obnoxious matter.

A. Permitted Uses:

1. Wholesale merchandising or storage warehouses.
2. Vehicle repair garages, but not including auto junk yards.
3. Trucking terminals.

4. Farm machinery and equipment sales and repair.
5. Contractor's yard.
6. Industrial office buildings.
7. General service and repair establishments including dyeing, cleaning, or laundry works and upholstery or appliance repair.
8. Assembly and manufacture, from prefabricated parts, of household appliances, electronic products, machinery and hardware products, and similar products; or the processing or assembling of parts for production of finished equipment.
9. Skilled trade services including plumbing, electric, heating, printing, and painting establishments.
10. Research and testing laboratories.
11. Essential services and structures.
12. On-site and off-site signs only in accordance with the regulations as specified in Article V, Section 5.2.3 and 5.2.4.

B. Conditional Uses:

1. Generally including those light manufacturing uses similar to the permitted uses in this district which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odors, heat, or glare than that which is generally associated with light industries of the type specifically permitted, including licensed nuclear power facilities.

C. Area, Yard, Height, and Bulk Regulations:

See Section 4.5.

SECTION 4.5 - DISTRICT AREA, YARD, HEIGHT, AND BULK REQUIREMENTS

ZONING DISTRICT	LOT REQUIREMENTS			MIN. YARD REQUIREMENTS			MAX. HEIGHT REQUIREMENTS		MIN. TRANS. STRIP	BUILDING & FACILITIES
	Minimum Lot Area	Min. Lot Width	Max Lot Coverage	Front	Each Side	Rear	Princ.	Access.		
Agricultural AG-1	1 Acre	209.8**	10%	35'	30'	50'	2-1/2 story or 35'	80'	---	Single-family detached dwelling units or mobile homes.
	5 Acres	450**			60**					All other uses including 2 dwellings on one lot
Recreation RC-1 Open Space	2 Acres	300**	10%	35'	30'	50'	2-1/2 story or 35'	80'	---	Single-family detached dwelling units.
	5 Acres				60**					All other uses.
Rural Non-Farm Residential RNF-1	10,000 sq. ft.	100'	30%	35'	10'	20'	2-1/2 story or 35'	25'	---	Single-family detached dwelling units with central water & sewage systems in subdivisions
	15,000 sq. ft.	120'			10'					Single-family detached dwelling units without central sewerage and water systems.
	1 Acre	120'			35**					All other uses.
Local Commercial C-1	10,000 sq. ft.	75'	25%	35'	20'	35'	35'	---	15' wide and fence, wall, or hedge 4' to 6' ht. if abutting a residential district. 20' wide, landscaped strip if fronting a public street.	With central sewerage and water systems.
	15,000 sq. ft.	100'			35'					Without central sewerage systems.
Light Industrial I-1	20,000 sq. ft.	100'	25%	35'	20' 35'	35'	---	---	25' wide and fence 4' to 8' height if abutting a residential or commercial district. 20' wide landscaped strip if fronting public street.	

*Corner Lot

**Depth not to exceed width

Lot width to be measured along public street or along 66' wide access from such public street (see also 5.12)

TABLE 4.5A ALLOWED HOUSING, SIZE

ZONING DISTRICT	USE	ALLOWED HOUSING	SIZE **
Agricultural AG-1	Permitted	Mobile Homes Single-Family Dwelling	greater than 720 sq. ft. greater than 720 sq. ft.
	Conditional	None	N/A
Recreational Open Space RC-1	Permitted	None	N/A
	Conditional	Single-Family Dwelling*	greater than 720 sq. ft. greater than 1,000 sq. ft.
Residential RNF-1	Permitted	Single-Family Dwelling* Two-Family Dwelling	greater than 1,500 sq. ft.
	Conditional	Multi-Family Dwelling	---
Other (Industrial & Commercial)	Permitted	None	---
	Conditional	None	---

* Mobile home may be used as a single-family dwelling when firmly attached to a permanent foundation and does not have exposed wheels, towing mechanism, undercarriage or chassis.

**Habitable living space, including basement and finished upper story.

4.5.1 Compliance with Regulations:

- A. No building or structure shall hereafter be erected or altered to exceed the height; to occupy a greater percentage of lot area; to have narrower or smaller rear yards, front yards, side yards, or other open spaces than prescribed for the district in which the building or structure is located.
- B. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth for the district in which the yard or lot is located. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- C. Part of a yard or other open space required for or in connection with, any structure for the purpose of complying with this Ordinance, shall be included as part of a yard or open space similarly required for any other structure.

4.5.2 Yard Measurements:

- A. Lots which abut on more than one street shall provide the required front yards along every street.
- B. All front, side, and rear yards shall be the minimum perpendicular distance measured from the principal structure, excluding all projections not exceeding three (3) feet in length from the structure wall.

4.5.3 Lot Width:

Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard.

4.5.4 Height Exceptions:

Exceptions to the maximum height regulations for each district specified in this Ordinance may be permitted subject to the following provisions:

A. Height Limitations:

The limitations affecting the height of structures shall not apply to the following appurtenant appendages and structures provided they comply with all other provisions of this or any other applicable ordinances; Parapet walls, chimneys, smokestacks, church spires, flagpoles, radio and television towers, penthouses for mechanical equipment, watertanks, and windmills.

B. Increased Height:

Building height in excess of the height above average ground level allowed in any district may be permitted provided all minimum front, side, and rear yard depths are increased one (1) foot of height and provided that adequate fire protection can be demonstrated.

4.5.5 Accessory Structures:

- A. No detached accessory building or structure shall be located closer than ten (10) feet to any other building or structure unless an approved fire wall lining is utilized.
- B. All detached accessory structures in any residential district may be placed not less than three (3) feet from any rear lot line or the rear yard portion of any side lot line.

4.5.6 Distance Between Grouped Buildings:

In addition to the required setback lines provided elsewhere in this Ordinance, in group dwellings (including semi-detached and multiple dwellings) the following minimum distances shall be required between each said dwelling:

- A. Where buildings are front to front or front to rear, three (3) times the height of the taller building, but not less than seventy (70) feet.
- B. Where buildings are side to side, one (1) times the height of the taller building but not less than twenty (20) feet.
- C. Where buildings are front to side, rear to side, or rear to rear, two (2) times the height of the taller building but not less than forty-five (45) feet.

ARTICLE V

SUPPLEMENTAL REGULATIONS

SECTION 5.1 - PURPOSE

It is the purpose of this Article of this Ordinance to provide regulations and requirements that supplement the provisions contained under the respective district regulations in Article IV, and may or may not apply in all zoning districts.

SECTION 5.2 - SIGN REGULATIONS

5.2.1 General Sign Regulations

- A. No sign shall be erected at any location, where by reason of the position, size, shape, color, movement, or illumination, may interfere with or obstruct the view of traffic, nor shall any sign be confused with any authorized traffic sign, signal, or device.
- B. All signs shall be designed, constructed, and maintained so as to be appropriate in appearance with the existing or intended character of their vicinity so as not to change the esthetics character of such area.

5.2.2 Permitted On-site Signs in Commercial Districts

The following on-site signs are permitted on any one lot in the Local Commercial, Lake Commercial, and Office Districts:

- A. One on-site identification sign may be affixed flat against the wall of a building. The total sign area shall not exceed one-quarter ($1/4$) square foot for each foot in length or height of the wall, whichever is greater. No such sign shall extend above the wall to which it is affixed.
- B. One on-site free-standing identification sign may be erected for a neighborhood shopping center. Such sign shall not exceed twenty-four (24) square feet in area, nor be closer to the front, side, or rear property line than one-half the distance of the required setback.
- C. One on-site free-standing identification sign may be erected for each separate enterprise situated on an individual lot not within a shopping center. Such sign shall not exceed eighteen (18) square feet in area, nor be closer to the front, side, or rear property line than one-half the distance of the required setback.

5.2.3 Permitted On-Site Signs in all Industrial Districts

The following on-site signs are permitted on any one lot in the Community Commercial, Highway Commercial, and all Industrial Districts:

- A. One on-site sign may be affixed flat against the wall of the building, or may project therefrom not more than forty-eight (48) inches. The total sign area shall not exceed one-half (1/2) square foot for each foot in length or height of the wall, whichever is greater.
- B. One on-site free-standing identification sign may be erected for a shopping center or other integrated group of stores or commercial buildings. The area of said sign shall be based on one (1) square foot for each front foot of building, or buildings, for which it is established; however, it shall not exceed two hundred (200) square feet in area, nor be closer to the front, side, or rear property line, than one-half the distance of the required building setback.
- C. One on-site free-standing identification sign may be erected for each separate enterprise situated on an individual lot not located within a shopping center. Such sign shall not exceed eighty (80) square feet in area, nor be closer to the front, side, or rear property line, than one-half the distance of the required building setback.

