

Chapter 74 - ZONING⁽¹⁾

Footnotes:

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State Law reference— Michigan Zoning Enabling Act, MCL 125.3101 et seq.

ARTICLE I. - IN GENERAL

Sec. 74-1. - Title and intent of chapter.

The intent of this chapter is to divide the unincorporated areas of the Township into appropriate zoning districts and otherwise to ensure a wise and economical use of land, preserve property values, conserve natural resources, limit overcrowding in the use of land, limit congestion of population and transportation systems, limit over-use of public facilities, provide reasonable restrictions and regulations for land uses to the end that this chapter will promote the health, safety and general welfare of the residents of the Township.

(Comp. Ords. 1990, § 130.102)

Sec. 74-2. - Definitions and interpretation.

(a) *Interpretation.* For the purpose of this chapter, certain terms or words shall be interpreted as follows:

- (1) The word "person" includes a firm, association, organization, partnership, trust, corporation or company, as well as an individual.
- (2) The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular.
- (3) The word "shall" is mandatory, the word may is permissive.
- (4) The words "used" or "occupied" include the words "intended," "designed," or "arranged" to be used or occupied.
- (5) The word "lot" includes the words plot or parcel.
- (6) Any word or term not defined in this chapter shall have the meaning of common or standard use which is reasonable for the context in which used.

(b) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Accessory use or structure means a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Agricultural education means the provision of information, knowledge and skills pertaining to a farm, agriculture or farm operations conducted concurrently with the production of farm products or agricultural crops and is subordinate to the primary farm operation and agricultural use of the property. Examples include demonstration gardens and interactive seminars that model best practices in production, processing, farm management and resource conservation.

Agricultural education, major facility means any agricultural education activity or event with an attendance of 50 or more people at a time that occurs on a farm or that requires the construction of new buildings, structures or facilities.

Agricultural education, minor facility means any agricultural education activity or event with an attendance of less than 50 people at a time that occurs on a farm and does not require the construction of new buildings, structures or facilities.

Agricultural land means substantially undeveloped land devoted to the production of plants and animals useful to humans, including forage and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities. Agricultural use includes use in a Federal acreage set-aside program or a Federal conservation reserve program. Agricultural use does not include the management and harvesting of a woodlot.

Note: No exclusion for concentrated animal feed operations.

Agricultural Preservation Residential District (APD) is a rural residential development in which two or more dwelling units are placed together into one or more groupings within a defined project area. The dwelling units are separated from adjacent properties and other groupings of dwellings by agricultural land that is perpetually protected from development and shall remain in an undeveloped state.

Agricultural processing and food storage means a structure or building (or area within a structure or building) used for sorting, cleaning, packaging and storing of agricultural products preparatory to sale or shipment in their natural form. Agricultural processing shall not include slaughtering or processing of animals or animal products. It shall also not include manufacturing of secondary products using agricultural products such as commercial kitchens, bakeries, breweries, woodworking and wood processing plants.

Ambient noise shall mean regularly occurring background noise not produced by the object or device in question.

Ancillary solar equipment means any accessory part or device of a solar energy system that does not require direct access to sunlight, such as batteries, electric meters, inverters or water heater tanks.

Animal: A non-human zoological species, classified for purposes of this Ordinance as follows:

- (1) *Animal, Class I*: Domesticated household pets such as dogs, cats and birds.
- (2) *Animal, Class II*: An animal, which is normally part of the livestock maintained on a farm including:
 - a. Bovine and like animals, such as cows.
 - b. Equine and like animals, such as horses.
 - c. Swine.
 - d. Ovis (ovine) and like animals, such as sheep and goats.
 - e. Other animals weighing seventy-five (75) pounds or more, and not otherwise specifically classified herein.
- (3) *Animal, Class III*: Rabbits (which are not maintained or kept as domesticated household pets); poultry, waterfowl, such as geese or gamebirds such as pheasant and grouse, and other animals weighing less than 75 pounds not specifically classified herein.

Apartment building means a residential building containing three or more dwelling units located on one lot; also referred to as a multiple-family building.

Area plan is a plan that is submitted with and is part of either a PUD, APD or OSPD rezoning request. It shall conform to the requirements provided in section 74-542 of this article. For the purposes of a PUD, APD or OSPD the area plan is in addition to and subject to the requirements for a subdivision plat or a site condominium review and site plan review.

Automobile repair station means a business which provides or offers for sale to the motoring public the items, materials and services normally obtainable in an automobile service station. In addition, the repair station provides vehicle rescue service and emergency road service, and may conduct major

mechanical, electrical, cooling, exhaust, and power system and similar repairs. Minor body repairs may be made but operations such as bumping, welding, reshaping, resurfacing, sanding, and paint spraying to restore wrecked vehicles to serviceable conditions are prohibited.

Automobile service station means a building and premises where gasoline, oil, grease, batteries, tires, and automobile accessories are dispensed at retail cost and minor maintenance services may be provided. Uses permitted at an automobile service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in automobile service stations. An automobile service station is not a repair station or body shop.

Basement means the portion of a building which is partly or wholly below grade, but so located that the vertical distance from the average contact grade to the top surface of the basement floor is greater than or equal to the vertical distance above the average contact grade to the basement ceiling.

Bed and breakfast operations means a use that is subordinate to the principal use of a single-family detached dwelling unit, in which transient guests are provided with sleeping rooms and limited to breakfast meals on a shortterm basis, in return for payments.

Billboard. See *Sign, outdoor advertising.*

Boarding house. See *Roominghouse.*

Building means an enclosed structure having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animals, or chattels.

Building height means the vertical distance measured from the finished floor of the first story to the highest point of the roof for a flat roof, to the deck line of a mansard roof, or to the midpoint elevation between eaves and ridge for a gable, hip, or gambrel roof of a building. The first story shall be considered the lowest story of which the ceiling is four feet or more above the average contact grade level at any exterior wall of the building.

Building line means the minimum distance which any structure must be located from a property line, an easement line of an approved private street, a street right-of-way line, or a high water line. The term "building line" is also defined as the rear or interior line of any required yard.

Caliper. The method by which nursery tree stock is measured. This measurement is taken six inches above the ground if caliper measurement is four inches or less; if caliper measurement is larger, then the measurement is taken 12 inches above the ground.

Campground means a parcel in which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of impermanent living quarters for tents or recreational vehicles. The term "campground" shall not include a "seasonal mobile home park" licensed under Public Act No. 96 of 1987 (MCL 125.2301 et seq.).

Campground, temporary means a campground used on a temporary or short-term basis not to exceed a period of four weeks.

Child care center or *day care center* means a facility, other than a private residence, receiving one or more preschool or school-age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child care center or day care center does not include any of the following:

- (1) A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are attending for not more than three hours per day for an indefinite period or for not more than eight hours per day for a period not to exceed four weeks during a 12-month period.

- (2) A facility operated by a religious organization where children are cared for not more than three hours while persons responsible for the children are attending religious services.
- (3) Beginning July 1, 2003, a facility or program for school-age children that is operated at a school by a public school or by a person or entity with whom a public school contracts for services, in accordance with section 1285a(2) of the Revised School Code (MCL 380.1285a(2)), if that facility or program has been granted an exemption under section 1285a(2) of the Revised School Code (MCL 380.1285a(2)).

Clear cutting. A practice where most or all trees are cut down within a woodland within a short time period.

Clinic means an establishment where human patients are examined and treated by a group of physicians, dentists, or similar professions. A clinic shall not include overnight boarding facilities.

Club means buildings or facilities owned and operated by a corporation, association or persons for social or recreational purposes for members and guests, but not operated primarily for profit or to render a service customarily carried on as business.

Commercial kitchen, agricultural means a permanent kitchen as defined below located on a farm that is (a) subordinate to the primary farm operation; (b) licensed by the Michigan Department of Agriculture as a Wholesale Food Processor and by the Washtenaw County Health Department, as required; and (c) used for any of the following:

- (1) Storage, preparation, or handling of food for dispensing through any legally permissible channel other than retail sales for consumption on site.
- (2) Temporarily rented to someone other than the owner of the farm or the farm tenant who is licensed as a wholesale food processor at this kitchen for preparation of food for commercial purposes to be consumed off premises
- (3) Agricultural education.

Commercial kitchen, major agricultural means one or more agricultural commercial kitchen facilities located on a farm that have a total combined floor area of greater than 2,500 square feet.

Commercial kitchen, minor agricultural means one or more agricultural commercial kitchen facilities located on a farm that have a total combined floor area of 2,500 square feet or less.

Commercial wind energy conversion system shall mean any WECS that is exclusively designed and built to provide electricity to the electric utility's power grid as an ongoing commercial enterprise or for commercial profit.

Common areas means the area to be used by all residential lot owners that is not dedicated open space.

Community supported agriculture (CSA) means a farm that produces farm products for a group of farm members or subscribers who pay in advance for their share of the harvest.

Conditional use. See *Use, conditional*.

Condominium means a form of development and ownership of land for residential, commercial, industrial or other purposes as permitted in the zoning district in which it is located. Each co-owner has exclusive ownership of the co-owner's unit and an undivided interest in the common areas of the development. A condominium may consist of (i) air space units in a multiunit structure, together with ownership of an individual interest in common elements or (ii) a land area upon which a residence or other structure may be constructed, together with ownership of an individual interest in common elements, all as defined in the applicable master deed establishing the condominium.

Condominium documents means the master deed, recorded pursuant to the Condominium Act (MCL 559.101 et seq.), and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.

Condominium subdivision plan means the drawings and information prepared in accordance with section 66 of the Condominium Act (MCL 559.166).

Condominium unit means that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.

Conservation easement means that term as defined in section 2140 of the Natural Resources and Environmental Protection Act (MCL 324.2140).

Consolidating master deed means the final amended master deed for a contractible or expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.

Contractible condominium means a condominium project from which any portion of the submitted land or buildings may be withdrawn in accordance with this chapter and the Condominium Act (MCL 559.101 et seq.).

Convalescent (nursing) home means a structure with sleeping rooms, where persons are housed or lodged and are furnished with meals and nursing and medical care, and which structure and operation complies with the State regulations.

Conversion condominium means a condominium project containing condominium units some or all of which were occupied before the filing of a notice of taking reservations under section 71 of the Condominium Act (MCL 559.171).

Critical root zone (CRZ). The circular area surrounding a tree which contains tree roots within 18 inches of the ground surface. The radius of the critical root zone is, in feet, the same numerical value as the tree's diameter at breast height (DBH) in inches and is measured outward from the center of the tree. For example, the critical root zone of a 12 inch DBH tree has a radius of 12 feet.

CSA Distribution site means a specific location on a site, either inside or outside a building, where members pick up their share of the harvest, including parking areas.

Day care home or group day care home means a private home in which more than six but not more than 12 minor children are given care and supervision for periods of time less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. The term "group day care home" includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.

dB(A) shall mean A-weighted decibels. This is the standard used to measure environmental noise.

Dedicated open space is open land that is permanently set aside by the owner for protection in a generally undeveloped state. It is used in APD and OSPD. It includes the agricultural land and the secondary conservation area.

Diameter breast height (DBH). A tree's diameter in inches measured by diameter tape at 4½ feet above the ground. On multi-stem trees, the largest diameter stem shall be measured.

Drain tile means any system of tile or piping, regardless of composition of the materials of such tiles or piping, designed or used to remove moisture contained in the soil.

Dripline. The line extending vertically from the exterior edge of a tree's live crown to the ground.

Ecological characterization report. A report that provides reliable and factual data and information describing the ecological components, functions and value of tree and Woodland resource areas, such as native plant species (tree, understory and groundlayer), wildlife, habitat resources, wetland and riparian areas, steep slopes, and other information.

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

Dwelling, multiple-family, means a dwelling located in an apartment building.

Dwelling, senior citizen, means a dwelling designed for and limited to occupancy by persons aged 60 years old or older or other age limits as used by the State Housing Development Authority.

Dwelling, single-family attached, means three or more adjoining dwelling units, each of which is separated from an adjoining unit by a party wall, and is separated from any other building or structure by open space on the remaining sides.

Dwelling, single-family detached, means a detached residential building, other than a mobile home, designed for and containing one dwelling unit only.

Dwelling, townhouse, means a dwelling unit located within a townhouse building, with each dwelling unit having separate front and rear or front and side entrances from the outside, and with each unit having individual front and rear yards located and designed as an integral part of each dwelling unit. Each dwelling unit shall be separated from the adjoining dwelling unit by a party wall, the length of which shall be at least 20 percent of the length of the common wall joining the two dwelling units.

Dwelling, two-family, means a detached residential building containing two dwelling units, designed for occupancy by not more than two families. The dwelling units may be arranged one above the other or side by side, provided that, if side by side, the length of the party wall shall constitute at least 20 percent of the length of the common wall joining the two dwelling units.

Dwelling unit or DU means one room or rooms connected together, constituting a separate, independent housekeeping unit for owner occupancy or rental or lease, and physically separated from any other rooms or dwelling units which might be located within the same structure. A dwelling unit shall contain independent kitchen, bathroom, sleeping, and living facilities, and shall be designed for and occupied by one family only.

Essential services means the erection, construction, operation, or maintenance by municipalities, departments, commissions, or boards, or by other governmental agencies, of the underground portions of water distribution systems and sewage disposal systems, dams, weirs, culverts, bridges, canals, locks, main drains, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, and other similar equipment and accessories in connection therewith, but not including buildings.

Expandable condominium means a condominium project to which additional land may be added in accordance with this chapter and the Condominium Act (MCL 559.101 et seq.).

Family means:

- (1) One or more persons related by blood, marriage or adoption, together with no more than three additional persons occupying a dwelling unit and living as a single housekeeping unit; or
- (2) A collective number of individuals living together in one dwelling unit under one head, whose relationship is of a permanent and distinct domestic character, and living as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, group, coterie, organization, or other group of individuals whose association is temporary or seasonal in character or for an anticipated limited duration.

Farm means the land, plants, animals, building, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

Farm market/roadside stand has the meaning set forth in the March 2011 Michigan Department of Agriculture and Rural Development Generally Accepted Agricultural and Management Practices ("GAAMPS") for Farm Markets modified as follows to incorporate references to regulations allowed under local ordinances:

Farm market/roadside stand means a place or an area where transactions between a farm market operator and customers take place, including roadside stands. It does not necessarily mean a physical structure such as a building, and is considered part of a farm operation. A farm market may operate seasonally or year round. Only farm products may be marketed and offered for sale at the farm market/roadside stand. At least 50 percent of the products marketed and offered for sale at a farm market, as defined in GAAMPS, (measured as an average over the farm market's marketing

season or up to a five year timeframe) must be produced on and by an affiliated farm. An affiliated farm means a farm under the same ownership or control (e.g. leased) as the roadside stand or farm market, but the roadside stand, market or facility does not have to be located on the same property where the production occurs. The other 50 percent of the farm products marketed and offered for sale need not be produced on or by an affiliated farm but must be produced at a farm located within Michigan and within 100 miles of the Township. The farm market/roadside stand must be located on land zoned for agricultural use and its related activities. Farm products sold at the farm market/roadside stand may have been processed more extensively into a form that adds value and makes them more marketable for direct customer sales in accordance with Michigan laws, and then sold at the affiliated farm market, as long as allowed by local, state and federal regulations. Farm market operations may include only those marketing activities and services as authorized under applicable local, state and federal laws and regulations. All buildings, structures, parking, driveways, vehicle access and signage must comply with applicable local, state and federal laws and regulations.

Farm operation means the operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, including farm operations as defined in the Michigan Right to Farm Act, MCL 286.471 et seq.

Farm product means those plants and animals useful to humans produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock (including breeding and grazing), equine, fish and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur as determined by the Michigan Commission of Agriculture.

Feed grain elevator means a type of agricultural processing facility, established as a commercial agricultural products distribution facility for elevating, storing, discharging, and processing grain and other agricultural products. The term shall not apply to on-farm silos that serve as accessory structures to a principal farming operation.

Floodplain means the area adjoining a river, stream, watercourse, or lake which is inundated by a flood discharge which results from a 100-year flood frequency. The floodplain shall include the stream channel and over bank area (the floodway) and the fringe areas of the floodway.

Floor area. The floor area of a building shall be the sum of the gross horizontal floor areas of all floors of a building that are accessible by a fixed stairway, except basements, as measured to the exterior face of the exterior walls. The measurement of a principal building shall include the floor area of all accessory buildings measured similarly.

Floor area ratio (FAR) means the ratio of the floor area of a building to the area of the lot on which the building is located. The ratio is calculated by dividing the total floor area by the total lot area, both areas being in the same unit of measure, and expressing the quotient as a decimal number. The term is commonly referred to as FAR.

Forestry operations. Activities related to the harvesting, reforestation, and other management activities, including, but not limited to, thinning, pest control, fertilization, and wildlife management, that are consistent with principles of sustainable forestry.

Garage, private, means a fully enclosed structure, accessory to the principal permitted structure, for the storage of motor vehicles. This definition shall not include an automobile service station or any other structure at which vehicle fuel is sold, or in which repair or other services are performed.

Gasoline station. See *Automobile service station.*

Grade. For the purposes of determining structure height, the following rules shall apply:

- (1) For buildings adjoining one street only, it is the elevation of the sidewalk, or the crown of the street, if there is no sidewalk, directly opposite the center of the wall that adjoins the street. If the

average elevation of the contact grade is lower than the elevation of the street or sidewalk grade, whichever is applicable, the grade shall be the average elevation of the lowest contact grade.

- (2) For buildings adjoining more than one street, the grade is the elevation as determined in subsection () of this definition for the street or sidewalk having the lowest elevation.
- (3) For buildings having no wall adjoining a street, the grade is the average contact grade along the exterior walls of the building.
- (4) All walls that are approximately parallel to and not more than 35 feet from the street line shall be considered as adjoining the street.
- (5) Where street or sidewalk elevation has not been established, the Building Inspector shall determine such elevation for purposes of this chapter.

Grade contact means the elevation of the finished ground surface along and adjacent to the exterior wall of a building.

Greenhouse, commercial means a building that is used to grow plants as part of a farming operation. No retail sales are allowed unless through a Farm Market, as defined in this ordinance. This building is constructed of permanent or temporary framing that is set directly on the ground and is covered with glass panels or plastic or other transparent material. This definition includes hoop houses.

Greenhouse, private means an accessory building used by the occupants of the principal building to grow plants for recreation or pleasure as a hobby greenhouse. This building is constructed of permanent or temporary framing that is set directly on the ground and is covered with glass panels or plastic or other transparent material. This definition includes hoop houses.

Greenway means a contiguous or linear open space, including habitats, wildlife corridors, and trails, that link parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes.

Ground floor coverage (GFC) means the total ground floor area of the principal and all accessory buildings, divided by the total lot area, both areas being in the same unit of measure, and expressed as a percentage. The term is commonly referred to as GFC.

Group foster care home means a residential structure meeting the licensing requirements of Public Act No. 218 of 1979 (MCL 400.701 et seq.) and section 74-599 for the habitation of a group of individuals, not under criminal sentence, participating in a recognized community health and/or community-supported program, but not including mental cases declared by competent authority to be unable to relate to community life, contagious, or drug or alcohol addict cases, on a long-term basis, where necessary supervision and guidance are provided and lodging and meals are provided by prearrangement for definite periods.

Grubbing. Removal of understory and ground layer vegetation from a woodland area.

Home occupation means an occupation that is carried on within a dwelling unit by resident members of the family only, and which is clearly incidental and secondary to the principal residential use. The definition of home occupation shall not include clinics, hospitals, barbershops, beauty parlors, tearooms, tourist homes, animal hospitals, kennels, millinery shops, music studios, antique shops, dance studios, child care centers, repair or storage of vehicles, and similar uses.

Homeowners' association means an association of lot owners of perpetual duration governing and administering the affairs of the residential lot owners, including a condominium association.

Horizontal-axis wind energy conversion systems shall mean conventionally designed systems that have a main rotor shaft that is parallel to the ground and a series of "blades" that are perpendicular to the ground, as in a traditional agricultural windmill. Horizontal-axis wind energy conversion systems are traditionally mounted on a tower or pole and must be pointed into the wind.

Hospital means an institution providing health services primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, outpatient departments, training facilities, central service facilities, and staff offices.

Hotel means a building or part of a building, with a common entrance or entrances, in which the rooming units are used only for accommodation of transients, in which no provision is made for cooking in any individual room, and in which one or more of the following services are offered:

- (1) Maid service;
- (2) Furnishing of linen;
- (3) Telephone, secretary or desk service; and
- (4) Bellboy service.

A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms, and dwelling units for management staff.

Junkyard means an open lot and any accessory buildings where waste, used, or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, wood, and bottles, and including automobile graveyards.

kennel, commercial, means any building and/or land used, designed or arranged for the boarding, breeding or care of dogs, cats, pets, fowl, or other domestic animals for purposes of show, hunting, or as pets, but not including riding stables.

Kitchen means any room or portion of room that contains facilities for the preparation, cooking and serving of food, and includes a sink and either a stove, range, grill or oven.

Land development standards means the compilation of land development standards adopted by the Township Board on July 21, 1997, and as amended from time to time.

Livestock means horses, cattle, sheep, and swine.

Loading space means an off-street space on the same lot with the principal building or use designed and used for the temporary parking of commercial vehicles for purposes of loading and unloading merchandise or material.

Lot means a parcel of land, including platted lots, site condominium units, or parcels, but excluding any street or other right-of-way with at least sufficient size to meet the minimum requirements for use, coverage, and lot area and to provide such yards and open spaces as required in this chapter. Such lot shall have frontage on a public street or on a private street approved by the Township Board and may consist of:

- (1) A single lot of record;
- (2) A portion of a lot of record;
- (3) Any combination of complete and/or portions of lots of record if continuous;
- (4) A parcel of land described by metes and bounds; provided that in no case of division or combination shall the area of any lot or parcel created, including residuals, be less than that required by this chapter.

In addition to the land required to meet the regulations of this chapter, the lot shall include all other land shown in a request for a building permit or a certificate of occupancy, occupied by a principal building or use, and any accessory building or use.

Lot area means the area within the described lot lines excluding existing rights-of-way.

Lot depth means the length of that line between the midpoint of a straight line connecting the two foremost points of the side lot lines and the midpoint of a straight line connecting the two rearmost points of the side lot lines.

Lot lines. The lines bordering a lot, as defined in this section, shall be as follows:

- (1) *Front lot line*, in the case of an interior lot, means that line separating the lot from the street. In the case of a corner lot or double frontage lot, it is that line separating that lot from either street.
- (2) *Rear lot line* means that line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, farthest from the front lot line and located wholly within the lot.
- (3) *Side lot line* means any lot line other than the front lot line and rear lot line.

Lot of record means a lot which is part of a subdivision shown on a map thereof which has been recorded in the office of the register of deeds of the County, or a lot described by metes and bounds, the description of which has been recorded in such office.

Lot types.

- (1) *Corner lot* means a lot located at the intersection of two or more streets. A lot abutting a curved street shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.
- (2) *Interior lot* means a lot other than a corner lot, with only one frontage on a street.
- (3) *Through lot* means a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double-frontage lots.

Lot width means the horizontal straight-line distance between the side lot lines, measured along the front building line. The straight-line distance between the side lot lines at their foremost points, where they intersect the street line, shall not be less than 80 percent of the required lot width, except in the case of lots fronting onto the turning circle of cul-de-sac streets, in which case the minimum distance shall be 20 feet.

Lots means residential parcels created by platting, recording of a condominium or land divisions.

Marijuana provisioning center or dispensary means a use consisting of the commercial, retail sale, supply or provision of marijuana.

Master deed means the condominium document creating, upon recording, the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by section 8 of the Condominium Act (MCL 559.108).

Master plan means a comprehensive land use plan for the Township which, through any combination of text, charts, and maps, sets forth proposals for general locations for the various land uses, streets, parks, schools, public buildings, and utilities, and for the physical development of the Township, adopted by the Planning Commission and duly transmitted to the Township Board and to the County Planning Commission, or any unit or part of such plan separately adopted, and any amendments to such plan or any unit or part thereof separately adopted; provided, however, that any such plan or any unit or part thereof separately adopted shall have been published. Any reference in this chapter to "adoption" of plans refers to adoption by the Planning Commission in accordance with Public Act No. 33 of 2008 (MCL 125.3801 et seq.). The term "master plan" includes such commonly used terms as basic plan, general plan, comprehensive plan, and land use plan.

Medical marijuana grow operation means a use, in accordance with the Michigan Medical Marijuana Act, as amended ("MMMA"), for the growing, cultivation, and planting of more than 12 and less than 73 marijuana plants.

Mineral mining means any pit, excavation, or mining operation for the purpose of searching for, or removing, for use, any earth, top soil, sand, gravel, clay, stone, or other nonmetallic mineral in excess of 50 cubic yards in any calendar year. The term shall not include an oil well or any excavation preparatory to the construction of a building, structure, roadway or pipeline that has been approved pursuant to the applicable permitting process.

Mobile home means a structure, transportable in one or more sections, that is built on a chassis and designed to be used as a dwelling with or without a permanent foundation, when connected to the

required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term "mobile home" does not include a recreational vehicle.

Mobile home park means a parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

Mobile home site means a parcel of ground within a mobile home park designed for accommodating one mobile home dwelling unit and meeting the requirements of this chapter for a mobile home site.

Mobile home subdivision means the legally platted residential subdivision accommodating mobile homes.

Motel. See *Hotel.*

Namesake ingredient means a product's main ingredient from which it derives part of its name. For example, the namesake ingredient for apple pie is apples; for strawberry jam, strawberries; and for pumpkin butter, pumpkin.

Nature and wildlife preserve means a parcel of land which is established for the purpose of preserving and protecting natural communities of plants and animals indigenous to Michigan for their scientific or aesthetic interest.

Nature center means a building sited in a natural setting devoted to the study of the history and sciences related to the physical environment.

Nonconformity, structure, means a structure or part thereof lawfully constructed and existing on December 13, 1976, or, as applicable, on the effective dates of amendments to this chapter, that does not conform to the area, placement, and height regulations and off-street parking and loading requirements of the district in which it is located.

Nonconformity, use, means a structure, lot, or other parcel of land lawfully occupied by a use on December 13, 1976, or, as applicable, on the effective dates of amendments to this chapter and which does not conform to the use regulations of the district in which it is located.

Notice of proposed action means the notice required by section 71 of the Condominium Act (MCL 559.171), to be filed with the Township and other agencies.

Nursery (plant materials) means a lot or structure or combination thereof for the growing, storage, wholesale sale, or retail sale of live trees, shrubs, and plants, and including as incidental sales the sale of products used for gardening or landscaping. This definition of nursery does not include a roadside stand or temporary sales facility for Christmas trees.

Off-street parking area means a land surface providing vehicular parking spaces, along with adequate drives and aisles for maneuvering and access, for the parking of three or more automobiles or trucks or other vehicles.

On-site wind energy conversion system shall mean a WECS, the energy from which is used only by the primary residence or residences in a cooperative effort, business or agricultural operation and not sold or transferred to the electrical grid for commercial profit. This does not exclude the sale of excess energy sold to a utility through net metering for on-site WECS when the WECS produces more energy than can be stored or used on-site.

Open space preservation community or OSPC means a residential development in which two or more dwelling units are placed together into one or more groupings within a defined project area as described in division 4 of article IV. The dwelling units are separated from adjacent properties and other groupings of dwellings by open space that is perpetually protected from development and shall remain in an undeveloped state. An OSPC is differentiated from an OSPD in that a rezoning petition is not required for an OSPC. An area plan and zoning petition are required for an OSPD.

Open space preservation residential district or *OSPD* means a rural residential development in which two or more dwelling units are placed together into one or more groupings within a defined project area. The dwelling units are separated from adjacent properties and other groupings of dwellings by open space that is perpetually protected from development and shall remain in an undeveloped state.

Parcel means a lot as defined in this section.

Park, public or private means a public or private area dedicated to recreation use and generally characterized by its natural, historic, and landscape features. It may be used for both passive and active forms of recreation and may be designed to serve the residents of a neighborhood, community, or region. Parks, by definition, shall not be operated as profit making businesses, and shall dedicate space for uses such as natural-feature preservation, open space, trails, playgrounds, picnic facilities, swimming beaches, and game courts and fields. For purposes of this chapter, the following more specific definitions shall apply:

- (1) *Community park, passive* means a park less than 50 acres in size which is designed and equipped to serve the township, as well as neighboring residential areas for passive recreation pursuits such as natural feature and open space preservation, trails, birding, playgrounds and picnic facilities.
- (2) *Community park, active* means a park less than 50 acres in size which is designed and equipped to serve the township, as well as neighboring residential areas used primarily for active recreation pursuits such as sports fields, courts and rinks, including accessory bleachers and concession stands, splash pads, swimming pools, and other similar activities. Active parks may also include passive recreation.
- (3) *Regional park, passive* means a park 50 acres or more which is designed and equipped to serve areas outside the township, as well as the township for passive recreation pursuits such as natural feature and open space preservation, trails, birding, playgrounds and picnic facilities. Active recreation pursuits, such as sports fields, courts and rinks, including bleachers and concession stands, splash pads, swimming pools, and other similar facilities are not permitted.

Parking space means an area of definite length and width for the parking of one vehicle only, such area to be exclusive of drives, aisles, or entrances giving access thereto, and fully accessible for the parking of permitted vehicles.

Party wall means a fire wall, located between two dwelling units, without openings, extending from a basement floor or foundation to the highest point of the roof. A party wall may be all or a portion of the wall common to two dwelling units.

Permitted use. See *Use, permitted*.

Place of worship means a building used for the regular assembly of persons for the primary purpose of religious worship and which is operated, maintained and controlled by a religious body organized to sustain public worship, together with related accessory buildings and uses by such religious body customarily associated with the primary purpose, such as offices and religious education classes.

Planning Commission means the Planning Commission of the Township as established under Public Act No. 33 of 2008 (MCL 125.3801 et seq.).

Planned unit development means a zoning district which permits integrated and coordinated development of various types of residential dwellings and certain nonresidential uses, all to be developed according to approved area and site plans as provided in this chapter.

Professional engineer means an engineer registered in the State as a professional engineer.

Primary conservation area is all area in watercourses or wetlands, as defined in the Township Wetland Ordinance, any area devoted to natural or improved flood control channels, or those areas encumbered by floodway or County drain easements. Land in a primary conservation area is not counted in computing the net residential density for an APD.

Prime farmland means land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops with minimum inputs of fuel, fertilizer, pesticides

and labor, without intolerable soil erosion, as determined by the Secretary of Agriculture. Prime farmland in Ann Arbor Township is identified by the Natural Resource Conservation Service for Washtenaw County (Tabular Data Version 8, 12/14/2006), or its successor agency.

Prime farmland if drained means prime farmland which has been subject to drainage (tiling, surface excavation, or both) to make it productive for agricultural purposes as evidenced by agricultural activity (tillage, pasture, etc.).

Project means the total area of land being proposed for development and preservation under this article and described in an area plan under this article.

Public sanitary sewage system means a system of pipes and structures including pipes, channels, conduits, manholes, pumping station, sewage or waste treatment works, diversion and regulatory devices, outfall structures, and appurtenances, collectively or severally actually used or intended for use by the public for the purpose of collecting, conveying, transporting, treating, or otherwise handling sanitary sewage or other industrial liquid wastes of such nature as to be capable of adversely affecting the public health, owned and operated by a municipality.

Recreational vehicle means a vehicle or trailer primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, that either has its own motor power, or is mounted on or drawn by another vehicle that is self-powered. Examples include travel trailer, camping trailer, motor home, truck camper, slide-in camper, chassis-mount camper, single-sectional mobile home for temporary living quarters for recreation, camping or travel use. Recreational vehicle does not include a "mobile home," as defined in this ordinance, used as a permanent dwelling, residence or living quarters.

Riding stable, private, means any building or structure used or designed for the boarding, breeding, or care of not more than two horses, other than horses used for farming or other agricultural purposes.

Riding stable, public, means any building or structure used for the boarding, breeding or care of horses for commercial or business purposes, and not for personal use, other than horses used for farming or agricultural purposes. A public riding stable may include areas and facilities for the training, riding, or driving of horses and for the offering of lessons to teach the riding and driving of horses.

Road. See Street.

Roominghouse means a building containing three or more rooming units, other than a hotel or motel, where for compensation and by prearrangement for definite periods, lodging or lodging and meals are provided.

Rooming unit means a room or group of rooms forming a single habitable unit, used for living and sleeping, but which does not contain cooking or eating facilities.

Sanitary landfill means a method of disposing of refuse on land without creating nuisances or hazards to public health or safety, by utilizing principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of suitable cover at the conclusion of each day's operation or at more frequent intervals as necessary.

School, primary, means a facility, either public or private, certified by the State, that offers all or part of a kindergarten through sixth grade education.

School, secondary, means a facility, either public or private, certified by the State, that offers all or part of a seventh through 12th grade education.

Screen means a structure providing an enclosure and/or visual barrier between the area enclosed and the adjacent property. A screen may also be a nonstructure, consisting of shrubs or other growing materials of sufficient height and density as to provide an enclosure and/or a visual barrier.

Secondary conservation area is an area with sensitive natural features, such as lands with slopes exceeding 12 percent or highly erodable soils and all areas within natural features setbacks as defined in article VII, sections 74-681 through 74-690 of the Township Zoning Code [this chapter] pertaining to natural features setbacks. In an OSPD or APD, such areas are generally to be included in dedicated open space and can be counted in computing the net residential density for an OSPD or APD.

Sign means any structure or part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, code, mark, or other representation used as, or in the nature of, an announcement, advertisement, direction, or designation, of any person, firm, organization, place, commodity, service, business, profession, or industry which is located upon any land or in any building, in such manner as to attract attention from outside the premises.

Sign, direction or information, means a sign identifying a street or designating the location of a community or institution of public or quasi-public nature or the opening of an event of public interest, but not including signs pertaining to real estate, and not including any advertising matter.

Sign, identification, means a sign which carries only the name of the firm, the major enterprise, or the principal product or service offered for sale on the premises or a combination of these things only to identify location of such premises and not to advertise, and located only on the premises on which the firm, major enterprise, or principal product or service is situated.

Sign, freestanding, means an identification sign supported by a structure independent of any other structure. Identification signs on water towers or other elevated tanks should be considered freestanding signs.

Sign, outdoor advertising, means a sign, including billboards, on which the written or pictorial information is intended to advertise a use located on other premises, and which is intended primarily for advertising purposes, erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

Site condominium means a condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which it is located, in which each co-owner owns exclusive rights to a land upon which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed.

Small medical marijuana grow operation means a use, in accordance with the MMMA, for the growing, cultivation, and planting of no more than 12 marijuana plants by a qualifying patient or primary caregiver as defined in the MMMA.

Solar collector surface means any part of a solar energy system that absorbs, reflects or refracts solar energy for use in the system's transformation process. The collector surface does not include frames, supports, and mounting hardware.

Solar energy, also referred to as sunlight, means electromagnetic energy radiated by the sun that serves as a power source for a solar energy system.

Solar energy system (SES) means a system (including solar collector surfaces and ancillary solar equipment) either affixed to a permanent principal or accessory building or functioning as a free-standing structure that collects and converts solar energy into electrical, thermal, or mechanical energy. Such energy may or may not be stored on site prior to distribution. Solar energy systems include, but are not limited to, photovoltaic (PV) electric power systems and solar thermal heating systems. A solar energy system (SES) is considered a structure permanently affixed to the ground, regardless of the ease with which it can be moved. An SES shall not be moved to another location without first complying with the approval process of the ordinance from which this section derived for the new location of the SES.

Small-scale SES means a solar energy system that meets all of the following:

- a. Is accessory to the principal use on the site; and
- b. Size limits:
 1. For a ground-mounted SES, the total surface area of all solar collector surfaces within an small-scale SES is a maximum of 1,500 square feet or a maximum of 4,500 square feet if serving a farm operation, and/or
 2. For building-mounted SES (on existing principal and/or accessory structure), the total area of all small-scale SES solar collector surfaces can be any size subject to the limitations set forth in section 74-618; and

- c. The sale and distribution of excess available energy, if permitted, to an authorized public utility for distribution shall be incidental to this type of system, and is not its primary purpose.

Large-scale SES means a solar energy system that meets one or more of the following:

- a. The SES is the principal and primary use on the site; and/or
- b. The total surface area of all ground-mounted SES solar collector surfaces exceeds 1,500 square feet or 4,500 square feet if serving a farm operation; and/or
- c. Is primarily used for generating electricity for sale and distribution to an authorized public utility.

Building mounted SES means a solar energy system affixed to a permanent principal and/or accessory building or structure (i.e. roof or wall).

Ground-mounted SES means a free-standing solar energy system that is not attached to and is separate from any principal or accessory building or structure on the parcel of land on which the solar energy system is located. A ground-mounted SES is a structure as defined in the Township Ordinance.

Story means that portion of a building between the top surface of any floor and the top surface of the floor next above it or, if there is no floor above it, the space between such floor and the ceiling next above it. A basement shall be counted as a story if it is used for business or dwelling purposes. A mezzanine floor shall be counted as a story if it covers more than one-third of the area of the floor next below it or if the vertical distance between the floor next below it and the floor next above it is 20 feet or more.

Story, one-half, means an uppermost story lying under a sloping roof having a floor area less than 50 percent of the floor area directly below it. For the purpose of this chapter, the usable floor area of a half-story is only that area having at least four feet clear height between the finished floor and ceiling of such story.

Street means a public or private trafficway which meets the requirements of this chapter and which affords the principal means of vehicular access to the abutting property.

Street line means a right-of-way line of a public street or the easement line of a private street approved by the Township Board. In the case of section line roads, the street line shall be a line 33 feet from and parallel to the section line, unless an easement or right-of-way of different width is held by the County Road Commission.

Structure means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures shall include buildings, mobile homes, walls, fences, billboards, and towers.

Structure height. See Building height.

Structural alterations means any change in the supporting elements of a building or structure such as, but not limited to, bearing walls or partitions, columns, beams, or girders, or a substantial change in the roof.

Surveyor means a professional surveyor licensed under article 20 of the Occupational Code (MCL 339.2001 et seq.).

Sustainable forestry. Forestry practices that are designed to meet present and future wood product needs by employing a land stewardship ethic that integrates the reforestation, managing, growing, nurturing, and harvesting of trees for useful products with the conservation of soil, air and water quality, wildlife and fish habitat, and visual changes.

Swimming pool, commercial, means a swimming pool and/or wading pool operated by a nongovernmental unit for profit.

Swimming pool, community, means a swimming pool and/or wading pool, including buildings necessary or incidental thereto, owned and operated by an association of members for the benefit of such

association, incorporated or unincorporated, provided that such association is not organized for profit, and provided that the right to use such pools is restricted to these members and their guests.

Swimming pool, private, means a swimming pool and/or wading pool, including structures necessary and incidental thereto, owned and operated by the landowner of the parcel on which situated, for use only by the residents of the parcel on which situated and their guests.

Temporary meteorological towers (TMT) shall mean a tower of monopole design which is designed and built to hold wind resource testing devices such as anemometers, wind vanes and accessory equipment and which is to remain in place for no more than 18 months.

Time limits means calendar days, weeks, months, or years, whichever are applicable, unless otherwise specified in this chapter.

Total buildable area is an area calculated by subtracting from the gross project acreage, the areas comprised of rights-of-way for public and private roads and the primary conservation areas and the area of intensive livestock operations. This is the area used to compute the allowable maximum residential density for an OSPD or APD.

Tourist home. See *Hotel*.

Townhouse means a residential building containing at least three but not more than eight townhouse dwelling units arranged side by side.

Travel trailer means a vehicular portable structure mounted on wheels and of a size and weight as not to require special highway movement permits when drawn by a stock passenger automobile or when drawn with a fifth wheel hitch mounted on a motor vehicle, and is primarily designed, constructed, and used to provide temporary living quarters for recreational camping or travel.

Tree. Any self-supporting, woody plant of a species which normally grows to an overall height of 15 feet or more and/or has a minimum DBH of three inches.

Tree, invasive. Trees that are non-native and are likely to cause harm to local ecosystems by crowding out natives and thus reducing the diversity of the ecosystem as further defined in section 74-605(j).

