

Article 9

ZONING DISTRICTS and MAP

Section 9.01 ESTABLISHMENT of DISTRICTS

A. For the purpose of this Ordinance, the Township is hereby divided into the following zoning districts, which shall be known by the following respective symbols and names.

- C-1: Public Recreation District
- C-2: Resource Protection District
- A-1: Farm Residential District
- R-1: Low Density Residential District
- R-2: Medium Density Residential District
- R-3: High Density Residential District
- R-3a *High Density Residential District (Restricted)*
- R-4: Lakes Residential District
- R-5: *Lakes Residential District (Restricted)*
- B-1: Local Business District
- B-2: General Business District
- I-1: Light Industrial District

Section 9.02 ZONING DISTRICT MAP

A. The boundaries of the respective districts enumerated in Section 9.01 are defined and established as depicted on the Official Zoning Map entitled UNADILLA TOWNSHIP ZONING MAP which is an integral part of this Ordinance. This map, with all notations and explanatory matter thereon, shall be published as part of this Ordinance as if fully described herein.

B. This Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bearing the following: *This is to certify that this is the Official Zoning Map of the Unadilla Township Zoning Ordinance adopted on the ___ day of ___, 1999.* If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map after the amendment has been approved by the Township Board together with an entry on the Official Zoning Map as follows: *On the following date(s) and by official action of the Township Board, the following change(s) were made:* (date of change(s) and brief description of change(s)).

C. Two (2) copies of the Official Zoning Map are to be maintained and kept up-to-date, one (1) in the Township Clerk's office, and one (1) in the Zoning Administrator's office.

Section 9.03 REPLACEMENT of OFFICIAL ZONING MAP

A. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Township Board may, by Ordinance, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bearing the following words: *This is to certify that this is the Official Zoning Map, adopted on May 13, 1999, of the Unadilla Township Zoning Ordinance, and replaces and supersedes the Official Zoning Map which was adopted on _____, ____, and any amendments made thereon .* Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

Section 9.04 INTERPRETATION of DISTRICT BOUNDARIES

- A.** Where, due to the scale, lack of details, or illegibility of the Official Zoning Map, there is an uncertainty, contradiction, or conflict as to the intended location of any zoning district boundaries shown thereon, and such condition is not clarified by Section 9.04(B) below, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, to the Zoning Board of Appeals. The Board, in arriving at a decision on such matters, shall apply the following standards:
1. Boundaries indicated as approximately following the streets or highway, the centerlines of said streets or highways shall be construed to be such boundaries.
 2. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
 3. Boundaries indicated as approximately following Township boundary lines shall be construed as following such Township boundary lines.
 4. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
 5. Boundaries indicated as approximately parallel to the center lines of streets or highways shall be construed as being parallel thereto and at such distance therefrom as indicated on the official Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the official Zoning Map.
 6. Boundaries following the shoreline of a stream, lake, or other body of water shall be construed to follow such shorelines, and in the event of change in the shorelines shall be construed as moving with the actual shorelines; boundaries indicated as approximately following the thread of streams, canals, or other bodies of water shall be construed to follow such threads.
 7. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two (2) districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Zoning Board of Appeals after recommendation from the Planning Commission.
- B.** The following legal descriptions are provided to accurately identify the zoning classification of certain specified land areas which may not otherwise be clearly discernible according to the Official Zoning Map.
1. The B-1 zoning district generally located on the east side of Unadilla Road, south of Portage Creek Drain and north of Kaiser Road, is limited to the following land areas as of the effective date of this Ordinance:
 - a. EAST UNADILLA BLOCK 6 S ½ OF BLOCK 6 EXC. N 8 FT. ALSO BEG AT SW CORNER OF BLOCK 6. S 1 RD. E 8 RD. N 1 RD. W 8 RD. TO POB. ALSO BEG 8 FT S OF SE COR. OF BLOCK 6, N ALONG E LINE OF LOT 6 TO A POINT 8 FT. S OF CEN. OF BLOCK 6, E TO MILL RACE, SW ALONG MILL RACE TO A POINT DUE EAST OF POINT OF BEG., W TO BEG.
 - b. E UNADILLA, N ½ OF BLOCK 6 AND N 8 FT OF S ½ OF BLOCK 6 ALSO BEG 8 FT S OF CEN OF BLOCK 6 ON E LINE HWY, THEN TO MILL RACE NELY ALONG MILL RACE TO PORTAGE RIVER, NWLY ALONG RIVER TO HWY THEN SLY TO NW COR BLOCK 6 THEN 8 RODS ALG N LINE BLOCK 6 TO POB, EXC W 180 FT OF S 128 FT THEREOF.
 - c. EAST UNADILLA BLOCK 6 BEG. 25 FT. N OF SE COR OF LOT 2. N 128 FT. E 180 FT. S 128 FT. W 180 FT. TO BEG.