5.2.4 Off-Site Signs

Off-site signs, signs advertising a product for sale or a service to be rendered at a location other than the premises, shall be permitted in the Highway Service Commercial, and all Industrial Districts under the following conditions:

- A. Off-site signs are required to conform to yard and height requirements as other principal structures or buildings in the zone in which they are situated.
- B. Where two (2) or more off-site signs are along the frontage of a single street or highway they shall not be less than one thousand (1,000) feet apart. A double face (back to back) or a V-type structure shall be considered a single sign.
- C. The total surface area, facing in the same direction of any off-site sign, shall not exceed three hundred (300) square feet in area.
- D. No off-site sign shall be erected on the roof of any building, nor have one sign above another sign,

- E. Off-site signs may be illuminated by reflected or internal light only, provided the source of light is not directly visible and is so arranged to reflect away- from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights. No illumination involving movement by reason of lighting arrangement or other devices shall be permitted,

5.2.5 Signs for Automobile Service Stations

Notwithstanding other provisions of this Ordinance, one (1) permanently installed sign shall be permitted on each street frontage, installed so that a clear view of street traffic by motorists or pedestrians may not be obstructed in any way to a height of sixteen (16) feet other than necessary supports, and not exceeding twenty-five (25) square feet in area. A sign or legend may also be placed flat on the main building or fuel pump canopies.

SECTION 5.3 - OFF-STREET PARKING REQUIREMENTS

In all districts, there shall be provided at the time any building structure, or use is established, enlarged, or increased in capacity, off-street parking spaces for motor vehicles with the requirements herein specified, Such off-street parking spaces shall be maintained and shall not be encroached upon by structures or other uses so long as the principal building, structure, or use remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

5.3.1 Plans

Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation shall be submitted to the Zoning Inspector for review at the time of application for a zoning compliance permit for the erection or enlargement of a building.

5.3.2 Location of Off-Street Parking Areas

Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within three hundred (300) feet thereof except that this distance shall not exceed one hundred fifty (150) feet for single-family and two-family dwellings. This distance specified shall be measured from the nearest point of the parking facility to the nearest point of the lot occupied by the building or use that such facility is required to serve.

5.3.3 Collective Parking

Requirements for the provision of parking facilities with respect to two or more property uses of the same or different types may be satisfied if the permanent allocation of the requisite number of spaces designated is not less than the sum of individual requirements.

5.3.4 Determining Requirements

For the purposes of determining off-street parking requirements the following units of measurement shall apply:

A. Floor Area:

In the case where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that such floor area need not include any area used for parking within the principal building and need not include any area used for incidental service storage, installations of mechanical equipment, penthouse housing ventilators and heating systems, and similar uses.

B. Places of Assembly:

In stadiums, sports arenas, churches, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

C. Fractions:

When units of measurement determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half ($1/2$) shall be disregarded and fractions over one-half ($1/2$) shall require one (1) parking space.

5.3.5 Schedule of Off-Street Parking Spaces

The minimum required off-street parking spaces shall be set forth in the following Schedule of Off-Street Parking Spaces. Where a use is not specifically mentioned, the parking requirements of a similar or related use shall apply.

<u>Use</u>	<u>Parking Space Requirements</u>
Automobile or Machinery Sales Service Garages	One (1) space for each two and hundred (200) square feet of showroom floor area plus two (2) spaces for each service bay plus one (1) space for each two (2) employees.
Bank, Business, and Professional Offices	One (1) space for each two hundred (200) square feet of gross floor area.
Barber Shops and Beauty Parlors	One (1) space for each chair plus one (1) space for each employee.
Bowling Alleys	Seven (7) spaces for each alley.
Churches, Auditoriums, Stadiums, Sports Arenas, Theaters, Dance, Assembly Halls other than Schools	One (1) space for each four (4) seats.
Dwelling Unit	Two (2) spaces for each family or dwelling unit.
Funeral Homes and Mortuaries	Four (4) spaces for each parlor or one (1) space for each fifty (50) square feet of floor area plus one (1) space for each fleet vehicle, whichever is greater.
Furniture, Appliance Stores, Household Equipment and Furniture Repair Shops	One (1) space for each four hundred (400) square feet of floor area.
Hospitals	One (1) space for each bed excluding bassinets plus one (1) space for each two (2) employees.
Hotels, Motels, Lodging Houses, Boarding Homes	One (1) space for each living unit plus one (1) space for each two (2) employees.
Automobile, Service Stations	One (1) space for each eight hundred (800) square feet of floor area plus one (1) space for each four (4) employees.

<u>Use</u>	<u>Parking Space Requirements</u>
Manufacturing, Fabricating, Processing and Bottling Plants, Research and Testing Laboratories	One (1) space for each two (2) employees on maximum shift.
Medical and Dental Clinics	One (1) space for each two hundred (200) square feet of floor area plus one (1) space for each employee.
Restaurants, Beer Parlors, Taverns, and Night Clubs	One (1) space for each two (2) patrons of maximum seating capacity plus one (1) space for each two (2) employees.
Self-service Laundry or Dry Cleaning Stores	One (1) space for each two (2) washing and/or dry cleaning machines.
Elementary and Junior High Schools, Private or Public building	One (1) space for each employee normally engaged in or about the or grounds plus one (1) space for each thirty (30) students enrolled.
Senior High School and Institutions of Higher Learning, Public	One (1) space for each employee in or about the building or Private or grounds plus one (1) space for each four (4) students.
Super Market, Self-service Food and Discount Stores	One (1) space for each two hundred (200) square feet of floor area plus one (1) space for each two (2) employees.
Wholesale Establishments and Warehouses	One (1) space for each four hundred (400) square feet of floor area plus one (1) space for each two (2) employees.

5.3.6 Exception

The parking requirements for all uses proposed on a lot shall be cumulative, unless the Zoning Board shall find that the parking requirements of a particular land use occur at different hours from those of other contiguous land uses, such that particular land use parking areas can be advantageously used during nonconflicting hours by the other contiguous land use, in which event the required parking spaces for such particular land use may be reduced by the Zoning Board to a minimum of the greatest number of spaces required for any of such contiguous land uses.

SECTION 5.4 - OFF-STREET LOADING AND UNLOADING REQUIREMENTS

In connection with every building, structure, or use hereafter erected, except single-end two-family dwelling unit structures, which customarily receive or distribute material or merchandise by vehicle, there shall be provided on the same lot with such buildings, off-street loading and unloading space.

5.4.1 Plans

Plans and specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted to the Zoning Inspector for review at the time of application for a zoning compliance permit.

- A. Any loading-unloading space shall not be closer than fifty (50) feet to any other lot located in any residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, fence, or compact planting not less than six (6) feet in height.
- B. All off-street loading and unloading facilities that make it necessary to back out directly into a public road shall be prohibited.

SECTION 5.5 - CONDITIONAL USES

The formulation and enactment of this Ordinance is based upon the division of the Township of Pulaski into districts in each of which may be permitted specific uses which are mutually compatible and conditional uses. Conditional uses are those uses of land which are not essentially incompatible with the uses permitted in a zoning district, but possess characteristics or locational qualities which require individual review and restriction in order to avoid incompatibility with the natural environment of the site, the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this Section is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish conditional uses. The standards for approval and requirements provided for under the provisions of this Section shall be in addition to those required elsewhere in this Ordinance which are applicable to the conditional use under consideration.

5.5.1 Authority to Grant Permits

The Planning Commission as hereinafter provided, shall have the authority to recommend to the Township Board the approval, denial, or approval subject to condition as specified in subsection 5.5.6, of the conditional use permit. The Township Board shall have the authority to approve, deny, or approve with conditions as specified in Section 5.5.6, the conditional use permit.

5.5.2 Application and Fee:

Application for any conditional use permit permissible under the provisions of this Ordinance shall be made to the Planning Commission through the Township Clerk by filing an official conditional use permit application form; submitting a site plan in accordance with Section 5.6; and payment of the required fee as established by resolution of the Township Board, except that no fee shall be required of any governmental body or agency. No Part of such fee shall be returnable to the applicant.

5.5.3 Data, Information and Site Plan Application Requirements:

An application for a conditional use permit shall include the applicant's name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved, and a site plan as specified in, accordance with, Section 5.6 - Site Plan Review and Approval, of this Ordinance.

(Note on Section 5.5.3 - Section 16E of the Township Rural Zoning Act allows a township to require the submission and approval of a site plan prior to authorization of a land use or activity regulated by a zoning ordinance. Because the approval of a conditional use permit involved, in many instances, a discretionary determination, it is recommended that the request for conditional use be accompanied by a site plan for review and approval. The site plan will serve as the basis for review to determine if the standards upon which conditional uses are to be granted are met. The use of the site plan also facilitates "conditional approval" as described in Section 5.5.6).