Tree, landmark. Any tree in a healthy, live condition that is not an "invasive tree" as defined herein, that is 24 inches DBH or greater, or meets the minimum size (DBH) requirements of the species listed in this chapter as further defined in section 74-605(k). Landmark Trees are considered protected trees under this chapter.

Tree, native. A tree species that has naturally evolved in an area over thousands of years under certain soil, hydrologic, and other site conditions. Where "native" tree or plant is used in the text, this means a straight species, not a cultivar of a species.

Tree, non-invasive. A plant species which spread is controlled in some manner and is not listed in this ordinance as an invasive tree.

Tree, non-native. A plant species that has evolved in a country or region other than Washtenaw County, Michigan, and has been introduced by human activity.

Tree, protected. Any tree in a healthy, live condition that is not an "invasive tree" as defined herein, is at least 15 feet tall, and has a single stem trunk of eight (8) inches DBH or greater, or a multi-stem trunk system where one or more of the stems is four (4) inches DBH or greater. Landmark trees are considered protected trees under this chapter.

Tree/woodland removal permit. A permit issued pursuant to section 74-605(h).

Tree/woodland survey. A survey that describes, through plans, graphics and written narrative, the location, species, condition, and other details, as required by this chapter, of existing tree and woodland resources as further defined in section 74-605(i).

Undeveloped state means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural land use; open space; or a similar use or condition. Land in an

undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park.

U-pick/pick your own (PYO) operation means a farm that provides the opportunity for customers to harvest their own farm products directly from the plant.

U-pick/pick your own (PYO) operation distribution site means a specific location on a site, either inside or outside a building, where visitors to the u-pick or PYO operation check-in/out and pay for the products they picked, including parking areas.

Use, conditional, means a use that would be detrimental to other uses permitted in the same zoning district unless carefully controlled as to number, area, size, exterior design, location, or relation to the adjacent properties and to the neighborhood. Such uses may be considered necessary or important to the public health, safety, and welfare of the neighborhood or Township as a whole and may be permitted if proper safeguards are taken. Such uses may be permitted in such zoning district as conditional uses if specific provision for such conditional use is made in this chapter. The term "conditional use" as used in this chapter is the same as the term "special land use" as provided in the Michigan Zoning Enabling Act (MCL 125.3101 et seq.).

Use, permitted, means a use permitted by right in the zoning district where so designated without further action by the property owner or Township.

Value-added farm products means a processed product that converts farm products into a product that is more marketable for direct sales, and that extends a farm market's marketing season beyond its production season. Examples of value-added farm products include pies, jams and syrups. Examples of value-added processing activities include packing, washing, and cleaning, grading, storing, pitting, pressing, fermenting, distilling, packaging, cooling, storage, canning, drying, freezing, or otherwise preparing the product for sale.

Variance means a relaxation of regulations of this chapter with respect to a specific lot, where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this chapter would result in unnecessary hardship or practical difficulty.

Vertical-axis wind energy conversion systems shall mean systems that have a main rotor shaft that is perpendicular to the ground and the system does not need to be pointed into the wind. These systems are more common in areas where wind direction is variable. These systems often resemble a drum, cylinder, or helix.

Wholesale food processor means an operation that processes, manufacturers, packages, or labels food for wholesaling as defined below and in the Michigan Department of Agriculture (MDA) regulations in place at the time of adoption of Ord. No. 2-2013 [June 17, 2013]. Examples include wholesale bakery, winery/brewery, canning operation, flour mill/cereal processor, specialty foods processor, fruit and vegetable packer, or egg grading operation. For purposes of this chapter, wholesale food processor includes a limited wholesale food processor as defined in the MDA regulations.

Wholesaling means selling other than directly to consumers.

Wind energy conversion system (WECS) shall mean any device such as a turbine, windmill or charger that converts wind energy to a usable form of energy.

Woodland. A forested area (including all native trees, shrubs and ground cover thereon) of one acre or more containing 40 trees per one acre greater than eight inches in diameter at breast height (DBH), or a plantation of one acre or more with a minimum average DBH of ten inches. The critical root zone of all trees in the perimeter of the forested area or plantation defines the area of a woodland.

Woodland stewardship plan. A written document listing activities that enhance or improve Woodland resources (wildlife, timber, soil, water, recreation and aesthetics) on private land over a ten-year period as further defined in section 74-605(n).

Yard means a required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from the ground upward, except as provided otherwise in this chapter.

Yard, corner, means any yard required by this chapter, other than a front yard, that abuts a street.

Yard, front, means a yard extending the full width of a lot and situated between a street line and a front building line, parallel to the street line. The depth of the front yard shall be measured at right angles to a straight line joining the foremost points of the side lot lines. In the case of rounded property corners at street intersections, where the radius of the curve is 30 feet or less, the foremost point of the side lot line shall be assumed to be the point at which the side and front lot lines would have met without such rounding. If the radius of such curve exceeds 30 feet, the yard shall be parallel to the street line. The front and rear front yard lines shall be parallel.

Yard, rear, means an open yard extending the full width of the lot between the interior side yard lines and situated between the rear lot line and the rear building line and parallel to the rear lot line. In the case of corner and through lots, there shall be no rear yards, but only front and side yards.

Yard, side, means a yard situated between the side building line and adjacent side lot line and extending from the rear (interior) line of the required front yard to the rear lot line and parallel to the side lot line.

(Comp. Ords. 1990, §§ 130.201, 130.202, 130.2101; Ord. of 4-14-1986; Ord. No. 8-89, 8-21-1989; Ord. of 9-17-1990; Ord. of 3-21-1994; Ord. No. 10-03, § 130.202, 7-21-2003; Ord. No. 2-02, 2-4-2002; Ord. No. 1-2005, 4-18-2005; Ord. No. 4-2008, 7-21-2008; Ord. No. 8-2008, 9-22-2008; Ord. No. 2-2010, 1-18-2010; Ord. No. 3-2010, 2-15-2010; Ord. No. 10-2010, 12-20-2010; Ord. No. 4-2011, 5-16-2011; Ord. No. 7-2012, 10-15-2012; Ord. No. 2-2013, 6-17-2013; Ord. No. 4-2016, 10-17-2016; Ord. No. 3-2017, 6-19-2017; Ord. No. 5-2017, 11-20-2017; Ord. No. 4-2019, 12-16-2019)

Sec. 74-3. - Number of residences on a lot.

Not more than one single-family dwelling unit shall be located on a lot, nor shall a single-family dwelling unit be located on the same lot with any other principal building or structure use, except as permitted in a planned unit development, and except as permitted on farms for seasonal agricultural workers.

(Comp. Ords. 1990, § 130.303)

Sec. 74-4. - Temporary structures.

(a) *Temporary dwellings.*

- (1) *Compliance.* No cabin, garage, cellar, basement, or any temporary structure, whether of a fixed or movable nature, may be erected, altered, moved upon or used in whole or in part for any dwelling purpose except as provided in this subsection (a).
- (2) *Permit required.* If a dwelling is destroyed or damaged so that it is uninhabitable, a temporary dwelling may be used or moved onto the same lot or parcel after a permit is obtained from the Zoning Official in accordance with subsection (a)(3) below for purposes of temporary housing of occupants of the damaged or destroyed dwelling during replacement or repair of the permanent dwelling.
- (3) *Requirements and procedures.*
 - a. The temporary dwelling shall be placed so as to conform to all yard and setback requirements of the zoning district in which it is located, and shall be connected to private or public water supply and sewage disposal systems approved by the Washtenaw County Health Department and the Township, and a temporary electrical supply and other utilities approved by the Township.

- b. The Zoning Official shall establish a reasonable date for a termination of use and removal of the temporary dwelling, not to exceed two years from the date of issuance of a permit under this subsection (a) ("removal date"). The temporary dwelling shall be vacated and removed on the earlier of the removal date or two weeks after issuance of a certificate of occupancy for the permanent dwelling.
- c. A performance bond or other security in an amount set by the Township Board upon recommendation of the Zoning Official shall be provided to ensure timely removal of the temporary dwelling. The Township Board may by resolution from time to time establish a formula or mechanism for determining the type and amount of the required security, and delegate to the Zoning Official responsibility for determining the amount and type of security based on such formula or mechanism.
- d. The owner or the owner's authorized agent shall obtain any necessary soil erosion and sedimentation control permit and other necessary building and construction permits from the Township and applicable governmental authorities for the temporary dwelling.
- e. Permits issued under this subsection (a) are not transferable to any other owner or agent unless such transferee assumes all obligations of the owner or agent and signs the written statement described in subsection (a)(3)f. below.
- f. The Zoning Official shall prepare a written statement setting forth the conditions for granting a temporary dwelling permit. The owner of the lot or parcel and the owner's authorized agent proposing to install the temporary dwelling and construct the permanent dwelling shall sign the written statement and acknowledge agreement to the permit conditions prior to issuance of the permit. The Zoning Official shall retain one original of the signed agreement and provide a copy to the Township Clerk.
- g. The removal date may be extended by the Zoning Official for not more than six months on written request from the owner or the owner's authorized agent prior to the removal date on a showing of good cause for an extension of the removal date such as unanticipated events, weather conditions or unavailability of materials beyond the reasonable control of owner or the owner's authorized agent. No further extensions shall be granted except by written application to the Township Board on a showing of extraordinary conditions warranting such extension beyond the reasonable control of owner or owner's authorized agent.
- h. The Zoning Official shall notify the Township Board and Planning Commission in writing of each temporary dwelling permit issued under this subsection (a).

(b) *Temporary construction structures.*

- (1) *Permit required.* Temporary construction structures for private use by on-site construction personnel may be installed and used as construction facilities on a building site provided that (i) a permit is obtained for installation and use of such temporary construction structure from the Zoning Official in accordance with the requirements and procedures set forth in this subsection, and (ii) any necessary rezoning, planned unit development, conditional use, site plan, variance and other approvals have been previously obtained from the Township for construction of the permanent structure on the building site.
- (2) *Requirements and procedures.*
 - a. The location of the temporary construction structure on the building site shall conform to all yard and setback requirements for the zoning district in which it is located, and shall provide adequate off-street parking, access, fire protection and lighting.
 - b. A permit approving the use of the temporary construction structure shall be obtained from the Zoning Official by the owner of the building site or the owner's authorized agent proposing to install the temporary construction structure after compliance with all of the requirements of this subsection (b). No permit shall be issued if the design or proposed construction of the temporary construction structure demonstrates that it is intended to be a permanent

structure, or that its use will compromise the public health, safety, and welfare of the Township residents, including occupants of the temporary structure or surrounding area.

- c. A temporary construction structure shall be either (i) connected to public or private water supply and sewage disposal systems approved by the Washtenaw County Health Department and the Township or (ii) served by on-site portable toilets as required by applicable building codes as approved by the Building Official, and a temporary on-site supply of potable water as approved by the Building Official.
- d. A temporary construction structure shall be connected to a temporary electrical supply and other utilities approved by the Building Official.
- e. The owner or the owner's authorized agent shall obtain any necessary soil erosion and sedimentation control permit and other necessary building and construction permits from the Township and applicable governmental authorities for installation of the temporary construction structure.
- f. The Zoning Official shall establish a reasonable date for removal of the temporary construction structure ("removal date") which shall not exceed two years from the date of the permit issued. The temporary construction structure shall be vacated and shall be removed from the building site on the earlier of the removal date or two weeks after issuance of a certificate of occupancy for the first permanent structure on the building site. If more than one permanent structure is to be constructed on the building site, the date for removal may be for a reasonable period of time not to exceed four years as determined by the Zoning Official ("extended removal date"). In such case, the temporary construction structure shall be vacated and removed on the earlier of the extended removal date or two weeks after the issuance of a certificate of occupancy for the last permanent structure on the building site. No further extensions shall be granted except by written application to the Township Board on a showing of extraordinary conditions warranting such extension beyond the reasonable control of owner or owner's authorized agent.
- g. A performance bond or other security in the amount to be determined by the Township Board upon recommendation of the Zoning Official shall be provided to ensure timely removal of the temporary construction structure. The Township Board may by resolution from time to time establish a formula or mechanism for determining the type and amount of the required security, and delegate to the Zoning Official responsibility for determining the amount and type of security based on such formula or mechanism.
- h. Permits issued under this subsection (b) are not transferable to any other owner or agent unless such transferee assumes all obligations of the owner or agent and signs the written statement described in subsection (b)(2)i. below.
- i. The Zoning Official shall prepare a written statement setting forth the conditions for granting the temporary construction structure permit. The owner of the building site and the owner's authorized agent shall sign the written statement and acknowledge agreement to the terms of the permit conditions prior to issuance of the permit. The Zoning Official shall retain one original signed agreement and provide a copy to the Township Clerk.
- j. The removal date or extended removal date may be extended by the Zoning Official for not more than six months on written request from the owner or authorized agent prior to the removal date or extended removal date upon a showing of good cause for an extension such as unanticipated events, weather conditions or unavailability of materials beyond the reasonable control of owner or owner's agent.
- k. The Zoning Official shall notify the Township Board and Planning Commission in writing of each temporary construction structure permit issued under this subsection (b).

(c) *Temporary sales buildings.*

- (1) *Permit required.* Temporary sales buildings may be installed and used on a building site for purposes of marketing, leasing or sale of permanent structures that have been approved for construction and that are permitted by the Zoning Code on the building site provided that:
 - a. A permit is obtained for installation and use of the temporary sales building from the Zoning Official in accordance with the requirements and procedures set forth in this subsection; and
 - b. Any necessary rezoning, planned unit development, conditional use, site plan, variance and other approvals have been obtained from the Township for construction of such permanent structures. The Township Board may approve issuance of a permit prior to any necessary final site plan approval or issuance of building permits for the permanent structures if the owner or the owner's authorized agent demonstrates good cause for such approval based on market conditions, the special nature of the project or other unique conditions related to the project.
- (2) *Requirements and procedures.*
 - a. If the proposed use and construction of permanent structures on the building site require a rezoning, approval of a planned unit development, a conditional use permit, or site plan approval ("development approval"), the owner or the owner's authorized agent shall include in the plans submitted to the Township as part of the development approval a site plan showing the location of the proposed temporary sales building, compliance with yard and setback requirements, the impact on natural features, soil erosion control measures, property drainage and contours, temporary water, sewage disposal and other utility connections, access and parking areas, lighting and other improvements and features to enable the Township Board and Planning Commission to determine that installation and use of the temporary sales building will comply with the Zoning Code and will not adversely affect the health, safety and welfare of the Township residents, occupants of the temporary sales building or surrounding area. As part of the development approval, the approving body shall indicate whether it has given preliminary approval of the location of the temporary sales building, and no permit shall be issued without such preliminary approval.
 - b. If development approval is not required as described in paragraph a. above, the owner or the owner's authorized agent shall submit with the permit application under this subsection (c), a scaled drawing of the building site showing the location of the proposed temporary sales building in relation to the proposed permanent structures, roads, natural features and existing topography, compliance with all yard and setback requirements for the zoning district, and adequate off-street parking, access, fire protection and lighting and such additional information as may be required by the Zoning Official in view of the nature of the project, and no permit shall be issued unless the Zoning Official approves the location of the temporary sales building based on the information submitted.
 - c. A permit approving use of the temporary sales building shall be obtained from the Zoning Official by the owner of the building site or the owner's authorized agent proposing to install the temporary sales building after compliance with all of the requirements of this subsection (c). No permit shall be issued if the design or proposed construction of the temporary sales building demonstrates that it is intended to be a permanent structure, or that its use will compromise the public health, safety, and welfare of the Township residents, occupants of the temporary sales building or surrounding area.
 - d. A temporary sales building shall be connected to public or private water supply and sewage disposal systems approved by the Washtenaw County Health Department and the Township, and a temporary electrical supply and other utilities approved by the Building Official.
 - e. The owner or the owner's authorized agent shall obtain any necessary soil erosion and sedimentation control permit and other necessary building and construction permits from the Township and applicable governmental authorities for installation and use of the temporary sales building.

- f. The Zoning Official shall establish a reasonable date for removal of the temporary sales building ("removal date") which shall not exceed two years from the date of the permit issued. The temporary sales building shall be vacated and shall be removed from the building site on the earlier of the removal date or two weeks after issuance of a certificate of occupancy for the first permanent structure on the building site.
 - g. A performance bond or other security in the amount to be determined by the Township Board upon recommendation of the Zoning Official shall be provided to ensure timely removal of the temporary sales building and compliance with this subsection (c). The Township Board may by resolution from time to time establish a formula or mechanism for determining the type and amount of the required security, and delegate to the Zoning Official responsibility for determining the amount and type of security based on such formula or mechanism.
 - h. Permits issued under this subsection (c) are not transferable to any other owner or agent unless such transferee assumes all of the obligations of the owner or agent including signing the agreement described in subsection (c)(2)i. below.
 - i. The Zoning Official shall prepare a written statement setting forth the conditions for granting the temporary sales building permit. The owner of the building site and the owner's authorized agent shall sign the written statement and acknowledge agreement to the terms of the permit conditions prior to issuance of the permit. The Zoning Official shall retain one original signed agreement and provide a copy to the Township Clerk.
 - j. The removal date may be extended by the Zoning Official for not more than one year on written request from the owner or the owner's authorized agent prior to the removal date upon a showing of good cause for an extension such as unanticipated events, weather conditions or unavailability of materials beyond the reasonable control of owner or agent. Additional one-year extensions may be granted by the Zoning Official on written request of the owner or the owner's authorized agent prior to expiration of the then-applicable extension period on a similar showing of good cause. The total of all extensions shall not exceed a total of five years.
 - k. The Zoning Official shall notify the Township Board and Planning Commission in writing of each temporary sales building permit issued under this subsection (c).
- (d) *Mobile homes.* Mobile homes shall not be used as dwellings, except when located in and part of a licensed mobile home park or a mobile home subdivision, or when used as a temporary dwelling as provided in this section, or except as otherwise provided in section 74-14.

(Comp. Ords. 1990, § 130.304; Ord. No. 3-2008, 6-16-2008)

Sec. 74-5. - Completion of construction.

- (a) *Changes after construction has begun.* Nothing in this chapter shall require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter.
- (b) *Actual construction.* Actual construction is defined to include the placing of construction materials in a permanent position and fastening them in a permanent manner. Where excavation, demolition, or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction provided that the work shall be carried on diligently. In the case of such excavation, demolition or removal, however, this provision shall expire and be of no effect 365 days following the effective date of adoption or amendment of this chapter, unless a permit for the actual construction of a new building has been issued by the Building Inspector.
- (c) *Permit; compliance with approved plans.* Where a building permit has been issued in accordance with the law within 365 days of such effective date and diligently pursued to completion, such building or structure may be completed in accordance with the approved plans on the basis of which the building

permit was issued, and further, may, upon completion, be occupied by the use for which it was originally designed, subject thereafter to the provisions of division 5 of article II, if applicable.

- (d) *Occupancy permit required.* Any basement, cellar, garage, or any incomplete structure without an occupancy permit in use as a dwelling on the effective date of adoption or amendment of this chapter shall not be used as a dwelling for more than 12 months following such date, unless such structure has been completed in conformance with the regulations of the district in which it is located.

(Comp. Ords. 1990, § 130.305)

Sec. 74-6. - Existing conditional uses; expansion.

Any use lawfully existing at the effective date of adoption or amendment of this chapter and which is permitted as a conditional use in a district under the terms of this chapter shall be deemed a conforming use and shall, without further action, application, or review be considered a conforming use. Expansion of such uses or change to another conditional use after the effective date of this chapter shall require a conditional use permit as provided in article II, division 3, conditional uses.

(Comp. Ords. 1990, § 130.306)

Sec. 74-7. - Essential services.

Essential services shall be permitted as authorized and regulated by law and by ordinance of the Township, it being the intent to exempt such essential services from this chapter, except for underground wiring, which shall be provided as required in section 74-550.

(Comp. Ords. 1990, § 130.307)

Sec. 74-8. - Visibility at intersections.

On a corner lot in any zoning district, no fence, wall, hedge, screen, structure, or planting shall be placed in such manner as to materially impede the vision between the height of 2½ and ten feet above the centerline grades of the intersecting streets in the area bounded by the street right-of-way lines of such corner lots, and the line joining points along such street lines 50 feet from their point of intersection as measured along the street right-of-way lines.

(Comp. Ords. 1990, § 130.308)

Sec. 74-9. - Home occupation.

A home occupation may be permitted in a single-family detached dwelling within a zoning district where such dwelling is permitted, subject to the following conditions:

- (1) No person other than the members of the family residing on the premises shall be engaged in such occupation.
- (2) The home occupation use of the dwelling unit shall be clearly incidental and subordinate to its use for residential purposes, and not more than 20 percent of the floor area of the dwelling unit may be used for the purposes of the home occupation.
- (3) There shall be no change in the outside appearance of the structure or premises, or other visible evidence of conduct of such home occupation, and therefore, there shall be no external or internal alterations not customary in residential areas or structures.
- (4) A home occupation shall be conducted within the dwelling unit.

- (5) No article shall be sold or offered for sale on the premises except such as is prepared within the dwelling or is provided as incidental to the service or profession conducted therein.
- (6) Traffic generated by a home occupation shall not be greater in volume than that normally generated by the residence. Parking for the home occupation shall not exceed two spaces. Such spaces shall be provided on the premises, off-street, subject to all regulations in article VIII, off-street parking and loading regulations, and provided the parking spaces shall not be located in the required front yard.
- (7) Exterior storage of material, equipment, or refuse associated with or resulting from a home occupation shall be prohibited.
- (8) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odor, or electrical interferences which are nuisances to persons off the lot. Any electrical equipment processes which create visual or audible interference with any radio or television receivers off the premises or which cause fluctuations in line voltages off the premises shall be prohibited.
- (9) Signs not customarily found in residential areas shall be prohibited, provided however, that one nonilluminated name plate not more than two square feet in area, may be attached to the building, which sign shall contain only the name, occupation, and address of the premises.

(Comp. Ords. 1990, § 130.309)

Sec. 74-10. - Transient and amusement enterprises.

Circuses, carnivals, other transient amusement enterprises, music festivals, and similar temporary gatherings of people may be permitted in any zoning district upon approval by the Township Board or its designate under chapter 10, article II. Such enterprises may be permitted only on the finding by the Township Board that the location of such an activity will not adversely affect adjoining properties or adversely affect public health, safety, morals, or general welfare. The Township Board may require posting of a bond or other acceptable security payable to the Township in an amount sufficient to hold the Township free of all liabilities incidental to the operation of such activity, and indemnify any adjoining land owners for any damage resulting from the operation of such activity, and which damages shall be provided before the court having jurisdiction over the premises upon which the damages occurred and payable through such court.

(Comp. Ords. 1990, § 130.310)

Sec. 74-11. - Access to streets.

In any zoning district, every use, building, or structure established after the effective date of the ordinance from which this article is derived shall be on a lot or parcel that adjoins a public road or a private road that complies with chapter 46, article II, private roads. The area of a private road easement shall not be included in the minimum required area of the lot.

(Comp. Ords. 1990, § 130.311; Ord. of 4-14-1986; Ord. of 9-17-1990)

Sec. 74-12. - Sanitary sewer and water facilities.

- (a) *Sanitary sewer facilities.* All dwelling units in any urban residential districts and all principal buildings in a PUD, located in an area of the Township where a public sanitary sewer service is available, shall be connected to the Township sanitary sewer system. On-site sewage facilities shall be prohibited in areas in which such public sanitary sewer service is available. All principle buildings in a PUD, located in an area in which public sanitary sewer service is not available, shall be connected to septic tanks

and drainfields approved by the county health department, or to a private wastewater treatment system approved by the Township.

- (b) *Water facilities.* All dwelling units in any urban residential district and all principal buildings in a PUD district that are located in an area in which the Township public water service is available shall be connected to the Township water system. On-site water supply shall be prohibited in areas in which such public water service is available. All principal buildings in a PUD that is located in areas in which public water service is not available shall be connected to water supply wells approved by the county health department.
- (c) *Water supply systems prohibitions.* Privately owned or operated community water supply systems shall be prohibited in any part of the Township.

(Comp. Ords. 1990, § 130.313; Ord. of 9-17-1990; Ord. of 3-21-1994)

Sec. 74-13. - Storage buildings in residential districts.

Storage buildings in residential districts shall be clearly accessory to the dwelling units they serve. The floor area of a storage building shall be included in the floor area used to calculate ground floor coverage and floor area ratio. Such storage buildings shall be subject to the following regulations:

- (1) *R-1, R-2, R-3, R-4, and R-5 districts.* Not more than one storage building shall be permitted for each dwelling unit, and the floor area of the storage building shall not exceed 200 square feet.
- (2) *R-6 district.* Not more than one storage building shall be permitted on a mobile home site, and the floor area shall not exceed 150 square feet.
- (3) *R-7, R-8, and R-9 districts.* Not more than one storage building shall be permitted for each single-family attached dwelling unit, such floor area not to exceed 150 square feet. Individual storage buildings for dwelling units in apartment-type structures shall not be permitted; however, common storage buildings may be permitted.

(Comp. Ords. 1990, § 130.314)

Sec. 74-14. - Mobile homes.

This section is designed to establish regulations under which mobile homes may be used as single-family dwellings on lots outside mobile home parks. It is recognized that other forms of manufactured housing, commonly referred to as prefabricated, modular, or sectional housing, among other names, are and have been permitted in the Township, on individual lots, in any zoning district in which single-family dwellings are permitted, provided such units comply with the Township's adopted codes and zoning requirements. This section intends to treat mobile homes in a similar fashion, while recognizing the unique features of their construction. The regulations contained in this section are specifically designed to ensure that mobile homes on individual lots comply with all zoning regulations applicable to all other single-family dwellings permitted in the Township.

- (1) *Compliance with Township zoning regulations and federal safety standards.*
 - a. The lot and the mobile home shall comply with all regulations of the zoning district in which located.
 - b. The mobile home shall meet all requirements of the United States Department of Housing and Urban Development Mobile Home Construction and Safety Standards (24 CFR 3280), as amended.
- (2) *Foundation.* The mobile home shall be placed on a permanent foundation wall. The wall shall meet all requirements of the Township building code and shall completely enclose the area under the mobile home. The area so enclosed shall not be less than the ground floor area of the mobile

home. The mobile home shall be secured to the premises by an anchoring system that meets all state requirements.

- (3) *Towing appurtenances.* The wheels, tongue and hitch, or other towing appurtenances, shall be removed before anchoring the mobile home to the premises.
- (4) *Connection to water and sewer lines.* The mobile home shall be connected to public water and sanitary sewer lines, where available, according to Township standards and specifications, or to a well and septic tank, on the same lot as the mobile home, approved by the county health department.
- (5) *Aesthetic compatibility with conventional housing.* The mobile home shall be aesthetically compatible in design and appearance with conventional on-site constructed housing and other types of approved manufactured housing. Compatibility shall be determined by the following standards:
 - a. Exterior walls shall be finished with materials common to single-family dwellings such as, but not limited to, beveled siding, vertical siding, board and batten siding, or brick.
 - b. Front and rear or front and side exterior doors.
- (6) *Health and building permits required.* A building permit shall be required for construction of the foundation wall, for placement of the mobile home on the lot, and for any addition to the mobile home. A building permit shall not be issued until a health permit has been issued by the county health department, where applicable, and until a certificate of zoning compliance has been issued in accordance with sections 74-52—74-60 and is in effect, and a certificate from the manufacturer of the mobile home that the home complies with section 74-14(3). The mobile home shall not be occupied until a certificate of occupancy has been issued as provided in sections 74-52—74-60 and is in effect. Any addition to a mobile home shall meet all requirements of the Township building code.
- (7) *Minimum dimensions.* The mobile home, prior to any additions or expansions, shall have a minimum dimension of 20 feet for any one side.
- (8) *Number on lot.* Not more than one mobile home shall be used as a single-family dwelling on a lot, nor shall a mobile home be placed on any lot on which another single-family dwelling is located. A mobile home shall not be used as an accessory building in any residential district.
- (9) *Removal from foundation.* A mobile home shall not be removed from a foundation until a permit therefor has been issued in accordance with the Township building code.

(Comp. Ords. 1990, § 130.315; Ord. of 9-17-1990)

Sec. 74-15. - Size of single-family detached dwelling units.

Each single-family detached dwelling unit shall have a minimum exterior nominal width, prior to any addition or expansion, of 20 feet for any one side.

(Comp. Ords. 1990, § 130.316)

Secs. 74-16—74-50. - Reserved.

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

DIVISION 1. - GENERALLY

Sec. 74-51. - Planning commission powers.

All powers, duties, and responsibilities for a zoning board as provided by the Michigan Zoning Enabling Act (MCL 125.3101 et seq.) are hereby transferred to the Planning Commission in accordance with section 11 of Public Act No. 168 of 1959 (MCL 125.331).

(Comp. Ords. 1990, § 130.312)

Sec. 74-52. - Zoning Officer.

The office of Zoning Officer is hereby created. The Zoning Officer shall be appointed by the Township Board.

(Comp. Ords. 1990, § 130.2002)

Sec. 74-53. - Duties and powers of Zoning Officer.

The Zoning Officer shall have the following duties and powers:

- (1) The Zoning Officer shall administer and enforce all provisions of this chapter and shall issue all necessary notices or orders to ensure compliance with such provisions, except as otherwise provided elsewhere in this chapter.
- (2) The Zoning Officer shall receive applications for and issue certificates of zoning compliance in accordance with this chapter and shall issue certificates of occupancy as required by this chapter.
- (3) The Zoning Officer shall make all inspections required by this chapter, and all inspections necessary to enforce the provisions of this chapter, and may engage the assistance of the Township Fire Chief, Building Inspector, and engineer as deemed necessary in making such inspections. The Zoning Officer may engage other expert opinion to assist in making such inspections, subject to approval of the Township Board.
- (4) The Zoning Officer shall identify and process all violations of this chapter. The Zoning Officer shall be responsible for making periodic inspections of the Township or parts thereof for the purpose of identifying violations of this chapter.
- (5) The Zoning Officer shall submit to the Township Board and Planning Commission an annual report in which a summary of the activities of the office is presented.

(Comp. Ords. 1990, § 130.2003)

Sec. 74-54. - Certificates of zoning compliance.

- (a) Applications for certificates of zoning compliance shall be made to the Zoning Officer. Each application shall include a site plan if required in section 74-54(k) and all information necessary to determine zoning compliance.
- (b) All plans to be submitted to the Building Inspector for a building permit shall first be submitted for review and approval by the Zoning Officer with respect to the requirements of this chapter. No building permit shall be issued unless a certificate of zoning compliance has been issued by the Zoning Officer for the same development and is in effect.
- (c) In all cases in which an occupancy permit is required, but a building permit is not required, the occupancy permit shall not be issued unless a certificate of zoning compliance has been issued by the Zoning Officer and is in effect.
- (d) A certificate of zoning compliance shall not be issued for any use or structure unless such use or structure and the lot on which it is situated meets all requirements of this chapter; provided, however, that a certificate of zoning compliance shall be issued for a use or structure and the lot on which it is

situated on which one or more legal nonconformities exist. In such case, the certificate of zoning compliance shall not be issued for any use or structure and the lot on which it is situated if any illegal nonconformity exists thereon.

- (e) Application for a certificate of zoning compliance may be made by the owner or lessee of the structure or lot, or agent of either, or by the licensed engineer or architect employed in connection with the proposed work or operation. If the application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner or the qualified person making the application that the proposed work or operation is authorized by the owner in fee and that the applicant is authorized to make such application. The full names and addresses of the owner, lessee, applicant, and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.
- (f) Subject to the limitations of section 74-54(h), approved amendments to a plan, application, or other records accompanying the same may be filed at any time with the Zoning Officer before completion of the work for which the certificate was approved and before a certificate of occupancy is issued; and such amendments, when approved, shall be deemed part of the original application and shall be filed therewith.
- (g) The Zoning Officer shall examine or cause to be examined all applications for a certificate of zoning compliance and amendments thereto within a reasonable time after filing. If the application or the plans do not conform to all requirements of this chapter, the Zoning Officer shall reject such application in writing, stating the reasons therefor. If the application or plans do so conform, the Zoning Officer shall issue a certificate of zoning compliance therefor as soon as practicable. The Zoning Officer shall sign every certificate, or may authorize a subordinate to affix such signature thereto. The Zoning Officer shall stamp and endorse all sets of corrected and approved plans submitted with such application as "approved."
- (h) An application for a certificate of zoning compliance shall be deemed to have been abandoned six months after the date of filing unless such application has been diligently pursued or a building permit shall have been issued, or a certificate of occupancy shall have been issued for a use not requiring a building permit. The Zoning Officer may, for reasonable cause, grant one or more extensions of time for additional periods not exceeding 90 days each. Any certificate issued shall become invalid if the authorized work is suspended or abandoned for a period of six months after the time of commencing the work.
- (i) In case of any false statement or misrepresentation of fact in the application or on the plans on which the certificate was based, any zoning compliance certificate issued thereto shall be deemed null and void.
- (j) Issuance of a certificate of zoning compliance shall be subject to the following conditions:
 - (1) No certificate shall be issued until the required fees have been paid.
 - (2) All work or use shall conform to the approved application and plans for which the certificate has been issued and any approved amendments thereto.
 - (3) All work or use shall conform to the approved final site plan, if required, except foundation and grading permits may be issued in accordance with section 74-54(e).
- (k) An application for a certificate of zoning compliance shall be accompanied either by a site plan as required in this section, or by a site plan as required under article II, division 4, site plan review, whichever applies. If a site plan is not required under article II, division 4, a site plan shall be submitted as required by this section. A required site plan shall be drawn to scale, submitted in three copies, and shall provide the following information:
 - (1) Scale, date, and north point.
 - (2) Location, shape, and dimensions of the lot.
 - (3) Dimensioned location, outline, and dimensions of all existing and proposed structures, and the location and extent of all uses not involving structures.

- (4) A clear description of existing and intended uses of all structures.
- (5) Additional information as required by the Zoning Officer for the purposes of determining compliance with the provisions of this chapter.

(Comp. Ords. 1990, § 130.2003)

Sec. 74-55. - Building permits.

No building permit shall be issued for the erection, alteration, moving, or repair of any structure or part thereof which does not comply with all provisions of this chapter and unless a certificate of zoning compliance has been issued therefor by the Zoning Officer and is in effect. No structure shall be erected, moved, added to, or structurally altered unless a building permit shall have been issued therefor by the Building Inspector.

(Comp. Ords. 1990, § 130.2004)

Sec. 74-56. - Certificates of occupancy.

- (a) *Requirement; issuance.* It shall be unlawful to use or occupy or to permit the use or occupancy of any structure or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure after December 13, 1976, until a certificate of occupancy shall have been issued therefor by the Building Inspector. A certificate of occupancy shall not be issued until it has been signed by the Zoning Officer, such signature signifying compliance with all provisions of this chapter. A certificate of occupancy shall not be issued for any building or structure or a part thereof, or for the use of land, that does not comply with all provisions of this chapter. The certificate shall state that the building, structure, and lot and use thereof, conform to the requirements of this chapter, and shall list each legal nonconformity existing on the premises. Failure to obtain a certificate of occupancy when required shall be a violation of this chapter and punishable under division 2 of this article.
- (b) *Use of lot without structure.* Any lot vacant at the effective date of this chapter shall not be used, nor may any use of a lot without a structure existing at the effective date of the ordinance from which this chapter is derived be changed to any other use, unless a certificate of occupancy shall have first been issued for the new or different use. A certificate of occupancy shall not be required for agriculturally used lands, such as cropland, pastureland, and woodland.
- (c) *Change in structure.* A structure or part thereof shall not be changed to or occupied by a use different from that existing at the effective date of the ordinance from which this chapter is derived unless a certificate of occupancy is first issued for the different use.
- (d) *New or altered structure.* Any structure or part thereof erected or altered after the effective date of this chapter shall not be occupied or used until a certificate of occupancy is issued for such structure.
- (e) *Existing structure and use.* A certificate of occupancy shall be issued, upon request of the owner, for an existing structure or part thereof, or for an existing use of land, including legal nonconforming uses and structures, if after inspection of the premises, it is found that such structures or uses comply with all provisions of this chapter, or otherwise have legal, nonconforming status. All legal nonconformities shall be clearly described on the certificate of occupancy. A certificate of occupancy shall not be issued for any premises on which illegal nonconformities exist.
- (f) *Accessory structures.* An accessory structure shall require a separate certificate of occupancy, unless included in the certificate of occupancy issued for the principal structure, when such accessory structure is completed under the same building permit as the principal structure.
- (g) *Application.* Application for certificates of occupancy shall be made in writing to the Building Inspector on forms therefor furnished.

- (h) *Certificates to include zoning.* Certificates of occupancy as required by the Township building code for new buildings or structures, or parts thereof, or for alterations or repairs to existing buildings or structures, shall also constitute certificates of occupancy as required by this chapter, provided such certificates are signed by the Zoning Officer.
- (i) *Temporary certificates.* Where permitted under the Township building code, a temporary certificate of occupancy may be issued provided that the temporary certificate is signed by the Zoning Officer.

(Comp. Ords. 1990, § 130.2005)

Sec. 74-57. - Inspection.

- (a) The applicant for a certificate of occupancy shall notify the Zoning Officer and the Building Inspector when inspection is desired. The Zoning Officer shall sign the certificate of occupancy within ten days after the inspection of such application if the Zoning Officer finds, after inspection, that the building or structure, or part thereof, or the use of land, complies with the provisions of this chapter and with all approved site plans.
- (b) If the Zoning Officer refuses to issue such certificate, the Zoning Officer shall notify the applicant in writing of such refusal and the reasons therefor within the ten-day period set forth in subsection (a) of this section.

(Comp. Ords. 1990, § 130.2006)

Sec. 74-58. - Records.

The Zoning Officer and Building Inspector shall maintain records of all certificates and permits issued under this chapter and such records shall be open for public inspection.

(Comp. Ords. 1990, § 130.2007)

Sec. 74-59. - Fees.

The Township Board shall, by resolution, establish a schedule of fees for administering this article. The schedule of fees shall be posted on public display in the office of the Building Inspector and may be changed only by the Township Board. No certificate or permit shall be issued unless the required fees have been paid in full.

(Comp. Ords. 1990, § 130.2008)

State Law reference— Fees authorized, MCL 125.295.

Sec. 74-60. - Compliance with plans.

Building permits and certificates of occupancy listed on the basis of plans and applications approved by the Building Inspector authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter and punishable as provided by division 2 of this article.

(Comp. Ords. 1990, § 130.2009)

Sec. 74-61. - Public notice and public hearing; publication in a newspaper.

- (a) *Publication of notice and public hearing.* When public notice and a public hearing are required by this chapter or the Michigan Zoning Enabling Act (MCL § 125.3101 et seq.), hereinafter called "Zoning Enabling Act," publication of such notice shall comply with the Zoning Enabling Act and the provisions of this section. A public notice and a public hearing are required for all proposed zoning ordinance amendments, including rezonings, text amendments and planned unit developments, all proposed conditional use or special use permits, all applications before the Zoning Board of Appeals, and as otherwise specified in this chapter or Zoning Enabling Act.
- (b) *Responsibility.* The Township Clerk shall be responsible for preparing the content of the public notice of the public hearing, publication of the notice in a newspaper of general circulation in the Township, and mailing or delivery of the notice as provided in this section.
- (c) *Content.* All mailed, delivered and published notices of public hearings shall:
 - (1) *Describe nature of the request.* Identify whether the request is for a rezoning, text amendment, conditional use permit, planned unit development, variance, appeal, ordinance interpretation or other purpose.
 - (2) *Location of affected property.* Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as tax parcel identification numbers, identifying the nearest cross street, or including a map showing the location of the property. Street addresses do not need to be included if the notice pertains to:
 - a. A proposed rezoning of 11 or more adjacent properties; or
 - b. A request to the Zoning Board of Appeals for an interpretation of this chapter or appeal of an administrative decision not involving a specific parcel.
 - (3) *Date, time and place.* Indicate the date, time and place of the public hearing.
 - (4) *Written comments.* Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
- (d) *Personal and mailed notice.*
 - (1) *General.* When the provisions of this chapter or the Zoning Enabling Act require that personal or mailed notice of the public hearing be provided, and except for a proposed rezoning of 11 or more adjacent properties or a request to the Zoning Board of Appeals for an ordinance interpretation or an appeal from an administrative decision that does not involve a specific parcel, written notice of the public hearing shall be mailed or delivered to all of the following:
 - a. The owners of property for which approval is being considered, and the applicant, if different from the owners of the property.
 - b. to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, regardless of whether the property or occupant is located within the boundaries of the Township. If the name of the occupant is not known, the term "occupant" may be used in the notice. Notice 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 dwelling unit or spatial area shall be given 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, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at reasonable locations at the structure.