Section 9.05 SCOPE of REGULATION

- A. Except as may otherwise be provided in this Ordinance, 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 and 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 use, building, or structure shall be located.
- B. Any use of land not specifically permitted is prohibited, except that the Zoning Board of Appeals shall have the power to classify a use which is not specifically mentioned along with a comparable permitted or prohibited use for the purpose of clarifying the use regulations in any district, if so petitioned and in accord with the requirements of Sections 6.05(B) and 6.06. If the Zoning Board of Appeals finds no comparable uses based on an examination of the characteristics of the proposed use, it shall so state and the Planning Commission may be petitioned to initiate an amendment to the text of the Ordinance to establish the appropriate district(s), type of use (by right or special approval), and criteria that will apply for that use. Once the Ordinance has been amended to include the new regulations, then an application can be processed to establish that use.
- C. No part of a setback area, or other open space, or off-street parking or loading space required about or in connection with any use, building or structure, for the purpose of complying with this Ordinance, shall be included as part of a setback area, open space, or off-street parking or loading space similarly required for any other use, building or structure.
- D. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.
- E. No portion of one lot, once established and/or improved with a building or structure, shall be used in the creation of another lot unless each lot resulting from each such reduction, division, or sale, shall conform with all of the requirements established herein.
- F. Accessory uses are permitted as indicated for the various Zoning Districts and if such uses are clearly incidental to the permitted principle uses.

Section 9.06 ZONING of FILLED LANDS: USE of WATER

- A. No fill shall be placed in any wetland, lake or stream without proof of a valid permit therefor from the Michigan Department of Environmental Quality. Whenever any fill is placed in any lake or stream, the land thus created shall automatically and without further governmental action thenceforth acquire and be subject to the same zoning regulations as are applicable for lands to which the same shall attach or be adjacent, and the same be used for those purposes as are permitted under this Ordinance for such adjoining lands. No use of the surface of any lake or stream shall be permitted for any purpose not permitted on the land from which the use emanates.

Section 9.07 CONFLICTING REGULATIONS

- A. Wherever any provision of the Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern.

Section 9.08 CATEGORIES within ZONING DISTRICTS

In order to insure all possible benefits and protection for the zoning districts in this Ordinance, land uses have been classified into three (3) categories:

- A. Principle Permitted Uses:** Principle permitted uses are the primary uses and structures specified for which the zoning district has been established.
- B. Special Land Uses Permitted By Special Approval:** Special land uses permitted by special approval are uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within the zoning district, but require special consideration in relation to the welfare of adjacent properties and to the community as a whole due to their unique character and/or potentially injurious effects upon the primary uses and structures within the zoning district. All such proposed uses shall be subject to a public hearing following review by the Planning Commission and, in some cases, the Township Board.
- C. Accessory Uses:** Accessory uses are uses that are customarily incidental and subordinate to the principle use of the land or building and located on the same lot as the principle use.

Section 9.09 SCHEDULE of REGULATIONS

The requirements in the following table entitled "Schedule of Regulations" applies to all principle land uses and buildings permitted within each zoning district, except as otherwise specified in the schedule or established in this Ordinance. In the event of any conflict between the provisions of the written text of the Ordinance and the content of Schedule A, the provisions of the text shall apply. *Any lot of record legally created prior to the effective date of this amendment (April 24, 2007) shall be considered a legal lot of record in its respective zoning district.* Owners of nonconforming lots of record should refer to Article 19.02 as well. Variances may be granted by the Zoning Board of Appeals only upon a showing of practical difficulty or unnecessary hardship, related to a unique characteristic of the land and not to self created hardships of the owner. See Section 6.05(C).

Amended 4-24-2007

Schedule of Regulations^a

Zoning District	Minimum Lot Area	Minimum Lot Width & Frontage ^b (in feet)	Maximum Building Height		Minimum Yard Setback (Feet)			Maximum Lot Coverage (%)
			Stories	Feet	Front Yard	Side Yard	Rear Yard	
C-1: Public Recreation District	10 acres	330	2½	35	50	15 ^c	15	5
C-2: Resource Protection	20 acres	660	2½	35	50	15 ^c	15	5
A-1: Farm Residential	SFD: 2 acres ^d TFD: 5 acres ^d	150	2½	35 ^g	50	15 ^c	15	10
R-1: Low Density Residential	SFD: 2 acres TFD: 4 acres.	150	2½	35 ^g	50	15 ^c	15	15
R-2: Medium Density Residential	SFD: 1 acre (43,560 sq.ft.) TFD: 2 acres (87,120 sq.ft.)	150	2½	35	50	15 ^c	15	30
R-3: High Density Residential	SFD: ¾ acre ^h (32,670 sq. ft.) TFD: 1 ½ acres ^h (65,340 sq. ft.)	SFD: 120 TFD: 150	2½	35	50	15 ⁿ	15	35
R-3a (see footnote e)	½ acre (21,780 sq.ft.)	SFD: 80	2½	35	50	15 ⁿ	15	35
R-4: Lakes Residential	SFD: 1 acre ⁱ (43,560 sq. ft.) TFD: 2 acres ⁱ (87,120sq. ft.)	SFD: 150 ^j TFD: 150 ^j	2½	35	50 ^l	15 ^c	15	35
R-5: (see footnote f)	none	none	2½	35	50 ^l	15 ⁿ	15	35
B-1: Local Business	10,000 sq. ft. ^m	50	2½	35	50 ^k	15 ^k	35 ^k	No Maximum Limit
B-2: General Business	1 acre (43,560 sq.ft.)	150	2½	35	50	15 ^k	35 ^k	50
I-1: Light Industrial	1 acre (43,560 sq. ft.)	150	2½	35	50	15 ^k	35 ^k	50

SFD=Single Family Dwelling TFD=Two Family Dwelling sq. ft.=square feet

Any lot of record legally created prior to the effective date of this amendment 05/30/06 shall be considered a legal lot of record in its respective zoning district.