5.5.4 Public Hearings:

After a preliminary review of the site plan and an application for a conditional use permit, the Planning Commission shall hold a hearing on the site plan and conditional use request. Notice of the hearing shall be given by mail or personal delivery to the owners of property for which special land use permit approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. Notice of the public hearing shall also be published in a newspaper of general distribution in the township. Public notice shall be given not less than 5 nor more than 15 days before the date of the public hearing on the application. If the name of the occupant is not known, the term "occupant" may be used in notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. Each notice given under this section shall:

- A. describe the nature of the conditional use request;
- B. indicate the property which is the subject of the conditional use request;
- C. state when, where and at what time the public hearing on the conditional use request will be considered; and
- D. indicate when and where written comments will be received concerning the request.

5.5.5 Required Standards and Findings for Making Determinations:

The Planning Commission shall review the particular circumstances of the conditional use request under consideration in accordance with the requirements of Section 5.6 - Site Plan Review and Approval and shall recommend approval of a conditional use request to the Township Board only upon approval of the site plan and finding of compliance with standards as included in subsection 5.6.7 and the standards for specific uses as specified in subsection 5.5.10.

5.5.6 Determination and Imposition of Conditions:

A review of an application and site plan requesting a conditional use permit shall be made by the Planning Commission in accord with the procedures and standards specified in this Ordinance. If a submitted application and site plan do not meet the requirements of the Ordinance, they shall not be recommended to the Township Board for approval. However, if the applicant agrees to make changes to the site plan and application in order to bring them into compliance with the Ordinance, the application or site plan itself, or attached to it, or these documents shall be resubmitted incorporating said changes.

If the facts in the case do not establish competent material and substantial evidence that the standards set forth in this Ordinance will apply to the proposed conditional use, the Planning Commission shall not recommend to the Township Board that said Township Board should grant a conditional use permit. The Planning Commission may recommend the imposition of conditions with the approval of a conditional use permit application and site plan which are necessary to insure compliance with the standards for approval stated in this section and other applicable standards contained in this or other applicable ordinances and regulations. Such conditions, if imposed by the Township Board, shall be considered an integral part of the conditional use permit and approved site plan and shall be enforced by the Zoning Administrator.

These conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

5.5.7 Approval, Granting of Permit:

Upon holding a public hearing and the finding that the requirements of subsections 5.5.2 through 5.5.6 of this Ordinance have been satisfactorily met by the applicant, the Planning Commission shall within thirty (30) days recommend approval, approval with conditions, or denial to the Township Board.

Approval and issuance of a conditional use permit by the Township Board shall signify prior approval of the application and site plan, therefore including any modification and any conditions imposed where necessary to comply with this Ordinance. The site plan, as approved, and any statements of conditions and modifications shall become part of the conditional use permit and shall be enforceable as such.

The decision to approve or deny a request for a conditional use permit shall be retained as a part of the record of action on the request and shall incorporate a statement of conclusions which specify: the basis for the decision, any changes to the originally submitted application and site plan necessary to insure compliance with the ordinance, and any conditions imposed with approval. Once a conditional use permit is issued, all site development and use of land on the property affected shall be consistent with the approved special land use permit, unless a change conforming to Ordinance requirements receives the mutual agreement of the landowner and the Township Board upon recommendation of the Planning Commission and is documented as such.

When the Township Board gives final approval, a conditional use permit shall be issued to the applicant. The Township Board shall forward a copy of the permit to the applicant, Clerk, Zoning Inspector, and Planning Commission. The Zoning Inspector shall not issue a zoning compliance permit until he has received a copy of the conditional use permit approved by the Township Board.

5.5.8 Performance Guarantee:

In authorizing a conditional use permit, the Township Board may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond be furnished to the developer to insure compliance with an approved site plan and the conditional use permit requirements. Such guarantee shall be deposited with the Township Clerk at the time of the issuance of the conditional use permit. In fixing the amount of such performance guarantee, the Township Board shall limit it to reasonable improvements required to meet the standards of this Ordinance and to protect the natural resources or the health, safety and welfare of the residents of the township and future users or inhabitants of the proposed project or project area including, but not limited to roadways, lighting, utilities, sidewalks, screening, and drainage. The term "improvements" does not include the entire project which is the subject of zoning approval nor to improvements for which a performance guarantee has been deposited pursuant to Act No 288 of 1967, as amended. The Township Board and the project developer shall establish an agreeable procedure for the rebate of any cash deposits required under this section, in reasonable proportion to the ratio of the work completed on the required improvements as work progresses. Said agreement shall be written as an element of the conditions surrounding the approval of the conditional permit.

5.5.9 Voiding of Conditional Use Permit:

Any conditional use permit granted under this Ordinance shall become null and void and fees forfeited unless construction and/or use is commenced within two hundred ten (210) days, be completed in exterior appearance within five hundred and seventy-five (575) days, and fully completed within nine hundred forty (940) days of the date of issuance.

A violation of a requirement, condition, or safeguard shall be considered a violation of this Ordinance and grounds for the Zoning Board to terminate and cancel such conditional use permit.

5.5.10 Additional Development Requirements for Certain Uses:

A conditional use permit shall not be issued for the uses specified in this subsection unless complying with the site development requirements as herein specified. The Planning Commission may impose additional conditions and safeguards when deemed necessary by that body.

A. Quarries:

The removal of soil, sand, gravel, stone, and other earth materials shall be subject to the following conditions:

1. There shall be not more than one (1) entrance way from a public road to said lot for each five hundred (500) feet of front lot line.
2. Such removal, processing, transportation, and activities relating to storage such as stockpiling shall not take place before 7:00 a.m. or after 7:00 p.m.
3. On said lot no digging or excavating shall take place closer than one hundred (100) feet to any lot line, and shall be set back an additional 100 feet for each 50 feet of digging depth.
4. On said lot, all roads, driveways, parking lots, and loading and unloading areas within one hundred (100) feet of any lot line shall be paved, watered, or DNR approved chemically treated so as to limit adjoining lots and public roads the nuisance caused by wind-borne dust.
5. Any odors, smoke, fumes, or dust generated on said lot by any digging, excavating, processing, stockpiling, or transportation operation and borne or able to be borne by the wind shall be confined within the lines of said lot as much as is possible so as not to cause a nuisance or hazard on any adjoining lot or public road.

6. Such removal, processing, or storage shall not be conducted as to cause the pollution by any material of any surface or subsurface, water-course, or body outside the lines of the lot on which such use shall be located.
7. Such removal processing or storage shall not be conducted as to cause or threaten to cause the erosion by water of any land outside of said lot or of any land on said lot so that earth materials are carried outside of the lines of said lot, that such removal shall not be conducted as to alter the drainage pattern of surface or subsurface waters on adjacent property, and that in the event that such removal, processing, or storage shall cease to be conducted it shall be the continuing responsibility of the owner or operator thereof to assure that no erosion or alteration of drainage patterns, as specified in this paragraph, shall take place after the date of the cessation of operation.
8. All fixed equipment and machinery shall be located at least one hundred (100) feet from any lot line and five hundred (500) feet from any residential zoning district, but that in the event the zoning classification of any land within five hundred (500) feet of such equipment or machinery shall be changed to residential subsequent to the operation of such equipment or machinery, the operation of such equipment or machinery may continue henceforth but in no case less than one hundred (100) feet from any lot line.
9. There shall be erected a fence not less than six (6) feet in height around the periphery of the development. Fences shall be adequate to prevent trespass, and shall be placed no closer than fifty (50) feet to the top edge of any slope.
10. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably neutral.
11. The operator shall file with the Planning Commission and the Zoning Inspector a detailed plan for the restoration of the development area which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of not greater interval than five (5) feet, steps which shall be taken to conserve topsoil; Proposed and final landscaping; and the location of future roads, drives, drainage courses, and/or other improvements contemplated. Said plans shall be subject to review and modification from time to time by the Planning Commission. The anticipated cost of carrying out the plans of restoration shall be included with said plans.

12. The operator shall file with the Township a performance bond, payable to the Township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The amount of the required bond which will reflect the anticipated cost of restoration shall be fixed by the Township. The bond shall be released upon written certification of the Zoning Inspector that the restoration is complete and in compliance with the restoration plan.
13. The permit or each renewal thereof shall be for a period of not more than five (5) years and shall be renewable only upon reapplication, a redetermination by the Planning Commission and a filing of a performance bond, said redetermination to be made in accordance with the requirements of this Ordinance for the issuance of a conditional use permit.