- c. All persons or entities who have registered to receive notice pursuant to subsection (f) of this section.
 - d. Other governmental units within 300 feet of the property involved in the application.
- (2) *Certificate of mailing.* The Township Clerk shall prepare a list of those to whom notice of the public hearing was mailed or delivered, and a certificate of the date of delivery of the notice or deposit of mailed notices in the U.S. Mail, first class, properly addressed with postage paid, and the date listed on the certificate shall be deemed the date of delivery or mailing.
- (e) *Timing of notice.* Unless otherwise provided in the Zoning Enabling Act or this section, notice of a public hearing shall be published once in a newspaper of general circulation in the Township, and mailed or delivered as provided in subsection (d) of this section, both not less than 15 days before the date of the public hearing.
 - (f) *Registration to receive notice by mail.* Any public utility company, telecommunications service providers, railroad, neighborhood organization or any other person may register with the Township to receive written notice of public hearings pertaining to the zoning district in which such person or entity is located. The Township Clerk shall be responsible for providing such notices. The Township Board may, by resolution, establish uniform fees for providing the notices under this section. All parties requesting notice under this section must register on forms provided by the Township at least annually.
 - (g) *Sign requirement.* For all proposed conditional or special use permits, planned unit developments or amendments to the zoning map (rezoning), the applicant or owner of the property shall place a sign no less than four feet by four feet on each side of the affected property that abuts a street. The sign shall not be erected in the road right-of-way or in a manner that would obstruct the vision of motorists or pedestrians. Each sign shall be erected at least 21 days, but not more than 30 days, before the Township public hearing on the application, and shall remain in place through the date of the public hearing. Each sign shall be removed from the property no later than three business days following the public hearing or the adjourned or continued date of the public hearing, whichever is later. Each sign shall state in six inch letters as applicable "PROPERTY PROPOSED FOR [REZONING] [CONDITIONAL USE PERMIT] [PLANNED UNIT DEVELOPMENT]" and shall state in letters of no less than two inches the street address or tax code parcel number, acreage of the property proposed for development, the current zoning and any proposed zoning or conditional use for the property and the date, time and place of the initial public hearing on the application. Upon request of the Township Zoning Officer, the applicant or owner shall post a bond in an amount not to exceed \$100.00 per sign to ensure the removal of the sign as required by this section. The Township Zoning Officer shall inspect the property to confirm compliance with this section and shall submit an affidavit of compliance to the Township Planning Commission not less than seven days prior to the public hearing on the petition. Signs erected under this section are exempt from other provisions of the Township ordinances regulating signs. Failure to comply with any provisions of this section shall not constitute grounds for setting aside the granting of any application, but shall constitute grounds for adjourning and rescheduling the public hearing.

(Ord. No. 5-2006, §§ 130.900—130.906, 8-21-2006)

Secs. 74-62—74-95. - Reserved.

DIVISION 2. - VIOLATIONS^[2]

Footnotes:

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State Law reference— Zoning ordinance violations, MCL 125.294.

Sec. 74-96. - Notice of violation/citation.

The Zoning Officer or Ordinance Enforcement Officer shall serve a notice of violation or a citation or order on the person responsible for the erection, construction, alteration, extension, repair, use or occupancy of a structure or lot in violation of the provisions of this chapter, or in violation of the site plan, conditional use permit or other application approved under this chapter, or in violation of a zoning compliance certificate issued under this chapter, and such notice or citation shall direct the discontinuance of the illegal action or condition of the abatement of the violation.

(Comp. Ords. 1990, § 130.2010(A); Ord. No. 3-99, 1-18-1999)

Sec. 74-97. - Abatement of violation.

The imposition of the penalties prescribed in this Code shall not preclude the Township Attorney from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal occupancy of a structure or premises, or to stop an illegal act, conduct, business, or use of a structure or premises.

(Comp. Ords. 1990, § 130.2010(C); Ord. No. 3-99, 1-18-1999)

Sec. 74-98. - Stop construction order.

If construction is being undertaken contrary to a building permit, the state construction code, or the provisions of this chapter, the Zoning Officer shall give written notice to the holder of the building permit, or if a permit has not been issued, then to the person doing the construction, notifying such person of the violation and to appear and show cause why the construction should not be stopped. If the person doing the construction is not known or cannot be located with reasonable effort, the notice may be delivered to the person in charge of or

apparently in charge of the construction. If the holder of the permit or the person doing the construction fails to appear and show good cause within one full working day after notice is delivered, the Zoning Officer shall cause a written order to stop construction to be posted on the premises. A person shall not continue or cause or allow to be continued construction in violation of a stop construction order, except with permission of the Zoning Officer to abate a dangerous condition or remove a violation, or except by court order. If an order to stop construction is not obeyed, the Zoning Officer may apply to the circuit court in the County in which the premises are located for an order enjoining the violation of the stop construction order. This remedy is in addition to and not in limitation of any other remedy provided by law or ordinance and does not prevent criminal prosecution for failure to obey the order. Any person who shall continue any work in or about the structure or premises after having been served with a stop construction order, except such work as is directed by the Zoning Officer to remove a violation or unsafe condition shall be liable for a fine of not less than \$100.00 per day for each day such work continues in violation of the stop-construction order.

(Comp. Ords. 1990, §130.2010(D); Ord. No. 3-99, 1-18-1999)

Sec. 74-99. - Public nuisance per se.

Any structure which is erected, altered, or converted, or any use of any structure or lot which is commenced or changed after December 13, 1976, in violation of any of the provisions of this chapter is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

(Comp. Ords. 1990, § 130.2010(E); Ord. No. 3-99, 1-18-1999)

Secs. 74-100—74-130. - Reserved.

DIVISION 3. - CONDITIONAL USE PERMITS³

Footnotes:

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State Law reference— Special land uses, MCL 125.286b, 125.286d.

Sec. 74-131. - General provisions.

- (a) The formulation and enactment of this chapter is based upon the division of the unincorporated portions of the Township into districts in each of which certain specified, mutually compatible uses are permitted by right and designated "permitted uses." In addition to such uses, however, there may be certain other uses that may be essential or desirable for the welfare of the community and its citizenry or substantial parts of it. Such uses are designated "conditional uses" as they may be appropriate and compatible with the permitted uses, but not at every or any location in a zoning district and not without restrictions or conditions being imposed by reason of special problems or conditions presented by the use, or its particular location in relation to neighboring properties from a zoning standpoint.
- (b) This chapter, therefore, requires approval as to location and conditions of all uses listed in the several zoning districts as conditional uses, and those similar uses approved as to location and conditions pursuant to subsection 74-426(i) and this division, and expansion or changes of those uses described in section 74-6, and specifies in this article the procedures and standards to be followed in granting permits to allow such conditional uses. If compliance with the procedures and standards set forth in article IV of this chapter, district regulations, in article V of this chapter, supplementary district regulations, if applicable, and in this article is found, then a conditional use permit may be issued, subject to specific safeguarding conditions as may be imposed by reason of the nature, location, and external effects of such use. No conditional use shall commence until a conditional use permit is issued in accordance with this chapter.

(Comp. Ords. 1990, § 130.2101; Ord. No. 2-2008, 4-22-2008; Ord. No. 2-2015, 1-19-2015)

Sec. 74-132. - Authority to grant or deny permits.

The Township Board shall have the authority to grant or deny conditional use permits.

(Comp. Ords. 1990, § 130.2102)

Sec. 74-133. - Application and fee.

- (a) *Information required for a conditional use permit application.*
 - (1) Application for a conditional use permit shall be made by filing an application form with the required information and paying the required fee with the Township Clerk. The fee shall be set by resolution of the Township Board.
 - (2) For any conditional use that is also subject to site plan review pursuant to chapter 74, article II, division 4, section 74-172, the applicant shall submit, concurrent with the conditional use permit application, all information required for preliminary site plan review (or a combined preliminary and final site plan at the applicant's election), together with any additional information required by this chapter for such proposed conditional use. The applicant is encouraged to request a pre-

application conference pursuant to section 74-172 (b) prior to submitting a conditional use permit application and preliminary site plan application to obtain informal feedback and comments from the Township on the feasibility of the proposed conditional use permit.

- (3) For any conditional use that also requires site plan approval, the conditional use permit application shall be processed concurrently with the site plan application, and the public hearing described below shall not be set until both applications are complete and all fees paid, together with any additional information required by this chapter for such proposed conditional use, as all such information is necessary or advisable for the Planning Commission to adequately review and analyze the proposed conditional use. Any Planning Commission recommendation of approval of the conditional use permit shall be subject to approval of the site plan for the project and final Township Board approval of such conditional use permit.
- (b) *Notification requirements.* The Planning Commission shall establish a date for a public hearing on an application for a conditional use permit after confirming that the applicant has provided all information and paid all fees required by this chapter, including the information required by section 74-133 (a)(3) above.
 - (1) A notice of the public hearing shall be published and mailed in the manner prescribed in section 74-61.
 - (2) A sign shall be posted on the property proposed for a conditional use in the manner described in section 74-61(g).

(Comp. Ords. 1990, § 130.2103; Ord. No. 6-2008, 9-22-2008; Ord. No. 2-2015, 1-19-2015)

Sec. 74-134. - Planning commission action.

The Planning Commission shall review the application for a conditional use permit in reference to the standards and findings required in this division and in relation to the information provided at the public hearing. The Planning Commission shall recommend approval, approval with conditions, or denial of the application for a conditional use permit and shall transmit its recommendations, together with a report thereon, to the Township Board. The report shall contain the Planning Commission's analysis of the application in relation to the required standards and findings, and shall include a summary of the findings made as a result of the public hearing. The Planning Commission shall make its report and recommendation within 135 days after the date on which the Planning Commission sets the public hearing on the conditional use permit. If additional information or analysis is required, the time limit for such report may be extended for up to an additional 135 days by the Planning Commission.

(Comp. Ords. 1990, § 130.2106; Ord. No. 8-02, § 130.2106, 5-20-2002)

Sec. 74-135. - Township Board action.

After confirmation that all fees have been paid, the Township Board shall review the recommendation and report of the Planning Commission and shall approve, approve with conditions, or deny the application for a conditional use permit within 135 days after the meeting at which the recommendation was received from the Planning Commission. If additional information or analysis is required, the time limit for such action shall be extended for up to an additional 135 days by the Township Board. The Township Board's decision, basis for decision, and all conditions imposed, shall be described in a written statement, which shall be made a part of the record of the meeting at which action is taken.

(Comp. Ords. 1990, § 130.2107; Ord. No. 8-02, § 130.2107, 5-20-2002)

Sec. 74-136. - Required standards and findings.

The Planning Commission and the Township Board shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and with respect to any additional standards set forth in article V of this chapter, supplemental regulations. The Planning Commission shall find and record adequate data, information, and evidence showing that the proposed use meets all required standards as follows:

- (1) Will be harmonious, and in accordance with the objectives, intent, and purposes of this chapter.
- (2) Will be compatible with the natural environment and existing and future land uses in the vicinity.
- (3) Will be compatible with the master plan.
- (4) Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways and structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for any such services.
- (5) Will not be detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property or the public welfare.
- (6) Will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

(Comp. Ords. 1990, § 130.2108)

Sec. 74-137. - Conditions of approval.

- (a) In granting a conditional use permit, the Township Board shall impose conditions it deems necessary to achieve the objectives and standards of this chapter, including the standards and findings described in section 74-136, the standards of the Michigan Zoning Enabling Act (MCL 125.3101 et seq.), and the public health, safety, and welfare of the Township.
- (b) Failure to comply with any such conditions shall be considered a violation of this chapter. In addition to the other rights and remedies available to the Township for a violation, if such violation is not corrected within a reasonable period of time after notice by the Township to the owner and occupant of the property, the Township Building and Zoning Official or other Township Officer may request that the Planning Commission set a public hearing before the Planning Commission in the manner set forth in section 74-61 (except no sign shall be required) for revocation of the conditional use permit. Any such revocation shall be pursuant to the recommendation by the Planning Commission after a public hearing, followed by approval of the Township Board.
- (c) Except as in the event of revocation as provided in section 74-137(b) above or abandonment as provided in section 74-137(d) below, an approved conditional use permit, including all attached conditions, shall run with the parcel in the approval and shall remain unchanged except upon mutual consent of the Township Board and the landowner. Any agreed upon change shall be entered into Township records and recorded in the minutes of the Township Board meeting at which the action occurred. A public hearing shall be held on any proposed changes as required for an original application.
- (d) If a parcel subject to an approved conditional use permit ceases to be used for such conditional use for a period in excess of 24 months, the Township Building and Zoning Official or other Township Officer may request that the Planning Commission set a public hearing before the Planning Commission in the manner set forth in section 74-61 (except no sign shall be required) for revocation of the conditional use permit for such parcel. Any revocation shall be pursuant to the recommendation of the Planning Commission followed by approval of the Township Board.

(Comp. Ords. 1990, § 130.2109; Ord. No. 2-2015, 1-19-2015)

Sec. 74-138. - Reapplication.

No application for a conditional use permit which has been denied wholly or in part by the Township Board shall be resubmitted for a period of 365 days from the date of denial, except on grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid.

(Comp. Ords. 1990, § 130.2110)

Secs. 74-139—74-170. - Reserved.

DIVISION 4. - SITE PLAN REVIEW⁽⁴⁾

Footnotes:

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Editor's note— Ord. No. 6-2009, adopted Sept. 21, 2009, amended former Div. 4, §§ 74-171—74-183, in its entirety to read as herein set out. Former Div. 4 pertained to similar subject matter and derived from the Compiled Ords. of 1990, §§ 130.2201—130.2213; Ord. No. 8-89, 8-21-1989; Ord. of 9-17-1990; Ord. No. 8-02, §§ 130.2203, 130.2204, 5-20-2002; Ord. No. 10-03, §§ 130.2203, 130.2204, 7-21-2003; Ord. No. 11-2007, 11-19-2007; Ord. No. 7-2008, 9-22-2008.

State Law reference— Site plans, MCL 125.686e, 125.686f.

Sec. 74-171. - Authority.

The Planning Commission shall review site plans as required in this article.

(Ord. No. 6-2009, 9-21-2009)

Sec. 74-172. - General procedures for submission and review of site plans.

- (a) *Buildings, structures and uses requiring site plan review.* The following buildings, structures and uses require site plan review:
- (1) A residential building the use of which constitutes an R-1 or R-2 Residential Group under the Michigan Building Code of 2009 or any successor to such code;
 - (2) A building containing two or more dwelling units;
 - (3) Any principal nonresidential building or structure permitted in residential districts;
 - (4) In any business or industrial district, any building with a floor area greater than 500 square feet, and any addition to such a building;
 - (5) In any business or industrial district, any principal use of a lot that does not involve a building, including outdoor sales, outdoor displays, and storage of wrecked vehicles;
 - (6) In any business or industrial district, more than one building or structure, except a sign, on a lot or parcel or combination of lots under one ownership;
 - (7) In recreation-conservation and agriculture districts, any permitted principal building and structures except (a) single-family residences with a floor area of 5,000 square feet or less, and (b) farm buildings and structures;
 - (8) A mobile home park;
 - (9) A condominium development;

- (10) All proposed conditional uses and related buildings or structures and all planned unit developments; except those conditional uses specifically exempted from site plan review, such as certain bed and breakfast operations;
 - (11) Public utility buildings and structures;
 - (12) Except as limited by § 206(1) of the Michigan Zoning Enabling Act, a structure licensed under the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737 or in the Child Care Organizations Act, 1973 PA 116, MCL 722.111 to 722.128;
 - (13) Any parking lot, or addition to a parking lot, containing five or more parking spaces;
 - (14) Any principal public building in any zoning district; and
 - (15) Any structure or use for which site plan review is otherwise required by this chapter.
- (b) *Prohibited actions.* No person may begin grading, removal of trees or other vegetation, land filling, or construction of buildings, structures or improvements for any project that requires site plan approval until a final site plan is approved and the other requirements of this article (such as an executed development agreement and deposit of performance guarantee) are met.
 - (c) *Who may apply.* Any person with a legal interest in the property may apply for site plan review. If the applicant is not the fee simple owner of all land covered by the project, the application also shall include the written consent of each fee simple owner. The applicant shall provide a current title commitment of the property showing all owners and parties in interest.
 - (d) *Site plan stages.* The procedure for processing site plans includes three stages:
 - (1) *Pre-application conference (optional).* The applicant may request a pre-application conference. The conference is encouraged, but is not mandatory. During this conceptual review phase, the applicant presents a generalized site plan showing the overall concept of the project. Such matters as use, density, compatibility with development in the area and the effect of the project on Township services will be discussed during this phase. The applicant schedules the conference through the Township Supervisor. Conference attendees will include the applicant and the applicant's consultants, the Township consultants, one or more representatives from the Planning Commission, and representatives of other Township departments as appropriate.
 - (2) *Preliminary site plan review.* At this phase, the applicant submits a preliminary site plan meeting the requirements of this article. The requirements for a preliminary site plan are less detailed than for a final site plan.
 - (3) *Final site plan review.* Following approval of the preliminary site plan, the applicant submits a final site plan meeting the requirements of this article.

The applicant or a representative must be present at each scheduled review, or the application will be tabled for a maximum of two consecutive meetings due to lack of representation, after which the site plan will be dismissed and a new application required.

- (e) *Combining preliminary and final site plans.* An applicant may, at the applicant's discretion and risk, combine a preliminary and final site plan in one application for approval if the project will not be developed in phases. However, the Planning Commission shall have the authority, in its sole discretion, to require submittal of a preliminary site plan separate from a final site plan, when the complexity or size of the project warrants.
- (f) *Site condominiums.* Site plan requirements for site condominiums shall be the same as for other projects, with the addition of the following:
 - (1) The preliminary site plan for a site condominium project shall contain the information required by this article, shall comply with section 74-601 of the this chapter, and shall include all land intended for the project. When buildings or structures are not proposed at the time of preliminary site plan review, the preliminary site plan shall provide the location and dimensions of lots, including required yards.

- (2) The final site plan for a site condominium project shall contain the information required by this article for each phase of the project and shall comply with section 74-601 of this chapter.

(Ord. No. 6-2009, 9-21-2009; Ord. No. 6-2011, 8-15-2011)

Sec. 74-173. - Applications; determination that an application is complete; Planning Commission action.

- (a) *Application.* An applicant may apply for preliminary or final site plan approval by filing with the Township Clerk, at least 20 calendar days prior to the next Planning Commission meeting, a completed application form, the required fees, and 17 copies of all information required by this article. Five (5) of the submittal copies shall include full size (24 x 36 inches) drawings and twelve (12) of the copies shall include reduced (11 x 17 inches) drawings. In addition to the required paper copies, an electronic version of the site plan submittal (including all supporting materials) shall be provided in a format acceptable to the Township.
- (b) *Preliminary determination that an application is complete.* Following receipt of an application, Township staff and consultants will make a preliminary determination as to whether the application is complete or more information is required. If the Township staff and consultants determine that an application is complete, they will inform the chair of the Planning Commission, who will place the application on the agenda for the next available Planning Commission meeting. If more information is required, the application will not be on the agenda for the next Planning Commission meeting and the applicant will be so notified.
- (c) *Final Determination that Application is Complete; Planning Commission action.*
 - (1) At the Planning Commission meeting at which the application appears on the agenda, the Planning Commission will study the application, including all information provided and fees paid, as well as reports of Township staff and consultants, and make the final determination as to whether the application is complete. If the Planning Commission makes a final determination that the application is complete, the Planning Commission will proceed with analysis and consideration of the application. If the Planning Commission makes a final determination that the application is incomplete, the application shall be tabled until such time as the required information is provided.
 - (2) Within 135 days of the date of the meeting at which the Planning Commission makes the final determination that the application is complete, the Planning Commission will approve or reject the site plan. The Planning Commission may require changes in the plan prior to approval and may attach conditions to its approval. The Planning Commission shall advise the applicant in writing of its actions on the plan.
 - (3) The 135-day time limit in the previous paragraph may be extended upon a written request by the applicant made during the 135-day period and approved by the Planning Commission. The Planning Commission may also extend the time limit on its own motion during the original 135-day period for up to an additional 135 days if it determines further information or analysis is required.
 - (4) The time periods set forth in 3. above shall not include any tabling or delay of action or consideration resulting from (a) lack of representation by the applicant at the meeting, (b) the applicant's request or (c) failure of the applicant to supply required information (including required approvals from third parties) by the filing deadline.
 - (5) In reviewing the plan, the Planning Commission may consult with the Township Zoning Officer, the Township Fire Chief, the Township engineer, Township attorney, planning consultants and other governmental officials and departments as it deems necessary, and with public utility companies that might have an interest in or be affected by the project. At any time during the site plan review process the Planning Commission may require the applicant to provide additional information or studies deemed necessary or advisable by the Planning Commission to properly evaluate the project, and address the standards for review or conditions for approval.

- (6) The Township engineer must approve all engineering drawings and plans before the Planning Commission approves a preliminary or final site plan.

(Ord. No. 6-2009, 9-21-2009)

Sec. 74-174. - General requirements for all site plans.

- (a) *Format and information required.* All site plans shall be prepared in the following format and contain the following information:
 - (1) Plans shall be prepared by a professional engineer, architect, planner, landscape architect, or land surveyor registered in the State of Michigan, whose seal shall be affixed to the first sheet.
 - (2) Each sheet in a set of plans shall show:
 - a. The name and general description of the property;
 - b. All revision dates;
 - c. The scale;
 - d. A north arrow, which shall be displayed on the right side of the sheet (and each sheet shall be oriented so that north is either up or to the left);
 - e. The title of each sheet; and
 - f. The name, address, and telephone number of the person or firm that prepared the sheet.
 - (3) Each sheet in a set shall be numbered consecutively and shall have proper match lines or other keys to provide reasonable continuity and orientation.
 - (4) The first sheet in each set shall be the cover sheet and shall include a sheet index. At a minimum, the cover sheet shall show:
 - a. The name and address of the applicant and each record property owner;
 - b. The name and addresses of all adjacent property owners;
 - c. The legal description of the property;
 - d. The tax identification number;
 - e. The address of the site;
 - f. Lot dimensions and bearings;
 - g. Zoning classification and existing land use of the property and adjacent properties;
 - h. zoning data, including:
 1. Required setbacks;
 2. Minimum lot area;
 3. Lot width;
 4. Building height;
 5. ground floor and total floor area to be constructed;
 6. Proposed total ground floor coverage (ground floor area divided by net lot area);
 7. Proposed total floor area ratio (total floor area divided by net lot area).
 - i. The date of the plan and all revision dates;
 - j. The project name (lower right corner);

- k. Any existing or proposed deed restrictions and easements;
 - l. The Township identifying number for the project in the lower right corner once it has been assigned; and
 - m. A vicinity map showing the general location of the site in relation to the nearest cross street (or section corner for a metes and bounds parcel).
- (5) All plans shall be of a scale not greater than one inch equals 20 feet and not less than one inch equals 200 feet, and of such accuracy and clarity that the Planning Commission can readily interpret the plan.
 - (6) All plans shall show a high resolution aerial photo of the site.
 - (7) No applied shading shall be used that obscures any lettering or other graphical information.
 - (8) If a site is to be developed in two or more phases, all plans shall show the entire property in the development, its proposed layout, and the location of each phase.
 - (9) The term "adjacent" shall be used when referring to abutting property and property across a street.
 - (10) The term "roadway corridors" shall be used to describe the entire area between fronting buildings on a public or private street.
- (b) *Re-submittals.* With each re-submittal of a plan, the applicant shall provide a written response to the Planning Commission's and Township Consultants' comments concerning the prior plan.

(Ord. No. 6-2009, 9-21-2009)

Sec. 74-175. - Requirements for preliminary site plans.

- (a) *Information required.* In addition to the information required for all site plans, a preliminary site plan shall provide the following information:
 - (1) *Physical features.*
 - a. The shape, size and location of existing and proposed development on the site, including buildings, parking areas and service drives, loading zones and the location of existing and proposed public streets serving the property.
 - b. For residential projects, the number and types of dwelling units and density.
 - c. For non-residential projects, the number of buildings.
 - d. The location, width, and purpose of existing easements.
 - e. The location of: (1) any drain tile that serves the property, whether located on or off the property that is the subject of the site plan; and (2) any drain tile on the property that serves other properties. If the applicant determines that no drain tile exists on the property, the applicant will provide a written statement to the Planning Commission representing that the applicant has made a good faith investigation into the existence of drain tile on the property, and that there is no evidence to indicate the presence of any drain tile on the property.
 - f. An area-wide stormwater drainage map showing existing and proposed drainage courses and stormwater basins that are on-site or affect the site. This map shall provide contours shown at five foot intervals, and a stormwater management plan consistent with the Township's stormwater management ordinance.
 - g. A sanitary sewer service area map showing service areas on-site or upstream. This map shall provide contours.

- h. A general proposed utility layout for sanitary sewer, water, and stormwater systems, including estimated locations for proposed wells, septic tanks, drain fields, and other proposed underground tanks.
- i. The total proposed stormwater impact surface area and percentage of proposed stormwater impact surface area to total gross area. Stormwater impact surface is that surface, including stormwater basins (at the designed capacity elevation), which has a runoff coefficient in excess of 0.3 as defined by the WCWRC.
- j. The location of any proposed trash storage areas and screening. If no outdoor trash storage is intended, the plan shall so state.
- k. A written preliminary review from the Washtenaw County Water Resources Commissioner indicating the project's conformance to WCWRC standards regardless of whether or not the project is within the jurisdiction of the WCWRC.
- l. A written preliminary technical review from the Washtenaw County Road Commission indicating the project's conformance to WCRC standards.
- m. If the project is located within the Fleming Creek watershed, a written review from the Fleming Creek Advisory Council, or any successor entity ("FCAC"), related to the impact of the project on the watershed and any recommended design modifications or management strategies to better protect water resources. The Planning Commission may waive this requirement or defer consideration of the FCAC review to the final site plan review if the FCAC does not provide a written response within 45 days after the applicant submits its written request to the FCAC for review.

(2) *Natural features.*

- a. The existing topography and proposed grading, at one foot contour intervals.
- b. Off-site elevations within approximately 100 feet of each property line not bordered by a public street to assist in determining proper grading and drainage.
- c. Soils information, for sites utilizing on-site septic tanks and drain fields.
- d. The location and extent of soils that are unbuildable in their natural state because of organic content or water table level, based on the Washtenaw County Soil Survey.
- e. The location and size of open areas and recreation areas.
- f. The location and type of natural features on or adjacent to the site, including wetlands, watercourses, 100-year floodplains, woodlands, landmark trees, steep slopes, endangered species habitat as identified by the Michigan Department of Natural Resources, and groundwater recharge areas. Fence rows and individual trees of six-inch or larger caliper shall be shown in and within 25 feet of any area proposed to be affected. When natural features exist on-site or adjacent to the site, the applicant shall provide a Natural Features Impact Statement including the following elements, as described in the Township's Land Development Standards or Natural Features Ordinance:
 - 1. A site inventory map showing all natural features and any proposed loss of, or impact on, natural features. This map must clearly show the locations and types of existing natural features both on the site and those within a region 100 feet beyond the site boundaries including edges of woodlands and wetlands, buffer areas, watercourse streambanks, pond ordinary high water marks, floodways, floodplains, areas of hydric soils, highly permeable soils, groundwater recharge areas, steep slopes, landmark trees and a written description of the quality, character and health of the natural features.
 - 2. A natural features protection plan. This plan must delineate natural features to be retained on the site or excluded from development, limits of soil disturbance, and protective measures such as barrier fencing, restrictions on traffic and storage of

materials under trees, and soil erosion control measures. If applicable, the plan will include information on sustaining the natural features to be retained on the site.

3. An alternatives analysis. This analysis displays and discusses the alternatives, approaches and designs that were considered in arriving at the design proposed to minimize disturbance to natural features on the site. The analysis will include a written justification of the degree of disturbance to natural features and basis for the mitigation proposed.
 4. A mitigation plan. If disturbance of natural features is authorized by applicable ordinances and approvals, a mitigation plan concerning replacement of disturbed natural features shall be submitted.
- g. A written site analysis, supported by graphics, that evaluates the design and development potential of the site, to identify the nature and the effect of the design and development on the existing conditions of the site, and to determine the site's relationship to neighboring properties as well as physical and natural features in the area. The analysis shall show a correlation of the principal characteristics of the developed site that will affect the layout and future use of the property. The site analysis will show what natural features will remain and what natural features will be removed. The analysis shall also indicate the method used in the field to mark trees to be removed and trees to be preserved.
- (3) *Other information.* The Planning Commission may require the applicant to submit such other information, such as a traffic study, as the Commission determines is necessary for proper review of the preliminary site plan.
- (b) *Standards for review.* In reviewing a preliminary site plan, the Planning Commission shall consider the following standards:
- (1) All required information has been provided.
 - (2) The applicant is legally authorized to apply for site plan review.
 - (3) The project conforms to all regulations of the Zoning Ordinance for the district(s) in which it is located.
 - (4) The project is consistent with the goals and objectives of the Master Plan.
 - (5) The movement of vehicular and pedestrian traffic within the project and in relation to access streets and sidewalks will be safe and convenient.
 - (6) The project will be harmonious with and not be detrimental to existing or future uses in the immediate area, persons, property or the public welfare.
 - (7) The project is adequately coordinated with improvements serving the project and with other developments in the area.
 - (8) Natural resources will be preserved to a maximum feasible extent, and the project respects natural topography and minimizes the amount of cutting and filling required. When a Township Natural Features Setback Permit is required, the applicant shall obtain the permit either prior to or simultaneously with approval of the preliminary site plan.
 - (9) The project will comply with all applicable Township ordinances and regulations including soil erosion control, stormwater management, and drainage and drain tiles.
 - (10) Project soil conditions are suitable for development.
 - (11) The project properly respects floodways and flood plains on or in the vicinity of the project.
 - (12) The phases of development are in logical sequence so that no phase will depend upon a subsequent phase for adequate access, public utility services, drainage, stormwater management, or erosion control.

- (c) *Effect of approval.* Approval of a preliminary site plan by the Planning Commission indicates its acceptance of the proposed layout of buildings, streets, drives, parking areas, and other facilities and areas, and of the general character of the project.
- (d) *Expiration of approval.* Planning Commission approval of a preliminary site plan shall be valid for a period of 180 days from the date of approval and shall expire unless an application for a final site plan for all or part of the area included in the approved preliminary site plan is filed with the Township Clerk within that time period. If a final site plan is submitted for only part of the area included in the approved preliminary site plan, successive final site plans shall be filed at intervals no longer than two years from the date of approval of the previously approved final site plan. If any period described in this subsection (d) is exceeded, the approved preliminary site plan will become invalid with respect to any portion of the site for which a final site plan has not been filed, unless the applicant requests and is granted an extension by the Planning Commission in accordance with the conditions set forth at section 74-176(g) below.

(Ord. No. 6-2009, 9-21-2009; Ord. No. 4-2015, 11-16-2015)

Sec. 74-176. - Requirements for final site plans.

- (a) *Phased projects.* If a project is being developed in phases, a separate final site plan must be submitted for each phase.
- (b) *Information required.* In addition to the information required for a preliminary site plan, a final site plan shall include the following information:
 - (1) *Physical features*
 - a. Location and overall dimensions of existing structures and drives within 200 feet of common property lines and identification of existing improvements to remain and to be removed.
 - b. Surface type and width of streets adjacent to the site, and the surface elevation of any existing street at the intersection of each proposed driveway or other street.
 - c. Proposed buildings or other structures including dimensions, distance between buildings, finished floor elevations, basement elevations, grade line elevations, and an indication if buildings are proposed as walkouts or view-outs.
 - d. Proposed drives or streets, including: names; right-of-way or easement width; surface type and width, including typical cross sections; surface elevations; location and type of curbs, where proposed; expansion of existing street rights-of-way; length and width of turning lanes, where permitted; and curve radii.
 - e. Proposed building and address numbers, including the locations, typical copy, and dimensions.
 - f. Proposed parking areas, including: the number and size of spaces with supporting calculations; location of each space; type of surface, including typical cross sections; aisle width; angle of spaces; and location of wheel stops or curbs, when applicable.
 - g. Proposed loading areas, including the dimensions, surface type, and typical cross sections.
 - h. Proposed sidewalks and pedestrian paths, including width, surface type, and typical cross sections.
 - i. Proposed fences or screens, including height, type, typical details, elevations, and sections.
 - j. Proposed outdoor trash storage, including dimensions and typical details of the enclosure. If no outdoor trash storage is intended, the plan shall so state.
 - k. Proposed central mailboxes, if applicable, or a notation that individual boxes will be used.

- l. Proposed identification and advertising signs, including dimensions, area, height, illumination, and typical copy.
- m. Proposed traffic control signs, specifying typical and intended purpose.
- n. Proposed retaining walls, including dimensions, materials of wall and fill, typical vertical sections, and design calculations.
- o. Proposed outside lights and street lights, if applicable, including type, height, intensity, direction, and typical details.
- p. Information concerning the existing utilities serving the site, including: the location, size, inverts, fire hydrants, gatewells, manholes, and catchbasins; locations and elevations of ditches, culverts, and bridges adjacent to the site; location of utility poles and lines; and location and size of natural gas lines and appurtenances.
- q. Information concerning the proposed utilities for the project, including the following (profile illustrations should be included with plan views on the same sheet):
 - 1. Proposed water system, including: size, material and type of lines; location of fire hydrants and valves; profiles; location of meter room; water meter schematic; and fire riser schematic.
 - 2. Proposed sanitary sewer system, including: size, material and type of lines; inverts; location of manholes; profiles; and design basis.
 - 3. Utility structure schedules (tables) for sanitary sewer, storm sewer and water mains.
 - 4. Groundwater information for the site with supporting evidence, including site specific soils information.
 - 5. A hydro-geological study if groundwater information (including the high groundwater table) warrants further investigation, as determined by Township consultants.
 - 6. Proposed electrical, telephone, and gas services; new utility poles, if applicable; underground lines and surface equipment; and size of natural gas lines and appurtenances.
 - 7. The location of proposed wells, septic tanks, drain fields, and other proposed underground tanks
- r. A storm drainage narrative clearly and concisely describing the intended method of designing the storm drainage systems, including: drainage areas, existing and proposed; retention basin and discharge concepts; storm sewer and ditch design criteria, compliance with Washtenaw County Water Resources Commissioner development criteria; and downstream capacity limitations. The narrative should include all the appropriate associated computations and shall be in compliance with the Township's stormwater management ordinance. The narrative should be prepared on standard 8½ by 11 inch sheets that are dated, numbered, and titled. Maps of similar size portraying the concepts involved should also be included.
- s. Proposed storm drainage system, including: dimensions and calculations of stormwater retention areas; location, size, calculations, and material type of storm sewers; location and centerline elevations of swales or ditches; inverts; location of manholes and catch basins; direction of flow; drainage patterns; profiles of sewers, retention basins, culverts, swales, and ditches; and design basis. The plan shall also include a stormwater maintenance plan, complete with annual tasks and anticipated costs.
- t. A written review from the office of the Washtenaw County Water Resources Commissioner ("WCWRC") indicating the project's conformance to WCWRC standards regardless of whether or not the project is within the jurisdiction of the WCWRC.

(2) *Natural features*

- a. Two USGS-based benchmarks on the site.
 - b. Proposed open space and recreation areas, including, use, size, and proposed improvements.
 - c. A proposed landscape plan meeting the requirements of section 74-586.
 - d. A soil erosion control plan.
 - e. A completed State/County Environmental Permits Checklist for Non-Residential projects as attached in Appendix A of the Land Development Standards. These permits must include all MDEQ wetland permits and any necessary endangered species approvals.
- (3) *Other requirements.*
- a. When applicable, the applicant shall provide evidence of approval by the following agencies:
 1. MDEQ.
 2. Washtenaw County Road Commission.
 3. Washtenaw County Health Department.
 4. Michigan Department of Transportation.
 - b. If warranted by the nature of the project and proposed stormwater system, the Planning Commission shall require that a drainage district be established for the entire project giving the Washtenaw County Water Resources Commission ultimate responsibility for the stormwater system.
 - c. When applicable, the Planning Commission shall require evidence of City of Ann Arbor review of proposed utilities.
 - d. The Planning Commission may request other information for proper review of a site plan and a determination on the standards for review, in view of the nature of the project.
- (c) *Standards for review.* In reviewing the final site plan, the Planning Commission shall consider the following standards:
- (1) All required information is provided.
 - (2) The plan substantially conforms to the approved preliminary site plan and continues to meet the standards for preliminary site plan approval.
 - (3) The plan, including all engineering drawings, meets Township requirements for fire and police protection, water supply, sewage disposal or treatment, storm drainage, and other public facilities and services.
 - (4) The drainage plan for the project is adequate to handle anticipated storm water runoff and will not cause undue runoff onto neighboring property or overloading of water courses in the area.
 - (5) Outside lighting will not adversely affect adjacent or neighboring properties, or traffic on adjacent streets.
 - (6) Outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the project or neighboring properties.
 - (7) The proposed grading or filling will not destroy the character of the project or the surrounding area and will not adversely affect the adjacent or neighboring properties.
 - (8) The parking layout will not adversely affect the flow of traffic within the project or to and from the adjacent streets.
 - (9) The plan meets the standards of other government agencies, when applicable, and the approval of these agencies has been obtained.

- (10) The plan provides for the proper expansion of existing public streets serving the project, when applicable.
- (d) *Procedure following Planning Commission approval or rejection of a final site plan.* Upon Planning Commission approval of a final site plan, with or without conditions, the applicant and owner of record and the Zoning Officer shall sign two copies of the approved final site plan and a list of any conditions required by the Planning Commission. The Zoning Officer shall retain one copy of the approved final site plan and any conditions attached to such approval and shall provide one copy of the approved final site plan and any conditions attached to such approval to the applicant. The Zoning Officer shall attach a certificate of approval to both copies. If the approved final site plan was subject to conditions required by the Planning Commission, the owner and applicant shall comply with such conditions, including providing a revised final site plan if necessary to meet such conditions of approval, prior to issuance of a building permit, soil erosion control permit or other construction permits. If the final site plan is rejected, the Zoning Officer shall notify the applicant in writing of such action and reasons for such rejection within ten days following such action.
- (e) *Effect of approval; site improvements defined.* Approval of a final site plan authorizes issuance of a certificate of zoning compliance, application for a grading/SESC permit and issuance of a building permit for Site Improvements, provided all other requirements for a building permit have been met (including execution of a development agreement as provided in section 74-177 and a performance guaranty as provided in section 74-178). Site improvements means the streets, drives, utilities, parking lots, sidewalks, grading, required landscaping, required wetland and natural features use or preservation measures, required visual screens, exterior lighting, and storm drainage to the extent included in the approved final site plan. In the case of uses without buildings or structures, approval of a final site plan authorizes issuance of a certificate of zoning compliance and issuance of a certificate of occupancy, provided all other requirements for such certificate have been met.
- (f) *Expiration of approval.* Approval shall expire and be of no effect unless within 180 days after the date of approval of the final site plan appropriate permits have been applied for and issued by applicable governmental authorities for commencement of development and construction of site improvements at the property in the manner required by the final site plan, subject to extensions requested and granted in accordance with section 74-176(g) below. Approval of a final site plan shall expire and be of no effect 545 days following the date of approval of the final site plan unless substantial development and construction of site improvements has commenced at the property in accordance with permits issued by applicable governmental authorities, and is being diligently pursued and performed in a timely manner to completion in conformance with the approved final site plan, as determined by the Building Official, subject to extensions pursuant to section 74-176(g) below.
- (g) *Extensions.* The time limits set forth in sections 74-175(d) and 74-176(f), above, may be extended by the Planning Commission, in accordance with the following:
- (1) An extension of site plan approval may be granted for any period of time not to exceed twelve months. An extension, if granted, shall begin on the date the time limit would have expired, and shall continue for the period determined by the Planning Commission, not to exceed 12 months;
 - (2) An extension of site plan approval must be requested in writing at least 30 days prior to the expiration of the time limit to be extended, and the request must be granted before the expiration or lapse of the site plan approval, or any approved extension;
 - (3) Extension or reinstatement of a site plan approval after the date of expiration will require resubmittal for review and approval by the Planning Commission as a major or minor change under Section 74-179 *Amendment of approved site plans*;
 - (4) No more than two 12-month extensions will be granted except that up to 3 additional twelve month extensions may be approved by the Planning Commission as a minor change in accordance with section 74-179;
 - (5) In its request for extension, the applicant must show good cause for the requested extension. The Planning Commission shall consider the following factors in determining of whether good cause exists:

- a. The applicant has demonstrated that needed utility services have been delayed;
- b. The applicant has demonstrated that technical review of the site plan has raised unforeseen development problems;
- c. The applicant has demonstrated that unforeseen economic, development or other events, conditions or circumstances justify the extension.