Amended 05/30/06

See following page for explanation of footnotes.

FOOTNOTES

For Schedule of Regulations

- a. This schedule summarizes basic site development standards. The specific district regulations and other regulations should be consulted to identify additional standards and regulations, and clarifications of the above standards, and all other applicable site development provisions. Where this Schedule contradicts the text of the Ordinance, the Ordinance text shall rule. See Article 17 for site development standards regarding planned unit developments.
- b. Lot depth shall not exceed four times the width.
- c. The minimum side yard setback for a side yard abutting a road shall be fifty (50) feet. However, a lot of record that is in a neighborhood associated with Patterson, Woodburn, Joslin or Williamsville Lake and is fifteen thousand (15,000) square feet or less in the R-4 District shall have a minimum side yard setback of five (5) feet plus an additional setback of one (1) foot for each two (2) feet that the dwelling exceeds eighteen (18) feet in height, but not to exceed the minimum required setback of fifteen (15) feet.
- d. The minimum lot area for lots which gain direct access to a major or minor thoroughfare shall be two (2) acres for single family dwellings and five (5) acres for two family dwellings.

amended 2/12/2009.

- e. No new lots may be created using this district, the intent of this district is to bring existing lots in this district into greater conformance. This district only applies to what is referred to as the Unadilla Mobile Home Estates (Section Map 23-401, 23-402, 23-201), and the Berkshire Sub (Section Map 3-301).
- f. No new lots may be created using this district, the intent of this district is to bring existing lots in this district into greater conformance. This district only applies to what is referred to as the Mecca /Templar Sub (Section Map 25-401), the Williamsville Plat (Section 28-301) Orlando Shores Sub (Section Map 28-302 and 303), and San Luray Sub (Section Map 34-301, and 34-401). Lots in the San Luray Sub greater than 1 (one) acre in size, (Section Map 29-400) are exempted from this district.
- g. The maximum height of farm buildings and farm structures shall be one-hundred (100) feet. All farm buildings and farm structures over thirty-five (35) feet shall be set back from a lot line a distance at least equal to half of the height of the building or structure.
- h. Three-quarters of one acre ($\frac{3}{4}$ acre) for single family dwellings and one and one-half acre (1 $\frac{1}{2}$ acre) for two family dwellings, except where public sewer is available, in which case one-quarter of one acre ($\frac{1}{4}$ acre) for single family dwellings and one-half of one acre ($\frac{1}{2}$ acre) for two family dwellings.
- i. Where public sewer is available, the minimum lot area shall be one-quarter of one acre ($\frac{1}{4}$ acre) for single family dwellings and one-half of one acre ($\frac{1}{2}$ acre) for two family dwellings.
- j. One hundred (100) feet for single family dwellings or two family dwelling, except where public sewer is available, in which case forty (40) feet for single family dwellings and eighty (80) feet for two family dwellings. However, in no case shall the minimum lot frontage and width of a lakefront lot created after the effective date of this Ordinance and served by public sewer have a lot width of less than one hundred (100) feet.
- k. No new lots may be created with less than fifteen (15) foot side yard, thirty-five (35) foot rear yard, and fifty (50) foot front setbacks, except in the case where the side or rear yard abuts an Agricultural or Residential District, in which case the minimum side or rear yard shall be fifty (50) feet. Existing lots may have zero side yard set backs when they abut to another existing business and ten (10) foot front and rear setbacks, unless there are structures on abutting

parcels to the sides then they should align as closely as possible with the existing structures, front and back. Lots created outside of the original existing downtown Gregory business district must have a fifty (50) foot front yard set back.

- l. Fifty (50) feet, except that a lot of record of fifteen thousand (15,000) square feet or less in area shall have a minimum front yard setback of twenty (20) feet.
- m. Five thousand (5,000) square feet where public sewer is provided.
- n. A lot of record that is in a neighborhood associated with Woodburn/Patterson Lake Sub, Mecca Sub, Unadilla Mobile Home Estates, San Luray Sub, Berkshire Sub, Orlando Shores Sub, and Williamsville Plat, and is fifteen thousand (15,000) square feet in area or less shall have a minimum side yard setback of five (5) feet plus an additional setback of one (1) foot for each two (2) feet that the dwelling exceeds eighteen (18) feet, but not to exceed the minimum required setback of fifteen (15) feet.

“n” added 8-14-03
“n” amended 3-17-05

SAVE PAGE FOR FUTURE ADDITIONS TO SCHEDULE OF REGULATIONS