B. JUNK YARDS:

In addition to and as an integral part of development, the following provisions shall apply:

1. It is recognized by this Ordinance that the location of such materials in an open area included in this Ordinance's definition of "junk yard" will cause the reduction of the value of adjoining property, To the end that the character of the district shall be maintained and property values conserved, shall be located on said lot no closer to the lot lines than the yard requirements for buildings permitted in this district. All gates, doors, and access ways through said fence or wall shall be of solid, unpierced material. In no event shall any materials included in this Ordinance's definition of "junk yard" be located on the lot on which a junk yard shall be operated in the area between the lines of said lot and the solid, unpierced fence or wall located on said lot.
2. All roads, driveways, parking lots, and loading and unloading areas within any yard of a junk yard shall be paved, watered, or DNR approved chemically treated so as to limit adjoining lots and public roads the nuisance caused by wind-borne dust.
3. Any such activity or business shall be carried on entirely within a building or buildings or fully enclosed structure or within a fenced in area, entirely surrounded by a solid fence or natural screen at least eight feet in height, constructed of new materials or of natural evergreen shrubbery or evergreen trees, which shall effectively screen the activities conducted within same from view from surrounding properties or adjoining roads,

4. Such business or activity shall be conducted only within the hours of 7:00 a.m. and 7:00 p.m., daily.
5. All premises shall be kept and maintained in a clean, sanitary and neat condition. The owner operator shall maintain the premises so that rats, vermin, and fire hazards are controlled and that rubbish or garbage are not present on the premises other than in normal containers pending removal.
6. Stockpiling of any materials within the yard shall not be allowed above the height of the fence or solid screen.
7. There shall be no burning of any items upon the premises other than the normal burning under Fire Department permit of trash made of paper products or wood.
8. The setback requirements for all industrial uses shall be required regardless of the zone in which same is existing in the event it is a nonconforming use. Where a fence or a solid screen is used, same shall not be located within the setback area.
9. All such activities shall be currently licensed by the state of Michigan.
10. Nonconforming uses shall not be permitted to expand without first meeting all requirements of this regulation.

C. Planned-Unit Development:

The purpose of this section is to permit flexibility for residential, mobile home, commercial, and industrial development where large tracts of land are planned with integrated and harmonious design, and where the overall design of such units is so outstanding as to warrant modification by the Planning Commission of the regulations. Any planned-unit development to be eligible under this provision must comply with the following requirements.

1. The tract of land to be developed shall have a minimum area of not less than twenty (20) acres.

2. The owner of the property shall submit to the Planning Commission a plan for the use development of the total tract of land as a planned-unit development in accordance with the provisions of SECTION 5.6, SITE PLAN REVIEW AND APPROVAL. In addition to the site plan data specified in SECTION 5.6, the application shall contain such other pertinent information as may be necessary to make a determination that the contemplated arrangement or use may make it desirable to apply regulations and requirements differing from those ordinarily applicable under this Ordinance.

The plan shall contain such proposed covenants, easements, and other provisions relating to the bulk, location, and density of structures, accessory uses thereto, and public facilities as may be necessary for the welfare of the planned-unit development and not inconsistent with the best interests of the entire Township.

3. The average density of structures of the tract shall not be greater than the density requirements in the district in which the planned unit development is located.
4. The use of land shall be in conformance with the permitted uses of the district in which the proposed plan is to be located.
5. The proposed development shall be served by adequate public facilities and service, such as: highways, streets, police and fire protection, drainage, structures, and refuse disposal. These facilities may be provided by a governmental or private organization.
6. The proposed unit shall be of such size, composition, and arrangement that its construction, marketing, and operation is feasible as a complete unit, without dependence on any subsequent unit or development.
7. The common open-space, common properties, individual properties, and all other elements of the planned-unit development shall be so planned that they will achieve a unified environmental scheme, with open spaces and all other elements in appropriate locations, suitably related to each other, the site, and surrounding land.
8. The applicant may be required to dedicate land for street and park purposes by appropriate covenants, to restricting areas perpetually for the duration of the Planning Development as open space for common use. The development as authorized shall be subject to all conditions so imposed, and shall be exempt from other provisions of this Ordinance only to the extent specified in the authorization.

D. Feedlot:

The purpose of this section is to state these conditions for feedlot operation which will provide assurance that air, surface water and ground water will be protected from odors, unsightliness and pollution to the fullest extent allowed by accepted agricultural practice:

1. Storage of manure and liquid wastes shall be within tanks or buildings, open lagoons, impoundments, trenches or any other similar type of open storage shall be utilized only under Soil Conservation Services guidelines and specifications.

2. Removal of manure from the premises shall be by closed vehicle.

3. Application of feedlot wastes to land is encouraged.

However, to minimize odors and potential for runoff such waste shall be injected beneath the ground surface or plowed into the ground at time of application.

4. Siting of each feedlot pen(s) or building(s) housing animals (see Feedlot definition, page 6, Sec. 2.2.23) or waste storage shall be no closer than three hundred (300) feet from the property line.

5. The site shall be no closer than one-half mile from any residence not owned by the feedlot owner which is downwind (defined for the purpose of this ordinance to be "the arc extending clockwise from the compass direction of North North West - NNW to East South East - ESE").

6. A site plan shall be submitted to identify at least the following:

- a. All fence, buildings, waste storage areas and access roads.
- b. Property lines.
- c. Map location of all residences within one-half mile of any property line.
- d. Maximum number of animals at any one time and number per year at the site.

7. No decrease in property size or increase of more than 20% in animals raised or area covered by structures shall be allowed unless additional Conditional Use Permit is requested and granted for change.

8. In addition to the above requirements, feedlot operation shall be maintained within the guidelines of Interim Generally Accepted and Recommended Good Livestock Waste Management Practices as accepted by the Michigan Commission of Agriculture on June 9, 1988 or accepted revisions thereto. Where more than one method of acceptable waste management is presented by reference, the one option most suitable to the location, surroundings and other characteristics of the proposed feedlot shall be approved in the site plan by the Soil Conservation Service prior to submission to the Township.

SECTION 5.6 - SITE PLAN REVIEW AND APPROVAL

It is recognized by this Ordinance that there is a value to the public in establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to access streets; that there is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; further that there are benefits to the public in conserving natural resources. Toward this end, this Ordinance requires siteplan review by the Planning Commission for certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, and on adjacent land usage.

5.6.1 Buildings, Structures, and Uses Requiring Site Plan:

The Zoning Inspector shall not issue a zoning compliance permit for the construction of the buildings and structures identified in this section unless a site plan has been reviewed and approved by the Planning Commission and such approval is in effect.

- A. any conditional use.
- B. a multiple-family building containing six (6) or more dwelling units.
- C. more than one multiple-family building on a lot, parcel, or tract of land, or on a combination of lots under one ownership.
- D. a mobile home park.
- E. an office in any Residential District.
- F. any gasoline service station abutting a Residential District.

5.6.2 Application and Fee for Site Plan Review:

Any person may file a request for a site plan review by the Planning Commission by filing with the Clerk the completed application upon the forms furnished by the Clerk and payment of a fee established by resolution of the Township.

Fees applicable to site plan reviews for planned unit developments and conditional uses are waived in lieu of fees established by resolution of the Township for these purposes. As an integral part of said application, the applicant shall file at least four (4) copies of a site plan.

5.6.3 Planning Commission Review of Site Plan:

Upon receipt of such application from the Clerk, the Planning Commission shall undertake a study of the same and shall, within thirty (30) days, approve or disapprove such site plan, advising the applicant in writing of the recommendation, including any changes or modifications in the proposed site plan as are needed to achieve conformity to the standards specified in this Ordinance:

5.6.4 Required Data for Site Plan:

Every site plan submitted to the Planning Commission shall be in accordance with the following requirements:

- A. Every site plan submitted, except site plans required for uses as prescribed in subsection 5.6.4.B of this Ordinance, shall be drawn to a readable scale and shall include the following:
 - 1. the name of the applicant, scale used, a north arrow, the date prepared, and the name and address of the preparer if other than the applicant;
 - 2. all property boundaries and dimensions thereof; the location and use of all existing and proposed structures;
 - 3. the location of all existing and proposed streets, parking lots, driveways, utilities and other improvements to be constructed or used as a part of the project;
 - 4. the current zoning classifications on the subject property and all adjacent property.