(Ord. No. 6-2009, 9-21-2009; Ord. No. 1-2011, 3-21-2011)

Sec. 74-177. - Development agreement.

After final site plan approval the applicant shall enter into a development agreement with the Township in a form provided by the Township. No building permits will be issued for the project nor will any earth change or construction activity be permitted at the site until execution of a development agreement. The development agreement shall incorporate the standards, findings and conditions for approval of the final site plan and shall provide for deposit of a performance guarantee as described in section 74-178. Final approval of the development agreement shall occur upon signature of the agreement by the Township Supervisor after (i) the Township attorney, staff and consultants confirm incorporation of all standards, findings and conditions for approval, (ii) deposit of the performance guaranty and (iii) signature of the agreement by an authorized representative of the owner of the project and, if different, the developer of the project.

(Ord. No. 6-2009, 9-21-2009)

Sec. 74-178. - Performance guarantee.

- (a) The applicant shall provide to the Township Clerk irrevocable bank letters of credit, cash deposits, or other security acceptable to the Township Board after a final site plan is approved. No building permits will be issued for the project nor will any earth change or construction activity be permitted at the site until the applicant provides the performance guarantee. The guarantee shall cover site improvements as defined in section 74-176(e) shown on the approved final site plan for all or any portion of the site plan for which the permit is issued.
- (b) The applicant shall provide a cost estimate of the site improvements to be covered by the guarantee. Such estimate shall be verified as to amount by the Township engineer and other Township consultants as necessary. The form of the guarantee shall be approved by the Township attorney.
- (c) If the applicant fails to provide all site improvements according to the approved plans within the time period specified in the guarantee, the Township may, but is not required to enter upon the site to (i) complete the site improvements; or (ii) stabilize and secure the site; or (iii) restore the site to its prior condition, as determined by the Township. The Township may defray the cost of any such activity (including costs incurred by Township consultants and the Township attorney as a result of applicant's default) by use of the guarantee funds or may require performance by the bonding company. A failure to complete the Site Improvements as required shall be a violation of the site plan and building permit.
- (d) The applicant and the Township shall decide at the time of deposit on the means of rebating portions of the guarantee in proportion to the amount of work completed at reasonable intervals and consistent with final site plan conditions. At no time shall the amount of deposit remaining be less than 125 percent of the estimated cost of completing the remaining required site improvements. All required inspections for Site Improvements for which the deposit is to be rebated shall have been completed and their cost paid by the applicant before funds are rebated.
- (e) The Zoning Officer shall not sign a final certificate of occupancy until compliance with the approved final site plan and approved engineering plans is achieved. If the Zoning Officer determines that the site improvements and improvements authorized by the building permit are substantially complete, the Zoning Officer has the discretion to issue a temporary certificate of occupancy upon the applicant's

deposit of sufficient security in the form of a cash escrow deposit to ensure completion of the incomplete work, which may include an escrow for landscaping survival, under the terms of an escrow agreement acceptable to the Zoning Officer and approval by the Township attorney. The deposit described in section (a) may be used for this purpose if agreed upon by the applicant and the Township, and if sufficient cash funds are available for this purpose.

(Ord. No. 6-2009, 9-21-2009)

Sec. 74-179. - Amendment of approved site plan.

- (a) When changes are to be made to a development for which a preliminary or final site plan has been approved, the Planning Commission shall have the authority to determine if the proposed change is a minor or major amendment to the site plan. An applicant may apply for such a determination by filing with the Township a completed application for amendment, the required fee, and 17 copies of: an 11" x 17" scaled plan of the site showing:
- (1) The proposed changes;
 - (2) Any increases or decreases in stormwater impact surface;
 - (3) Dimensions (including height) of any proposed structures or buildings;
 - (4) Changes to existing structures or buildings;
 - (5) Any earth change or tree removal;
 - (6) Any change in the floor area ratio or ground floor coverage; and
 - (7) Any additional information necessary for the Planning Commission to make a determination.
- (b) Minor changes to a preliminary site plan may be incorporated into a final site plan, at the discretion of the Planning Commission. The Planning Commission may require, in case of minor changes in an approved preliminary or final site plan, that revised preliminary or final site plan drawings be submitted showing such minor changes, for purposes of record. If the Planning Commission determines that the proposed change is a major change, a site plan submittal and review, as provided in section 74-175 for a preliminary site plan and in section 74-176 for a final site plan, will be required. An applicant may elect in writing to acknowledge that the proposed change is a major change without a formal determination from the Planning Commission and upon such written acknowledgment may proceed directly to site plan submittal and review as a major change. A major change shall include a:
- (1) Change in concept of the project;
 - (2) Change in use or character of the project;
 - (3) Change in type of dwelling unit as identified on the approved site plan;
 - (4) Change in the number of dwelling units;
 - (5) Change in non-residential floor area of over five percent;
 - (6) Change in GFC, FAR or stormwater impact surface of the project of over one percentage point;
 - (7) Rearrangement of lots, blocks, or building tracts;
 - (8) Change in the character or function of any street;
 - (9) Reduction in land area set aside for common open space or the relocation of such area; or
 - (10) Increase in building height.
- (c) If a preliminary or final site plan has expired, or if two 12-month extensions have already been granted, the Planning Commission has the authority to determine that good cause exists for allowing an extension as a minor change for no longer than one 12-month period per request, based on the factors set forth in section 74-176(g), and the length of time since expiration, the reason for delay in requesting

an extension, the number of extensions previously granted, changes in condition or use of the site or surrounding area, changes in ordinances, standards or regulations affecting the site or surrounding area, and other similar factors. An extension, if granted, shall begin on the date the time limit would have expired, and shall continue for the period determined by the Planning Commission, not to exceed twelve months. Under no circumstances shall an extension be granted if the extension request is received more than twelve months after expiration of the site plan.

(Ord. No. 6-2009, 9-21-2009)

Sec. 74-180. - Changes during construction.

All site improvements shall conform to the approved final site plan. If any changes are made during construction, the applicant or developer must notify the Zoning Officer, the Building Official, the Township engineer, and the Planning Commission of the changes. Any change is made at the applicant's and developer's own risk, without any assurance that the Planning Commission will approve the changes. The Planning Commission may require the applicant or developer to correct the changes so as to conform to the approved final site plan, and the Township shall notify the applicant (and the developer, if different) of any required corrections in writing within 30 days of the Planning Commission's decision.

(Ord. No. 6-2009, 9-21-2009)

Sec. 74-181. - Inspections.

- (a) *Conduct of inspections.* The Zoning Officer, with assistance from the Township Fire Chief, Building Official, and Township engineer, shall be responsible for inspecting all Site Improvements for conformance with the approved final site plan. All sub-grade Site Improvements such as utilities, sub-base installations for drives and parking lots, and similar improvements shall be inspected and approved prior to covering. The applicant shall be responsible for requesting the necessary inspections.
- (b) *Notifications.* The Zoning Officer shall notify the Planning Commission in writing when a development for which a final site plan is approved has passed inspection with respect to the approved final site plan. The Zoning Officer shall notify the Township Board, the Planning Commission, and the Building Official in writing of (1) any development for which a final site plan was approved that does not pass inspection with respect to the plan and (2) the steps taken to achieve compliance. In such case, the Zoning Officer shall periodically notify the Township Board, Planning Commission, and Building Official of progress towards compliance with the approved final site plan and when compliance is achieved.

(Ord. No. 6-2009, 9-21-2009)

Sec. 74-182. - Fees.

Fees for the review of site plans and inspections as required by this article shall be established and may be amended by resolution of the Township Board.

(Ord. No. 6-2009, 9-21-2009)

Sec. 74-183. - As-built information.

- (a) The applicant shall provide as-built information (including in electronic format as required by the Township) for all sanitary sewer, water, and storm sewer lines and all appurtenances that were installed on a site for which a final site plan was approved. The information shall be submitted to the

Township Utilities Department and shall be approved by the Township engineer prior to the release of any performance guarantee covering such installation.

- (b) The as-built information shall include all appropriate information, including: the exact size, type and location of pipes; location and size of manholes and catch basins; location and size of valves, fire hydrants, tees and crosses; depth and slopes of retention basins; and location and type of other utility installations. The information shall show plan and profile views of all sanitary and storm sewer lines and plan views of all water lines.
- (c) The as-built information shall include all work as actually installed and as field-verified by a professional engineer or the engineer's representative. The Township may use the as-built information to produce as-built drawings of the utilities at the project for the Township's records.

(Ord. No. 6-2009, 9-21-2009)

Sec. 74-184. - Violations.

The approved final site plan shall become part of the record of approval, and all subsequent action relating to the site shall conform to the approved final site plan, unless the Planning Commission agrees to a change as provided in this article. Any violation of the provisions of this article, including any improvement not in conformance with the approved final site plan, shall be deemed a violation of the Township Zoning Ordinance, and shall be subject to all penalties therein.

(Ord. No. 6-2009, 9-21-2009)

Secs. 74-185—74-215. - Reserved.

DIVISION 5. - NONCONFORMITIES; anchor;

Sec. 74-216. - Intent.

Certain lots, structures, and uses of lots and structures may exist within districts established by this chapter or amendments thereto which were lawful before the ordinance from which this chapter is derived was adopted or amended, but which would be prohibited, regulated, or restricted under the terms of this chapter and its amendments. It is the intent of this chapter to permit such nonconformities to remain until they are discontinued or removed, but not to encourage their survival. It is further the intent of this chapter that such nonconformities be steadily upgraded to conforming status. It is further the intent of this chapter that nonconformities shall not be enlarged, expanded, or extended, except as provided in this division, and that nonconformities shall not be used as grounds for adding other structures that are prohibited in the same district. Nonconformities are declared by this chapter to be incompatible with the structures and uses permitted in the various districts.

(Comp. Ords. 1990, § 130.2301)

Sec. 74-217. - Nonconforming lots of record.

A principal structure and customary accessory structures for a permitted use may be erected on a nonconforming lot which is of record on December 13, 1976, or the effective dates of applicable amendments to this chapter, provided a variance for such lot is approved by the Board of Appeals in accordance with article II, division 6 of this chapter. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership as of such date even though such lot fails to meet the regulations for minimum lot area, or width, or both, that are applicable in the district, provided that other area, placement, and height regulations of the district are met. If two or more such lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the

time of adoption or amendment of this chapter and if all or part of the lots do not meet the requirements for lot width and area as established by this chapter, the lands involved shall be considered to be an undivided parcel for the purpose of this chapter. In such case, no portion of such parcel or lot shall be used or sold which does not meet the minimum lot width and area regulations established by this chapter, nor shall any division of the parcel or lot be made which leaves remaining any parcel or lot with width or area below the minimum regulations established in this chapter.

(Comp. Ords. 1990, § 130.2302)

Sec. 74-218. - Nonconforming uses of parcels and lots.

Where, on December 13, 1976, or the effective dates of applicable amendments to this chapter, a lawful use of a parcel or lot exists that is no longer permissible under the provisions of this chapter, and where such use involves no individual structure with a replacement cost exceeding \$1,000.00, such use may be continued so long as it remains otherwise lawful subject to the following provisions:

- (1) No such nonconforming use of a parcel or lot shall be enlarged, expanded, or extended to occupy a greater area of land than was occupied on December 13, 1976, or the effective dates of applicable amendments to this chapter and no accessory use, building or structure shall be established therewith.
- (2) No such nonconforming use of a parcel or lot shall be moved in whole or in part to any other portion of such parcel or lot not occupied on December 13, 1976, or the effective dates of applicable amendments to this chapter.
- (3) If such nonconforming use of a parcel or lot ceases for any reason for a period of more than 180 consecutive days, the subsequent use of such parcel or lot shall conform to the regulations of the district in which such parcel or lot is located.

(Comp. Ords. 1990, § 130.2303)

Sec. 74-219. - Nonconforming structures.

Where, on December 13, 1976, or the effective dates of applicable amendments to this chapter, a previously lawful structure exists that will become nonconforming under the regulations of this chapter by reason of restrictions upon lot area, lot area per dwelling unit, lot width, lot coverage, floor area ratio, height, transition and landscape strips, off-street parking, loading spaces, and yard requirements, such structure may be continued so long as it remains otherwise lawful subject to the following provisions:

- (1) Such building or structure may be enlarged, expanded, extended, or altered only if such enlargement, expansion, extension or alteration is approved by the Board of Appeals, in conformance with section 74-223, expansion and substitution.
- (2) Should any such building or structure be damaged by any means to an extent of more than 50 percent of its replacement cost at the time of such damage, it shall not be reconstructed except in conformity with the provisions of the district in which it is located. Should any such building be damaged to an extent of 50 percent or less of its replacement cost, it may be replaced in its location and term existing prior to such damage, provided such replacement is commenced within three years of the date of damage, and provided such replacement is diligently pursued to completion. Failure to complete the replacement shall result in loss of legal, nonconforming status.
- (3) Should any such building or structure be moved for any reason for any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

(Comp. Ords. 1990, § 130.2304)

Sec. 74-220. - Nonconforming uses of structures.

Where, on December 13, 1976, or the effective dates of applicable amendments to this chapter, a lawful use of a structure exists that is no longer permissible under the regulations of this chapter, such use may be continued so long as it remains otherwise lawful subject to the following provisions:

- (1) A nonconforming use shall not be extended into any portion of a structure not occupied by such use on December 13, 1976, or the effective dates of applicable amendments to this chapter.
- (2) A nonconforming use shall not be expanded or increased in area or intensity.
- (3) An existing structure devoted to a use not permitted by this chapter in the district in which it is located shall not be enlarged, constructed, reconstructed, moved, or structurally extended or altered except in changing the use of such building or structure to a use permitted in the district in which such building or structure is located.
- (4) When a nonconforming use of a structure, or structure and premises in combination, is discontinued for more than one year except where government action impedes access to the premises, the building or structure shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- (5) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations of the district in which it is situated, and the nonconforming use may not thereafter be resumed.
- (6) Where a nonconforming status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50 percent of the replacement cost at the time of damage.

(Comp. Ords. 1990, § 130.2305)

Sec. 74-221. - Repairs and maintenance.

- (a) On any nonconforming structure or on any structure housing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs or in repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not to exceed 25 percent of the then current replacement cost of the nonconforming structure or nonconforming portion of the structure, provided that the floor area or volume of such building or the number of families housed therein, or the size of such structure as it existed on the date of adoption or applicable amendments of this chapter shall not be increased.
- (b) If a nonconforming structure or a portion thereof, or any structure containing a nonconforming use, becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

(Comp. Ords. 1990, § 130.2306)

Sec. 74-222. - Change of tenancy or ownership.

There may be a change of tenancy, ownership or management of an existing nonconforming use, building, or structure.

(Comp. Ords. 1990, § 130.2307)

Sec. 74-223. - Expansion and substitution.

- (a) The Board of Appeals shall determine if a nonconforming structure may be enlarged, expanded, extended, or altered, and the conditions under which such improvements shall be made. The following provisions shall apply:
 - (1) The reasons for a nonconformity shall be limited to minimum lot area, lot width, required yards, off-street loading and parking requirements, and transition strip and landscape strip requirements. In no case shall a building or a structure that is nonconforming because of lot coverage, floor area ratio, lot area per dwelling units, or height regulations be permitted to expand without removing the nonconformity, except as permitted under a variance.
 - (2) The proposed uses of such buildings and structures shall be among those permitted in the district in which situated.
 - (3) The proposed improvement shall conform to all requirements of the district in which situated.
 - (4) The Board of Appeals shall determine the following in approving a request:
 - a. That the retention of the nonconforming building or structure is reasonably necessary for the proposed improvement or that requiring removal of such building or structure would cause unnecessary hardship.
 - b. That the proposed improvement is reasonably necessary for the continuation of activities on the property.
 - c. That the enlarged or otherwise improved nonconforming building or structure will not adversely affect the public health, safety and welfare.
 - (5) The Board of Appeals shall have authority to require modification of the nonconformity where such is reasonable, as a condition for approval. The Board of Appeals may attach other conditions for its approval that it deems necessary to protect the public health, safety and welfare.
 - (6) All expansions permitted under this section shall meet all requirements of article II, division 4, site plan review.
- (b) A nonconforming structure shall not be substituted for, or replace, any conforming or nonconforming structure.
- (c) A nonconforming use of a structure may be substituted for another nonconforming use upon permission by the Board of Appeals, as set forth in section 74-263, provided that no structural alterations are made, and provided, further, that such other nonconforming use is more appropriate than the existing nonconforming use in the district in which it is located. In permitting such change, the Board of Appeals may require conditions and safeguards in accordance with the provisions and intent of this chapter. A nonconforming use, when superseded by a more appropriate use, as provided in this subsection, shall not thereafter be resumed.

(Comp. Ords. 1990, § 130.2308; Ord. of 9-17-1990)

Sec. 74-224. - Nonconforming extraction operations.

- (a) A nonconforming extraction operation legally existing on December 13, 1976, or the effective dates of applicable amendments to this chapter shall be a legal nonconforming use of a parcel of land and may continue, subject to the following provisions:
 - (1) Extraction may be extended within the property based upon the property lines of record on December 13, 1976, or the effective dates of applicable amendments to this chapter, provided, however, that such extension shall not cross a public road.

- (2) All extensions to be commenced following December 13, 1976, or the effective dates of applicable amendments to this chapter shall first comply with all provisions of this section, and section 74-592.
 - (3) Any extension of operations shall not exceed the depth of extraction of the portion existing on December 13, 1976, or the effective dates of applicable amendments to this chapter unless extraction to a greater depth is specifically approved by the Township Board.
- (b) If a nonconforming extraction operation ceases for any reason for a period of 270 consecutive days or more, the extraction operation shall not be resumed and the subsequent use of such parcel shall thereafter conform to the regulations of the district in which it is located.
- (c) The equipment and processes of a legal, nonconforming extraction operation may be upgraded periodically in order to maintain the operation in a modern condition and in order to meet contemporary pollution control standards. Such changes shall be permitted, even if they will result in an increase of production, provided the following conditions are met:
- (1) The changes in equipment and processes shall not have the effect of changing the nature or character of the operation into a use prohibited in the district in which it is located.
 - (2) The noise, dust, odors, water pollution, and other objectionable attributes of the operation shall not be increased beyond the levels existing on December 13, 1976, or the effective dates of applicable amendments to this chapter.
 - (3) The owner of the extraction operation shall notify the Township Board in writing of each change prior to the installation of such change.
 - (4) Building permits for any structure shall be obtained prior to installation or construction.

(Comp. Ords. 1990, § 130.2309; Ord. of 9-17-1990)

Secs. 74-225—74-255. - Reserved.

DIVISION 6. - ZONING BOARD OF APPEALS; APPEALS AND VARIANCES⁵¹

Footnotes:

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State Law reference— Zoning Board of Appeals, variances, etc., MCL 125.3601 et seq.

Sec. 74-256. - Board established.

A Zoning Board of Appeals, hereinafter referred to as "Board of Appeals," is hereby established, in accordance with the Michigan Zoning Enabling Act (MCL 125.3101 et seq.).

(Comp. Ords. 1990, § 130.2401)

State Law reference— Board of appeals required, MCL 125.3601.

Sec. 74-257. - Membership and terms.

- (a) The Board of Appeals shall consist of five members: a member of the Planning Commission appointed by the Township Board, a member of the Township Board appointed by the Township Board, and three members selected and appointed by the Township Board from among the electors residing in the

unincorporated area of the Township. The term of the member from the Township Board shall not exceed that member's term of office on the Township Board, and shall be appointed on even-numbered years. The term of the Planning Commission member shall coincide with that member's term on the Planning Commission. The term of office for the remaining three members shall be three years. Members may be reappointed. Any vacancy created during an unexpired term shall be filled by the Township Board for the remainder of the unexpired term.

- (b) The terms of office of members of the Board of Appeals as of the date of adoption of this amendment are staggered and shall continue to be staggered pursuant to the appointment provisions set forth in this section.
- (c) No elected official of the Township nor any employee of the Township may serve simultaneously as one of the three remaining members of, or as an employee of, the Board of Appeals. The Board of Appeals shall choose a chairperson and a vice-chairperson.

(Comp. Ords. 1990, § 130.2402; Ord. of 4-14-1986; Ord. No. 2-2003, 5-19-2003)

State Law reference— Board membership, MCL 125.288.

Sec. 74-258. - General procedures of the Board of Appeals.

- (a) *Rules.* The Board of Appeals shall adopt rules and regulations to govern its procedures.
- (b) *Votes.* A concurring vote of a majority of the members of the Board of Appeals shall be necessary for any decision. The Board of Appeals shall not conduct business unless a majority of its members is present.
- (c) *Representation.* Any person may appear on his/her own behalf at a hearing or may be represented by an agent or attorney.
- (d) *Time limit.* The Board of Appeals shall decide upon all matters within a reasonable time. The decision of the Board of Appeals shall be in the form of a resolution containing a full record of its findings and determinations in each case.
- (e) *Meetings.* Meetings of the Board of Appeals shall be held at the call of the chair and at such other times as the Board in its rules of procedure may specify. All meetings of the Board of Appeals shall be open to the public. The Board shall maintain a record of its proceedings that shall be filed in the office of the Township Clerk and shall be a public record.
- (f) *Oaths.* The chairperson of the Board of Appeals, or in the chairperson's absence, the acting chairperson (who shall be the vice-chairperson if present), may administer oaths and compel the attendance of witnesses.

(Comp. Ords. 1990, § 130.2403)

Sec. 74-259. - Powers and duties of the Board of Appeals.

- (a) The Board of Appeals shall perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act (MCL 125.3101 et seq.), so that the objectives of this chapter shall be attained; the public health, safety and welfare served; and substantial justice done. The Board of Appeals shall hear and decide, as provided in this chapter:
 - (1) Appeals of any administrative decision of any official or body on any requirement of this chapter.
 - (2) Dimensional variances pertaining to area, placement, height, setback or similar matters.
 - (3) Expansion of nonconforming buildings or structures.
 - (4) Substitution of nonconforming uses.

- (b) Notwithstanding subsection (a) above, the Board of Appeals shall not hear and shall have no authority regarding any issue that involves the approval for a conditional use permit or modification to an existing conditional use permit, as set forth in division 3 of this chapter, conditional use permits, or the approval for a planned unit development or modification to an existing planned unit development, as set forth in section 74-542, PUD Regulations, of this chapter; however
 - (1) If a project has been previously approved and rezoned as a residential planned unit development with individual building sites owned by individual residential owners of lots, parcels or units, then the Board of Appeals may hear the request from an individual residential owner of a lot, parcel or unit within the residential planned unit development for a dimensional variance pertaining to placement, height, setback or similar matters related to the residential owner's individual lot, parcel or unit.
 - (2) If a project has been previously approved for a conditional use permit, then the Board of Appeals may hear a request from the property owner for a dimensional variance pertaining to placement, height, setback or similar matters related to the conditional use permit project.
- (c) The Board of Appeals shall not alter or change the zoning district classification of any property or make any change in the terms of this chapter, and shall not take any action that would result in making a legislative change.
- (d) The Board of Appeals shall have no authority to hear or make any determination on a request for a change in the use of any property in the Township otherwise prohibited by this chapter (sometimes referred to as a "use variance"), and any such change in the use of property shall be only by legislative act of the Township Board as provided in this chapter. All references to variances in section 74-266 shall mean dimensional variances as described in subsection 74-259(a)(2) and not use variances.

(Comp. Ords. 1990, § 130.2404; Ord. No. 5-2003, § 5-9-2003; Ord. No. 1-2015, 1-19-2015)

Sec. 74-260. - Fees.

A schedule of fees of the Board of Appeals shall be established by resolution of the Township Board, and shall be paid at the time of application.

(Comp. Ords. 1990, § 130.2405)

Sec. 74-261. - Hearings.

The Board of Appeals shall hold a public hearing on each appeal for administrative review, and on each application for expansion or substitution of a nonconforming use and dimensional variance. The chair of the Board of Appeals shall fix a reasonable time and date for the hearing, said date not to exceed 45 days from the filing date. The notice shall be provided in accordance with the notification requirements set forth in section 74-61.

(Comp. Ords. 1990, § 130.2406; Ord. of 4-28-2000; Ord. No. 4-2004, 6-21-2004)

Sec. 74-262. - Expansion and substitution of nonconformities.

The Board of Appeals shall hear and decide upon applications for expansion of nonconforming structures and substitution of one nonconforming use for another such use in accordance with the provisions of section 74-233. An application for such expansion or substitution shall be filed with the Township Clerk. The application shall consist of a complete application form and fee, and shall contain adequate information to assist the Board of Appeals in reaching a decision in accordance with section 74-223. The Township Clerk shall transmit the application and information to each member of the Board of Appeals within three days of the filing date.

(Comp. Ords. 1990, § 130.2407)

Sec. 74-263. - Administrative review.

The Board of Appeals shall hear and decide appeals from any administrative decision of any official or body on the requirements of this chapter, except as otherwise provided in this chapter, including any order, requirement, decision, or determination made by the Zoning Officer in the interpretation and enforcement of this chapter. The Board of Appeals shall interpret zoning district boundaries according to the provisions of section 74-392.

(Comp. Ords. 1990, § 130.2408; Ord. No. 4-2004, 6-21-2004)

Sec. 74-264. - Duties on matters of appeal.

All questions concerning the application of the provisions of this chapter shall first be presented to the Zoning Officer. Such questions shall be presented to the Board of Appeals only on appeal from the decisions of the Zoning Officer. Recourse from decisions of the Board of Appeals shall be to the courts as provided by the law.

(Comp. Ords. 1990, § 130.2409)

Sec. 74-265. - Appeal procedures.

- (a) Appeals concerning administrative review shall be made within 28 days after the date of the decision being appealed, by filing with the Zoning Officer and the Board of Appeals a notice of appeal specifying the grounds therefor and paying the required fee. The Zoning Officer shall transmit to the Board of Appeals copies of all papers constituting the record upon which the action appealed from was taken, within seven days of the filing date of the appeal. The appellant shall submit a clear description of the order, requirement, decision or determination for which appeal is made, and may be required by the Board of Appeals to submit additional information to clarify the appeal.
- (b) Appeals may be taken by an person aggrieved by a decision of the Zoning Officer in the manner prescribed in subsection (a) of this section.
- (c) A fee shall be paid to the Township Clerk in the amount determined by resolution of the Township Board at the time of filing the notice of appeal and shall be deposited in the Township's general fund.
- (d) An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Officer from whom the appeal is taken certifies to the Board of Appeals after the notice is filed that by reason of facts stated in the certificate, a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Appeals or by a court of competent jurisdiction, on notice to the Zoning Officer from whom the appeal is taken, and on due cause shown.
- (e) The Board of Appeals may, so long as such action is in conformity with the terms of section 74-261, section 74-263 and this section, reverse or affirm, in whole or in part, or may modify the order, requirements, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the public official from whom the appeal is taken.

(Comp. Ords. 1990, § 130.2410; Ord. No. 4-2004, 6-21-2004)

Sec. 74-266. - Variances.

- (a) *Intent.* The Board of Appeals shall have the power and duty to authorize in specific cases a relaxation of the provisions of this chapter through a variance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in practical difficulties.
- (b) *Filing.* An application for a variance shall be filed by the owner of the lot in question with the Township Clerk. The application shall consist of a completed application form, fee, and the information required in this section. The Township Clerk shall transmit the application and information to each member of the Board of Appeals within three days of the filing date.
- (c) *Information required.* Each application for a variance shall contain the following information:
 - (1) Legal description, address, and tax parcel number of subject lot.
 - (2) Boundary survey, showing all property lines, dimensions, and bearings or angles, correlated with the legal description; all existing and proposed structures and uses on the premises, and dimensions of such structures and their dimensioned locations; lot area and all calculations necessary to show compliance with regulations of this chapter.
 - (3) Name and address of applicant, property owner, interest of applicant in the property and signature of the property owner, if other than the applicant, concurring in the submittal of the application.
- (d) *Standards of determination.* A variance shall not be granted by the Board of Appeals unless and until all of the following conditions are met:
 - (1) A written application for a variance is submitted, demonstrating:
 - a. 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.
 - b. That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.
 - c. That the special conditions and circumstances do not result from the actions of the applicant.
 - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.
 - (2) Any nonconforming use of neighboring lands, structures, or buildings in the same district, any permitted or nonconforming uses of lands, structures, or buildings in other districts, or any nonconforming structures shall not be considered grounds for the issuance of a variance.
 - (3) The Board of Appeals shall find that the requirements of section 74-266(d)(1) have been satisfactorily met by the applicant.
 - (4) The Board of Appeals shall further find that the reasons set forth in the application justify the granting of the variance, and that it is the minimum variance that will make possible the reasonable use of the land, building, or structure.
 - (5) The Board of Appeals shall further find that the granting of the variance will be in harmony with the intent of this chapter, and will not be injurious to the neighborhood, or otherwise detrimental to the public interest.

(Comp. Ords. 1990, § 130.2411; Ord. of 9-17-1990; Ord. No. 3-2012, 5-21-2012)

Sec. 74-267. - Voiding of variance; extensions.

- (1) Each variance granted under the provisions of this chapter shall become null and void unless the construction authorized by such variance has been commenced within 24 months after the granting of

such variance and is being pursued diligently to completion, or the occupancy of land or buildings authorized by such variance has taken place within 24 months after the granting of such variance.

- (2) The time limits set forth in this section 74-267(1) may be extended at the request of the applicant upon approval of the Board of Appeals in accordance with the following procedures:
 - (a) An extension may be granted for any period of time not to exceed 12 months. An extension, if granted, shall begin on the date the time limit would have expired, and shall continue for the period of time determined by the Board of Appeals not to exceed twelve months.
 - (b) No more than one 12-month extension may be granted.
 - (c) Under no circumstances shall an extension be granted if the request is received more than 12 months after expiration of the initial time period provided in 74-267(1).
 - (d) The Board of Appeals is under no obligation to grant any extension, and the burden is on the applicant to show that good cause exists for granting the request for an extension as described in subsection (3) below.
- (3) The Board of Appeals shall consider the following factors in its determination of whether good cause exists for an extension:
 - (a) The applicant has demonstrated that unforeseen economic developments or other events, conditions or circumstances justify the extension;
 - (b) The applicant has demonstrated that (i) the length of time since the initial variance, or (ii) changes in the site or surrounding area, or (iii) changes in ordinances, standards or regulations do not adversely affect or warrant revision to the terms and conditions of the variance approval.

(Comp. Ords. 1990, § 130.2412; Ord. No. 5-2011, 8-15-2011)

Sec. 74-268. - Reapplication for variance.

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 365 days from the date of such denial, except on grounds of new evidence or proof of changed conditions found by the Board of Appeals to be valid.

(Comp. Ords. 1990, § 130.2413)

Sec. 74-269. - Site plan requirements.

If an application or appeal to the Board of Appeals requires site plan approval by the Planning Commission, the applicant or appellant shall first apply for preliminary site plan approval as set forth in article II, division 4, site plan review. The Planning Commission shall review such plan and shall determine the layout and other features required to obtain approval of such plan. The Planning Commission shall then transmit the plan and the commission's findings thereon to the Board of Appeals. The Board of Appeals shall, upon deciding on the application or appeal, return the plan and its decision thereon to the Planning Commission for commission action on the preliminary site plan.

(Comp. Ords. 1990, § 130.2414)

Sec. 74-270. - Appeals to courts.

Any decision of the Board of Appeals may be appealed through the courts, as provided in the Michigan Zoning Enabling Act (MCL 125.3101 et seq.).

(Comp. Ords. 1990, § 130.2415)

State Law reference— Judicial review of decisions of Board of Appeals, MCL 125.3605 et seq.

Sec. 74-271. - Conditions of approval.

The Board of Appeals may attach conditions to any affirmative decision, provided such conditions are in accordance with the requirements of this chapter and the Michigan Zoning Enabling Act (MCL 125.3101 et seq.). Such conditions shall be consistent with procedures, requirements, standards, and policies of the Township Board, Planning Commission, and other Township agencies, where applicable. Violation of any condition imposed shall be deemed a violation of this chapter and punishable under article II, division 1, administration and enforcement generally.

(Comp. Ords. 1990, § 130.2416)

Secs. 74-272—74-305. - Reserved.

DIVISION 7. - AMENDMENTS⁶¹

Footnotes:

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State Law reference— Amendments, MCL 125.3401 et seq.

Sec. 74-306. - Initiating amendments.

The Township Board may, from time to time, amend, modify, supplement, or revise the district boundaries or the provisions and regulations of this chapter. Amendments may be initiated by the Township Board, the Planning Commission, or by petition of one or more property owners of the Township, or by one or more persons acting on behalf of a property owner of the Township. All proposed amendments shall be referred to the Planning Commission for review and recommendation before action may be taken thereon by the Township Board.

(Comp. Ords. 1990, § 130.2501)

Sec. 74-307. - Fees.

The Township Board shall establish, by resolution, fees for zoning amendment petitions. Such fee shall be paid in full to the Township Clerk at the time of filing of the petition and no part of such fee shall be returnable to the petitioner. Fees shall not be required for amendments proposed by any governmental agency or body.

(Comp. Ords. 1990, § 130.2502)

Sec. 74-308. - Amendment procedure.

- (a) The procedure for amending this chapter shall be in accordance with Michigan Zoning Enabling Act (MCL 125.3101 et seq.).
- (b) The original petition and 11 copies thereof shall be filed with the Township Clerk. The Township Clerk shall transmit the petition and ten copies thereof to the Planning Commission for review and report to the Township Board. The Planning Commission shall establish a date of a public hearing on the petition

after confirming that the petitioner has provided all information and paid all fees required by this chapter. The notice of public hearing shall be published and mailed in the manner described in section 74-61. Public hearing requirements shall also apply to amendments initiated by the Township Board, the Planning Commission, and by any other governmental agency or body.

- (c) The Planning Commission shall, within 135 days following the public hearing, report its findings and its recommendations for disposition of the petition to the Township Board. If additional information or analysis is required, the time limit for such report may be extended for up to an additional 135 days by the Planning Commission. The report shall include a summary of comments received at the public hearing.
- (d) The Township Clerk shall publish the full text of the proposed amendment prior to its adoption by publication in a newspaper of general circulation in the Township or by posting on the Township web site or by posting at the office of the Township Clerk and five other places in the Township, followed within seven days by publication of a notice of the posting in a newspaper of general circulation in the Township.
- (e) Following the public hearing the Planning Commission shall submit the proposed zoning ordinance, including any zoning maps to the county planning commission for review and recommendation.
- (f) Upon receiving the report of the Planning Commission on the proposed amendment, the Township Board may hold additional hearings if the Township Board considers it is necessary. Notice of a public hearing held by the Township Board on any proposed amendment shall be published in a newspaper that circulates in the Township. The notice shall be published not less than 15 days before the hearing. If the Township Board considers amendments to the proposed text of a zoning ordinance advisable, the Township Board may, in its discretion, refer the amendment to the Planning Commission for reports thereon within a time specified by the Township Board. After receiving the report, if any, the Township Board shall grant a hearing on a proposed ordinance provision to a property owner who by certified mail addressed to the Clerk of the Township Board, requests a hearing and the Township Board shall request the Planning Commission to attend the hearing. After a hearing at a regular meeting or at a special meeting called for that purpose, the Township Board may adopt, by majority vote of its members, amendments to this chapter, with or without amendments that have been previously considered by the Planning Commission or at a hearing.
- (g) The ordinance shall take effect upon the expiration of seven days after publication of the ordinance amendment as described in section 74-311.
- (h) For any proposed amendment to the zoning map, the petitioner or owner of the property proposed to be rezoned shall place a sign at the property in the manner described in section 74-61.

(Comp. Ords. 1990, § 130.2503; Ord. No. 8-02, § 130.2503, 5-20-2002; Ord. No. 3-2006, 8-21-2006)

Sec. 74-309. - Information required.

- (a) When the petition involves an amendment to the official zoning map, the petitioner shall submit the following information to the Township Clerk:
 - (1) A legal description of the property, including a street address and the tax code number.
 - (2) A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
 - (3) The name and address of the petitioner.
 - (4) The petitioner's interest in the property; if the petitioner is not the owner, the name and address of the owner, and the owner-signed consent to the petition.
 - (5) Signatures of the petitioner and owner, certifying the accuracy of the information.
 - (6) Identification of the zoning district requested; existing zoning district of subject property.

- (7) Vicinity map showing location of property and adjacent land uses and zoning districts.
- (b) When a petition involves a change in the text of this chapter, the petitioner shall submit the following information to the Township Clerk:
 - (1) A detailed statement of the petition, clearly and completely setting forth all proposed provisions and regulations, including all changes in this chapter necessary to accommodate the proposed amendment.
 - (2) Name and address of the petitioner.
 - (3) Reasons for the proposed amendment.

(Comp. Ords. 1990, § 130.2504)

Sec. 74-310. - Findings of fact required.

- (a) In reviewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendation for disposition of the petition, to the Township Board. The factors to be considered by the Planning Commission shall include, but shall not be limited to, the following:
 - (1) Whether or not the requested zoning change is justified by a change in conditions since the original ordinance was adopted, or by an error in the original ordinance.
 - (2) The precedents, and the possible effect of such precedents, which might result from approval or denial of the petition.
 - (3) The capability of the Township or other governmental agencies to provide any services, facilities, and/or programs that might be required if the petition were approved.
 - (4) Effect of approval of the petition on the condition and/or value of property in the Township or in adjacent civil divisions.
 - (5) Relation of the petition to the master plan or development policies of the Township, and of other governmental units where applicable.
- (b) All findings of fact shall be made a part of the public records of the meetings of the Planning Commission.

(Comp. Ords. 1990, § 130.2505)

Sec. 74-311. - Publication.

- (a) Following Township Board approval of a petition to amend the zoning ordinance, notice of the amendment shall be published within 15 days of such approval in a newspaper of general circulation in the Township. The notice of the ordinance adoption shall include the following:
 - (1) Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment; and
 - (2) The effective date of the ordinance, which may be no less than seven days after publication, or such later date after publication as may be specified by the Township Board, and the place and time where a copy of the ordinance may be purchased or inspected. A copy of the zoning ordinance amendment shall be transmitted by the Township Clerk to the Zoning Officer. Notice of adoption shall meet the requirements set forth in the Zoning Enabling Act (MCL 125.3101 et seq.).

- (b) The Planning Commission shall, following the public hearing but within 125 days of the filing date, report its findings and its recommendations for disposition of the petition to the Township Board. The report shall include a summary of comments received at the public hearing.

(Comp. Ords. 1990, § 130.2506; Ord. of 9-17-1990)

Secs. 74-312—74-390. - Reserved.

ARTICLE III. - ZONING DISTRICTS ESTABLISHED; ZONING MAP

Sec. 74-391. - Establishment of districts.