B. Site plans submitted for the following uses shall be subject to the requirements of subsection 5.6.4.C.

1. The following conditional uses:

- (A) quarries
- (B) Travel trailer parks
- (C) Commercial feedlots
- (D) Sanitary landfills
- (E) Commercially operated trails for use by motorcycles, dune buggies, snowmobiles, and similar types of vehicles
- (F) Amusement parks
- (G) Planned unit residential and commercial developments
- (H) Mobile home parks
- (I) Automobile service stations
- (J) Hotels or motels
- (K) Drive-in businesses
- (L) Automobile repair garages
- (M) Drive-in theaters
- (N) Junk yards
- (O) Bulk oil storage

2. A multiple-family building containing six (6) or more dwelling units.

3. More than one multiple-family building on a lot, parcel, or tract of land, or on a combination of lots under one ownership.

4. An office in any Residential District.

5. Any gasoline service station abutting a Residential District.

Site plans submitted for the uses prescribed in subsection 5.6.4.B shall be submitted in accordance with the following requirements:

1. The site plan shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet, and of such accuracy that the Planning Commission can readily interpret the site plan, and shall include more than one drawing where required for clarity.

2. The property shall be identified by lot lines and location, including dimensions, angles and size, and correlated with the legal description of said property. Such plan shall further include the name and address of the property owner, developer, and designer.

3. The site plan shall show the scale; north point; boundary dimensions; topography (at least two foot contour intervals); and natural features, such as, wood, lots, streams, rivers, lakes, drains, and similar features.
4. The site plan shall show existing man-made features, such as buildings; structures; high tension towers; pipelines; and existing utilities, such as, water and sewer lines, excavations, bridges, culverts, drains, and easements, and shall identify adjacent properties and their existing uses.
5. The site plan shall show the location, proposed finished floor and grade line elevations, size of proposed principal and accessory buildings, their relation one to another and to any existing structure on the site, the height of all buildings, and square footage of floor space. Site plans for residential development shall include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type and number of each unit types.
6. The site plan shall show the proposed streets, driveways; sidewalks, and other vehicular and pedestrian circulation features within and adjacent to the site; also, the location, size, and number of parking spaces in the off-street parking area, and the identification of service lanes and service parking.
7. The site plan shall show the proposed location, use, and size of open spaces; and the location of any landscaping, fences, or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated. The site plan shall further show any proposed location of connections to existing utilities and proposed extensions thereof.

5.6.5 Standards for Site Plan Review:

In reviewing the site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with all regulations of this Ordinance and state and federal statutes. Further, in consideration of each site plan, the Planning Commission shall find that provisions of Subsections 5.6.3 and 5.6.4 of this Ordinance as well as the provisions of the zoning district in which said buildings, structures, and uses as indicated in the proposed site plan have been satisfactorily met by the applicant. Decisions rejecting, approving, or conditionally approving a site plan shall be based upon requirements and standards contained in the zoning ordinance. A site plan shall be approved if it contains the information required in Subsection 5.6.4 and is in compliance with the zoning ordinance, the conditions imposed pursuant to the ordinance, other applicable ordinances, and state and federal statutes.

In addition, each of the following standards shall apply:

- A. The use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
- B. The use shall not inappropriately change the essential character of the surrounding area.
- C. The use shall not interfere with the general enjoyment of adjacent property.
- D. The use shall represent an improvement to the use or character of the property under consideration and the surrounding area in general, yet also be in keeping with the natural environment of the site.
- E. The use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes, glare, or dust.
- F. The use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed use shall be able to continually provide adequately for the services and facilities deemed essential to the use under consideration.
- G. The use shall not place demands on public services and facilities in excess of current capacity.
- H. The use shall be consistent with the intent and purpose of this Ordinance.
- I. All access drives or points shall be approved by County Road Commission.

5.6.6 Approval of Site Plan:

Upon the Planning Commission approval of a site plan, the applicant shall file with the Clerk four (4) copies thereof. The Clerk shall within ten (10) days transmit to the Zoning Inspector one (1) copy with the Clerk's certificate affixed thereto, certifying that said approved site plan conforms to the provisions of this Ordinance as determined. If the site plan is disapproved by the Planning Commission, notification of such disapproval shall be given to the applicant within ten (10) days after such action. The Zoning Inspector shall not issue a zoning compliance permit and building permit until he has received a certified approved site plan.

The site plan, as approved, shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a revision is completed in accordance with Subsection 5.6.8.

5.6.7 Expiration of Site Plan Certificate:

The site plan certificate shall expire, and be of no effect, three hundred sixty-five (365) days after the date of issuance thereof, unless within such time the Zoning Inspector has issued a zoning compliance permit for any proposed work authorized under a said site plan certificate.

5.6.8 Amendment, Revision of Site Plan:

A site plan and site plan certificate, issued thereon, may be amended by the Planning Commission upon the request of the applicant. Such amendment shall be made upon application and in accordance with the procedure provided in Section 5.6 of this Ordinance. Any fees paid in connection with such application may be waived or refunded at the discretion of the Planning Commission.

SECTION 5.7 - NONCONFORMITIES

Where within the districts established by this Ordinance, or by amendments, there exist lots, structures, and uses of land and structures which were lawful before this Ordinance was adopted or amended and which would be prohibited, regulated, or restricted under the terms of this Ordinance, or future amendment; it is the intent of this Ordinance to permit these nonconformities to continue until the original use is abandoned or the nonconformity removed. These nonconformities are declared by this Ordinance in certain districts. It is further the intent of this Ordinance that such nonconformities shall not be enlarged, expanded, or extended by more than 20% except upon a variance approved by the Board of Zoning Appeals; nor to be used as found for adding other lots, structures, or uses prohibited elsewhere in the same district.

If such nonconforming use of land or structures ceases for any reason for a period of more than one hundred and eighty (180) consecutive days, the subsequent use of such land or structure shall conform to the regulations and provisions set by this Ordinance for the district in which such land or structure is located.

5.7.1 Change of Tenancy or Ownership:

There may be a change of tenancy, ownership, or management of an existing nonconforming use, building, or structure; provided there is no change in the nature or character of such nonconforming use, building, or structure.

5.7.2 Nonconforming Lots:

Any lot which was lawful at the time of the effective date of adoption or amendment of this Ordinance, but does not comply with all the provisions of this Ordinance may be continued in use; provided however, the change in use of, or the location, modification, or construction of any new structure on such lot shall not be permitted; except upon a variance approved by the Board of Zoning Appeals based upon a finding that such a variance is warranted, and subject to such conditions as the Board of Zoning Appeals may find necessary to provide for the public health, safety, morals, and general welfare.

SECTION 5.8 - PERFORMANCE STANDARDS

5.8.1 Requirements:

No lot, building, or structure in any district shall be used in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises. Uses in all districts, where permitted, shall comply with the following performance requirements:

A. Noise:

Noise which is objectionable due to volume, frequency, or beat shall be muffled or otherwise controlled so that there is no production of sound discernable at lot lines in excess of the average intensity of street and traffic noise at the lot lines. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.

B. Vibration:

No vibration shall be permitted which is discernable without instruments on any adjoining lot or property.

C. Smoke:

Smoke shall not be emitted with a density greater than No. 1 on the Ringleman Chart as issued by the U. S. Bureau of Mines except for blow-off periods of ten (10) minutes duration of one (1) per hour when a density of not more than No. 2 is permitted.

D. Odor:

No malodorous gas or matter shall be permitted which is offensive or as to produce a public nuisance or hazard on any adjoining lot or property.

E. Air Pollution:

No pollution of air by fly-ash, dust, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation, or other property, or which can cause excessive soiling.

F. Glare:

No direct or reflected glare shall be permitted which is visible from any property or from any public street, road, or highway.

G. Erosion:

No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties, lakes, ponds, rivers, or streams.

5.8.2 Plans:

The application for a zoning compliance permit for a use subject to performance requirements shall be accompanied by a description of the machinery, process, and products; and specification for the mechanisms and techniques to be used in meeting the performance standards.

5.8.3 Enforcement

The Zoning Inspector may refer the application to one or more expert consultants qualified to advise as to whether a proposed use will conform to the performance standards. The costs of such services shall be borne by the applicant, and a copy of any report shall be furnished to the applicant and the Township.

Section 5.9 - STORAGE OF MATERIALS

The location of storage of abandoned, discarded, unused, unusable, or inoperative vehicles, appliances, furniture, equipment, or material shall be regulated as follows:

- A. On any lot in any agricultural, residential, commercial, or recreational district, the owner or tenant, but not for hire or for business, shall locate and store such materials within a completely enclosed building.

- B. On any lot in any industrial district, the owner or tenant, whether or not for hire or for business, shall locate and store such materials within a completely enclosed building or within an area surrounded by a solid, unpierced fence or wall at least seven (7) feet in height and not less in height than the materials located or stored therein, and not closer to the lot lines than the minimum yard requirements for buildings permitted in said districts.
- C. Nothing in this Ordinance shall permit the storage or parking of any vehicle or non-permanent structure within the required front yard of any lot within a residential district, except that the parking of a passenger vehicle on a driveway located on private property shall not be prohibited.
- D. Nonconforming storage areas present at the time of adoption of this ordinance shall comply with the requirements of Section 5.7.