The Township is hereby divided into the following zoning districts to be known as, and having the following names and symbols:

- (1) *Rural districts.*
 - Recreation-Conservation District (R-C)
 - General Agriculture District (A-1)
 - Agricultural Residential District (A-R)
- (2) *Rural Residential Districts.*
 - Single-Family Rural Residential District (R-1)
 - Single-Family Rural Residential District (R-1A)
 - Single-Family Suburban Residential District (R-2)
- (3) *Urban Residential Districts.*
 - Single-Family Urban Residential District (R-3A)
 - Single-Family Urban Residential District (R-3)
 - Single-Family Urban Residential District (R-4)
 - Two-Family Residential District (R-5)
 - Mobile Home Park Residential District (R-6)
 - Low Density Multiple-Family Residential District (R-7)
 - Moderate Density Multiple-Family Residential District (R-8)
 - High Density Multiple-Family Residential District (R-9)
- (4) *Business Districts.*
 - Convenience Commercial District (C-1)
 - Office District (O)
- (5) *Industrial Districts.*
 - Research and Development District (R-D)
 - Limited Industrial District (I-1)

- (6) *Public Lands Districts.*
Public Lands District (PL)
- (7) *Special Districts.*
Planned Unit Development District (PUD)
Open Space Preservation Residential District
Open Space Preservation Community
Research and Research Applications District (RRA)
Office Park District (OP)

(Comp. Ords. 1990, § 130.301; Ord. of 3-21-1994)

Sec. 74-392. - Official zoning map.

- (a) *Provision for.* For the purpose of this chapter, the zoning districts as provided in this chapter are bounded and defined as shown on a map entitled "Official Zoning Map of Ann Arbor Township." The official zoning map, with all explanatory matter thereon, is made a part of this chapter.
- (b) *Identification of.* The official zoning map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, under the following words: "This is to certify that this is the Official Zoning Map referred to in the Ann Arbor Township Zoning Ordinance," together with the effective date of this chapter.
- (c) *Changes to zoning map.* If, in accordance with the procedures of this chapter and the Michigan Zoning Enabling Act (MCL 125.3101 et seq.), a change is made in the zoning district boundary, such change shall be entered onto the official zoning map by the Township Supervisor within seven days after the ordinance authorizing such change shall have been adopted and published, with an entry on the official zoning map as follows: "On [date] by official action by the Township Board, the following change was made in the Official Zoning Map: [brief description of change(s)]," which entry shall be signed by the Township Supervisor and attested by the Township Clerk. No change in the official zoning map of any other nature shall be made unless authorized by the Zoning Board of Appeals and then entered only by the Township Supervisor. No change of any nature shall be made in the official zoning map or matter shown thereon except in conformance with the procedures set forth in this section. Any unauthorized change of whatever kind by any person will be considered a violation of this chapter and punishable as provided in sections 74-52—74-60. Any change in corporate boundaries within the Township shall be recorded within seven days on the official zoning map by the Township Supervisor with the Supervisor's signature and date and attestation by the Township Clerk attached thereto.
- (d) *Authority of.* Regardless of the existence of purported copies of the official zoning map, which from time to time may be made or published, the official zoning map shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building, or structure in the Township. The official zoning map shall be located in the Township offices located in the Township hall and shall be open to public inspection.
- (e) *Replacement.*
 - (1) In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature and the number of changes made thereto, the Township Board may, by ordinance, adopt a new official zoning map which shall supersede the prior zoning map. The new official zoning map may correct drafting or other errors or omissions on the official zoning map, but such corrections shall not have the effect of amending this chapter or the prior official zoning map. The new official zoning map shall be identified by signature of the Township Supervisor, attested by the Township Clerk, and bear the seal of the Township under the following words:

"This is to certify that this is the official zoning map referred to in the zoning Ordinance of Ann Arbor Township, adopted on [date], which replaces and supersedes the Official Zoning Map which was adopted on [date]."

- (2) 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.
- (f) *Rules for interpretation.* Where uncertainty exists as to the boundaries of zoning districts as shown on the official zoning map, the following rules for interpretation shall govern:
- (1) A boundary indicated as approximately following the centerline of a highway, alley, or easement shall be construed as following such centerline.
 - (2) A boundary indicated as approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.
 - (3) A boundary indicated as approximately following a municipal boundary of a city, village, or Township shall be construed as following such line.
 - (4) A boundary indicated as following a railroad line shall be construed as being located midway in the right-of-way of the railroad.
 - (5) A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in the shoreline shall be construed as following the shoreline existing at the time the interpretation is made.
 - (6) The boundary indicated as following the centerline of a stream or river, canal, lake, or other body of water shall be construed as following such centerline.
 - (7) A boundary indicated as parallel to, or an extension of, features in subsections (f)(1)—(6) of this section, shall be so construed.
 - (8) A distance not specifically indicated on the official zoning map shall be determined by the scale of the map.
 - (9) Where a physical or cultural feature existing on the ground is at variance with that shown on the official zoning map or in any other circumstances not covered by subsections (f)(1)—(f)(8) of this section, the Zoning Board of Appeals shall interpret the location of the zoning district boundary.
 - (10) Where a district boundary line divides a lot which is in single ownership on December 13, 1976, the Board of Appeals may permit an extension of the regulations for either portion of the lot to the nearest lot line, but not to exceed 50 feet beyond the district line into the remaining portion of the lot.

(Comp. Ords. 1990, § 130.302)

Secs. 74-393—74-425. - Reserved.

ARTICLE IV. - DISTRICT REGULATIONS

DIVISION 1. - GENERALLY

Sec. 74-426. - Requirements, scope, uses, exceptions.

- (a) *Minimum requirements.* The regulations established in this article within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare, and shall be uniform for each class of land, buildings, structures, or uses throughout each district. Wherever the requirements of this chapter are at variance with the requirements of any other adopted

rules or regulations, ordinances, deed restrictions, or covenants, the most restrictive or those imposing the higher standards shall govern.

(b) *Scope of regulations.*

- (1) Except as otherwise may be provided in article II, division 6, Zoning Board of Appeals, every building or structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure, and every enlargement of or addition to an existing use, building, or structure occurring after December 13, 1976, shall comply with all regulations which are applicable in the zoning district in which such use, building, or structure shall be located.
- (2) No part of a yard or other open space, off-street parking or loading space required about or connected with any use, building, or structure for the purpose of complying with this chapter shall be included in the yard, open space, off-street parking or loading space similarly required for any other use, building, or structure.
- (3) No yard or lot existing on December 13, 1976, shall be reduced in dimensions or area below the minimum requirements set forth in this article. Yards or lots created after December 13, 1976, shall meet the minimum requirements established in this article. No off-street parking or loading areas shall be reduced below the required size or number of spaces.
- (4) Nonconforming lots of record may be utilized as set forth in section 74-217, nonconforming lots of record.

(c) *Permitted uses.* Uses shall be permitted by right only if specifically listed as principal permitted uses in the various zoning districts. All other uses shall be prohibited unless approved as a conditional use in accordance with subsection 74-426(e).

(d) *Accessory uses and buildings or structures.* Where a lot is devoted to a permitted principal use or a permitted conditional use, accessory uses are permitted as listed in the applicable zoning district. Accessory uses and buildings or structures shall be subject to the following regulations:

- (1) Where the accessory building or structure is attached to the principal building or structure, it shall be subject to all regulations of the district in which located.
- (2) In any rural district, accessory uses, buildings and structures not attached to the principal building shall not:
 - a. Be located within any minimum required yard setback for the zoning district, except that a farm market/roadside stand may be located within the required yard setback as long as the farm market/roadside stand complies with all of the following:
 1. Meets the definition of a farm market/roadside stand under section 74-2 and the GAAMPS for farm markets; and
 2. Has a maximum floor area of any structure or building of 100 square feet or less; and
 3. Is located outside of any road right-of-way; and
 4. Conforms to the provisions of section 74-8, visibility at intersections.
 - b. Exceed 15 feet in height; provided the maximum height of farm structures shall not exceed 75 feet.
- (3) In any rural residential, suburban residential or urban residential district, accessory uses, buildings and structures not attached to the principal building shall not:
 - a. Be located in front of the rear line of the principal building or, in the case of a corner lot, in the required corner side yard;
 - b. Be located less than five feet from an interior side or rear property line;
 - c. Exceed 15 feet in height.

- (4) In any rural, suburban or urban residential district, not more than 35 percent of the minimum required rear yard may be occupied by accessory structures.
 - (5) In any business or industrial district, any accessory use, building or structure not attached to the principal building or structure shall comply with all area, placement, and height regulations of the district in which located.
 - (6) In any zoning district, the ground floor area of an accessory building or structure shall not exceed the ground floor area of the principal building.
 - (7) In any zoning district, a detached accessory building or structure shall be located at least ten feet from any other principal or accessory building.
 - (8) Refer to section 74-618 regarding small-scale SES.
- (e) *Conditional uses.* Conditional uses are permitted as listed in the various zoning districts and if the required conditions are met. The required conditions are set forth in division 3 of article II of this chapter. Additional requirements for certain conditional uses are set forth in article V of this chapter. A conditional use not specifically listed in the schedule of use restrictions for a district (division 2 of this article) may be approved by the Township Board for a particular location within a district in accordance with subsection 74-426(i), and the requirements of article II, division 3 of this chapter being section 74-131 et seq.
- (f) *Yard measurements.* Yards shall be measured from the exterior faces of a structure to lot lines. Yards shall be measured from the outer edge of a roof overhang or cornice less two feet, if the roof overhang or cornice extends more than two feet from the exterior face of the structure. Front and corner side yards shall be measured from existing right-of-way lines. All required yards shall be located parallel and adjacent to property lines. All required yards shall be measured from the right-of-way line of a public street, or from the right-of-way or easement line of a private street.
- (g) *Exemptions from area, placement, and height regulations.*
- (1) The following structures may be located anywhere on any lot: open and unroofed terraces, patios, porches and steps; awnings; flag poles; hydrants; laundry drying equipment; trellises; recreation equipment; outdoor cooking equipment; sidewalks and private driveways; trees, plants, shrubs, and hedges; solid fences, screens, or walls less than four feet in height; fences, screens, or walls having at least 50 percent of their surface area open when viewed from the perpendicular; mailboxes; and light poles. Anything constructed, erected, placed, or planted or allowed to grow, shall conform to the provisions of section 74-8, visibility at intersections.
 - (2) The following structures and appurtenances shall be exempt from the height regulations of this chapter: spires, belfries, penthouses and domes, chimneys, ventilators, skylights, water tanks, bulkheads, public utility transmission and distribution lines and related structures, radio and television broadcasting and receiving antennae, silos, parapets, and other appurtenances usually required to be placed above roof level and not intended for human occupancy.
 - (3) An entrance structure, including, but not limited to, walls, columns, or gates, may be placed in a subdivision, mobile home park, apartment, or other residential development without regard to yard requirements provided that the location of such a structure shall be approved by the Planning Commission before a building permit shall be issued. The location of such a structure shall conform to the provisions of section 74-8, visibility of intersections. Signs identifying the development by name and address may be mounted on an entry structure or made a structural part thereof, provided that such signs shall conform to all sign regulations, except yard regulations, of the district in which located, and to the provisions of article IX of this chapter, sign regulations.
- (h) *Access roads.* No road or driveway shall be located in any yard, transition strip, or landscape strip required by this article, except to cross such a yard or strip, in a more or less perpendicular direction, for the purpose of providing vehicular access to the property from an adjacent street.
- (i) *Uses not specifically included in a district.*

- (1) In conjunction with an application for a conditional use permit submitted under section 74-131 et seq. and pursuant to a request submitted under subsection (4) below, the Township Board may approve a conditional use not specifically listed in the schedule of use restrictions (division 2 of this article) for a particular location if all of the following are met:
 - a. The proposed conditional use is similar to, or a logical extension of, a permitted or conditional use specifically listed in the schedule of use restrictions for the district;
 - b. The proposed conditional use is not specifically listed as a permitted or conditional use in any other zoning district; and
 - c. The Planning Commission recommends approval of a request for such proposed conditional use after a public hearing in accordance with paragraph (4) below.
- (2) In evaluating a request for a proposed conditional use, the Planning Commission shall consider specific characteristics of the use in question and compare such characteristics with the characteristics of uses expressly permitted or allowed as a conditional use in the district, and the effect that the proposed conditional use at the particular location may have on (i) existing or future neighboring uses, persons, property or the public welfare; (ii) the natural environment, and existing and future land uses in the vicinity; (iii) availability of services of essential public facilities, and other standards described in section 74-136. Such characteristics shall include daily traffic generation and circulation, types of merchandise or service provided, types of goods produced, expected hours of operation, building characteristics, and the impact on natural resources, adjacent uses and community character.
- (3) The Planning Commission shall have the authority to recommend standards and conditions under which the proposed conditional use at the particular location may be included in a district, in addition to the standards and conditions described in division 3 of article II of this chapter.
- (4) A request for approval of a proposed conditional use at a particular location under this subsection 74-426(i) shall be submitted as a part of an application for a conditional use permit pertaining to such location pursuant to article II, division 3, of this chapter, 74-131 et seq. The applicant acknowledges by making such submission that its request for approval of the proposed conditional use for the location may be denied, that the conditional use permit application will thereupon be void, and that the costs associated with such application shall be borne solely by the applicant.

(Comp. Ords. 1990, § 130.1001; Ord. of 9-17-1990; Ord. of 3-21-1994; Ord. No. 2-2008, 4-22-2008; Ord. No. 6-2012, 10-15-2012; Ord. No. 4-2019, 12-16-2019)

Sec. 74-427. - District intent and purpose.

(a) *Rural districts.*

- (1) *Resource-conservation district (R-C).* The value to the public of certain areas of the Township is derived from the natural condition and features of these areas. This chapter recognizes that the best use of such areas is the development, management, and utilization of the natural resource base possessed by these areas. In order that the natural resource development, management, and utilization of the natural resources may be maintained and encouraged, this zoning district is designed to preserve and enhance these natural amenities, such as woodlands, wetlands, and wildlife habitats. It is the intent of this district to permit those uses, buildings, and structures which can operate or be located in areas or natural amenities in a compatible manner and prohibit those uses, buildings, or structures which might detract from or injure or destroy these amenities. It is further the intent of this district to permit compatible uses, buildings, and structures only at a low density as an added guarantee of compatibility.
- (2) *General agriculture district (A-1).* This district is intended to protect and preserve areas of prime agricultural soils for continued agricultural uses. The district is intended to be located in the areas of the Township that are designated in the master plan for agricultural use. The regulations in this

district are the minimum necessary to protect the open, rural character of the agricultural area from intrusion of urban and suburban uses, that is in turn necessary to permit continuation of agricultural operations. Rural residences are considered compatible with the intent of this district if developed at the low density provided in this district and in such a manner that they will not interfere with agricultural operations.

- (3) *Agriculture-rural residential district (A-R)*. This district is intended to provide areas for rural residence and limited agricultural uses. The district is intended to be applied in the areas designated in the master plan for rural residential use at a density of 0.2 DU/acre or less. The regulations in this district are the minimum necessary to maintain a rural environment and permit limited agricultural activities on the same lots as residences. This district is intended to protect wooded areas, wetlands, wildlife habitats, and similar natural areas that might be endangered by development in the smaller lot sizes that are permitted in the suburban residential (R-2) district.

(b) *Rural residential districts.*

- (1) *Single-family rural residential district (R-1)*. This district is intended to provide areas for rural residence without the limited agricultural uses that are permitted in the A-R district. This district is intended to be applied in the areas designated in the master plan for rural residential use at a density of 0.2 to 0.5 DUs/acre. This district is intended to continue the three-acre minimum lot area that was established in previous Township zoning ordinances. It is intended to preserve a rural character and is to be used where soils are suitable for on-site water supply and wastewater treatment systems, and where public water and sanitary sewer services are not planned to be extended. This district is intended to protect wooded areas, wetlands, wildlife habitats, and similar natural areas that might be endangered by development at the higher densities permitted in the suburban residential (R-2) district.
- (2) *Single-family rural residential district (R-1A)*. This district has the same purposes as the R-1 district except it is intended to be used in areas in which a two-acre lot pattern has been established under previous zoning ordinances. It is not intended to be used in designated rural residential areas in which a two-acre minimum lot area pattern has not been established.
- (3) *Single-family suburban residential district (R-2)*. The single-family suburban residential district (R-2) is intended to provide areas for single-family, nonfarm residences on lots of sufficient size to permit the use of on-site water supply and wastewater treatment systems. The district is intended to be applied to areas designated in the master plan for suburban residential use at a density of 0.5 to one DU/acre. This district is intended to be used in the parts of the areas described in subsection (b)(1) and (2) of this section that do not have natural features that would be endangered by development at the density permitted in this district.

(c) *Urban residential districts.*

- (1) *Single-family urban residential district (R-3A)*. This district is intended to provide single-family residential use at an urban density of development on one-half acre and larger lots, in areas designated in the master plan for urban residential use at a density of one to two DUs/acre. This district is intended to be used only in those areas in which public water and sanitary sewer services are available.
- (2) *Single-family urban residential district (R-3)*. This district is intended to provide single-family residential areas of an urban character on lots 10,000 square feet and larger, in areas designated in the master plan for urban residential use at a density of two to four DUs/acre. The district is intended to be used only in those areas in which public water and sanitary sewer services are available.
- (3) *Single-family urban residential district (R-4)*. This district is intended to provide single-family residential areas of an urban character on lots of 7,200 square feet and larger in area, in areas designated in the master plan for urban residential use at a density of two to four DUs/acre. This district is intended to be used in those parts of the areas described in subsection (c)(2) of this section in which the established lot pattern is less than the 10,000-square-foot minimum area required in the R-3 district, or in which a transition is to be made to higher density residential use

on neighboring properties. The district is intended to be used only in areas in which public water and sanitary sewer services are available.

- (4) *Two-family urban residential district (R-5)*. This district is intended to provide areas for two single-family dwelling units that are attached to each other and that occupy a common lot. It is intended to be used in areas designated in the master plan for urban residential use at a density of four to six DUs/acre, and only in areas in which public water and sanitary sewer services are available. The district is intended to create residences that have the appearance of single-family dwellings. This district is intended to be similar to the R-4 district except for the different type of dwelling unit and the slightly higher density that is achievable by attaching two dwelling units on one lot. This district may be used as a transition area between single-family and higher density residential areas, and in some situations, between single-family residential and nonresidential areas.
 - (5) *Mobile home park residential district (R-6)*. This district is intended to provide areas for development of mobile home parks with the character of residential neighborhoods. The district is intended to be applied in areas designated in the master plan for urban residential use at a density of four to six DUs/acre, and only in areas in which public water and sanitary sewer are available. It is the intent of this district that mobile homes be considered and regulated as single-family dwellings that deserve and require locations, services, and facilities similar to other types of residences developed at urban densities.
 - (6) *Low density multiple-family residential district (R-7)*. This district is intended to provide for single-family attached dwellings and low density multiple-family dwelling units at densities up to six DUs/acre. It is intended to be applied in areas designated in the master plan for urban residential use at a density of up to six DUs/acre, and only in areas in which public water and sanitary sewer services are available.
 - (7) *Moderate density multiple-family residential district (R-8)*. This district is the same as the R-7 district except with densities of more than six DUs/acre and is designated in the master plan for urban residential use at density above six DUs/acre.
 - (8) *High density urban residential district (R-9)*. This district is intended to provide areas for multiple-family dwellings in apartment-type buildings. It is intended to be applied in areas designated in the master plan for urban residential use at a density of over six DUs/acre and only in areas currently developed with this use and density as of the date of adoption of this amendment. The district is not intended to be applied to any undeveloped area in the Township.
- (d) *Business districts.*
- (1) *Convenience commercial district (C-1)*. This district is established to provide suitable locations for retail, service, and office enterprises which serve a localized market area. Goods and services to be provided by establishments in this district are classified as "convenience," as distinguished from "comparison" goods and services, because they serve the day to day needs of a neighborhood or group of neighborhoods. With the exception of supermarkets, establishments in this district will generally be small in floor and site area. The district is intended to be applied in areas designated for such use in the master plan and only in areas in which public water and sanitary sewer services are available.
 - (2) *Office district (O)*. This district is intended for areas which are not considered suitable for other commercial uses permitted in the C-1 district but which are considered desirable locations for office activities. It is intended for those office activities which are not a part of other commercial or industrial operations or which can be physically separated therefrom. The district may be used as a transition area between residential areas and commercial or industrial areas. The district is intended to be applied in areas designated for such use in the master plan and only in areas in which public water and sanitary sewer services are available.
- (e) *Industrial districts.*
- (1) *Research and development district (R-D)*. This district is intended for research facilities and activities to serve the needs of commerce, industry, science, and education. Offices and prototype manufacturing operations in support of, and incidental to, research activities are considered

acceptable in this district. The principal characteristics of this district are a low density of land coverage and a minimum of noise, smoke, dust, dirt, gases, offensive odors, heat, glare and other environmental disturbances. The district is intended to be applied in areas designated in the master plan for research uses and only in areas in which public water and sanitary sewer services are available.

(2) *Limited industrial district (I-1).*

- a. This district is intended to provide areas for light types of manufacturing industrial operations and facilities, and wholesale and warehouse operations and their related offices and limited accessory retail sales activities, where storage of products or equipment and wholesale sales thereof are the primary use of the building. The district is designed to create a low-density development, with spacious yards to provide attractive settings as well as to help ensure compatibility with nonindustrial neighboring lots. This district is intended to permit only those uses that emit a negligible amount of noise, vibration, smoke, dust and dirt, gases or offensive odors, glare, and radiation. The district is also intended for operations which store materials, supplies, products, equipment, and refuse within buildings; outdoor storage is not intended for this district.
- b. Uses which involve the storage or handling of explosive or highly inflammable gases or liquids, or uses which are required by the Michigan Department of Environmental Quality to provide industrial pretreatment of wastewater, are not permitted in this district.
- c. This district is intended to be applied in areas designated for industrial use in the master plan.
- d. This district is intended to be applied to lands owned by the Township, County, State or other public agencies.

(f) *Public lands district.* This district is intended to be applied to lands owned by the Township, County, State or other public agencies.

(g) *Special districts.*

(1) *Planned unit development district (PUD).* The PUD district is also regulated in section 74-542 and has the following purposes:

- a. To further the public health, safety, and general welfare in an era of increasing urbanization and of growing demand for housing of all types and design;
- b. To provide for necessary commercial, educational, and recreational facilities conveniently located to such housing;
- c. To encourage innovations in residential and commercial development so that the demands of the population may be met by greater variety in type, design, and layout of buildings and by the conservation and more efficient use of open space ancillary to such buildings so that greater opportunities for better housing, recreation, and shops conveniently located to each other may extend to all citizens and residents of this Township;
- d. To develop more stable communities by providing a variety and balance of housing types and living environments;
- e. To encourage provision of open spaces and to protect and preserve natural features by incorporating same into the design of the PUD;
- f. To encourage flexibility and more efficient use of land and of public services, or private services in lieu thereof;
- g. To reflect changes in the technology of land development so that resulting economies may occur to the benefit of those who need homes;
- h. To lessen the burden of traffic on streets and highways;

- i. To encourage development which will incorporate the best features of modern design; and, in aid of these purposes, to provide a procedure which can relate the type, design, and layout of residential and commercial development to the particular site and particular demand for housing and other facilities including the foregoing at the time of development in a manner consistent with the preservation of the property values within established residential areas; and
- j. To ensure that the increased flexibility of substantive regulations over land development authorized in this district is subject to proper administrative standards and procedures.

(2) *Open space preservation residential district.*

- a. It is the intent of this district to provide residential development that results in an enhanced living environment through the preservation of natural features, agriculture, and rural landscape, and to offer an alternative to traditional subdivisions through the use of planned unit development legislation as authorized by the Zoning Enabling Act (MCL 125.3101 et seq.) for the purpose of:
 - 1. Assuring the permanent preservation of open spaces, scenic vistas, agricultural lands, and natural features;
 - 2. Encouraging a less sprawling form of development, thus preserving open space as undeveloped land;
 - 3. Preserving contiguous open spaces and natural features;
 - 4. Allowing innovation and greater flexibility in the design of rural residential developments;
 - 5. Facilitating the construction and maintenance of streets, utilities, and public services in rural residential developments in a more economical and efficient manner; and
 - 6. Ensuring compatibility of design and use between neighboring properties.
- b. These regulations are intended to preserve open spaces, natural features, agricultural lands and traditional rural character in the Township through the creation of small rural residential clusters mixed with open space, farmland and less intensive land uses. The regions of the Township for which this zoning district applies are areas defined in the Township Master Plan for open space preservation. In these areas, development may occur only by one of the two following methods: under the existing zoning of the property or under the open space preservation residential district described in this article (OSPD).

(3) *Open space preservation community.*

- a. The intent of the open space preservation community land use option is to provide residential development that results in an enhanced living environment through the preservation of natural features, agriculture, and rural landscape, and, in compliance with section 506 of the Michigan Zoning Enabling Act (MCL 125.3506), to offer an alternative to traditional subdivisions for the purpose of:
 - 1. Assuring the permanent preservation of open spaces, scenic vistas, agricultural lands, and natural features;
 - 2. Encouraging a less sprawling form of development, thus preserving open space as undeveloped land;
 - 3. Preserving contiguous open spaces and natural features;
 - 4. Allowing innovation and greater flexibility in the design of residential developments;
 - 5. Facilitating the construction and maintenance of streets, utilities, and public services in residential developments in a more economical and efficient manner; and
 - 6. Ensuring compatibility of design and use between neighboring properties.

- b. These regulations are intended to preserve open spaces, natural features, agricultural lands and traditional rural character in the Township through the creation of residential clusters mixed with open space, farmland and less intensive land uses.
- (4) *Research and research applications district (RRA)*. This district is intended to achieve the following objectives:
- a. To permit scientific, business, and industrial research operations, and related testing and production operations, in a spacious, campus-type environment devoid of nuisance factors commonly present in standard manufacturing districts;
 - b. To permit production operations which, because of the nature of the technology involved, are so related to the research operations in the district as to make the research and production activities mutually dependent; or which are developmental in nature and are substantially dependent on frequent and close collaboration with research personnel working in research facilities in the district;
 - c. To permit and encourage uses which support and complement permitted principal uses, or are vital to such uses and must be located close to them;
 - d. To protect existing and planned uses in the vicinity of this district from spillover effects which might be created by uses in the district;
 - e. To permit development in a planned, coordinated manner, according to an overall development plan for the district;
 - f. To provide facilities and services necessary for the health, safety, welfare and convenience of employees, customers, and visitors in the district;
 - g. To encourage provisions of open space within the district, and to preserve natural features by incorporating them into the plan for the district;
 - h. To help diversify the local economy, reduce unemployment, and expand the tax base of the Township;
 - i. To prevent uses in the district from creating any dangerous, injurious, noxious or otherwise objectionable condition which might result from fire, explosion or radioactivity, noise or vibration; water or soil pollution; smoke, dust, odor, or other forms of air pollution; electrical materials; conditions conducive to the breeding of rodents or insects; or from any other substance, condition, or elements in a manner or amount as to adversely affect other uses in the district or in neighboring areas.
- (5) *Office park district (OP)*. This district is intended to achieve the following objectives:
- a. To permit offices in a low density, spacious, campus environment;
 - b. To permit and encourage uses that support and complement the principal uses that are permitted in this district, or are vital to such uses and must be located close to them;
 - c. To protect existing and future uses in the vicinity of this district from spillover effects that might be created by uses in this district;
 - d. To permit development in a planned, coordinated manner, according to an overall development plan for the district;
 - e. To provide facilities and services that are necessary for the health, safety, welfare, and convenience of employees, customers, and visitors in an office park;
 - f. To encourage provision of open space and preservation of natural features in an office park;
 - g. To help diversify the local economy, expand employment opportunities and expand the tax base of the Township.

(Comp. Ords. 1990, §§ 130.1001, 130.1002; Ord. of 9-17-1990; Ord. of 3-21-1994; Ord. No. 2-02, 2-4-2002; Ord. No. 7-02, 11-18-2002; Ord. No. 5-2005, 7-18-2005; Ord. No. 4-2007, 3-19-2007; Ord. No. 5-2017, 11-20-2017)

Secs. 74-428—74-460. - Reserved.

DIVISION 2. - SCHEDULE OF USE REGULATIONS

Sec. 74-461. - Rural districts.

The following uses are permitted in rural districts:

P = Permitted use

C = Conditional use

A = Accessory use

Uses	(1) R-C	(2) A-1	(3) A-R
Agricultural education, major facility †		C	
Agricultural education, minor facility †		P	
Agricultural processing and food storage, building or structure (or area within a building or structure)*		P	
Animal hospital, veterinarian clinic		C	
Bed and breakfast operations	C	C	C
Bulk feed and fertilizer outlets		C	
Campground	C	C	
Cemetery (human and animal) ¹	C	C	
Charitable, philanthropic institution	C		C
Commercial kitchen, minor agricultural †		P	
Commercial kitchen, major agricultural †		C	

Community supported agriculture distribution site (CSA) and u-pick/pick your own (PYO) operation distribution site **		P	
Country club ¹	C	C	
Day care center or child care center ¹	C	C	C
Day care home or group day care home	C	C	C
Farm implement sales, repair		C	
Farm market/roadside stand as defined in section 74-2 and the GAAMPS for farm markets***	A	A	A
Farm operation, other than certain CAFOs and sod farms ⁵	P	P	P
Feed grain elevator		C	
Garage, private (attached or detached)	A	A	A
Golf course, golf driving range ¹	C	C	
Government buildings	C		
Greenhouse, commercial, as part of a farming operation	P	P	P
Greenhouse, private	A	A	A
Home occupation	A	A	A
Hunting preserve	C	C	
Kennel (commercial)	C	C	
Keeping of Class II animals ⁴	P	P	P
Keeping of Class III animals ⁴	P	P	P
Large-Scale SES	C	C	

Medical Marijuana Grow Operation****	C	C	C
Mineral Mining	C	C	
Nature and wildlife preserve	P	P	
Nature center	P	C	
Nursery sales	C	C	
Park, community passive	P	C	P
Park, regional passive	C	C	
Place of worship	C	C	C
Police, fire stations	C		
Receiving and broadcasting towers	C	C	
Riding stable, public	C	C	
Rifle and shooting ranges		C	
Schools, primary and secondary ¹	C	C	C
Signs	A	A	A
Single-family detached residence	P	P	P
Small-Scale SES	A	A	A
Storage buildings, barns, silos	A	A	A
Swimming pool, private	A	A	A
Transmission and distribution lines and pipelines and related structures, but not including buildings of public utility companies, when located in an existing right-of-way or utility easement, telephone repeater structure	P	P	P

Transmission and distribution lines, pipelines of public utility companies when new right-of-way or easements are required; and structures of public utility companies ²	C	C	C
Wireless communications facilities ³	C	C	

- ¹ These uses are not allowed as permitted, conditional, or accessory uses in the areas designated in the Township Master Plan for agricultural production or open space preservation.
- ² Provided that there shall be no storage of materials, equipment, vehicle, or supplies on the premises, except as required for maintenance of a permitted or conditional use; provided further that no personnel shall be quartered on the premises; and provided that the structures shall be located, designed, constructed, and landscaped in such a manner as to conform to the character of the surrounding area and the zoning district in which located.
- ³ See article VI of this chapter, wireless communications facilities. Conditional use in A-1 only in areas not designated as residential under the Township's Master Plan. Conditional use in R-C only within 100 feet of a limited access highway.
- ⁴ Keeping of Class I animals, Class II animals and Class III animals in residential districts shall be subject to the regulations established in section 74-607.
- ⁵ Concentrated animal feeding operations (CAFOs) (as defined in Mich Admin Code, R 323.2102(i)) and farm operations in connection with sod crops, in each case that fail to operate in compliance with applicable generally accepted agricultural and management practices, as defined in the Michigan Right to Farm Act, MCL 286.471 *et seq.*, as may be amended from time to time, are not permitted uses in the Township.
- * See supplementary district regulation section 74-608.
- ** See supplementary district regulation section 74-609.
- *** See supplementary district regulation section 74-610.
- **** See section 74-613 for supplemental regulations.
- † See supplementary district regulations section 74-611.
- ‡ See supplementary district regulations section 74-612.

(Comp. Ords. 1990, § 130.1003A; Ord. of 9-17-1990; Ord. of 3-21-1994; Ord. No. 2-2005, 4-18-2005; Ord. No. 10-2010, 12-20-2010; Ord. No. 7-2012, 10-15-2012; Ord. No. 2-2013, 6-17-2013; Ord. No. 4-2016, 10-17-2016; Ord. No. 3-2017, 6-19-2017; Ord. No. 5-2017, 11-20-2017; Ord. No. 4-2019, 12-16-2019)

Sec. 74-462. - Rural and suburban residential districts.

The following uses are permitted in rural and suburban residential districts:

P = Permitted use

C = Conditional use

A = Accessory use

Uses	(1) R-1	(2) R-1A	(3) R-2
Ambulance station	C	C	C
Bed and breakfast operations	C	C	C
Country club	C	C	C
Day care center	C	C	C
Day care home	C	C	C
Golf course	C	C	C
Home occupation	A	A	A
Keeping of Class II animals ²	P	P	P
Keeping of Class III animals ²	P	P	P
Library, museum (noncommercial)	C	C	C
Medical Marijuana Grow Operation*	C		
Municipal office building	C	C	C
Park, community passive	P	P	P
Park, community active	C	C	C
Place of worship	C	C	C
Police, fire station	C	C	C
Primary and secondary schools	C	C	C
Private garages	A	A	A

Private greenhouse	C	C	C
Signs	A	A	A
Single-family dwelling, detached	P	P	P
Small-Scale SES	A	A	A
Storage buildings	A	A	A
Swimming pool, community	C	C	C
Swimming pool, private	A	A	A
Transmission and distribution lines, and related structures but not including buildings of public utility companies when located in an existing right-of-way or utility easement, telephone repeater structures	P	P	P
Transmission and distribution lines, pipeline of public utility companies when new right-of-way or easements are required; and structures of public utility companies ¹	C	C	C

¹ Provided that there shall be no storage of materials, equipment, vehicle, or supplies on the premises except as required for maintenance of a permitted or conditional use; provided further that no personnel shall be quartered on the premises; and provided that the structures shall be located, designed, constructed, and landscaped in such a manner as to conform to the character of the surrounding area and the zoning district in which located.

² Keeping of Class I animals, Class II animals and Class III animals shall be subject to the regulations established in Section 74-607.

* See section 74-613 for supplemental regulations.

(Comp. Ords. 1990, § 130.1003B; Ord. of 9-17-1990; Ord. of 3-21-1994; Ord. of 4-3-1995; Ord. No. 10-2010, 12-20-2010; Ord. No. 4-2016, 10-17-2016; Ord. No. 3-2017, 6-19-2017; Ord. No. 5-2017, 11-20-2017; Ord. No. 4-2019, 12-16-2019)

Sec. 74-463. - Urban residential districts.

The following uses are permitted in the urban residential districts:

P = Permitted use

C = Conditional use

A = Accessory use

Uses	(1) R-3	(2) R- 3A	(3) R-4	(4) R-5	(5) R-6	(6) R-7	(7) R-8	(8) R-9
Ambulance station	C	C	C	C	C	C	C	C
Colleges, universities		C					C	C
Country club	C	C	C	C	C	C	C	C
Day care center	C	C	C	C	C	C	C	C
Day care home	C	C	C	C	C	C	C	C
Eleemosynary, philanthropic institutions	C			C	C	C	C	
Fraternity, sorority houses	C					C	C	
Funeral home						C	C	C
Group foster care home ¹						C	C	C
Golf course	C	C	C	C	C	C	C	C
Home occupation ²	A	A	A	A				
Hospitals	C					C	C	
>Keeping of Class III animals ⁶	P	P	P					
Library, museum (noncommercial)	C	C	C	C	C	C	C	C
Manager's residence and office	A				A	A	A	
Medical, dental clinics when associated with and on the same lot as a hospital	C					C	C	
Mobile home park ³					P			
Mobile home subdivision					P			

Multiple-family dwelling						P	P	P
Municipal office				C		C	C	C
Nursing, convalescent homes	C					C	C	
Park, community passive	P	P	P	P	P	P	P	P
Park, community active	C	C	C	C	C	C	C	C
Place of worship	C	C	C	C	C	C	C	C
Primary and secondary schools	C	C	C	C	C	C	C	C
Private garages	A	A	A	A	A	A	A	A
Private greenhouse	A	A	A	A	A	A	A	A
Police, fire stations	C	C	C	C	C	C	C	C
Roominghouses						C	C	C
Signs	A	A	A	A	A	A	A	A
Single-family dwelling, attached				P		P	P	P
Single-family dwelling, detached ⁴	P	P	P	P		P	P	P
Small-Scale SES	A	A	A	A	A	A	A	A
Storage buildings	A	A	A	A	A	A	A	A
Swimming pool, community	C	C	C	C	C	C	C	C
Swimming pool, private	A	A	A	A	A	A	A	A
Transmission and distribution lines and pipelines and related structures, but not including buildings of public utility companies when located in an existing right-of-way, or utility easement; telephone repeater structure	P	P	P	P	P	P	P	P

Transmission and distribution lines, pipelines of public utility companies when new rights-of-way or easements are required, and structures of such companies ⁵	C	C	C	C	C	C	C	C
Tourist homes		C					C	C
Townhouse dwellings						P	P	P
Two-family dwelling ⁴				P		P	P	P

- 1 Additional regulations for group foster care homes are set forth in section 74-599.
- 2 Home occupations shall be permitted only in single-family detached dwelling units.
- 3 Additional regulations for mobile home parks are provided in section 74-593. Certain commercial and service uses are permitted as conditional uses in a mobile home park, as provided in section 74-593(b).
- 4 Single-family residences in the R-5, R-6, R-7, R-8 and R-9 districts shall conform to all regulations of the R-4 district. Two-family residences in the R-7, R-8 and R-9 districts shall conform to all regulations of the R-5 district.
- 5 Provided that there shall be no storage of materials, equipment, vehicles, or other supplies on the premises, except as required for maintenance of a permitted or conditional use; provided further that no personnel shall be quartered on the premises, and provided that the structure shall be located, designed, constructed and landscaped in such manner as to conform to the character of the surrounding area and the zoning district in which located.
- 6 Keeping of Class I animals and Class III animals shall be subject to the regulations established in section 74-607, including for Class III animals the minimum acreage requirement set forth in 74-607 (c)(1). Keeping of Class II animals is not permitted in urban residential districts.

(Comp. Ords. 1990, § 130.1003C; Ord. of 4-14-1986; Ord. of 3-21-1994; Ord. No. 10-2010, 12-20-2010; Ord. No. 3-2017, 6-19-2017; Ord. No. 5-2017, 11-20-2017; Ord. No. 4-2019, 12-16-2019)

Sec. 74-464. - Business districts.

The following uses are permitted in business districts:

P = Permitted use

C = Conditional use

A = Accessory use

Uses ¹	(1) C-1	(2) O
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Ambulance stations	P	P
Animal hospital, kennel (commercial)	C	
Antique shops	P	
Automobile and farm equipment, sales, new (includes accessory activities, such as car sales, auto repairs, body and paint shops)	P	
Automobile and farm equipment sales, used; when not on the same premises as a new car or equipment sales	C	
Automobile parts, supply, tire stores, new	P	
Automobile service station	C	
Automobile wash	C	
Bakery	P	
Bank, trust company, savings and loan (except drive-in facilities)	P	P
Bar	C	
Barbershop	P	
Beauty shop	P	
Book, magazine, newspaper, etc.	P	
Building supply store	P	
Business offices	P	P
Candy store	P	
Charitable and philanthropic	P	P
Dairy products store	P	

Day care center	C	C
Day care home	C	C
Delicatessen	P	
Department, discount store	P	
Drive-in bank	C	
Drive-in restaurant (carry-out)	C	
Dry cleaning pick up station	P	
Dry cleaning establishment ²	C	
Equipment	C	
Executive, administrative offices		P
Feed and grain sales and storage	P	P
Florist	P	
Food market (convenience store)	P	
Fruit, vegetable store	P	
Funeral home	C	
Furniture store	P	
Gift shop	P	
Government offices	P	P
Grocery store (supermarket)	P	
Hardware store	P	

Horticultural nursery, commercial greenhouse	P	
Hospitals	P	P
Household appliance store	P	
Jewelry store	P	
Laboratories	P	
Large-Scale SES		C
Laundromat, laundrette	P	
Laundry pickup station	P	
Library, museum	C	P
Meat, fish, poultry market (no live poultry)	P	
Medical, dental clinics	P	C
Mobile home sales, service and repair	P	
Motels, hotels, (including manager's residence)	C	
Newspaper publishing plant	P	
Nursing, convalescent homes	P	P
Offices of labor unions, religious and political organizations	P	P
Off-street parking lot	A	A
Outdoor recreation facilities, commercial	C	
Parking lot, public or commercial	C	C
Party store (including package liquor)	P	

Pet shop	P	
Photographic store	P	
Place of worship	P	P
Police, fire station	P	P
Professional offices	P	P
Radio, TV broadcasting and receiving towers	C	C
Radio, TV broadcasting studios	P	P
Recreational facilities (indoor), commercial	C	
Recreational vehicle sales, service and repair	P	P
Recreational vehicle storage	C	
Rental of equipment and products such as hand and power tools, trailers, and vehicles	C	
Restaurant (no entertainment except music)	P	
Restaurant, nightclubs	P	
Schools	P	
Shoe repair shop	P	
Signs	A	A
Sign painting shop	P	
Small-Scale SES	A	A
Swimming pool, commercial	C	
Tailor, seamstress shop	P	

Taxicab, bus station	C	
Theater, drive-in	C	
Theater, indoor	P	
Towers of public utility companies and cellular telephone companies	C	C
Transmission and distribution lines, pipelines, structures of public utility companies	P	P
Upholstering shop	P	
Variety, dry goods store	P	
Wearing apparel store	P	
Wholesale sales, warehousing, when incidental to and part of a retail sales establishment	C	

- ¹ Whenever uses permitted in the above districts involve the preparation or manufacture of goods for sale, such goods shall be sold only on the premises and only at retail.
- ² A laundry or dry cleaning establishment is for local service only and no work shall be received from dry cleaning pickup stations or other laundry or dry cleaning plants. Wholesaling and subcontracting in connection with laundering and dry cleaning shall be prohibited in the business districts. (Such operations are permitted in the industrial district.)

(Comp. Ords. 1990, § 130.1003D; Amd. of 11-6-1995; Amd. of 1-20-1997; Ord. No. 3-2017, 6-19-2017; Ord. No. 5-2017, 11-20-2017; Ord. No. 4-2019, 12-16-2019)

Sec. 74-465. - Industrial districts.

The following uses are permitted in industrial districts:

P = Permitted use

C = Conditional use

A = Accessory use

Uses	(1) R-D	(2) I-1
Agricultural operations		P

Ambulance stations	P	C
Business, professional, elective or administrative offices related to research and development activity	P	A
Collection center for household waste materials to be recycled		C
Farm and landscaping equipment sales		P
Contractors establishment		C
Industrial plants of manufacture, processing or assembly of the following:		
Bulk feed and fertilizer outlets		P
Canvas products (using purchased canvas)		P
Food and kindred products (not including slaughterhouse)		C
Furniture and fixtures		C
Glass products (using purchased glass)		C
Jewelry, silverware and plated ware, musical instruments and parts, toys, sporting goods, office and artists materials, notions, signs, and advertising displays		C
Large-Scale SES	C	C
Lumberyards, building materials sale and storage	A	C
Medical Marijuana Grow Operation*		C
Monument sales, manufacture, processing, or assembly of monuments, cut stone, and stone products	P	C
Office for a permitted principal use		A
Police, fire stations		C
Radio, TV broadcasting station, transmitting and receiving towers		C

Research park	P	
Residence (for security personnel only)	A	
Residence for watchmen, caretaker	A	
Retail sales when incidental to a permitted use		C
Scientific business or research	P	C
Sewage treatment facilities	P	
Signs	A	A
Small-Scale SES	A	A
Taxicab, bus station	C	C
Testing laboratories	P	
Towers of public utility companies and cellular telephone companies	C	C (amended 1-20-97)
Transmission and distribution lines, pipelines, structures of public utility companies	P	
Warehousing, material distribution centers		C
Wholesale sale of goods, materials		C

* See section 74-613 for supplemental regulations.

(Comp. Ords. 1990, § 130.1003E; Ord. of 1-27-1997; Ord. No. 5-2007, 3-19-2007; Ord. No. 4-2016, 10-17-2016; Ord. No. 4-2019, 12-16-2019)

Secs. 74-466—74-500. - Reserved.

DIVISION 3. - SCHEDULE OF AREA, PLACEMENT AND HEIGHT REGULATIONS

Sec. 74-501. - Rural districts.

The following table contains regulations for rural districts:

Regulations ¹	(1) R-C	(2) A-1 ²	(3) A-R
1. Minimum lot area:			
Residence only, no farm	5 ac.	10 ac.	5 ac.
All other permitted and conditional uses	5 ac.	10 ac.	5 ac.
2. Minimum lot width	300 ft.	330 ft.	300 ft.
3. Maximum ground floor coverage (GFC)	5%	5%	5%
4. Maximum floor area ratio (FAR)	0.10	0.10	0.10
5. Minimum yards:			
Front ³	50 ft.	50 ft.	50 ft.
Side ⁴	30 ft.	30 ft.	30 ft.
Corner	50 ft.	50 ft.	50 ft.
Rear	50 ft.	50 ft.	50 ft.
6. Maximum height:			
Stories	2½	2½	2½
Feet ⁵	35 ft.	35 ft.	35 ft.

¹ Lines and structures (not including buildings) of public utility companies shall be exempt from the area, placement, and height regulations of this section.

² Except for household pets, the rearing and housing of farm animals is prohibited on areas of less than ten acres, provided, however, that the Board of Appeals may grant permission to rear and house farm animals, other than pigs, for noncommercial purposes, on areas of two or more acres for limited periods of time.

³ See section 74-595 for setback requirements along arterial roads and highways.

- 4 Where livestock is raised or kept, any structure for housing of livestock, and any storage of hay, feed, or manure, shall be located not less than 50 feet from any property line.
- 5 The maximum height of farm structures shall be 75 feet. See section 74-426(g) for waiver of height regulations for certain structures.

(Comp. Ords. 1990, § 130.1004A; Ord. of 3-21-1994)

Sec. 74-502. - Rural and suburban residential districts.

The following table contains regulations for rural and suburban residential districts:

Regulations ¹	(1) R-1	(2) R-1A	(3) R-2
1. Minimum lot area, residences	3 ac.	2 ac.	1 ac.
2. Minimum lot area, all other permitted and conditional uses	3 ac.	3 ac.	3 ac.
3. Minimum lot width	300 ft.	150 ft.	150 ft.
4. Maximum ground floor coverage (GFC)	10%	10%	20%
5. Maximum floor area ratio (FAR)	0.10	0.10	0.20
6. Minimum yards:			
Front	50 ft.	50 ft.	35 ft.
Side ²	30 ft.	30 ft.	20 ft.
Corner	50 ft.	50 ft.	35 ft.
Rear	50 ft.	50 ft.	30 ft.
7. Maximum height:			
Stories	2½	2½	2½
Feet	35 ft.	35 ft.	35 ft.

¹ Lines and structures (not including buildings) of public utility companies shall be exempt from the area, placement, and height regulations of this section.

	Feet	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.		35 ft	35 ft.	35 ft.
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- ¹ Lines and structures (not including buildings) of public utility companies shall be exempt from the area, placement, and height regulations of this section.
- ² The minimum lot area shall apply to the parcel that comprises the mobile home park.
- ³ Minimum distances between two or more multiple-family dwellings on a lot are set forth in section 74-598.
- ⁴ The minimum lot area per dwelling unit shall be the minimum required area of each mobile home site in a mobile home park. The minimum lot area per dwelling unit shall not include land area within rights-of-way of public streets; surface area of lake, ponds or wetlands; land within a 100-year flood way; or land within easements more than 20 feet wide.
- ⁵ The minimum width of 200 feet applies to the parcel of land that comprises a mobile home park and shall be measured along any public street on which the mobile home park abuts. The minimum frontage of each mobile home site on a street within the mobile home park shall be 20 feet.
- ⁶ See section 74-595 for setback requirements along arterial roads and highways.
- ⁷ The yard requirement shall apply only to the parcel that comprises the mobile home park and to principal nonresidential structures in the mobile home park.

(Comp. Ords. 1990, § 130.1004C; Ord. of 4-14-1986; Ord. of 9-17-1990; Ord. of 3-21-1994)

Sec. 74-504. - Business districts.

The following table contains regulations for business districts:

Regulations ¹		(1) C-1	(2) O
1.	Minimum lot area:		
	With sanitary sewer	10,000 sq. ft.	20,000 sq. ft.
	Without sanitary sewer	1 ac.	1 ac.
2.	Minimum lot width:		
	With sanitary sewer	80 ft.	100 ft.
	Without sanitary sewer	150 ft.	150 ft.
3.	Maximum ground floor coverage (GFC)	25%	25%

4.	Maximum floor area ratio (FAR)	0.60	0.60
5.	Minimum yards:		
	Front	35 ft.	35 ft.
	Side	10 ft.	10 ft.
	Corner ²	35 ft.	35 ft.
	Rear	35 ft.	35 ft.
6.	Maximum height:		
	Stories	2	3
	Feet	35 ft.	35 ft.
7.	Transition strip ³	20 ft.	20 ft.
8.	Landscape strip ⁴	25 ft.	25 ft.

¹ Lines and structures (not including buildings) of public utility companies shall be exempt from the area, placement, and height regulations of this section.

² See section 74-595 for setback requirements along arterial roads and highways.

³ A transition strip shall be required whenever any lot in a business district abuts a lot in any rural or residential district. Such a strip shall be provided along every lot line, except front lot lines, which abuts a lot in such district, shall not be included as part of the required yard, and shall be improved with a screen, wall, hedge or shrubbery which will reach a height of four feet one year after planting. The strip shall be maintained in good condition. The Planning Commission shall have the authority to change the nature of, or reduce the required width of, or to waive completely, the requirement of a transition strip because of a probable change in land use or zoning of adjacent properties. Such determinations and reasons therefor shall be recorded in the minutes of the meeting at which the action is taken. Such transition strip shall comply with the requirements of section 74-586 of this chapter.

⁴ The landscape strip shall be provided along and adjacent to the front property line and shall extend across the entire width of the lot. Driveways may cross the strip but shall not occupy the strip.

(Comp. Ords. 1990, § 130.1004D)

Sec. 74-505. - Industrial districts.

The following table contains regulations for industrial districts:

Regulations ¹	(1) R-D	(2) I-1
1. Minimum lot area:		
With sanitary sewer	20,000 sq. ft.	20,000 sq. ft.
Without sanitary sewer	1 ac.	1 ac.
2. Minimum lot width:		
With sanitary sewer	80 ft.	80 ft.
Without sanitary sewer	150 ft.	150 ft.
3. Maximum ground floor coverage (GFC)	25%	30%
4. Maximum floor area ratio (FAR)	0.50	0.60
5. Minimum yards:		
Front	35 ft.	50 ft.
Side ²	10 ft.	20 ft.
Corner	35 ft.	50 ft.
Rear	35 ft.	35 ft.
6. Maximum height:		
Stories	2	2
Feet	35 ft.	35 ft.
7. Transition strip ³	20 ft.	25 ft.
8. Landscape strip ⁴	20 ft.	35 ft.

- ¹ Lines and structures (not including buildings) of public utility companies shall be exempt from the area, placement, and height regulations of this section.
- ² See section 74-595 for setback requirements along arterial roads and highways.
- ³ A transition strip shall be required whenever any lot in a business district abuts a lot in any rural or residential district. Such a strip shall be provided along every lot line, except front lot lines, which abuts a lot in such district, shall not be included as part of the required yard, and shall be improved with a screen, wall, hedge or shrubbery which will reach a height of four feet one year after planting. The strip shall be maintained in good condition. The Planning Commission shall have the authority to change the nature of, or reduce the required width of, or to waive completely, the requirement of a transition strip because of a probable change in land use or zoning of adjacent properties. Such determinations and reasons therefor shall be recorded in the minutes of the meeting at which the action is taken. Such transition strip shall comply with the requirements of section 74-586.
- ⁴ The landscape strip shall be provided along and adjacent to the front property line and shall extend across the entire width of the lot. Driveways may cross the strip but shall not occupy the strip.

(Comp. Ords. 1990, § 130.1004E; Ord. of 3-21-1994)

Secs. 74-506—74-540. - Reserved.

DIVISION 4. - ADDITIONAL REQUIREMENTS APPLICABLE TO CERTAIN DISTRICTS

Sec. 74-541. - Public lands district (PL).

- (a) *Permitted principal uses.* The following uses are permitted principal uses in the public lands district:
 - (1) College, university;
 - (2) Conservation area;
 - (3) Forest preserve;
 - (4) Game refuge;
 - (5) Government buildings;
 - (6) Library, museum;
 - (7) Police, fire stations;
 - (8) Primary, secondary school;
 - (9) Public park.
- (b) *Permitted accessory uses.*
 - (1) Small-Scale SES.
- (c) *Permitted conditional uses.* The following uses are permitted conditional uses in the public lands district:
 - (1) Camping area, recreational vehicle park;
 - (2) Country club;
 - (3) Hunting preserve;
 - (4) Swimming pool;
 - (5) Public services and related buildings, structures and facilities such as a public wastewater treatment plant or a public water treatment facility;
 - (6) Large-scale SES.

- (d) *Area, placement, and height regulations.* These regulations shall be the same as provided in section 74-501, R-C district.
- (e) *Signs.* Signs in public lands shall comply with the regulations in article IX of this chapter except that the following regulations shall apply notwithstanding the provisions of article IX:
 - (1) Each road entry to a property in this district may have one freestanding identification sign. Such sign shall not exceed 80 square feet in area, and may be located in a required yard, but not less than one-half the required setback from a street or property line.
 - (2) One freestanding identification sign, or one wall sign, not more than 36 square feet in area, shall be permitted for each building, structure or use area of a property in this district.
 - (3) Wall signs shall not extend above the top edge of the wall.
 - (4) The top of all freestanding signs shall not exceed eight feet above grade. Sign height and placement shall not obstruct the view of vehicular or pedestrian traffic.
 - (5) Billboards/outdoor advertising signs shall not be permitted in this district.
 - (6) For any parcel or contiguous parcels in a public land district containing ten or more occupied buildings under one ownership, building entrance signs and wall signs for the purpose of identifying a building shall not exceed 55 square feet in area.
 - (7) For any parcel or contiguous parcels in a public land district containing ten or more occupied buildings under one ownership, directional signs within the district shall not exceed 25 square feet in area.

(Ord. No. 1-2004, 1-19-2004; Ord. No. 12-2007, 11-19-2007; Ord. No. 4-2019, 12-16-2019)

Sec. 74-542. - PUD regulations.

- (a) *Location of a PUD.* A PUD shall be located in areas of the Township that are determined by the Township Board to be suitable and desirable for such development, upon recommendation by the Planning Commission. In making its recommendation, the Planning Commission shall find that the location of a proposed PUD is consistent with Township policy, as expressed in the master plan, or represents land use policy that is a local and acceptable change in adopted policy.
- (b) *District regulations.*
 - (1) *General.* All uses, structures, and properties shall comply with all regulations in divisions 1—3 of this article, district regulations, and with all other regulations and requirements of this chapter, except as provided in this section.
 - (2) *Minimum lot area.* The minimum lot area to be developed under the regulations of this section shall be 20 acres; provided, however, that the minimum lot area may be waived by the Township Board if the parcel in question has certain unique characteristics such as, but not limited to, significant topographic change, significant trees or wooded areas, wetlands or poor soil conditions on portions of the property, watercourses or utility easements crossing the parcel, unusual shape or proportions, and isolation from other undeveloped or developable lands. In such case, the applicant shall submit information to the Township Board to support the request for a waiver of the minimum lot size requirements. The Township Board shall consider the request and act thereon, and shall inform the applicant of the action in writing. The request for a waiver and the Township Board's action shall be made prior to the applicant's submittal of an application for a PUD district classification. The Township Board shall not consider any request for a waiver in the 20-acre minimum until it has received a recommendation from the Planning Commission on such request.
 - (3) *Permitted uses.*

- a. Uses permitted in a PUD district shall be consistent with the uses designated in the master plan.
- b. A residential area, designated on an area plan or final site plan, may contain one or more types of dwelling units, provided that such combination of dwelling unit types will not interfere with the orderly and reasonable platting of an area, if such area is to be platted.
- c. Multiple-family dwelling units may be located in buildings containing, or intended to contain, commercial and/or office activities, provided that commercial uses shall be permitted only on the first, ground, or main floor, however defined. Dwelling units shall not be permitted on any floor on which commercial and/or offices are located or intended to be located.
- d. Home occupations shall not be permitted in any dwelling unit, including a mobile home unit, other than a single-family detached dwelling unit. Each such dwelling unit shall be subject to the home occupation regulations in section 74-9.

(4) *Density regulations.*

- a. The maximum permitted residential density for a PUD district shall not exceed the average residential density for the area included in the PUD as shown on the Township's Master Plan.
- b. The maximum ground floor coverage (GFC) shall not exceed 20 percent.
- c. The maximum floor area ratio (FAR) shall not exceed 0.35.
- d. Land areas to be used in calculating gross densities, ground floor coverage, and floor areas as provided in this section shall each be delineated on the area plan, preliminary site plan, where applicable, and final site plan, so that the acreage and density computations can be confirmed.
- e. The land area used for calculating gross residential density shall include the total residential land area designated on the area plan or final site plan, less any area within existing and proposed street rights-of-way.
- f. The horizontal surface area of lakes, streams, ponds (natural, manmade, or stormwater retention), marshlands, and similar areas may be included in the acreage used for calculating gross residential density if 50 percent of the frontage of such areas are part of lands devoted to parks and open space used for and accessible by residents of the PUD.
- g. GFC and FAR calculations for residential structures shall be based upon the acreage designated for gross residential density. GFC and FAR calculations for nonresidential uses shall be based upon land areas including acreage for private drives, parking and loading areas, open spaces around structures, landscape areas, and similar areas, but not including acreage in existing public street rights-of-way.
- h. Land once used to provide acreage sufficient to meet density regulations in a project within a PUD shall not again be used to compute density in another project unless the gross and net densities, GFC, and FAR of the subject project and all previous projects are maintained at or less than the limits established in the approved area plan.
- i. The Planning Commission may exclude land with slopes of 15 percent or steeper from the gross residential land area if such land is not usable for residential or recreation/open space purposes.
- j. Top decks of underground parking structures may be included in the land area used in density calculations if such area is fully landscaped and is not used for circulation and parking of vehicles.
- k. The GFC and FAR for the PUD shall include assumed ground floor area and total floor area for the single-family detached dwelling units proposed in the PUD. Such assumed floor areas shall be listed in the required calculations.

(5) *Yards.*

- a. A yard 50 feet wide shall be provided along the perimeter of the PUD district fronting on a public street.
 - b. A yard 20 feet wide shall be provided along the perimeter of the PUD district not fronting on a public street. Such yard shall be designed and landscaped as a buffer strip; parking lots and driveways shall not be permitted in such yard, except that drives may cross such yard.
 - c. A yard at least 35 feet wide shall be provided along the right-of-way of a major public collector street proposed within the PUD, and a yard 50 feet wide shall be provided along the right-of-way of a public arterial street proposed within the PUD.
 - d. A landscaped yard at least ten feet wide shall be provided between a parking lot of five or more spaces and a property line within the PUD, and 20 feet from the perimeter property line of the PUD, except when adjacent to a public street right-of-way line, existing or proposed, in which case the preceding setbacks shall apply.
 - e. A transition strip at least 20 feet wide shall be required in accordance with the provisions of section 74-586 on any commercial or office site when adjacent to a residential area, school site, park, and similar areas. Such strips shall be landscaped with trees, shrubs, mounds, ground covers, and other materials.
 - f. The preceding yard requirements, except those in subsections (b)(5)a and b of this section, may be reduced or waived when approved by the Township Board upon recommendation of the Planning Commission. The reduction or waiver shall be justified by the applicant and shall be based upon findings that topographic conditions, existing trees and other vegetation, proposed land grading and plant materials, or other site conditions perform the same functions as the required yards. Such reductions or waivers shall be clearly shown on the approved area plan.
 - g. All required yards shall be landscaped and adequately and permanently maintained by the property owner, tenant, or organization responsible for maintaining common areas as provided in subsection (h) of this section.
- (6) *Distances between buildings.*
- a. Any single-family dwelling structure shall be located at least ten feet from any other single-family dwelling structure unless structurally attached thereto.
 - b. The location of buildings and uses and the distances between buildings shall be clearly shown on the area plan and shall control the development and continued use of the property.
 - c. Distances between the buildings shall conform to the requirements of section 74-598.
- (7) *Height.* There are no height regulations in the PUD district, provided that any buildings exceeding a height of 2½ stories or 35 feet shall be approved as to specific height by the Township Board upon recommendation from the Planning Commission. Approval shall be based upon findings regarding light, air circulation, views, airport flight patterns, and recommendations from the Township Fire Chief regarding fire protection and safety.
- (8) *Circulation and access.*
- a. Each lot or principal building in a PUD district shall have vehicular access from a public street or from a private street approved by the Township Board, upon recommendation from the Planning Commission, as part of an area plan.
 - b. Each lot or principal building in a PUD shall have pedestrian access by a public or private sidewalk, and bicycle access by a bicycle path, where determined by the Township Board to be necessary for public safety and convenience, upon recommendation of the Planning Commission.
 - c. Standards of design and construction for public and private streets within the PUD may be modified as deemed appropriate to adequately provide the anticipated service required. Right-of-way standards may also be modified, especially where the area plan provides for

the separation of pedestrian and vehicular patterns and adequate off-street parking facilities. Any modification of proposed public streets shall meet the approval of the county road commission.

- d. Public and private streets shall be designed and constructed according to established standards for public streets, except that such standards may be modified as provided in subsection (a)(8)c of this section. If, in the future, private streets in a PUD are to be dedicated to a public agency, the owners shall first fully agree to bear the full expense of reconstruction or any other action required to make streets suitable for public acceptance.
- e. An individual dwelling unit in any single-family, two-family townhouse, mobile home, or similar residential structure shall not have direct access to a collector or arterial street.

(9) *Utilities.*

- a. Each principal building in a PUD district shall be connected to sanitary sewerage and water facilities as required in section 74-12.
- b. Each site in a PUD district shall be provided with adequate storm drainage. Open drainage courses and stormwater retention ponds may be permitted by the Township Board upon recommendation by the Planning Commission as part of the area plan.
- c. Electrical, telephone, and cable television lines shall be underground, provided, however, that distribution lines may be placed overhead after approval of the location of the lines and poles by the Township Board, upon recommendation of the Planning Commission as part of the area plan. Surface-mounted transformers and similar equipment for the underground wires shall be shown on the final site plan and shall be landscaped and screened from view.

(10) *Open space regulations.*

- a. Buildings, parking lots, drives, and similar improvements may be permitted in open space areas if related and necessary to the functions of the open space. Other buildings and improvements shall be prohibited therefrom.
- b. Open space areas shall be conveniently and equitably located throughout the PUD in relation to the location of dwelling units and natural features.
- c. Open space areas shall have minimum dimensions which, in the Planning Commission's opinion, are usable for the functions intended and which will be maintainable.
- d. The Township Board may require, upon recommendation of the Planning Commission, that natural amenities such as ravines, rock outcrops, wooded areas, tree or shrub specimens, unique wildlife habitats, ponds, streams, and marshes be preserved as part of the open space system of the PUD.

(11) *Staging.* Development within a PUD district may be staged as delineated on the approved area plan. Staging shall be subject to the following requirements:

- a. Any stage containing commercial and/or office uses shall have a residential land area containing at least three times the land area in the commercial/office use.
- b. A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services, and open spaces and recreation facilities, and shall be capable of substantial occupancy, operation, and maintenance upon completion of construction and development of that phase.
- c. The Township Board, upon recommendation of the Planning Commission, may require that development be staged so that Township, school district, and county property tax revenues resulting from such development will generally balance the expenditures required by public agencies to properly service that development so that serious overloading of utility services and community facilities will not result, so that the various amenities and services necessary to provide a safe, convenient, and healthful residential environment will be available upon completion of any one phase. The Planning Commission may require the applicant to provide

housing and commercial market analyses, traffic studies, and other information necessary for the commission to properly and adequately analyze a PUD project for recommendation to the Township Board with respect to this requirement.

- d. The Planning Commission may require, as part of a final site plan review of a stage, that land shown as common open space on the approved area plan be held in reserve as part of a stage to be developed, in order to guarantee that density limits for the entire PUD as shown on the approved area plan will not be exceeded when the subject phase is completed. Such reserved land may be included in subsequent phases if the density regulations will not be exceeded upon completion of that phase or if other land is similarly held in reserve.
 - e. No building permits shall be issued for any commercial or office use in a PUD until building permits have been issued for at least 100 dwelling units or one-quarter of the total number of units in the approved area plan, whichever is less.
- (12) *Parking and loading requirements.* The parking and loading requirements set forth in article VIII of this chapter shall apply except that the number of spaces required may be reduced in a PUD if approved by the Township Board, upon recommendation of the Planning Commission, as part of the area plan. Such reduction shall be justified by the applicant and shall be based upon a finding that sufficient parking will be available through sharing of spaces by different uses, that the parking requirement is excessive for the type of use proposed, that walk-in trade for commercial centers will reduce parking demand, or similar factors.
- (13) *Continuing applicability of regulations.*
- a. The location of all uses and buildings, all mixtures and allocations of uses, all yards and transition strips, and all other information regarding use of properties as shown on or as part of an approved area plan, and an approved final site plan, shall have the full force and permanence of this chapter as though such regulations were specifically set forth in this chapter.
 - b. Such statements shall be the continuing obligation of any subsequent interests in the PUD or parts thereof and shall not be changed or altered except as permitted in this article or except as approved through formal amendment procedures as set forth in this article. The approved plan and any documents attached thereto shall control any subsequent planning or development at any particular stage in the process.
 - c. A parcel of land that has been classified as a PUD district by the Township Board shall not thereafter be developed or used except in accordance with the approved area plan and preliminary and final site plans approved subsequent thereto.
- (14) *Construction.* No construction, grading, tree removal, soil stripping, or other site improvements or changes shall commence, and no permit shall be issued therefor, on a lot with or under application for a PUD classification, until the requirements of this section have been met.
- (c) *Preapplication conference.*
- (1) A potential applicant for a PUD district classification shall request a preapplication conference with Township officials prior to filing an application. The request shall be made to the Planning Commission chair, who shall set a date and shall inform the Township Supervisor, Township Clerk, and Township Treasurer, and other Planning Commission members of the conference and invite their attendance. The Planning Commission chair shall also invite other officials who might have an interest in the proposed development, or who might assist the Township in the review process, such as but not limited to Township consultants, county road commission engineer, county health department, county drain commissioner, and county planning staff.
 - (2) The purpose of the meeting is to inform the Township and other officials of the concept of the proposed development and to provide the potential applicant with information regarding land development policies, procedures, standards, and requirements of the Township and other agencies in terms of the proposed development. To this end, the applicant is encouraged to

present schematic plans, site data, and other information that will explain the proposed development.

(3) Statements made in the conference shall not be legally binding commitments.

(d) *Area plan requirements.*

(1) *Procedure for petition and area plan approvals.*

- a. Application for a PUD district classification shall be for an amendment to the official zoning map and approval of an area plan. An application for a PUD district classification for a parcel of land may be made by the owner of record or by any person acting on behalf of the owner of record of the subject parcel. The applicant shall have a substantial interest in the subject property prior to filing for a PUD district classification; such filing shall be in the name of and signed by all owners. The applicant shall provide evidence of full ownership of all land in a PUD, such as legal title or execution of a binding sales agreement, prior to approval of the petition and area plan by the Township Board.
- b. The application shall be filed with the Township Clerk who shall transmit the petition and the area plan to the Planning Commission secretary. The application must be filed at least two weeks prior to the Planning Commission meeting at which it is first to be considered. Fees shall be paid to the Township Treasurer; no transmittals shall be made unless the required fees have been paid in full.
- c. Upon receipt of the petition and plan from the Township Clerk, the Planning Commission shall undertake a study of the same and shall complete its study within 135 days after the date on which the Planning Commission sets the public hearing described in subsection (d)(1)d. of this section. If additional information or analysis is required, the time limit for such report may be extended for up to an additional 135 days by the Planning Commission. The Planning Commission shall advise the applicant in writing of any recommended changes in the area plan as are needed to conform to the regulations and standards of this chapter.
- d. The Planning Commission shall establish a date for a public hearing on the petition after confirming that the petitioner has provided all information and paid all fees required by this chapter. The Township Clerk, as designee of the Planning Commission, shall give notice of the public hearing as required in section 74-61.
- e. At the public hearing the applicant shall present evidence regarding the following characteristics of the proposed development:
 1. General character and substance;
 2. Objectives and purpose to be served;
 3. Compliance with regulations and standards;
 4. Scale and scope of proposed development;
 5. Development schedules; and
 6. Compliance with the master plan of the Township.

The Planning Commission may require the petitioner to provide information at the public hearing concerning the economic feasibility of proposed uses, community impact, and environmental impact. To this end, factual evidence and expert opinion shall be submitted by the applicant in the form of maps, charts, reports, models, and other tangible materials, and in the form of testimony by experts such as lawyers, architects, engineers, realtors, professional community planners, and economists as will clearly state for the record the full nature and extent of the proposal. Tangible materials shall be submitted in sufficient quantity for review by the Planning Commission and other officials.

- f. The report to the Township Board shall contain the Planning Commission's analysis of the petition and area plan, findings regarding standards, recommended conditions of approval, and recommendations for action.
 - g. Following the public hearing and recommendation of the Planning Commission, the Planning Commission shall transmit a copy of the petition and area plan to the County Planning Commission for its review and comment to the Township Board in accordance with the Michigan Zoning Enabling Act (MCL 125.3101 et seq.).
 - h. The Township Board shall review the petition and area plan application and the Township planning commission report, and shall approve, deny, or table for further consideration, the petition and area plan. Changes in the zoning amendment or area plan desired by the Township Board may, at the discretion of the Township Board, be referred to the Planning Commission for review and recommendation prior to the Township Board action.
 - i. If the petition and area plan are approved by the Township Board, the applicant shall review the petition and area plan in their approved form. The applicant and all owners of record or the legal representative of the owners of record of all property included within the PUD shall then sign an agreement that the approved petition and area plan, and the conditions of approval, shall be binding upon the applicant and owners of record and upon their heirs, successors, and assigns. The petition and area plan shall not be officially approved nor may the applicant submit a preliminary site plan, where applicable, or a final site plan for the lot or any part thereof, until such agreement has been signed as required herein and has been received by the Township Clerk.
 - j. Within three days of the official approval of the petition and the area plan by the Township Board, the Township Supervisor shall accurately note, and the Township Clerk shall attest, the PUD district designation for the lot in question on the official zoning map, in accordance with section 74-392(c).
 - k. The approved area plan and signed agreement shall be recorded by the petitioner with the County Register of Deeds, within ten days of the date of approval of the petition and the area plan by the Township Board. The petitioner shall immediately provide a certified copy of the recorded documents to the Township Clerk.
 - l. The Township Board may enforce any or all provisions of the approved area plan and agreement, and conditions of approval, against the petitioners, owners, successors, assigns, or agents.
 - m. Performance guarantees to assure compliance with the approved area plan and conditions of approval may be required by the Township Board at the time of approval of the area plan. Guarantees to assure completion of site improvements shall be provided in accordance with article II, division 4 of this chapter, site plan review.
- (2) *Area plan for PUDs.*
- a. *Eighty acres or less.* An area plan for a PUD consisting of 80 acres or less shall contain all the information required for a preliminary site plan as set forth in article II, division 4 of this chapter, and the following information:
 - 1. Density of use for each use area of the site;
 - 2. Location, size, and uses of common open space;
 - 3. General description of the organization to be used to own and maintain common open space;
 - 4. General description of covenants, grants, easements, or other restrictions to be imposed upon land or buildings, including easements for public utilities, bylaws, and articles of incorporation for any home owners' association, cooperative association, or minimum association;

5. Description of applicant's intentions regarding selling or leasing of all or portions of land in the PUD and of dwelling units;
 6. Description of all proposed nonresidential uses, including types of stores and offices;
 7. General landscape concept showing tree masses to be preserved or added, mounds, and similar features;
 8. Delineation of areas to be subdivided under the Land Division Act (MCL 560.101 et seq.); and
 9. Average initial sales prices of dwelling units for sale and/or average initial rents of rental dwelling units.
- b. *More than 80 acres.* An area plan for a PUD consisting of more than 80 acres shall contain the information as required in subsections (d)(2)a.1 through a.9 of this section, and the following information:
1. Location and description of site, dimensions and area;
 2. General topography, soil information;
 3. Scale, north arrow, date of plan;
 4. Location, type, and land area of each land use; density of dwelling units (dwelling units per acre); type of dwelling units;
 5. Location, use, and size of open areas and recreation areas;
 6. General location and right-of-way width of proposed public streets, general location and surface width of major private streets/drives;
 7. General location of proposed parking areas and approximate number of spaces to be provided in each area;
 8. General delineation of areas of intended cutting or filling; existing natural features to be preserved or removed; location of existing structures, streets, and drives; location and purpose of existing easements;
 9. Adjacent land uses;
 10. Location and area of each development phase, summary of land use information as required in subsection (d)(2)b.4 of this section for each phase; and
 11. General description of proposed water, sanitary sewer, and storm drainage systems.
- (3) *Standards for petition and area plan review.* The Planning Commission shall determine and shall provide evidence of same in its report to the Township Board, that the petition and area plan meet the following standards:
- a. The proposed development shall conform to the master plan or any part thereof, or represents land use policy which, in the Planning Commission's opinion, is a logical and acceptable change in the master plan.
 - b. The proposed development shall conform to the intent and to all regulations and standards of the PUD district and of this chapter.
 - c. The proposed development shall be adequately served by public facilities and services such as: highways, streets, police and fire protection, drainage courses, water and sanitary sewer facilities, refuse disposal, or that the persons or agencies responsible for the proposed development shall be able to provide in a manner acceptable to the Township Board, any such facilities and services.
 - d. The common open space, any other common properties, individual properties, and all other elements of the PUD are so planned that they will achieve a unified open space and

recreation area system with open space and all other elements in appropriate locations, suitably related to each other, the site, and the surrounding land.

- e. The applicant shall have made provisions, satisfactory to the Township Board, to assure that those areas shown on the plan for use by the public or by occupants of the development will be or have been irrevocably committed for that purpose. Provision, satisfactory to the Township Board, shall have been made to provide for the financing of any improvements shown on the plan for open space areas, and common use areas which are to be included within the development, and that maintenance of such improvements is assured by a means satisfactory to the Township Board.
 - f. The location of the proposed uses, layout of the site, and its relation to streets giving access to it, shall be such that traffic to, from, and within the site and assembly of persons in connection therewith, will not be hazardous or inconvenient to the project or the neighborhood. In applying this standard, the Planning Commission shall consider, among other things, convenient routes for pedestrian traffic, particularly of children, the relationship of the proposed project to main thoroughfares and street intersections, and the general character and intensity of the existing and potential development of the neighborhood.
 - g. The mix of housing unit types and densities, and the mix of residential and nonresidential uses shall be acceptable in terms of convenience, privacy, compatibility, and similar measures.
 - h. Where applicable, the Planning Commission shall determine that noise, odor, light, or other external effects from any source whatsoever, which is connected with the proposed use, will not adversely affect adjacent and neighboring lands and uses.
 - i. The proposed development shall create a minimum disturbance to natural features and land forms.
 - j. Streets shall follow topography, be properly spaced, and be located and aligned in accordance with the intended function of each street. The property shall have adequate access to public streets. The plans shall provide for logical extensions of public streets and shall provide suitable street connections to adjacent parcels, where applicable.
 - k. Major pedestrian circulation shall be provided for within the site, and shall interconnect all residential areas, community areas, and commercial and other services where applicable. The pedestrian system shall provide a logical extension of pedestrian ways from outside the site and shall provide pedestrian connections to the edges of the site, where appropriate.
- (4) *Effect of approval of petition and area plan.* Approval of the petition and area plan by the Township Board shall have the following effects:
- a. Approval shall confer a right to the applicant, for a period of three years from the date of approval, that existing zoning regulations as they apply to the land included in the petition, and the area plan, shall remain unchanged, provided that required subsequent planning and/or construction are diligently pursued in accordance with the approved area plan within this time period.
 - b. Approval of an area plan shall indicate the Township Board's and Planning Commission's acceptance of uses, building location in the case of a PUD of 80 acres or less in area, layout of streets, dwelling unit count and type, floor areas, densities, and all other elements of the area plan.
 - c. Approval of an area plan of 80 acres or less in area shall authorize the applicant to file an application for final site plan approval for all or any phase of the development shown on the approved area plan. Final site plans shall not be required of any area that is to be platted for single-family detached residential use. Such approval shall also authorize construction to begin on-site improvements such as streets and drives, parking lots, grading, installation of utilities, and building foundations, provided the Township Board gives permission for such construction after recommendation by the Planning Commission. Grading, tree removal, and

other changes in the existing topography and natural features shall be limited to the minimum required to permit construction as authorized in this subsection. Construction shall be limited to those elements whose location, size, alignment, and similar characteristics will not require review as part of a final site plan or any plat. Engineering plans and specifications shall be approved, and performance guarantees shall be provided as required by subsection (m) of this section, performance guarantees, before such construction may commence.

- d. Approval of an area plan of more than 80 acres shall authorize the applicant to file a preliminary site plan on each phase of the proposed development as delineated on the approved area plan. No construction shall begin within any phase until after a preliminary site plan is approved as required in this section and only in accordance with subsection 74-173(e).
 - e. Approval of an area plan by the Township Board shall authorize the applicant to file a preliminary plat for tentative approval in accordance with the Land Division Act (MCL 560.101 et seq.) and chapter 58 of this Code, subdivisions and other divisions of land, for all or parts of the areas included within the PUD which are to be platted.
 - f. No deviations for the area plan approved by the Township Board shall be permitted except as provided in this article.
- (e) *Preliminary site plan requirements.* A preliminary site plan shall be submitted for approval for each phase of development as delineated on the approved area plan, only for PUDs consisting of more than 80 acres of land area. The preliminary site plan shall be submitted and reviewed, and shall meet all provisions of article II, division 4 of this chapter, site plan review. In addition to these provisions, the preliminary site plans shall conform to the approved area plan.
- (f) *Final site plan requirements.* A final site plan shall be approved for each phase of a PUD as delineated on the approved area plan. Each final site plan shall be submitted and reviewed, and shall meet all provisions of section 74-174, final site plan. The Planning Commission shall transmit the approved final site plan to the Township Board for its information.
- (g) *Subdivision plats.*
- (1) A preliminary plat for all or part of a PUD may be submitted for review and approval following approval of the PUD area plan by the Township Board.
 - (2) The Township Board shall have the authority to deny or table an application for tentative approval of a preliminary plat if, in its opinion and after a report thereon from the Planning Commission, such plat will result in premature development of the area involved or will result in improper scheduling of various public improvements such as, but not limited to, roads, utilities, and schools.
 - (3) A preliminary or final site plan shall not be required for any parts of a PUD which are to be platted for a single-family detached residential development.
 - (4) Plats in a PUD shall conform to the Land Division Act (MCL 560.101 et seq.), chapter 58, the regulations of the PUD district, and the approved area plan.
- (h) *Common areas and facilities.*
- (1) The location, extent, and purpose of all common areas and facilities shall be clearly identified on the area plan, on the preliminary site plan where applicable, and on each final site plan. All such areas and facilities which are to be conveyed to any agency if accepted by such agency, shall be clearly identified accordingly on the final site plan(s).
 - (2) All public areas and facilities which are to be dedicated to and occupied by a public agency shall be so dedicated and accepted by such agency prior to approval of a final site plan, unless a binding agreement for dedication is provided in lieu of dedication.
 - (3) Legal instruments setting forth a plan or manner of permanent care and maintenance of common areas and facilities shall be submitted to the Township Attorney for review as to legal form and effect, and to the Township Board or Planning Commission, whichever is applicable, for review,

as to the suitability of such areas and facilities for the proposed use. Such legal instrument shall become a part of the approved plat or final site plan, whichever is applicable.