Section 5.10 - MOBILE HOMES AND TRAVEL TRAILERS

- A. No mobile home shall be used other than as a single-family dwelling except a mobile home maybe used as a temporary field office provided it is certified as such by the Zoning Inspector.
- B. The Zoning Inspector shall have authority to grant a permit for the temporary occupancy of mobile homes on any lot in a residential district subject to the following conditions:
 - 1. During the period of construction of a new permanent dwelling, but not to exceed a period of twelve (12) consecutive months, the owner of such permanent dwelling premises, and members of such owner's immediate family, shall be permitted to occupy as a temporary residence one mobile home situated at such construction site provided that such owner intends to occupy as a residence such dwelling upon completion of its construction.
 - 2. Such mobile home shall not be located between the established setback line and the public right-of-way line of such premises.
 - 3. The mobile home shall contain sleeping accommodations, a flush toilet, and a tub or shower bath adequate to serve the occupants thereof.
 - 4. The sanitary Facilities of the mobile home for the disposal of sewage and waste shall be properly connected to the central sewerage system available at such premises and in case such system is not there available, then properly connected to the existing septic tank sewage disposal system which is approved by the Jackson County Health Department fo the permanent dwelling to be constructed thereof.

- C. No travel trailer shall be used as a dwelling except in a duly licensed travel trailer park, or as a temporary dwelling for a period not to exceed one month provided such travel trailer is situated on a parcel of land upon which is located a dwelling with water and sanitary facilities accessible to the travel trailer occupants and certified by the Zoning Inspector.

SECTION 5.11 - VISIBILITY AT INTERSECTIONS

On any corner lot in any zoning district requiring front and side yards, no fence, wall, hedge, screen, sign, structure, vegetation, or planting shall be allowed to impede vision between a height of three (3) feet and eight (8) feet above the centerline grades within the triangular area formed by the intersecting street right-of-way lines and a straight line joining the two (2) street lines at points which are thirty (30) feet distant from the point of intersection, measured along the street right-of-way line.

SECTION 5.12 - ACCESS TO PUBLIC STREETS

- A. In any residential district, commercial district, and industrial district, every use, building, or structure established after the effective date of this Ordinance shall be on a lot or parcel which adjoins a public street.
- B. In any agricultural, recreational or open space, building or structure established after the effective date of this Ordinance shall be on a lot or parcel which adjoins a public or private easement of sixty-six (66) feet with access to a public street.

SECTION 5.13 - FLOOD PLAINS

Notwithstanding any other provisions of this Ordinance, land subject to periodic flooding shall be used only for agriculture and recreation uses, provided no structures are located within the area subject to flooding.

The location and boundaries of land subject to periodic flooding shall be determined by reference to the U.S. Soil Conservation Service, the U.S. Army Corps of Engineers, or other official authority.

SECTION 5.14 - HOME OCCUPATION

A home occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purpose, The following additional conditions shall be observed:

- A. Such home occupation shall be carried on within the dwelling or with an accessory building, The accessory building shall be no more than 50% of the living space within the dwelling, The occupation to be carried on entirely by the inhabitants thereof.

- B. No article shall be sold or offered for sale on the premises except such as is produced within the dwelling or accessory building or is provided incidental to the service or profession conducted within the dwelling or accessory building.
- C. There shall be no exterior storage of materials or equipment.
- D. No nuisance shall be generated by heat, smoke, glare, noise, vibrations, or noxious fumes.

SECTION 5.15 - TEMPORARY USE

Circuses, carnivals, or other transient enterprises maybe permitted in any district, upon approval by the Board of Appeals based upon finding that the location of such an activity will not adversely affect adjoining properties, nor adversely affect public health safety, morals, and the general welfare, by a description of the machinery, process, and products; and specifications for the mechanisms and techniques to be used in meeting the performance standards.

SECTION 5.16 - ESSENTIAL SERVICES

- A. Nothing in this Ordinance shall prohibit the provision of essential services, provided the installation of such service does not violate any other applicable provision of this Ordinance.
- B. Nothing in this section shall be construed to permit the erection, construction, or enlargement of any building, tower, or maintenance depot for provision of an essential service except as otherwise permitted in this Ordinance.

SECTION 5.17 - CURB CUTS AND DRIVEWAYS

Curb cuts and driveways may be located only upon approval by the county (and state authorities as required by law) provided, however, such approval shall not be given where such curb cuts and driveways shall unnecessarily increase traffic hazards.

ARTICLE VI

ADMINISTRATION OF THE ORDINANCE

SECTION 6.1 - PURPOSE

It is the purpose of this Article to provide the procedures for the administration of this Ordinance, issuance of permits, inspection of properties, collection of fees, handling of violators, and enforcement of the provisions of this Ordinance and amendments thereto.

SECTION 6.2 - ADMINISTRATION

Except when herein otherwise stated the provisions of this Ordinance shall be administered by the Zoning Inspector or by such deputies of his department as the Township may designate to enforce the provisions of this Ordinance.

SECTION 6.3 - DUTIES OF ZONING INSPECTOR

The Zoning Inspector shall have the power to grant zoning compliance permits and certificates of occupancy and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Inspector to approve plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance, nor shall the Zoning Inspector vary or change any terms of this Ordinance.

If the Zoning Inspector shall find that any of the provisions of this Ordinance are being violated, he shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of any lot or structures; removal of illegal structures, or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

The Zoning Inspector shall submit to the Zoning Board and the Township quarterly reports fully explaining the type and nature of uses permitted by right; the nature and extent of violations of this Ordinance; and the type and nature of nonconforming uses, buildings, and structures. The Zoning Inspector shall maintain a record of all zoning compliance permits and certificates of occupancy.

SECTION 6.4 - ZONING COMPLIANCE PERMITS

6.4.1 Issuance of Zoning Compliance Permits:

No building or structure, or part thereof, shall hereafter be located, erected, constructed, reconstructed, altered, converted, or enlarged or moved; nor shall any change be made in the use of any building, structure, or land without a zoning compliance permit having been obtained from the Zoning Inspector for such building, structure, or land. A zoning compliance application shall be filled out and submitted to the Zoning Inspector.

The Zoning Inspector shall require that all applications for zoning compliance permits shall be accompanied by plans and specifications including a plot plan in duplicate, drawn to scale, showing the following information:

- A. The actual dimensions and shape of the lot to be built upon; and,
- B. The exact size and location of existing structures on the lot, if any; and
- C. The location and dimensions of the proposed structure or alteration.

One (1) copy of the plans shall be returned to the applicant by the Zoning Inspector after such copy has been approved or disapproved, and attested to same by the Zoning Inspector's signature on such copy. The Zoning Inspector shall retain the original copy, similarly marked, for his files. Whenever the buildings, structures, and uses as set forth in the application are in conformity with the provisions of this Ordinance, the Zoning Inspector shall issue the applicant a zoning compliance permit within ten (10) days of the filing thereof. Where action of the Board of Appeals or the Zoning Board is required in any case, as set forth in this Ordinance, the Zoning Inspector shall issue such permit promptly following such action.

6.4.2 Voiding of Zoning Compliance Permit:

Any zoning compliance permit granted under this Ordinance shall become null and void and fees forfeited unless construction and/or use completed within five hundred forty-five (545) days of the date of issuance. A zoning compliance permit shall be renewable upon reapplication and upon payment of the fee, subject however, to the provisions of all ordinances in effect at the time of renewal.

SECTION 6.5 - ZONING COMPLIANCE AND OCCUPANCY CERTIFICATE, FINAL INSPECTION

6.5.1 Issuance of Zoning Compliance and Occupancy Certificate

No building or structure, or part thereof, shall be occupied by or for any use for which a zoning compliance permit is required by this Ordinance unless and until a Zoning Compliance Occupancy Certificate shall have been issued by the Zoning Inspector for such use. The holder of a zoning compliance permit for the construction, erection, or moving of any building, structure or part thereof, for the establishment of a use, shall make application to the Zoning Inspector immediately upon the completion of the work authorized by the zoning compliance permit for a final inspection.

A certificate of occupancy shall be issued by the Zoning Inspector within five (5) days after receipt of such application if it is found that the building or structure, or part thereof, is in accordance with the provisions of this Ordinance.

6.5.2 Voiding of Zoning Compliance and Occupancy Certificate

Any Zoning Compliance and Occupancy Certificate granted under this Ordinance shall become null and void if such use, buildings, or structure for which said certificate was issued are found by the Zoning Inspector to be in violation of this Ordinance. The Zoning Inspector upon finding such violation shall immediately notify the Township of said violation and void the certificate of occupancy.