- (4) Where a homeowners' association (HOA) is to be used to maintain and preserve common areas and facilities, the developer shall file a declaration of covenants and restrictions that will govern the HOA, the same to be filed with the area plan application. The provisions shall include, but shall not be limited to the following:
 - a. The HOA shall be established before any homes in the PUD are sold.
 - b. Membership in the HOA shall be mandatory for each home buyer and for any successive buyer and shall be so specified in the covenants.
 - c. Restrictions shall be permanent.
 - d. The HOA shall be made responsible for liability insurance, local taxes, and maintenance of common areas and facilities.
 - e. Home owners shall pay their pro rata share of the costs and it shall be so specified in the covenants. Assessments levied by the HOA can become a lien on the property.
 - f. The HOA shall have authority to adjust the assessment to meet changed needs.
 - g. The Township Board shall review the proposed bylaws and articles of incorporation prior to approval of the area plan.
- (5) The permanence and integrity of common open space may be secured by conveyance of development rights of such areas to a public agency if accepted by such public agency. Such rights shall not include those needed to improve the common open space areas in accordance with an approved area plan, approved preliminary site plan, where applicable, and final site plan.
- (6) Common areas and facilities may be deeded to a trustee who shall be responsible for the collection and disbursement of funds, and who shall account to the individual owners as to the use of their monies. If a trustee is utilized, the trustee shall employ a professional manager. The trustee may be a home owners' association, a trust company, or similar organization.
- (7) Easements shall be given to each individual owner for the use of such areas and facilities.
- (8) Where facilities are to be constructed as part of the common area open space system performance guarantees shall be provided as required by subsection (m) of this section, performance guarantees.
- (i) *Amendment and revision.*
 - (1) A developer may request an amendment to an approved area plan, an approved preliminary site plan, or an approved final site plan. Any amendment to an approved preliminary or final site plan which results in a major change in the approved area plan, as defined in this subsection, shall require an amendment to the approved area plan. All amendments shall follow the procedures and conditions required in this chapter for original submittal and review, in full.
 - (2) A request for an amendment shall be made in writing to the Planning Commission and shall clearly state the reasons therefor. Such reasons may be based upon such considerations as changing social or economic conditions, potential improvements in layout or design features, unforeseen difficulties, or reasons mutually affecting the interests of the Township and the developer, such as technical causes, site conditions, state or federal projects and installations, and statutory revisions. The Planning Commission, upon finding such reasons and requests reasonable and valid, shall so notify the applicant in writing. Following payment of the appropriate fee as required for original submittal, the developer shall submit the required information to the Planning Commission for review. If the approved plan is to be amended, the Planning Commission shall immediately notify the Township Board.
 - (3) Modifications to be considered major changes, for which amendment is required, shall include one or more of the following:

- a. Change in concept of the development;
- b. Change in use or character of the development;
- c. Change in type of dwelling unit as identified on the approved area plan;
- d. Change in the number of dwelling units;
- e. Change in nonresidential floor area of over five percent;
- f. Change in GFC and FAR of the entire PUD of more than one percent;
- g. Rearrangement of lots, blocks, and building tracts;
- h. Change in the character or function of any street;
- i. Reduction in land area set aside for common open space or the relocation of such areas; or
- j. Increase in building height.

A developer may request Planning Commission approval of modifications which constitute minor changes, as defined in this subsection, in an approved area plan, in an approved preliminary site plan, where applicable, or in an approved final site plan. The Planning Commission shall notify the Township Board and any other applicable agency of its approval of such minor changes. The revised drawings as approved shall each be signed by the applicant and the owner of record or the legal representative of such owner.

- (5) Modifications to be considered minor changes, for which approved plans may be revised rather than amended, shall include, among other similar modifications, the following:
 - a. A change in residential floor area;
 - b. A change in nonresidential floor area of five percent or less;
 - c. Minor variations in layout which do not constitute major changes; and/or
 - d. A change in GFC and FAR of the entire PUD of one percent or less.
- (6) The Planning Commission shall have the authority to determine whether a requested change is major or minor, in accordance with this subsection. The burden shall be on the applicant to show good cause for any requested change.

(j) *Expiration of plan approvals.*

- (1) An area plan shall expire 18 months after approval by the Township Board unless a final site plan for the first stage of the project, or the entire property in the PUD if development is not to occur in stages, is submitted to the Planning Commission for review and approval. Thereafter the final site plan for each subsequent stage shall be submitted to the Planning Commission for review and approval within two years of the date of approval of the immediately preceding final site plan.
- (2) A final site plan for the entire area classified as a PUD, or all final site plans for all stages thereof, shall have received approval of the Planning Commission within three years, in the case of a PUD of 80 acres or less in area, or within five years for a PUD of more than 80 acres in area, of the date of Township Board approval of the area plan. All final plats in the PUD shall have been approved and recorded within the preceding time periods.
- (3) Expiration of an approved area plan as set forth in subsection (j)(1) of this section, or failure to obtain approval of final site plans or final plats as provided in subsections (j)(1) and (2) of this section as such time periods may be extended pursuant to 74-542(k), shall authorize the Township Board to revoke the right to develop the property under the approved area plan and any approved site plans, after notice to the applicant and a public hearing before the Township Board on such revocation. At the public hearing, the Board may revoke the right to develop under the area plan and any approved site plans, or may determine that the applicant has demonstrated good cause for an extension as described in 74-542(k). In the event the Board revokes the right

to develop under the approved area plan and any approved site plans, no extension or reinstatement may be granted, and no building or development on the property shall occur under the revoked area plan. After revocation of an approved area plan the Township Board shall initiate a zoning amendment to place the subject property into one or more zoning districts deemed by the Township Board to be appropriate, which may include the prior zoning district for the property.

- (4) Approval of a final site plan in a PUD shall expire and be of no effect six months after the date of approval of the Planning Commission unless appropriate permits have been applied for and issued by applicable governmental authorities for commencement of development and construction of site improvements as defined in section 74-176(e) and in accordance with section 74-176(f), subject to extensions described in 74-176(g). A final site plan in a PUD shall expire and be of no effect 18 months after the date of approval by the Planning Commission unless substantial construction and development of site improvements has commenced at the property in accordance with permits issued by applicable governmental authorities, and is being diligently pursued and performed in a timely manner to completion in conformance with the approved final site plan, as determined by the Building Official, subject to extensions pursuant to section 74-176(g).
 - (5) Development shall be completed within two years of the date of approval of a final site plan unless extended pursuant to section 74-176(g). If such development is not so completed, the Planning Commission shall not review or approve final site plans for any subsequent stages of the PUD unless good cause can be shown for not completing same as described in section 74-176(g).
 - (6) If an approved area plan or an approved final site plan has expired as set forth in this section, no permits for any development or use of the property included in the PUD shall be issued until the applicable requirements of this Section have been met. Expiration of an approved area plan shall be duly noted on the official zoning map, and shall be signed by the Township Supervisor and attested by the Township Clerk. The Zoning Officer shall notify the Township Board of the expiration of an approved area plan.
- (k) *Extension of time limits.* The time limits set forth in this section 74-542 may be extended at the request of the applicant upon approval of the Township Board, in the case of areas plans, in accordance with this section 74-542(k), or the Planning Commission, in the case of site plans, in accordance with section 74-176(g) and 74-179.
- (1) Extension of an approved area plan shall be governed by the following:
 - a. An extension may be granted for any period of time not to exceed 12 months. An extension, if granted, shall begin on the date the time limit would have expired, and shall continue for the period of time determined by the Township Board not to exceed 12 months.
 - b. No more than five 12-month extensions may be granted.
 - c. Under no circumstances shall an extension be granted if the request is received more than 1) months after (i) expiration of the initial area plan approval in the case of the first extension request, or (ii) expiration of the immediately preceding extension in the case of a subsequent extension request.
 - d. The Township Board is under no obligation to grant any extension, and the burden is on the applicant to show that good cause exists for granting the request for an extension as described in subsection (2) below.
 - (2) The Township Board shall consider the following factors in its determination of whether good cause exists for an extension:
 - a. The applicant has demonstrated that needed utility services have been delayed;
 - b. The applicant has demonstrated that technical review of the area plan has raised unforeseen development problems;

- c. The applicant has demonstrated that unforeseen economic developments or other events, conditions or circumstances justify the extension.
 - d. The applicant has demonstrated that the length of time since the initial area plan approval and the number of extensions previously granted do not adversely affect or warrant revision to the terms and conditions of the PUD approval.
 - e. The applicant has demonstrated that changes since the initial approval in (i) conditions or use of the site or surrounding area or (ii) ordinances, standards or regulations affecting the site or surrounding area or (iii) other similar factors do not adversely affect or warrant revision to the terms and conditions of the PUD approval.
 - f. In the event the prior approval or extension has already expired, the applicant has demonstrated good cause for delay in requesting an extension.
- (l) *Modifications during construction.* All site improvements and building construction shall conform to all approved plans required in this section which authorize such improvements and construction, and to all approved engineering and architectural plans related thereto. If the applicant or developer makes any changes in the improvements and buildings during construction in relation to such approved plans, he shall do so at his own risk, without assurance that the Township Board, Planning Commission, or Township official, whichever is applicable, will approve such changes. Where field changes are necessary, the applicant or developer shall, if reasonably possible, first obtain approval from the appropriate body or official. If such prior approval cannot be obtained, and the changes are made, the applicant shall immediately notify the appropriate body or official of such changes and shall, as soon thereafter as is reasonable, submit as-built drawings of all such changes. The Township Board, Planning Commission, Building Inspector, or Township Engineer, whichever is applicable, may require the applicant to correct any change made in the field without prior approval so as to conform to the approved plans.
- (m) *Performance guarantees.* Performance guarantees to assure compliance with the approved area plan and conditions of approval may be required by the Township Board at the time of approval of the area plan. Guarantees to assure completion of site improvements shall be provided in accordance with article II, division 4, of this chapter, site plan review.
- (n) *Violations.*
- (1) An area plan, preliminary plan, or final site plan approved under the provisions of this article shall have the full force of this chapter. Any violation of such approved plan shall be grounds for the Township Board to order that all construction be stopped, and to order that building permits and certificates of occupancy be withheld until the violation is removed or adequate guarantee of such removal is provided to the Township Board.
 - (2) Violations of any plan approved under this section, or failure to comply with any requirements of this section, including any agreements and conditions attached to any approved plan, shall be considered a violation of this chapter.

(Comp. Ords. 1990, § 130.1115; Ord. of 9-17-1990; Ord. of 3-21-1994; Ord. No. 8-02, § 130.1115, 5-20-2002; Ord. No. 4-2006, 8-21-2006; Ord. No. 11-2007, 11-19-2007; Ord. No. 4-2010, 3-15-2010)

State Law reference— Planned unit developments, MCL 125.3503.

Sec. 74-543. - Open space preservation residential district.

- (a) *Scope.* The provisions of this section apply to the open space preservation residential district (OSPD).
- (b) *District general principles.*

- (1) *Zoning classification; area plan and petition.* Within areas noted in the master plan for open space preservation, development may occur only by one of the two following methods: under the existing A-1 or R-C zoning of the property on July 6, 2005, or under the open space preservation residential zoning district provided by this article. An area plan and petition in accordance with section 74-542(d)(1) is required for an OSPD.
 - (2) *Approval of lots.* Any division of a parcel in an open space preservation residential district shall be approved by one of the following means:
 - a. Division by metes and bounds shall be approved by the Zoning Officer in accordance with chapter 58, subdivisions and land division. The Zoning Officer shall not approve any land division for an OSPD until the requirements of this section are met.
 - b. Division by subdivision plat in accordance with the approval process provided in chapter 58, subdivisions and land division and this chapter.
 - c. Division by site condominium in accordance with the approval process provided in section 74-601.
 - (3) *Guarantee of preservation.* The dedicated open space shall in perpetuity remain in an undeveloped state, subject only to uses approved by the Township on the approved OSPD area plan. Further subdivision of dedicated open space or its use for purposes other than on the approved OSPD area plan for conservation, recreation or agricultural purposes, except for easements for utilities and septic systems, shall be strictly prohibited. The applicant shall guarantee to the satisfaction of the Township Board that all dedicated open space will be maintained in the manner approved and pursuant to a conservation easement described in subsection (d)(5) of this section. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township Board and the land uses continue as approved in the open space preservation residential district area plan.
 - (4) *Cohesive neighborhood.* The proposed development shall be designed to create a cohesive residential neighborhood through common open space areas for passive or active recreation and resident interaction. All open space areas shall be equally available to all residents of an open space preservation residential district.
 - (5) *Unified control.* The proposed development shall be under single ownership or other control, sufficient to ensure completion of the project in the manner approved, and continued maintenance in the manner approved. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, articles of incorporation and bylaws for homeowners' associations, contracts, covenants, bonds, and/or deed restrictions that indicate that the development will be completed in its entirety as approved and continued maintenance as approved.
 - (6) *Township Master Plan.* The proposed development shall be consistent with and shall further the implementation of the Township Master Plan. Open space preservation residential districts shall not be permitted in areas designated for agricultural production.
 - (7) *Conditional uses.* Conditional uses of the open space preservation district shall be the same as the conditional uses in the A-1 or R-C zoning districts, and shall be subject to the same application and review process as set forth in article XXI of this chapter.
 - (8) *Exemptions.* Parcels consisting of less than ten acres as existing on April 26, 2002, shall be exempt from the requirements of this section.
- (c) *Principal permitted uses and accessory uses.*
- (1) Detached single-family residential dwellings, two-family dwellings and townhouse dwellings are permitted in areas not a part of the common areas or dedicated open space, including home occupations.

- (2) Agricultural land uses are permitted uses as allowed in the R-C district, excluding concentrated animal feed operations.
 - (3) Accessory uses and buildings incidental to the principal permitted uses as residential dwellings as allowed in the R-C district are allowed in the areas not part of the dedicated open space or common areas.
 - (4) Accessory uses and buildings incidental to the permitted recreational, conservation or agricultural use, including passive recreational activities, roadside stands, storage buildings, barns, silos, when part of a farming operation, and other accessory uses incidental to the permitted use are allowed in the common areas or dedicated open space.
- (d) *Open space requirements.*
- (1) *Minimum project size.* The minimum size of an open space preservation residential district development shall be ten acres of contiguous land.
 - (2) *Use.* All land within a development that is not devoted to a residential unit, an accessory use, vehicle access, vehicle parking, a roadway, a utility easement or an approved land improvement, shall be set aside as common land for recreation, conservation, agricultural uses, or preserved in an undeveloped state. Grading shall be minimal, with the intent to use existing topography.
 - (3) *Clustering.* Dwelling units shall be grouped so that dedicated open space within a development is at least 65 percent of the total buildable area.
 - (4) *Dedicated open space.* The common dedicated open space shall be located to preserve significant natural features and to connect open spaces throughout the development with adjacent open space. Open space along the exterior public roads shall generally have a depth of at least 100 feet, either landscaped with natural vegetation or preserved in a natural wooded condition. All vegetation shall be native to the area. The open space along the exterior public roads shall be landscaped with a minimum of one tree for each 20 feet of road frontage. Such plantings shall be planted in staggered rows or clustered into groupings to provide a natural appearance. Preservation of existing trees is preferred and may be credited towards meeting the frontage landscaping requirement.
 - (5) *Conservation easement.* The dedicated open space and primary conservation areas shall be set aside by the developer through a permanent conservation easement established per Part 21, Subpart 11 of the Natural Resources and Environmental Protection Act (MCL 324.2140 et seq.). Such conservation easement shall be held by the Township or a recognized land trust or conservancy approved by the Township Board. It shall be in a form acceptable to the Township and duly recorded in the county register of deeds office. In the event the land trust or conservancy holding the conservation easement ceases to exist the easement shall revert to the Township.
 - (6) *Purpose and content of conservation easement.* The conservation easement shall assure that the dedicated open space and primary conservation areas will be protected from all forms of development, in an undeveloped state, except as shown on the OSPD approved area plan. Such easement shall indicate the proposed allowable uses of the dedicated open space. The Planning Commission and Township Board shall require the inclusion of restrictions in the easement that prohibit the following within protected lands:
 - a. Dumping or storing of any hazardous material or refuse;
 - b. Activity that may cause risk of soil erosion;
 - c. Use of motorized off-road vehicles;
 - d. Cutting, filling or removal of vegetation, with the exception of invasive species, from wetland sites;
 - e. Use of pesticides, herbicides or fertilizers within or adjacent to wetlands;provided, however, on land that is actively farmed, activities normally associated with agricultural land use shall be permitted.

- (7) *Connection to adjacent dedicated open space or area.* The Planning Commission or Township Board may require connections with adjacent dedicated open space, public land or existing or planned pedestrian/bike paths.
- (8) *Allowable structures.* Any structure or building described in subsection (c)(3) or (c)(4) of this section, accessory to the approved recreational, conservation or agricultural use may be erected within the dedicated open space, in accordance with the approved OSPD area plan. The total floor area of accessory buildings shall not exceed, in the aggregate, one percent of the required dedicated open space area.
- (9) *Recreational facilities.* Allowable recreational facilities may include a neighborhood park, golf course, picnic areas, children's play area, greenway, recreational trails, soccer fields, ball fields, bike paths or similar passive recreational facilities which provide a feature of community-wide significance and enhance residential development. In order to preserve a reasonable proportion of the natural areas, no more than 50 percent of the dedicated open space shall be utilized for these recreational facilities, in which case, at least 50 percent of the gross site acreage shall remain perpetually in an undeveloped state by means of a conservation easement described in subsection (d)(5) of this section.
- (10) *Created natural features.* If the site lacks significant existing natural features, the creation of native woodland features, natural vegetation (e.g., prairie meadows) and/or manmade wetlands not used as a part of the stormwater management system is encouraged and may be included in the dedicated open space.
- (11) *Farming operations.* Farming operations, as permitted in subsection (c)(2) of this section, may be included in an open space preservation residential district and land dedicated to farm operations can be counted as dedicated open space.
- (12) *Areas not considered dedicated open space.* The following land areas shall not be included as dedicated open space for the purpose of this section:
 - a. The area of any private or public street right-of-way.
 - b. Any lot including the required setbacks surrounding a residential structure.
 - c. Stormwater detention and treatment areas.
 - d. Primary conservation areas.
- (13) *Homeowners' association.* The dedicated open space, primary conservation areas, other undivided common areas and associated facilities shall be held in common ownership by a homeowners' association. For site condominiums, the homeowners' association is equivalent to the condominium association. The association shall be formed and operated under principles approved by the Township Board including the following:
 - a. The developer shall provide a description of the association, including its articles of incorporation and bylaws and a dedicated open space maintenance plan documenting methods for maintaining the open space and ensuring the integrity of the dominant natural features.
 - b. The association shall be organized by the developer or owner and shall be operated with a financial subsidy from the developer, or owner, before the sale of any lots within the development.
 - c. Membership in the association shall be automatic and mandatory for all purchasers of homes in the project and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be identified.
 - d. The members of the association shall share equitably the costs of maintaining undivided open space. Shares shall be defined within the association bylaws and assessments for maintenance shall be a lien on the land.

- e. The homeowners' association shall be responsible for payment of any property taxes and maintenance of all common open space areas and facilities under its control, and maintenance of liability insurance and similar duties of ownership.
 - f. The homeowners' association may lease open space lands to any other qualified person, or entity, for operation and maintenance of farmlands in accordance with the approved OSPD area plan, but such a lease agreement shall provide:
 - 1. That the residents of the development shall at all times have access to the open space lands contained therein (except croplands during growing season);
 - 2. That the undivided open space to be leased shall be maintained for the purposes set forth in this section;
 - 3. That the operation of open space facilities may be for the benefit of the residents only, or may be open to the public, at the election of the developer and/or homeowners' association, as the case may be; and
 - 4. That the lease shall be in accordance with the approved OSPD area plan and memorandum of lease recorded and shall be subject to the approval of the Township Board and any transfer or assignment of the lease shall be further subject to the approval of the Township Board. A copy of the lease and the recorded memorandum shall be filed with the Township.
- (g) *Density calculations.* The maximum permitted density in an open space preservation residential district shall be determined as follows:
- (1) The total buildable area is calculated by subtracting acreage in primary conservation areas, and in private and public road rights-of-way from the gross site acreage.
 - (2) Multiply the acreage of the total buildable area by 0.2 to determine the maximum number of dwelling units permitted.
 - (3) Lots may vary in size but in no case shall each lot area be less than 0.5 acre.
 - (4) The maximum ground floor coverage on any lot shall be ten percent; the maximum floor area ratio shall be 0.2.
- (f) *Design standards.*
- (1) *Natural features preservation.* The development shall be designed to promote the preservation of natural features. Individual lots, buildings, streets and parking areas shall be designed and situated to minimize alteration of the natural environment.
 - (2) *Location of lots.* Residential lots shall be laid out, to the greatest extent feasible, to achieve the following objectives:
 - a. In locations that minimize alteration of the natural environment.
 - b. On the most suitable soils for subsurface septic disposal.
 - c. In locations least likely to block or interrupt scenic vistas, as seen from public roadways.
 - (3) *Setbacks:* The following design parameters will be used to establish setbacks:
 - a. Front, rear and side yard setbacks shall be staggered to provide for maximum variety in the size of such yards.
 - b. The minimum front, rear and corner yard setback shall be 35 feet. The minimum side yard setback shall be 15 feet. Minimum distances between two or more multiple-family dwellings are set forth in section 74-598.
 - c. The minimum distance between dwelling structures shall be 30 feet.
 - d. Dwelling placement on a lot shall be as far as possible from primary conservation areas or agriculture areas but in no case shall they be closer than 100 feet from those areas.

- (4) *Minimum lot width.* The minimum lot width shall be 80 feet as measured from the front building line.
- (5) *Open space between clusters.* Dedicated open space between clusters of residential dwellings, including those spaces used as recreational areas, shall be at least 100 feet wide.
- (6) *Landscaping and buffering.*
 - a. Landscaped or native vegetative cover shall provide a screened buffer between dwellings and neighboring properties.
 - b. Where the open space preservation residential district abuts an adjacent single-family residential use, the Planning Commission or Township Board may require a transition setback. Grading within the transition area shall be minimal unless needed to provide effective buffering or accommodate drainage. If the grade change adjacent to single-family residential is to be varied by more than three feet, the area plan shall include cross sections illustrating existing and proposed grades in relation to existing and proposed building heights. Perspective renderings from adjacent residential units are encouraged. The Planning Commission or Township Board may require that the transition area consist of one or more of the following:
 1. Woodlands, natural features or a landscaped greenbelt sufficient to provide an obscuring effect.
 2. Open or recreational space.
 3. Significant changes in topography, which provide an effective buffer.
 - c. Buffer zones at least 100 feet in width shall be required between residential areas and agricultural areas in open space preservation residential districts. Buffers shall be planted with fast growing native shrubs and trees to create an effective barrier separating yards from fields and pastures.
- (7) *Dwelling placement.* Dwelling placement shall be planned to screen homes from off-site vantage points, away from environmentally sensitive areas, existing agricultural areas, sites suitable for open space and upwind from areas subject to land management practices that may cause dust, noise, smoke, odors or similar problems.
- (8) *Preserving road frontage.* All dwellings and accessory structures shall be no less than 100 feet from the edge of the major arterial and that 100-foot area shall be maintained in native plants and trees so as to create a buffer between the roadway and the environment.
- (9) *Septic tanks and fields.* The placement of septic tanks and fields shall comply with requirements of the county department of environment and infrastructure service (WCEIS). Drainfields may be placed in dedicated open space or transition areas if permitted by the WCEIS.
- (10) *Road access.* Direct access onto a county road or state highway shall be required for an open space preservation residential district which shall also meet or exceed the access standards contained in section 74-11.
- (11) *Internal roads.* Internal roads within an open space preservation residential district may be public or private.
 - a. Construction of private roads as a means of providing access and circulation is encouraged. Private roadways within an open space preservation residential district must meet the design requirements of chapter 46, article II, private roads. The Planning Commission may recommend to the Township Board granting a variance from these requirements, if all of the following findings are made:
 1. There is no potential for the road to connect with abutting land or be extended to serve additional land in the future.

2. Significant natural features such as mature trees, natural slopes, wetlands or other water bodies would be preserved through allowing a variance from the private road standards.
 - b. Both sides of all internal roads shall be landscaped with street trees. For road frontages of individual lots, a minimum of two canopy trees shall be provided per lot. For sections of road that do not abut residential lots, one canopy tree shall be provided on each side for every 50 feet of road frontage. Existing trees that are preserved and that are located within the right-of-way or road easement and those that are outside these areas but within five feet of the road right-of-way or road easement line may be credited towards meeting this requirement.
- (12) *Pedestrian access.* The open space preservation residential district area plan shall provide pedestrian access to all nonagricultural open space areas from all residential areas, connections between open space areas, public thoroughfares, and connections between appropriate on- and off-site uses. Trails within the open space preservation residential district may be constructed of gravel, woodchip or other similar material, but the Planning Commission or Township Board may require construction of eight-foot wide asphalt bike paths through portions of the development or along any public right-of-way abutting the open space preservation residential district. Locations for school bus stops shall be provided on the area plan.
- (13) *Historic structures.* When a tract contains structures or buildings deemed to be of historic, cultural, or architectural significance, as determined by the Planning Commission or Township Board, and if suitable for rehabilitation, the structures shall be retained. Adaptive reuse of existing structures for residential use or permitted accessory residential uses shall be permitted.
- (g) *Regulatory flexibility.*
- (1) *Modifications to zoning requirements.* To encourage flexibility and creativity consistent with the intent of the open space preservation residential district, the Township Board may grant specific departures from the following requirements of this chapter as a part of the approval process: height, setback, off-street parking and yard and lot width standards may be modified, provided that such modifications result in enhanced buffering from adjacent land uses or public rights-of-way, or preservation of natural features or farmland. The petitioner shall provide sufficient evidence for the Township Board to make a finding that such deviations are justified by unique topographic conditions, vegetation, grades, or to preserve natural features and open areas. Any regulatory modification shall require Township Board approval after Planning Commission recommendation and findings that the deviation shall fulfill the intent of this section. Regulatory modifications are not subject to variance approval of the Zoning Board of Appeals.
 - (2) *Table of proposed modifications.* A table shall be provided on the area plan which specifies the details of all proposed variances, including ordinance provisions from which deviations are sought, and the reasons and mechanisms to be utilized for the protection of the public health, safety and welfare in lieu of the regulations from which variances are sought. Only those variances consistent with the intent of this section shall be considered.
- (h) *Application procedures and final site plan requirements; preapplication conference and petition and area plan approval processes.*
- (1) *Preapplication conference and application process.* A preapplication conference for an open space preservation residential district zoning shall be requested using the procedures outlined in 74-542(c), preapplication conference. The OSPD petition and area plan application and review shall be submitted in accordance with section 74-542(d)(1), petition and area plan approvals. The area plan shall constitute the preliminary site plan and shall be reviewed in accordance with the requirements and standards of article II, division 4 of this chapter.
 - (2) *Final site plan requirements.* A final site plan shall be submitted for review and action by the Planning Commission for each phase of an OSPD as delineated on the approved area plan. Each final site plan shall be submitted and reviewed and shall meet all provisions of section 74-174, final site plan. The Planning Commission shall transmit the approved final site plan to the Township Board for information.

- (3) *Subdivision plats.* If an open space preservation residential district is developed as a subdivision plat, the procedures defined in section 74-542(g) shall apply.
 - (4) *Site condominium.* If an OSPD is developed as a site condominium, the procedures of section 74-601 shall apply.
- (i) *Project standards.* In considering any application for approval of an open space preservation residential district petition and area plan, the Planning Commission shall determine and shall provide evidence in its report to the Township Board that the petition and area plan meets the following standards:
- (1) *Compliance with the open space preservation residential district principles, requirements and design standards.* The overall design and land uses proposed in connection with an open space preservation residential district shall be consistent with the intent, principles and requirements of the OSPD district, and the specific design standards set forth in this section.
 - (2) *Compatibility with adjacent uses.* The proposed location of accessory uses or structures that are of a significantly different scale or character than the abutting residential district, such as access drives, parking areas, solid waste pickup points, swimming pools, tennis courts, and facilities of a similar nature shall not be located near the boundary of the development or so as to negatively impact the residential uses of adjacent lands. The proposed open space preservation residential district area plan shall set forth in detail, all specifications with respect to height, setbacks, density, parking, circulation, landscaping, views, and other design features that exhibit due regard for the relationship of the development to surrounding properties, the character of the site, and the land uses. In determining whether this requirement has been met, consideration shall be given to:
 - a. The bulk, placement, and materials of construction of proposed structures.
 - b. Pedestrian and vehicular circulation.
 - c. The location and screening of vehicular use or parking areas.
 - d. The provision of landscaping and other site amenities.
 - (3) *Impact of traffic.* The open space preservation residential district shall be designed to minimize the impact of traffic generated by the proposed development on surrounding uses.
 - (4) *Protection of natural environment.* The proposed open space preservation residential district shall be protective of the natural environment and shall comply with all applicable environmental protection laws and regulations. Natural features as defined in chapter 18 of the Ann Arbor Township Land Development Standards shall be preserved to the maximum extent feasible. If animal or plant habitats of significant value exist on the site, the Planning Commission or Township Board may, as a condition of approval, require that the open space preservation residential district plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas. The development shall follow the design standards provided in chapter 18 of the Ann Arbor Township Land Development Standards.
 - (5) *Compliance with applicable regulations.* The proposed open space preservation residential district shall comply with all applicable Federal, State, and local regulations.
 - (6) *Township Master Plan.* The proposed open space preservation residential district shall be consistent with and further the implementation of the Township Master Plan.
- (j) *Conditions.* Reasonable conditions may be required by the Township Board for approval of an open space preservation residential district, for the purpose of:
- (1) Ensuring 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;
 - (2) Protecting the natural environment;
 - (3) Conserving natural resources and energy;

- (4) Ensuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner;
- (5) Furthering the implementation of the Township Master Plan; and
- (6) Protection of the public health, safety and welfare of individuals in the project or those immediately adjacent to the community.

All conditions imposed shall be made a part of the record of the approval, and the OSPD agreement. The Planning Commission shall make recommendations to the Township Board of proposed conditions for approval.

- (k) *Recording of action.* The applicant shall record an affidavit with the County Register of Deeds containing the full legal description of the project site, specifying the date of final Township approval, and declaring that all improvements will be carried out in accordance with the approved open space preservation residential district area plan unless an amendment is adopted by the Township. In addition, all deed restrictions and easements shall be duly filed with the County Register of Deeds and copies of recorded documents presented to the Township. In accordance with subsection 74-542(d)(1)i, after approval by the Township Board an OSPD agreement shall be signed and recorded.
- (l) *Permits.* Following approval of the open space preservation residential district final site plan and final approval of the engineering plans by the Township Engineer, grading and building permits may be applied for. For an open space preservation residential district that is a subdivision plat, grading and building permits may be applied for only after approval by the Township and all other applicable agencies is received. It shall be the responsibility of the applicant to obtain all other applicable Township, County, State, and Federal permits.
- (m) *Initiation of construction.* If construction has not commenced within 18 months of final approval, all Township approvals become null and void, unless the Township Board approves an extension. The applicant may apply in writing to the Township Board for an extension, not to exceed 12 months. A maximum of two extensions may be allowed.
- (n) *Continuing adherence to plan.* Any property owner who fails to maintain an approved site design shall be deemed in violation of the use provisions of this chapter and shall be subject to the penalties for same.
- (o) *Phasing.*
 - (1) *Scheduled phasing.* When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the open space preservation residential district and the residents of the surrounding area.
 - (2) *Timing of phases.* Each phase of the project shall be commenced within 12 months of the schedule set forth on the approved site plan. If construction of any phase is not commenced within the approved time period, approval of the plan shall become null and void unless the Township Board approves an extension.
- (p) *Revision of approved plans.*
 - (1) *Minor changes.* Minor changes to an approved open space preservation residential district plan may be permitted by the Planning Commission following normal site plan review procedures outlined in article II, division 4 of this chapter for the following:
 - a. Reduction of density;
 - b. Changing non-single-family dwelling units to single-family dwelling units;
 - c. Realignment of roads;
 - d. Modifications to setbacks;
 - e. Increasing the amount of open space;

- f. Changes to landscaping, provided the number of plantings is not decreased;
- g. Change in the size of detention ponds by no more than ten percent;
- h. Changes to septic/drainfields in common areas; and
- i. Changes to phasing plan.

(2) *Required findings for minor changes.* Minor changes shall be subject to the finding of all of the following:

- a. Such changes will not adversely affect the initial basis for granting approval,
- b. Such changes will not adversely affect the overall open space preservation residential district in light of the intent and purpose of such development as set forth in this article; and
- c. Such changes shall not result in the reduction of dedicated open space area as required in this section.

(q) *Major revisions.* Approved plans for an open space preservation residential district that do not qualify as minor under subsection (p)(1) of this section may be revised by resubmitting a revised open space preservation residential district area plan for approval following the procedures of subsection (h) of this section.

(Comp. Ords. 1990, §§ 130.1001, 130.1002; Ord. of 9-17-1990; Ord. of 3-21-1994; Ord. No. 2-02, 2-4-2002; Ord. No. 7-02, 11-18-2002; Ord. No. 5-2004, 8-16-2004; Ord. No. 5-2005, 7-18-2005; Ord. No. 1-2008, 2-18-2008)

Sec. 74-544. - Open space preservation community option.

(a) *OSPC general principles.*

(1) *Applicable zoning districts.* This OSPC land use option provided for in this section is available only in the following zoning districts: A-1, A-R, R-C, R-1, R-1A, R2 and R3A.

(2) *Approval of lots.* Any division of a parcel in an OSPC shall be approved by one of the following means:

- a. Division by metes and bounds legal description, as approved by the Zoning Officer in accordance with chapter 58, subdivisions and land division. The Zoning Officer shall not approve any land division for an OSPC unless the proposed land division meets the requirements of this section.
- b. Division by subdivision plat according to the approval process provided in chapter 58, subdivisions and land division, and this chapter.
- c. Division by site condominium according to the approval process provided in section 74-601.

For purposes of this section the term "lot" means any approved metes and bounds parcel, subdivision lot or condominium unit on which a residential dwelling unit is to be located.

(3) *Guarantee of preservation.* The dedicated open space shall in perpetuity remain in an undeveloped state, subject only to uses approved by the Township on the approved OSPC site plan. Further division of dedicated open space or its use for purposes other than on the approved OSPC site plan for conservation, recreation or agricultural purposes is prohibited. The applicant shall guarantee to the satisfaction of the Planning Commission and Township Board that all dedicated open space will be maintained in the manner approved and pursuant to a conservation easement described in subsections (c)(4) and (5) of this section. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposed development. This provision shall not prohibit a transfer of ownership or control,

provided notice of such transfer is provided to the Township Board and the land uses continue as approved in the OSPC site plan.

- (4) *Cohesive neighborhood.* The proposed development shall be designed to create a cohesive residential neighborhood through common open space areas for passive or active recreational and resident interaction. All open space areas shall be equally available to all residents of the OSPC.
- (5) *Unified control.* The proposed development shall be under single ownership or other control, sufficient to ensure completion and continued maintenance of the proposed development in the manner approved. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, articles of incorporation and bylaws for homeowners' associations, contracts, covenants, bonds, and/or deed restrictions to ensure completion and continued maintenance of the proposed development in the manner approved.
- (6) *Township Master Plan.* The proposed development shall be consistent with and shall further the implementation of the Township Master Plan.
- (7) *Availability of public sewer and water.* In areas of the Township which are outside of the sewer or water service area as defined in the master plan, the use of the OSPC option is only allowed where it can be accomplished without extension of public water and public sewer.
- (b) *Principal permitted uses and accessory uses.* All permitted and accessory uses allowed in the underlying zoning district are permitted in the OSPC.
- (c) *Open space requirements.*
 - (1) *Use.* All land within a proposed development that is not devoted to a residential unit, an accessory use, vehicle access, vehicle parking, a roadway, a utility easement or an approved land improvement, shall be set aside as common land for recreation, conservation, or agricultural uses, or preserved in an undeveloped state. Grading shall be minimal, with the intent to use existing topography.
 - (2) *Clustering.* Dwelling units shall be grouped so that dedicated open space within a proposed development is at least equal to the product of the total buildable area multiplied by the percentage contained in Table 1 for each specific zoning district. In no case shall land that remains perpetually in an undeveloped state by means of a conservation easement described in subsection (c)(4) and (5) of this section be less than 50 percent of the gross site acreage.

Table 1. OPEN SPACE REQUIREMENTS

Zoning District	Within Water/Sewer Service District	Density Multiplication Factor	Required Dedicated Open Space	Minimum Lot Size (Acre)
A-1	-	0.1	80%	0.5
A-R	No	0.2	65%	0.5
R-C	-	0.2	65%	0.5
R-1	-	0.3	60%	0.5
R-1A	-	0.5	50%	0.5

R-2	No	1.0	50%	0.5
R-2	Yes	1.0	50%	0.25
R-3A	Yes	2.27	50%	0.25

- (3) *Dedicated open space.* The dedicated open space shall be located to preserve significant natural features and to connect open spaces throughout the proposed development with adjacent open space. In areas outside the water/sewer service districts as defined in the master plan, open space along the exterior public roads shall generally have a depth of at least 100 feet, either landscaped with natural vegetation or preserved in a natural wooded condition. All vegetation shall be native to the area. The open space along the exterior public roads shall be landscaped with a minimum of one tree for each 20 feet of road frontage. Such plantings shall be planted in staggered rows or clustered into groupings to provide a natural appearance. Preservation of existing trees is preferred and may be credited towards meeting the frontage landscaping requirement.
- (4) *Conservation easement.* The dedicated open space and primary conservation areas shall be set aside by the developer through a permanent conservation easement established per Part 21, Subpart 11 of the Natural Resources and Environmental Protection Act (MCL 324.2140 et seq.). Such conservation easement shall be held by the Township or a recognized land trust or conservancy approved by the Township Board. It shall be in a form acceptable to the Township and duly recorded in the County Register of Deeds office. In the event the land trust or conservancy holding the conservation easement ceases to exist the easement shall revert to the Township.
- (5) *Purpose and content of conservation easement.* The conservation easement shall assure that the dedicated open space and primary conservation areas will be protected from all forms of development, in an undeveloped state, except as shown on the OSPC approved site plan. The conservation easement shall indicate the proposed allowable uses of the dedicated open space. The Planning Commission shall require the inclusion of restrictions in the conservation easement that prohibit the following within the dedicated open space:
- a. Dumping or storing of any hazardous material or refuse;
 - b. Activity that may cause risk of soil erosion;
 - c. Use of motorized off-road vehicles;
 - d. Cutting, filling or removing vegetation, with the exception of invasive species, from wetlands sites;
 - e. Use of pesticides, herbicides or fertilizers within or adjacent to wetlands;
- provided, however, on land that is actively farmed, activities normally associated with agricultural land use shall be permitted in the A-1, A-R and R-C districts.
- (6) *Connection to adjacent dedicated open space or area.* The Planning Commission may require connections with adjacent dedicated open space, public land or existing or planned pedestrian/bike paths.
- (7) *Allowable structures.* Buildings incidental to the permitted recreational, conservation or agricultural use, including roadside stands, storage buildings, barns and silos (when part of a farming operation), are allowed in the common areas or dedicated open space. Such accessory

uses and buildings shall be in accordance with the approved OSPC site plan. The total floor area of accessory buildings shall not exceed, in the aggregate, one percent of the required dedicated open space area.