SECTION 6.6 - FEES, CHARGES, AND EXPENSES

The Township shall establish a schedule of fees, charges and expenses, and a collection procedure for zoning compliance permits, certificates of occupancy, appeals and other matters pertaining to the Ordinance. The schedule of fees shall be posted in the offices of the Zoning Inspector, and Building Inspector, and may be altered or amended only by the Township. No permit, certificate, conditional use on approval, or variance shall be issued unless or until such costs, charges, fees, or expenses listed in this Ordinance have been paid in full nor shall any action be taken on proceedings before the Board of Appeals, unless or until preliminary charges and fees have been paid in full.

SECTION 6.7 - VIOLATIONS AND PENALTIES: NUISANCE PER SE: ABATEMENT

Uses of land and dwellings, buildings, or structures including tents and trailer coaches used, erected, altered, razed, or converted in violation of any provision of this Ordinance are hereby declared to be a nuisance per se. The court shall order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach, or land shall be adjudged guilty of maintaining a nuisance per se. Anyone violating the provisions of this Ordinance shall upon conviction thereof be subject to a fine of not more than five hundred (\$500.00) dollars and the costs of prosecution thereof, by imprisonment in the County Jail for a period not to exceed thirty (30) days, or both. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

ARTICLE VII

BOARD OF APPEALS

SECTION 7.1 - BOARD OF APPEALS ESTABLISHED

There is hereby established a Board of Appeals, which shall perform its duties and exercise its powers as provided in Act 184 of the Public Acts of 1943, as amended, in such a way that the objectives of this Ordinance shall be observed, the public health and safety secured, and substantial justice done.

SECTION 7.2 - DUTIES OF THE BOARD OF APPEALS

The Board of Appeals shall hear and decide only such matters as the Board of Appeals is specifically authorized to pass on as provided in this Ordinance. The Board of Appeals shall not have the power to alter or change the zoning districts classification of any property; nor to make any changes in the terms of this Ordinance; but does have the owner to authorize a variance as defined in this Ordinance, to act on those matters where this Ordinance may require an interpretation, and to issue a temporary use permit when authorized by this Ordinance.

SECTION 7.3 - VARIANCE

The Board of Appeals may authorize, upon an appeal, a variance from the strict applications of the provisions of this Ordinance where by reason of exceptional narrowness, shallowness, shape, or contour of a specific tract of land at the time of enactment of this Ordinance or by reason of exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property. No variance shall be granted to permit the establishment within a district of any use which is excluded or for which a conditional use permit is required.

A variance from the terms of this Ordinance shall not be granted by the Board of Appeals unless and until:

- A. A written application for a variance is submitted, demonstrating the following:
 - 1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - 2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.

3. That the special conditions and circumstances do not result from the actions of the applicant.
 4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
 5. That no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- B. The Board of Appeals shall determine that the requirements of the Ordinance have been met by the applicant for a variance.
- C. The Board of Appeals shall determine that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- D. The Board of Appeals shall determine that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- E. In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.
- F. Each variance granted under the provisions of this Ordinance shall become null and void unless:
1. The construction authorized by such variance or permit has been commenced within one hundred eighty (180) days after the granting of such variance and pursued diligently to completion; or
 2. The occupancy of land or buildings authorized by such variance has taken place within one hundred eighty (180) days after the granting of such variance.
- G. No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of three hundred sixty-five (365) days from such denial, except on grounds of new evidence or proof of changed conditions found by the Board of Appeals to be valid.

SECTION 7.4 - INTERPRETATION OF ZONING ORDINANCE

The Board of Appeals shall hear and decide Appeals where it is alleged by the applicant there is an error in any order, requirement, permit, decision, or refusal made by the Zoning Inspector or any other administrative official in carrying out or enforcing any provisions of this Ordinance including interpretations of the Zoning Map.

SECTION 7.5 - APPEALS TO THE BOARD OF APPEALS

7.5.1 Appeals, How Taken:

Appeal from the ruling of the Zoning Inspector or the Township concerning the enforcement of the provisions of this Ordinance may be made to the Board of Appeals within such time as shall be prescribed by the Board of Appeals by general rule, by the filing with the officer from whom the appeal is taken. This officer shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed was taken.

7.5.2 Whom May Appeal:

Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board, agency, or bureau of the Township, Village, City, County, or State.

7.5.3 Fee for Appeal:

A fee prescribed by the Township shall be paid to the Board of Appeals at the time of filing the notice of appeal which the Board of Appeals shall pay over, within thirty (30) days after deciding any appeal, to the General Fund of the Township.

7.5.4 Effect of Appeal; Restraining Order:

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

7.5.5 Notice of Hearing:

When a request for an appeal has been filed in proper form with the Board of Appeals, the Board of Appeal's Secretary or Township Clerk shall immediately place the said request for appeal upon the calendar for hearing, and cause notice, stating the time, place, and subject of the hearing to be served personally or by registered return receipt mail at least ten (10) days prior to the date of such hearing, upon the party or parties making the request for appeal.

7.5.6 Representation of Hearing:

Upon the hearing, any party or parties may appear in person or by agent or by attorney.

7.5.7 Decisions of the Board of Appeals and Appeals to the Circuit Court:

The Board of Appeals shall decide upon all matters within a reasonable time and may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Zoning Inspector or Township from whom the appeal is taken. The Board of Appeals' decision of such appeals shall be in the form of a resolution containing a full record of the findings and determination of the Board of Appeals in each particular case. Any person having an interest affected by such resolution shall have the right to appeal to the Circuit Court or question of law and fact.

ARTICLE VIII

AMENDMENT PROCEDURES

SECTION 8.1 - INITIATION AMENDMENTS AND FEE

The Township may, from time to time, on recommendation from the Planning Commission on its own motion amend, modify, supplement, or revise the district boundaries or the provisions and regulations herein established whenever the public necessity and convenience and the general welfare require such amendment. Said amendment may be initiated by resolution of the Township, the Zoning Board, or by petition of one or more owners of property to be affected by the proposed amendment. Except for the Township or the Planning Commission, the petitioner requesting an amendment shall at the time of application pay the fee established by resolution of the Township, no part of which shall be returnable to the petitioner.

SECTION 8.2 - AMENDMENT PROCEDURES

The procedure for making amendments to this Ordinance shall be in accordance with Act 184 of the Public Acts of 1943, as amended for townships and in accordance with Act 207 of the Public Acts of 1921 for Villages and Cities,

SECTION 8.3 - CONFORMANCE TO COURT DECREE

Any amendment for the purpose of conforming a provision thereof to the decree of a court of competent jurisdiction shall be adopted by the Township and the amendments published without referring the same to any other board or agency.

ARTICLE IX

LEGAL STATUS

SECTION 9.1 - CONFLICT WITH OTHER LAWS

Conflicting laws of more restrictive nature are not affected or repealed by this Ordinance. The provisions of this Ordinance shall be considered as minimum. Conflicting laws of a less restrictive nature, or those conflicting in other ways than degrees of restrictiveness, are hereby repealed.

This Ordinance is not intended to abrogate or annul any easement, covenant, or other private agreement provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provision of this Ordinance shall govern.

SECTION 9.2 - VALIDITY AND SEVERABILITY CLAUSE

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not included in said ruling. If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, use, building, or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building, or structure not specifically included in said ruling.

SECTION 9.3 - PERIOD OF EFFECTIVENESS

This Ordinance shall remain in full force and effect henceforth unless repealed.

SECTION 9.4 - REPEAL OF ORDINANCE

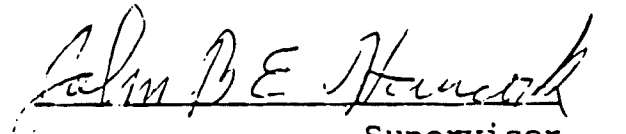
The ZONING ORDINANCE OF THE TOWNSHIP OF PULASKI, MICHIGAN ADOPTED on April 13, 1981, and all amendments thereto are hereby repealed effective coincident with the effective date of this Ordinance.

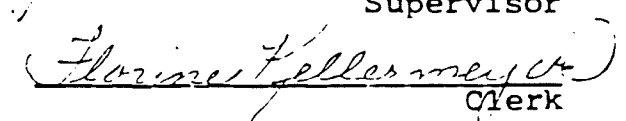
SECTION 9.5 - EFFECTIVE DATE

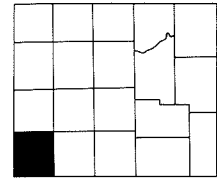
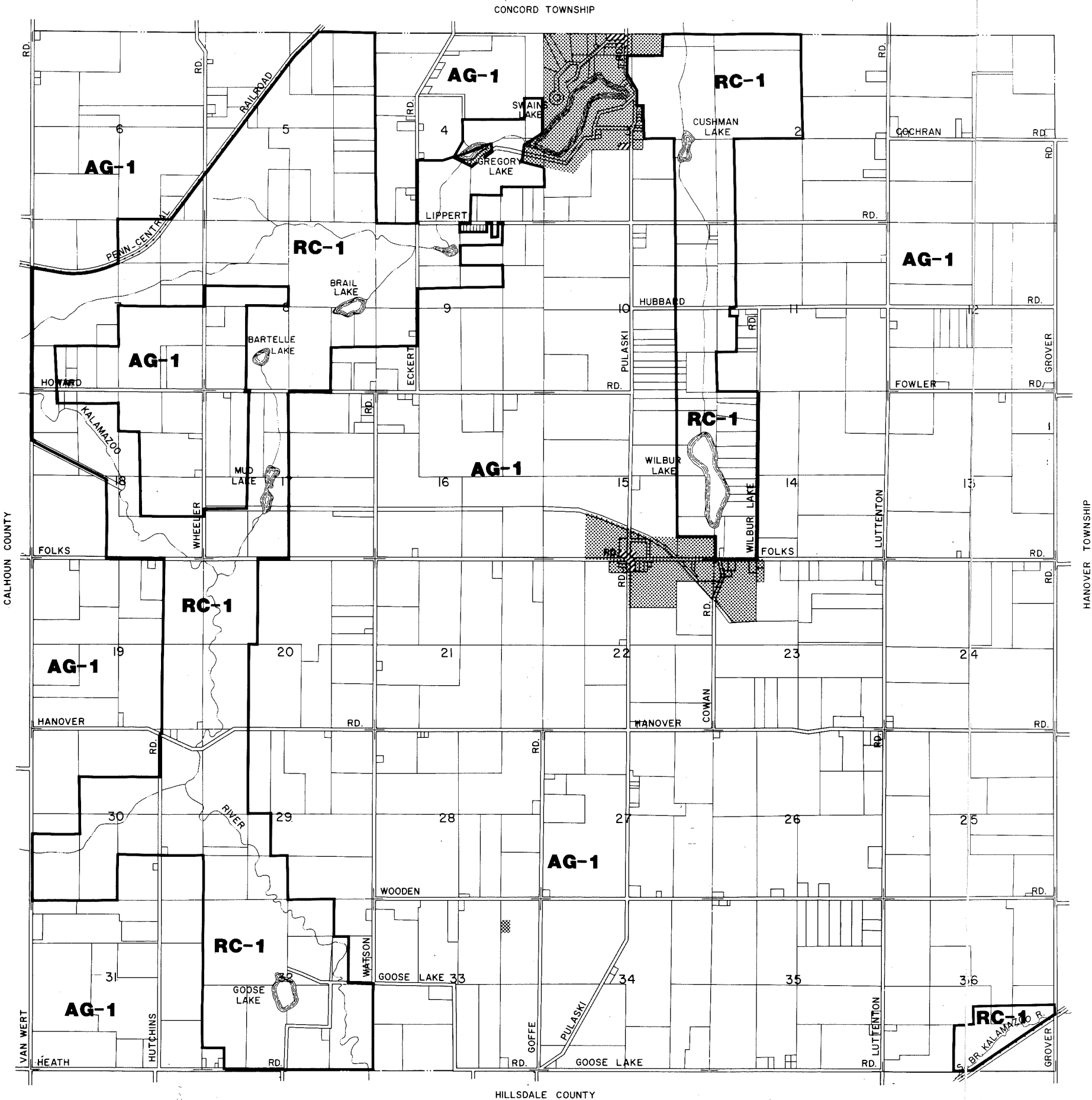
This Ordinance was adopted by the Board of Pulaski Township, Jackson County, Michigan, at a meeting held on April 13, 1981, and notice ordered published in Jackson Citizen Patriot, a newspaper having general circulation in said Government Unit. Amended October 11, 1993, and published in the Parma News.

Date: October 11, 1993

Date: October 11, 1993


Supervisor


Clerk



PULASKI TOWNSHIP

ZONING MAP

- | | | |
|--|-------|-------------------------------------|
| | AG-1 | Agricultural District |
| | RC-1 | Recreation Open District |
| | RNF-1 | Rural Non-Farm Residential District |
| | C-1 | Local Commercial District |
| | T-1 | Industrial District |

<p>REGION 2 PLANNING COMMISSION <small>Jackson County Trust Building - 1991 Year 100 West Michigan Avenue Jackson, Michigan 49201 (617) 786-1122</small></p>	<p>SCALE IN FEET 0 1200 2400 3600 4800</p> <p>JACKSON COUNTY, MICHIGAN <small>JANUARY 1969 REVISED NOV. 1972</small></p>	<p>CERTIFICATION This is to certify that this is the Official Zoning Map referred to in the the Zoning Ordinance of Pulaski Township adopted on April 19, 1981.</p> <p>TOWNSHIP SUPERVISOR _____ DATE _____ TOWNSHIP CLERK _____ DATE _____ Previous Revision _____ Revision 03/22/84</p>
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THE PREPARATION OF THIS MAP WAS FINANCED IN PART THROUGH AN URBAN PLANNING GRANT FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNDER THE PROVISIONS OF SECTION 701 OF THE HOUSING ACT OF 1954, AS AMENDED, AND WITH FUNDS PROVIDED BY MEMBER UNITS OF THE REGION II PLANNING COMMISSION.

TOWNSHIP OF PULASKI

I, Florine Kellermeyer, Clerk of Pulaski Township, Jackson County, Michigan, hereby certify that Ordinance No. 9 or the "Zoning Ordinance of Pulaski Township", is a true copy of said ordinance which was passed and adopted by the Township Board of Pulaski, Jackson County, Michigan, at a regular meeting held April 13, 1981. Said ordinance published by authority of the Pulaski Township Board.

Florine Kellermeyer

Florine Kellermeyer

Pulaski Township Clerk

I, Florine Kellermeyer, Clerk of Pulaski Township, Jackson County, Michigan, further certify that at the aforesaid meeting of the Township Board of Trustees held on April 13, 1981, the following members voted on Ordinance No. 9 in the manner indicated after their names:

Bonita Lovitt	<u>Yea</u>
Florine Kellermeyer	<u>Yea</u>
Dan Drake	<u>Yea</u>
Merle Travis	<u>Yea</u>
John Hancock	<u>Yea</u>

I further certify the aforesaid ordinance was published in the Jackson County Citizen Patriot, a newspaper circulating within the Township of Pulaski, as required by Act 191 - P.A. of 1939 - as amended.

Florine Kellermeyer

Florine Kellermeyer

Pulaski Township Clerk

TOWNSHIP OF PULASKI

AMENDMENT TO ZONING ORDINANCE NO. 9

REZONING

At a regular board meeting of Pulaski Township held Monday, May 13, 1985 an amendment to the Pulaski Township Zoning Ordinance was adopted.

A Resolution was offered by Bonita Lovitt that the township board honor the recommendation as made by the Pulaski Township Planning Commission and rezone approximately 2.5 acres - description which follows - from AG-1 to I-1 (Light Industrial). Second by Merle Travis. Resolution adopted by four (4) yeas and one (1) nay. Travis, Lovitt, Kellermeyer, Hancock, voting yes; with Drake voting no.

Commencing at the Northeast corner of Section 33; thence South 725 feet along the East line of said Section 33 and the centerline of Goffe Road; thence West 1022 feet for the point of beginning of this description; thence continuing West 300 feet to the West line of the East 1/2 of the Northeast 1/4 of said Section 33; thence East 300 feet; thence North 338 feet to the point of beginning of this description. All in Pulaski Township, Jackson County, Michigan.

I, Florine Kellermeyer, Clerk of Pulaski Township, Jackson County, Michigan, hereby certify that the above RESOLUTION or AMENDMENT to Ordinance No. 9 or the "Zoning Ordinance of Pulaski Township", is a true copy which was passed and adopted by the Township Board of Pulaski at a regular meeting held Monday, May 13, 1985. I, further certify that in the original ordinance there was no Light Industrial District set, but it was recognized that there may be value to the public in later designating certain areas for certain types of industrial uses represented in the employment opportunities afforded to citizens and the resultant economic benefits conferred upon Pulaski Township.

Florine Kellermeyer
Pulaski Township Clerk

I, Florine Kellermeyer, further certify that all legal amendment procedures are in accordance with Act 184 of Public Acts of 1943, as amended for townships. These documents are on file in the Township Clerk's Office in conjunction with "Pulaski Township Ordinance Book".

Florine Kellermeyer
Pulaski Township Clerk

May 21, 1985