- (8) *Recreational facilities.* Allowable recreational facilities may include a neighborhood park, picnic areas, children's play area, greenway, recreational trails, soccer fields, ball fields, bike paths or similar passive recreational facilities, which provide a feature of community-wide significance and enhance residential development. Golf courses are not allowed in the dedicated open space. In order to preserve a reasonable proportion of the natural areas, no more than 50 percent of the dedicated open space shall be utilized for these recreational facilities.
- (9) *Created natural features.* If the site lacks significant existing natural features, the Township encourages the creation of native woodland features, natural vegetation (e.g., prairie meadows), and/or manmade wetlands not used as a part of the stormwater management system, and these may be included in the dedicated open space.
- (10) *Farming operations.* In A-1, A-R and R-C districts, farming operations as permitted in article IV, division 2 of this chapter may be included in an OSPC and land dedicated to farm operations can be counted as dedicated open space.
- (11) *Areas not considered dedicated open space.* The following land areas shall not be included as dedicated open space for the purpose of this article:
 - a. The area of any private or public street right-of-way.
 - b. Any lot including the required setbacks surrounding a residential structure.
 - c. Stormwater detention and treatment areas.
 - d. Primary conservation areas.
- (12) *Homeowners' association.* The dedicated open space, primary conservation areas, other undivided common areas and associated facilities shall be held in common ownership by a homeowners' association. For site condominiums, the homeowners' association is equivalent to the condominium association. The association shall be formed and operated under principles approved by the Planning Commission including the following:
 - a. The applicant shall provide a description of the association, including its articles of incorporation and bylaws and a dedicated open space maintenance plan documenting methods for maintaining the open space and ensuring the integrity of the dominant natural features.
 - b. The association shall be organized by the applicant or owner and shall be operated with a financial subsidy from the applicant, or owner, before the sale of any lots within the development.
 - c. Membership in the association shall be automatic and mandatory for all purchasers of property within the proposed development and their successors. The conditions and timing of transferring control of the association from the applicant to homeowners shall be identified.
 - d. The members of the association shall share equitably the costs of maintaining undivided open space. Shares shall be defined within the association bylaws, and assessments for maintenance shall be a lien on the land.
 - e. The homeowners' association shall be responsible for payment of any property taxes and maintenance of all common open space areas and facilities under its control, and maintenance of liability insurance and similar duties of ownership.
 - f. The homeowners' association may lease open space lands to any other qualified person, or entity, for operation and maintenance of farmlands in accordance with the approved OSPC site plan, but such a lease agreement shall provide:

1. That the residents of the development shall at all times have access to the open space lands contained therein (except croplands during growing season or in areas containing livestock);
 2. That the undivided open space to be leased shall be maintained for the purposes set forth in this section; and
 3. That the lease shall be in accordance with the approved OSPC site plan and memorandum of lease recorded and shall be subject to the approval of the Township Board and any transfer or assignment of the lease shall be further subject to the approval of the Township Board. A copy of the lease and the recorded memorandum shall be filed with the Township.
- (d) *Density calculations.* The maximum permitted density in an OSPC shall be equal to the product of the total buildable area defined in article II of this chapter multiplied by the density multiplication factor provided in Table 1 to determine the maximum number of dwelling units permitted for the specific zoning district. Lots may vary in size but in no case shall any lot area be less than the minimum lot size provided in Table 1 for the specific zoning district.
- (e) *Design standards.*
- (1) *Natural features preservation.* The proposed development shall be designed to promote the preservation of natural features. Individual lots, buildings, streets and parking areas shall be designed and situated to minimize alteration of the natural environment.
 - (2) *Location of lots.* Residential lots shall be laid out, to the greatest extent feasible, to achieve the following objectives:
 - a. Minimize alteration of the natural environment;
 - b. Use the most suitable soils for subsurface septic disposal, in those proposed developments located outside the public water/sewer districts as defined by the master plan;
 - c. Maximize scenic vistas, as seen from public roadways.
 - (3) *Area and placement regulations.* The following design parameters shall be used to establish setbacks:
 - a. Front, rear and side yard setbacks shall be staggered to provide for maximum variety in the size of such yards.
 - b. The minimum ground floor coverage, floor area ratio, lot widths, and front, side, rear and corner yard setbacks are given in Table 2. The minimum distance between dwelling structures shall be 30 feet.
 - c. In areas outside the public water/sewer districts as defined by the master plan, dwelling placement on a lot shall be as far as possible from primary conservation areas or agriculture areas but in no case shall they be closer than 100 feet from these areas.

TABLE 2

Zoning District	Within Water/Sewer	Minimum Lot Width, ft.	Maximum Ground Floor Coverage	Maximum Floor Area Ratio	Yard Setback (feet)			
					Front	Side	Corner	Rear
A-1	-	80	10%	0.2	35	15	35	35

R-C	-	80	10%	0.2	35	15	35	35
A-R	No	80	10%	0.2	35	15	35	35
R-1	-	80	10%	0.2	35	15	35	35
R-1A	-	80	10%	0.2	35	15	35	35
R-2	No	80	16%	0.3	35	15	35	35
R-2	Yes	70	16%	0.3	35	10	35	35
R-3A	Yes	70	16%	0.3	35	10	35	35

- (4) *Open space between clusters.* Dedicated open space between clusters of residential dwellings, including those spaces used as recreation areas, shall be at least 100 feet wide.
- (5) *Landscaping and buffering.*
- a. Landscaped or native vegetative cover shall provide a screened buffer between dwellings and neighboring properties.
 - b. Where the OSPC abuts an adjacent single-family residential use, the Planning Commission may require a transition setback. Grading within the transition area shall be minimal unless needed to provide effective buffering or accommodate drainage. If the grade change adjacent to single-family residential is to be varied by more than three feet, the site plan shall include cross sections illustrating existing and proposed grades in relation to existing and proposed building heights. Perspective renderings from adjacent residential units are encouraged. The Planning Commission may require that the transition area consist of one or more of the following:
 1. Woodlands, natural features or a landscaped greenbelt sufficient to provide an obscuring effect;
 2. Open or recreation space;
 3. Significant changes in topography, which provide an effective buffer.
 - c. Buffer zones at least 100 feet wide shall be required between residential areas and agricultural areas in an OSPC. Buffers shall be planted with fast growing native shrubs and trees to create an effective barrier separating yards from fields and pastures.
- (6) *Dwelling placement.* Dwelling placement shall be planned to screen homes from off-site vantage points, away from environmentally sensitive areas, existing agricultural areas, sites suitable for open space and upwind from areas subject to land management practices that may cause dust, noise, smoke, odors or similar problems.
- (7) *Preserving road frontage.* In areas outside the public water/sewer districts as defined by the master plan, all dwellings and accessory structures shall be no less than 100 feet from the edge of the major arterial and that 100-foot wide area shall be maintained in native plants and trees so as to create a buffer between the roadway and the environment.

- (8) *Septic tanks and fields.* The placement of septic tanks and fields shall comply with the requirements of the County Department of Environment and Infrastructure Service (WCEIS). Drain fields may be placed in dedicated open space or transition areas if permitted by the WCEIS.
 - (9) *Road access.* Direct access onto a County road or State highway shall be required for an OSPC which shall also meet or exceed the access standards contained in section 74-11.
 - (10) *Internal roads.* Internal roads within an OSPC may be public or private.
 - a. The Township encourages construction of private roads for access and circulation. Private roadways within an OSPC must meet the design requirements of chapter 46, article II, private roads. The Planning Commission may recommend to the Township Board granting a variance from these requirements, if all of the following findings are made:
 1. There is no potential for the road to connect with abutting land or be extended to serve additional land in the future.
 2. Significant natural features such as mature trees, natural slopes, wetlands or other water bodies would be preserved through allowing a variance from the private road standards.
 - b. Both sides of all internal roads shall be landscaped with street trees. For road frontages of individual lots, a minimum of two canopy trees shall be provided per lot. For sections of road that do not abut residential lots, one canopy tree shall be provided on each side for every 50 feet of road frontage. Existing trees that are preserved and that are located within the right-of-way or road easement and those that are outside these areas but within five feet of the road right-of-way or road easement line may be credited towards meeting this requirement.
 - (11) *Pedestrian access.* The OSPC site plan shall provide pedestrian access to all nonagricultural open space areas from all residential areas, connections between open space areas, public thoroughfares, and connections between appropriate on-site and off-site uses. Trails within the OSPC may be constructed of gravel, woodchip or other similar material, but the Planning Commission may require construction of eight-foot wide asphalt bike paths through portions of the proposed development or along any public right-of-way abutting the OSPC. Locations for school bus stops shall be provided on the site plan.
 - (12) *Historic structures.* When a proposed development contains structures or buildings deemed to be of historic, cultural, or architectural significance, as determined by the Planning Commission, and if suitable for rehabilitation, the structures shall be retained. Adaptive reuse of existing structures for residential use or permitted accessory residential uses shall be permitted.
- (f) *Regulatory flexibility.*
- (1) *Modifications to zoning requirements.* To encourage flexibility and creativity consistent with the intent of the OSPC, the Planning Commission may grant specific departures from the following requirements of this chapter as a part of the approval process: setback, off street parking, yard and lot widths. These requirements may be modified if the modifications result in enhanced buffering from adjacent land uses or public rights-of-way, or preservation of natural features or farmland. The applicant shall provide sufficient evidence for the Planning Commission to make a finding that such departures from the requirements are justified by unique topographic conditions, vegetation, grades, or to preserve natural features and open areas. Any regulatory modification shall require Township Board approval after Planning Commission recommendation and findings that the modification shall fulfill the intent of this article. Regulatory modifications are not subject to variance approval of the Zoning Board of Appeals.
 - (2) *Table of proposed modifications.* The applicant shall provide a table on the site plan specifying the details of all proposed modifications, including the otherwise applicable ordinance requirements, the rationale for the requested modifications, and the mechanisms to be used to protect the public health, safety and welfare in lieu of the requirements. Only those modifications consistent with the intent of this article shall be considered.

- (g) *Application procedures and final site plan requirements.* If an applicant chooses to develop the land using the OSPC option, the following application and review processes apply:
- (1) *Preapplication conference.* The applicant shall request a preapplication conference to discuss the OSPC zoning, using the procedures outlined in section 74-542(c), preapplication conference.
 - (2) *Application and preliminary site plan requirements.*
 - a. Any person with legal interest in the lot may apply for an OSPC preliminary site plan review. The applicant shall file completed forms and information consistent with article II, division 4 of this chapter with the Township Clerk. The Clerk, upon receipt of the application and fees, shall transmit the preliminary site plan to the Planning Commission at least 20 calendar days prior to its meeting.
 - b. After confirming that the application is complete and that the applicant has provided all required information, the Planning Commission shall establish a public hearing. The Clerk shall give notice of the application consistent with the standards established in section 74-308(b). The Planning Commission, within 135 days of the public hearing, shall approve or reject the preliminary site plan. The standards applied by the Planning Commission shall be those in subsection (h) of this section and article II, division 4 of this chapter. The Planning Commission shall develop an OSPC development agreement between the Township and the applicant. The applicant must approve the development agreement prior to proceeding to the final site plan stage. The Planning Commission may require changes in the site plan, and may attach conditions to its approval. The Planning Commission shall advise the applicant in writing of its actions on a preliminary site plan. The Planning Commission may extend the time limit up to an additional 135 days if additional information or analysis is required. The time limit may also be extended upon a written request by the applicant and approval by the Planning Commission. The Planning Commission shall transmit the approved OSPC preliminary site plan and development agreement to the Township Board for information.
 - (3) *Final site plan requirements.* The applicant shall submit a final site plan for review and action by the Planning Commission for each phase of an OSPC as delineated on the approved site plan. Each final site plan shall be submitted and reviewed and shall meet all provisions of subsection (h) of this section and section 74-174, final site plan. The Planning Commission shall transmit the approved final site plan to the Township Board for information.
 - (4) *Subdivision plats.* If an OSPC is developed as a subdivision plat the procedures defined in chapter 58, subdivisions and land divisions, shall apply.
 - (5) *Site condominium.* If an OSPC is developed as a site condominium, the procedures of section 74-601 shall apply.
- (h) *Project standards.* In considering any application for approval of an OSPC petition and site plan or plat, the Planning Commission shall determine and shall provide evidence in its report to the Township Board that the application and site plan meets the following standards:
- (1) *Compliance with the OSPC principles, requirements and design standards.* That the overall design and land uses proposed in connection with an OSPC complies with the intent, principles and requirements of the OSPC district, and the specific design standards set forth in this section.
 - (2) *Accessory uses and structures compatible with adjacent uses.* That the proposed location of accessory uses or structures which are of a significantly different scale or character than an abutting residential district, such as access drives, parking areas, solid waste pickup points, swimming pools, tennis courts, and facilities of a similar nature, are compatible with adjacent uses, or are not located near the boundary of the proposed development, or are located so as to not negatively impact the residential uses of adjacent lands. The proposed OSPC site plan shall set forth in detail all specifications with respect to height, setbacks, density, parking, circulation, landscaping, views, and other design features that exhibit due regard for the relationship of the proposed development to surrounding properties, the character of the site, and the land uses. In determining whether this requirement has been met, the Planning Commission shall consider:

- a. The bulk and placement of proposed structures;
 - b. Pedestrian and vehicular circulation;
 - c. The location and screening of vehicular use or parking areas;
 - d. Landscaping and other site amenities.
- (3) *Minimal public infrastructure impact.* That the OSPC is designed to minimize the impact of traffic generated by the proposed development on surrounding uses, and that the OSPC is adequately served by public facilities and services such as: highways, streets, police and fire protection, drainage courses, water and sanitary sewers (unless outside the public water and sewer areas), and refuse disposal, unless the persons or agencies responsible for the OSPC are able to provide any such facilities and services in a manner acceptable to the Planning Commission.
- (4) *Protection of natural environment.* That the OSPC protects the natural environment, complies with all applicable environmental protection laws and regulations, and preserves natural features as defined in chapter 18 of the Ann Arbor Township Land Development Standards to the maximum extent feasible. If animal or plant habitats of significant value exist on the site, the Planning Commission may, as a condition of approval, require that the OSPC site plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas. The proposed development shall follow the design standards provided in chapter 18 of the Ann Arbor Township Land Development Standards.
- (5) *Compliance with applicable regulations.* That the OSPC complies with all applicable Federal, State, and local regulations.
- (6) *Compliance with Township Master Plan.* That the OSPC is consistent with and furthers the implementation of the Township Master Plan.
- (i) *Conditions.* The Planning Commission may require the applicant to meet reasonable conditions prior to the approval of the OSPC, in order to:
- (1) Ensure that public services and facilities affected by the OSPC will be capable of accommodating increased service and facility loads caused by the OSPC;
 - (2) Protect the natural environment;
 - (3) Protect farmland;
 - (4) Conserve natural resources and energy;
 - (5) Ensure compatibility with adjacent uses of land, and promote the use of land in a socially and economically desirable manner;
 - (6) Further the implementation of the Township master plan; and
 - (7) Protect the public health, safety and welfare of individuals in the OSPC or those immediately adjacent to it.

All conditions imposed shall be made a part of the record of the approval, and the OSPC development agreement.

- (j) *Recording of action.* The applicant shall record an affidavit with the County Register of Deeds containing the full legal description of the proposed development site, specifying the date of final Township approval, and declaring that all improvements will be carried out in accordance with the approved OSPC site plan, unless an amendment is adopted by the Township. In addition, all deed restrictions and easements shall be recorded with the County Register of Deeds and copies of recorded documents presented to the Township. In accordance with section 74-542(d)(1)i, after approval by the Township Board, an OSPC agreement shall be signed and recorded.
- (k) *Permits.* Following approval of the OSPC final site plan and final approval of the engineering plans by the Township Engineer, the applicant may apply for grading and building permits. For an OSPC that is a subdivision plat, the applicant may apply for grading and building permits only after the Township

and all other applicable agencies approve the plat. It is the applicant's responsibility to obtain all other applicable Township, County, State, and Federal permits.

- (l) *Initiation of construction.* If the applicant or its successor has not commenced construction within 18 months of final OSPC approval, all Township approvals become null and void, unless the Planning Commission approves an extension. The applicant may apply in writing to the Planning Commission for an extension, not to exceed 12 months. A maximum of two extensions may be allowed.
- (m) *Continuing adherence to plan.* Any property owner who fails to maintain an approved site design shall be deemed in violation of the use provisions of this chapter and shall be subject to the penalties for same.
- (n) *Phasing.*
 - (1) *Scheduled phasing.* When the applicant proposes to phase construction, the proposed development shall be designed to allow each phase to function fully as to services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the OSPC and the residents of the surrounding area.
 - (2) *Timing of phases.* The applicant or its successor shall commence each phase of the proposed development within 12 months of the schedule set forth on the approved site plan. If the applicant or its successor fails to commence construction of any phase within the approved time period, approval of the plan shall become null and void unless the Planning Commission approves an extension.
- (o) *Revision of approved plans.*
 - (1) *Minor changes.* Minor changes to an approved OSPC may be permitted by the Planning Commission following normal site plan review procedures outlined in article II, division 4 of this chapter for the following:
 - a. Reduction of density;
 - b. Changing non-single-family dwelling units to single-family dwelling units;
 - c. Realignment of roads;
 - d. Modifications to setbacks;
 - e. Increasing the amount of open space;
 - f. Changing landscaping, provided the number of plantings is not decreased;
 - g. Changing the size of detention ponds by no more than ten percent; and
 - h. Changing the phasing plan.
 - (2) *Required findings for minor changes.* Minor changes shall be subject to the finding of all of the following:
 - a. Such changes will not adversely affect the initial basis for granting approval;
 - b. Such changes will not adversely affect the overall OSPC in light of the intent and purpose of such development as set forth in this article; and
 - c. Such changes shall not result in the reduction of dedicated open space area as required in this section.
- (p) *Major revisions.* Approved plans for an OSPC that do not qualify as minor under subsection (o)(1) of this section may be revised by resubmitting a revised OSPC site plan for approval following the procedures of subsection (g) of this section.

(Comp. Ords. 1990, §§ 130.1001, 130.1002; Ord. of 9-17-1990; Ord. of 3-21-1994; Ord. No. 2-02, 2-4-2002; Ord. No. 7-02, 11-18-2002; Ord. No. 5-2005, 7-18-2005)

Sec. 74-545. - Research and research applications district.

- (a) *Location of an RRA district.* An RRA district shall be located in areas of the Township designated in the Township's Master Plan as suitable and desirable for research and technology uses. A petition for an RRA district in all other locations shall either follow, or proceed simultaneously with, an amendment to the master plan.
- (b) *Permitted uses.* Uses in an RRA district shall be limited to those listed on the approved area plan, approved preliminary site plan, or approved final site plan, whichever is applicable. No other uses shall be permitted unless the applicable plans are amended in accordance with this chapter. Uses in an RRA district shall be selected from the following:
 - (1) *Permitted principal uses.*
 - a. Research, development, and testing facilities for industrial, scientific, and business establishments.
 - b. Administrative, professional, and business offices of permitted principal uses; and corporate headquarters offices.
 - c. Production of prototype products.
 - d. Pilot plants for testing of manufacturing processes related to or resulting from other uses permitted in this district.
 - e. Production facilities and operations with a high degree of scientific input, and determined to be an integral part of or essential to a permitted research operation.
 - f. Manufacture of industrial controls; electronic components and accessories; measuring, analyzing and controlling instruments; photographic (except chemicals and sensitized materials), medical, and optical goods.
 - g. Agricultural uses, as permitted in the A-1 district, but only as interim uses prior to the development of land for the uses permitted herein.
 - h. Transmission and distribution lines, pipelines, and structures of public utility companies.
 - i. Fire, police, and ambulance stations; other public buildings.
 - (2) *Permitted accessory uses.*
 - a. Technical and business schools; recreation facilities, both indoor and outdoor, and post offices.
 - b. Uses incidental to and in support of permitted uses such as cafeterias and shops. Any such use shall be located on the lot of the principal use which it serves; shall be conducted primarily for the convenience of its own employees; shall be wholly within a building; and shall have no exterior advertising or display. For purposes of the section, such uses shall be referred to as a service center.
 - c. Operations required to maintain or support any use permitted above, on the same lot as the permitted use, such as maintenance shops, power plants, and government facilities.
 - d. Living quarters for security and maintenance personnel only within or integral with a principal building.
 - e. Small-scale SES.
 - (3) *Conditional uses.*
 - a. Wireless communications facilities.
 - b. Large-scale SES.
- (c) *Density regulations.* For all uses except service centers:

- (1) Ground floor coverage (GFC) for any lot shall not exceed 15 percent.
 - (2) Floor area ratio (FAR) for any lot shall not exceed 0.30.
- (d) *Minimum area requirements.* The minimum area of land for initial designation in this district shall be 200 acres. Any parcel of land, regardless of area, may be added to the initial land if contiguous thereto and if the area plan is amended accordingly. The minimum area of a lot within this district shall be five acres.
- (e) *Required yards.*
- (1) For all uses except service centers:
 - a. A yard at least 75 feet wide shall be required but a yard up to 100 feet wide may be required along an existing or future public street right-of-way.
 - b. A yard at least 75 feet wide shall be provided along any perimeter of this district which does not abut a public street, except where the adjacent property is designated by the Township's Master Plan for agricultural or residential uses, in which case the yard shall be at least 100 feet wide.
 - c. The following minimum yards shall be provided for each lot which is not subject to the yard requirements of subsections (e)(1)a and (e)(1)b of this section:
 1. Front: 75 feet.
 2. Side, interior: 50 feet one side; 150 feet total.
 3. Side, corner: 75 feet.
 4. Rear: 75 feet.
 - (2) Larger minimum yards may be required at the time of preliminary site plan approval for a building exceeding three stories or 35 feet in height. The requirements shall be based on consideration of natural light, air circulation, solar access, and other effects on adjacent buildings or properties.
 - (3) Minimum yard requirements shall apply to all buildings and structures, drives, and parking and loading areas. Drives may cross required yards.
 - (4) The preceding yard requirements, except those in subsection (e)(1)a of this section, may be reduced as part of the approved preliminary site plan. The reduction shall be based on findings that topographic conditions, existing trees and other vegetation, proposed land grading and plant materials, or other existing or proposed site conditions perform the same function as the required yards.
 - (5) All required yards shall be landscaped and adequately and permanently maintained. The yards required in subsection (e)(1)b of this section shall be landscaped and developed so as to function as a buffer between this district and abutting properties.
- (f) *Distance between buildings.* The location of buildings and uses, and distances between buildings, shall be as shown on the preliminary site plan. Distances between buildings shall be sufficient to meet fire regulations, and to provide for natural light, air circulation, and solar access.
- (g) *Height limits.* Height limit zones shall be delineated on the area plan. The zones shall be based on considerations of topography, natural light, air circulation, views, solar access, relation to neighboring buildings, and fire protection and safety. The proposed height of each building shall be shown on the preliminary site plan. No building shall exceed six stories in height above grade.
- (h) *Parking and loading requirements.* Parking and loading facilities shall be provided in accordance with article VIII of this chapter except that the size of parking spaces may be reduced to not less than nine feet wide and 18 feet long, if approved as part of approval of the preliminary site plan. Notwithstanding requirements of article VIII of this chapter, the number of parking spaces required for office and research uses shall be based on the rate of one space for each 300 square feet of floor area. The number of parking spaces required may be reduced by the Planning Commission as part of its approval

of a preliminary site plan. The reduction may be approved upon the petitioner showing, to the Planning Commission's satisfaction, that the number of spaces provided will be adequate. The Planning Commission may establish a maximum number of parking spaces that may be placed on a lot. Loading areas shall be screened from view from any street or property line.

- (i) *Outdoor operations.* Outdoor storage or display of vehicles, equipment, supplies, goods, materials, or products; outdoor processing, assembly, repair; or operating equipment outdoors for testing purposes, where potential exists for causing or having an adverse impact on neighboring properties shall only be permitted after evaluation and approval by the Planning Commission using the standards below.
 - (1) The activity or use shall occur in a permanent, designated location on the site. This location shall not be in any required yard.
 - (2) The designated location shall be screened from off-site view on all sides.
 - (3) The activity or use shall meet the performance standards listed in Section 74-545(l) Performance Standards.
- (j) *Landscaping.* Landscaping shall be provided in accordance with the approved final site plan for each lot. All parts of each lot not developed with buildings, drives, parking and loading areas, and similar improvements shall either be maintained in a natural state or shall be landscaped with grass or other ground cover, shrubbery, trees, bushes, vines, or other suitable plantings. Parking lots shall be landscaped so as to reduce heat and glare, to divide parking lots into smaller units, and to buffer adjacent areas, where necessary. All plantings shall be live and shall be properly and regularly maintained. Dead or dying materials shall be replaced in accordance with approved plans.
- (k) *Signs.* Each road entry to this district and each lot in this district may have an identification sign as provided in section 74-836, except that such signs shall not exceed 100 square feet in area, and may be located in a required yard, but not less than one-half the required setback from a street or property line. Signs for a service center shall meet the requirements of a shopping center as provided in section 74-836(a). Billboards shall not be permitted in this district.
- (l) *Performance standards.*
 - (1) *Intent.* It is the intent of this subsection to require that each permitted use shall be a good neighbor to adjoining properties by control of noise, odor, glare, vibration, smoke, dust, liquid wastes, radiation, radioactivity, etc.
 - (2) *Compliance.* The performance standards set forth in subsection (m)(4) of this section shall be complied with and any use which fails to comply with the standards shall be in violation of this chapter and be subject to penalties as accorded by law. In case of conflict among these standards and federal and state regulations, the most restrictive standard or regulation shall apply. The Township Board may enforce any such standard or regulation.
 - (3) *Effects of concurrent operations.* The sum of the effects of concurrent operations on two or more lots measured at any property line shall not be greater or more offensive to the senses than the standards contained in this subsection. Compliance with the provisions of this subsection by single or mutual changes in operational levels, scheduling of operations, and other adjustments is permitted.
 - (4) *Standards.*
 - a. *Noise.* Noise shall be measured on any property line of the lot on which the operation is located. Noise shall be muffled so as not to become objectionable due to intermittence, beat frequency, shrillness, or intensity. At the property line the sound pressure level of noise radiated continuously from a facility shall not exceed the values given in Tables 1 and 2 in any octave band frequency. The sound pressure level shall be measured with a sound level meter and an octave band analyzer that conform to specifications published by the American Standards Association. (American Standards sound level meters for Measurement of Noise and Other Sounds, Z24.3-1944, and American Standard Specifications for an Octave-Band Filter Set for the Analysis of Noise and Other Sounds, Z24.10-1953, American Standards Association, Inc., New York, N.Y., shall be used.)

TABLE 1

Maximum permissible sound-pressure levels at specified points of measurement for noise radiated continuously from a facility.

Frequency Band Cycles Per Second	Decibel Level*
20—75	69
75—150	54
150—300	47
300—600	41
600—1,200	37
1,200—2,400	34
2,400—4,800	31
4,800—10,000	28
10,000—20,000	26
20,000—30,000	25†
30,000—40,000	24†
40,000—50,000	23†

* According to the following formula:

$$P_1 = 10 \log P_2$$

(Where P₁ is the Sound Pressure Level in Decibels and P₂ = 0.0002 dynes/dm²)

† To avoid possible interference with animal experiments.

If the noise is not smooth and continuous, one or more of the corrections in Table 2 shall be added to or subtracted from each of the decibel levels given above in Table 1.

TABLE 2

Type of Operation or Character of Noise	Correction in Decibels
Noise source operates less than 20% of any one-hour period	plus 5*
Noise source operates less than 5% of any one-hour period	plus 10*
Noise source operates less than 1% of any one-hour period	plus 15*
Noise of impulsive character (hammering, etc.)	minus 5
Noise of periodic character (hum, screech, etc.)	minus 5

* Apply one of these corrections only.

- b. *Odors.* Odors from any use shall not be discernible at the property line to a greater degree than odors from plants for the manufacture of electronic equipment. The values given in Table III (Odor Thresholds) in the latest revision of Chapter 5, "Physiological Effects," in the "Air Pollution Abatement Manual," by the Manufacturing Chemists' Association, Inc., Washington, D.C., copyright 1951, shall be used as the standard in case of doubt concerning the character of odors emitted. In such case the smallest value given in Table III shall be the maximum odor permitted. Detailed plans for the prevention of odors crossing property lines may be required before approval of a final site by the Planning Commission.
- c. *Glare.* Glare, whether direct or reflected, such as from floodlights, or high temperature processes, and as differentiated from general illumination, shall not be visible at any property line.
- d. *Exterior lighting.* Any lights used for exterior illumination shall direct light away from adjoining properties.
- e. *Vibration.* Vibration shall not be discernible at any property line to the human sense of feeling for three minutes or more duration in any one hour. Vibration at any time shall not produce at any time an acceleration of more than 0.1 gravities or shall not result in any combination of amplitudes and frequencies beyond the "safe" range of Table 7, United States Bureau of Mines Bulletin No. 442, "Seismic Effects of Quarry Blasting," on any structure. The methods and equations of such Bulletin No. 442 shall be used to compute all values for the enforcement of this provision.
- f. *Smoke.* The measurement of smoke shall be at the point of emission. The Ringelmann Smoke Chart published by the United States Bureau of Mines shall be used for the measurement of smoke. Smoke not darker or more opaque than No. 1 on such chart may be emitted except that smoke not darker or more opaque than No. 2 on such chart may be emitted for periods

not longer than four minutes in any 30-minute period. These provisions, applicable to visible gray smoke, shall also apply to visible smoke of a different color but with an equivalent apparent opacity. The provisions of paragraph (m)(4)g of this section shall apply to smoke.

- g. *Dust.* Solid or liquid particles shall not be emitted at any point in concentrations exceeding 0.3 grains per cubic foot of the conveying gas or air. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of 500 degrees Fahrenheit and 50 percent excess air. The provisions of paragraph (m)(4)k of this section shall apply to dust.
 - h. *Gases.* Fumes or gases shall not be emitted at any point in concentrations or amounts that are noxious, toxic, or corrosive. The values given in Table I (Industrial Hygiene Standards—Maximum Allowable Concentration for eight hour day, five days per week), Table III (Odor Thresholds), Table IV (Concentrations of Substances Causing Pain in the Eyes), and Table V (Exposures to Substances Causing Injury to Vegetation) in the latest revision of Chapter 5, "Physiological Effects," that contains such tables, in the "Air Pollution Abatement Manual," by the Manufacturing Chemists' Association, Inc., Washington, D.C., are hereby established as guides for the determination of permissible concentration or amounts. Detailed plans for the elimination of fumes or gases may be required before approval of a final site plan by the Planning Commission. The provisions of paragraph (m)(4)k of this section shall apply to gases.
 - i. *Hazard.* Operations shall be carried on with reasonable precautions against fire and explosion hazards.
 - j. *Radiation.* Operations shall cause no dangerous radiation, as specified by the regulations of the United States Nuclear Regulatory commission, at the property line.
 - k. *Radioactivity.* Operations shall cause no radioactivity at any property line in violation of Title 10, Chapter 1, part 20, Code of Federal Regulations, "Standards for Protection Against Radiation," dated January 16, 1957, or any subsequent revision or amendment thereof, and any applicable regulations of the state.
 - l. *Electrical radiation.* Electrical radiation shall not adversely affect at any point any operations or any equipment other than those of the creator of the radiation. Avoidance of adverse effects from electrical radiation by appropriate single or mutual scheduling of operations is permitted.
 - m. *Waste.* All sewage and industrial wastes shall be handled, stored, treated, and/or disposed of in compliance with all federal and state laws and regulations.
- (m) *Procedures and general provisions.*
- (1) *Petition requirements.*
 - a. *Procedures.*
 - 1. A petition for this district shall be filed and processed as provided in article II, division 7 of this chapter, amendments. The petition shall include an area plan and all information required in section 74-309.
 - 2. At the public hearing the petitioner shall present evidence regarding the following characteristics of the proposed development:
 - i. The general character and substance;
 - ii. Objectives and purpose to be served;
 - iii. Compliance with all applicable Township ordinances, regulations, and standards;
 - iv. Scale and scope of development proposed;
 - v. Development schedules;

vi. Compliance with the master plan of the Township.

The Planning Commission may require that the petitioner provide information for the public hearing concerning economic feasibility of the proposed uses, community impact in terms of streets and traffic, schools, recreation facilities, and costs/revenues for the Township; and environmental analysis. Evidence and expert opinion shall be submitted by the petitioner in the form of maps, charts, reports, models, or other materials, and in the form of testimony by experts as will clearly state the full nature and extent of the proposal. Materials shall be submitted in sufficient quantity for public display and for review by the Planning Commission and other Township officials at least two weeks prior to the public hearing.

3. The Township Board shall attach appropriate conditions to its approval of a petition, including conditions concerning expiration dates, as provided in subsection (m)(8) of this section.

b. *Information required for area plan.*

1. Density for each use area of the site.
2. Location, size, and uses of open space.
3. General description of the organization to be utilized to own and maintain common areas and facilities.
4. General description of covenants or other restrictions; easements for public utilities.
5. Description of the petitioner's intentions regarding selling or leasing of land.
6. Listing of all proposed uses.
7. General landscape concept showing tree masses to be preserved or added, buffer areas, and similar features.
8. Delineation of areas to be platted under the Land Division Act (MCL 560.101 et seq.).
9. Location and description of site; dimensions and areas.
10. Scale, north arrow, date of plan.
11. Existing zoning of site; existing land use and zoning of adjacent parcels; location of adjacent buildings, drives, and streets.
12. General description of proposed water, sanitary sewer, and storm drainage systems.
13. Existing natural and manmade features to be preserved or removed; location of existing structures, streets, and drives; location, width, and purpose of existing easements and proposed major easements.
14. All adjacent property in which the petitioner and owners of land in this district have any ownership interest.
15. Location, type, and land area of each proposed land use.
16. General location, function, surface width, and right-of-way of proposed public streets; general location and surface width of major private streets/drives.
17. Approximate number of parking spaces to be provided in each development area.
18. Location and area of each development phase; summary of land use information for each phase.

c. *Standards for petition review.* In place of the findings required in section 74-310, the Planning Commission shall determine, and shall provide evidence of its determinations in its report to the Township Board, that the petition meets the following standards:

1. The proposed development shall conform to the master plan, or represent land use policy which, in the Planning Commission's opinion, is a logical and acceptable change in the master plan.
 2. The proposed development shall conform to the intent and all regulations and standards of this district.
 3. The proposed development shall be adequately served by public facilities and services such as but not limited to: streets, police and fire protection, drainage facilities, water and sanitary sewer facilities, refuse disposal, and sidewalks; or that the persons or agencies responsible for the proposed development shall be able to properly provide such facilities and services.
 4. Common open space, other common properties and facilities, individual properties, and all other elements are so planned that they will achieve a unified open space system, with open space and all other elements in appropriate locations, properly related to each other, the site, and surrounding lands.
 5. Open space and common areas shall be irrevocably committed for that purpose. Provisions shall be made for financing of improvements shown on the plan for open space and other common areas, and proper maintenance of such improvements shall be assured.
 6. The proposed development shall create a minimum disturbance to natural features and land forms.
 7. Traffic to, from, and within the site will not be hazardous or inconvenient to the district or to the neighborhood. In applying this standard the Planning Commission shall consider, among other things: convenient routes for pedestrian traffic; relationship of the proposed project to main thoroughfares and street intersections; and the general character and intensity of the existing and potential development of the neighborhood.
 8. Streets shall follow topography, be properly spaced, and be located and aligned in accordance with the intended function of each street. The property shall have adequate access to public streets. The plan shall provide for logical extensions of public streets and shall provide suitable street connections to adjacent parcels, where applicable.
 9. Pedestrian circulation shall be provided within the site, and shall interconnect all use areas, where applicable. The pedestrian system shall provide for a logical extension of pedestrian ways outside the site and to the edges of the site, where applicable.
 10. The Planning Commission shall determine, where applicable, that noise, odor, light, or other external effects which are connected with the proposed uses will not adversely affect existing or future adjacent and neighboring lands and uses.
- d. *Effect of approval of petition.* Approval of the petition by the Township Board shall have the following effects:
1. Approval shall confer a right to the landowner that the zoning regulations as they apply to the land in the petition shall not be changed within the time periods provided in subsections (m)(7) and (8) of this section.
 2. Approval shall indicate acceptance of uses, layout of streets, densities, location and extent of open space, and all other elements of the area plan.
 3. Approval shall authorize applications for review or preliminary site plans.
 4. Approval shall authorize the applicant to file applications for review of preliminary plats for tentative approval.
 5. No deviations from the area plan approved by the Township Board, or from any condition of approval, shall be permitted except through amendment or revision as provided in this section.

- (2) *Preliminary site plan requirements.* A preliminary site plan shall be submitted for approval for each phase of development as delineated on the approved area plan. Preliminary site plans shall meet all applicable provisions of article II, division 4 of this chapter, site plan review, and shall conform to the approved area plan and all conditions attached thereto.
- (3) *Final site plan requirements.* A final site plan shall be submitted for approval for each development shown on an approved preliminary site plan. Each final site plan shall meet all applicable provisions of article II, division 4 of this chapter, site plan review. Final site plans shall conform to the approved area plan and to all conditions attached thereto, or to the approved preliminary site plan and all conditions attached thereto, whichever is applicable.
- (4) *Phasing.* Development may be phased as delineated on the approved area plan, subject to the following requirements:
 - a. A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services, and open spaces and recreation facilities.
 - b. The Township Board, upon recommendation of the Planning Commission, may require that the development be phased so that tax and fee revenues resulting from such development will generally balance the expenditures required by public agencies to properly service that development; so that overloading of utility services and community facilities will not result; and so that the various amenities and services necessary to provide a safe, convenient, and healthful environment will be available upon completion of any one phase. The Planning Commission may require the petitioner to provide information necessary to properly and adequately analyze a petition for recommendation to the Township Board with respect to this requirement.
 - c. Development shall be started and shall be diligently pursued in the manner and sequence shown on the approved area plan.
- (5) *Common areas and facilities.*
 - a. The location, extent, and purpose of all common areas and facilities shall be identified on the area plan and on preliminary and final site plans. All such areas and facilities which are to be conveyed to any agency shall be identified accordingly on the final site plan.
 - b. All public areas and facilities which are to be dedicated to a public agency shall be so dedicated prior to approval of a final site plan or a final plat, unless a binding agreement approved by the Township Attorney and Township Board is provided in lieu of dedication.
 - c. Legal instruments setting forth the manner of permanent maintenance of common areas and facilities shall be submitted to the Township Attorney for review before the Planning Commission approves a final site plan or the Township Board approves a final plat.
- (6) *Amendment and revision.*
 - a. A developer may request a change in an approved area plan, an approved preliminary site plan, or an approved final site plan. A change in any approved plan which would result in a major change in the approved area plan shall require prior amendment of the approved area plan. All amendments shall follow the procedures required in this chapter for original submittal and review of a petition. A change which results in a minor change shall require revision to the approved plan and approval by the Planning Commission.
 - b. A request for a change in an approved plan shall be made in writing to the Planning Commission and shall clearly state the reasons therefor. The Planning Commission, upon finding such request reasonable and valid, shall so notify the applicant, in writing, of such finding, whether the change is major or minor, and of the procedure to be followed. Following payment of the required fee, the developer shall submit the required information to the Planning Commission for review. If the approved plan is to be amended, the Planning Commission shall promptly notify the Township Board.
 - c. The following changes shall be considered major, for which an amendment is required:

1. Change in concept of the development as shown on the approved area plan;
 2. Change in use or character of the development as shown on the approved area plan;
 3. Increase in total floor area as shown on the approved area plan, of over five percent;
 4. Increase in lot coverage or FAR for the total development as shown on the approved area plan, of more than one percent;
 5. Rearrangement of land use areas as shown on the approved area plan;
 6. Change in the character or function of any street;
 7. Reduction in land area set aside for common open space, as shown on the approved area plan, or relocation of such area;
 8. Increase in building height above the limits established in the area plan;
 9. Change in the boundaries of the district and area plan.
- d. A developer may request approval of minor changes in any approved plan. The Planning Commission shall notify the Township Board and other applicable agencies of its approval of minor changes.
- e. The following changes shall be considered minor:
1. An increase in total floor area, as shown on the approved area plan, of five percent or less;
 2. Minor variations in layout which do not constitute major changes;
 3. An increase in lot coverage or FAR for the total development, as shown on the approved area plan, of one percent or less;
 4. A change in phasing of the development.
- f. The Planning Commission shall have the authority to determine whether a requested change is major or minor, in accordance with this section. The burden shall be on the applicant to show good cause for any requested change.
- (7) *Expiration of approvals.*
- a. The Township Board may, at any time following five years after the date of approval of the petition, or such later time as might be specified in the conditions of approval, change the zoning classification of any or all parts of this district to one or more zoning districts as deemed appropriate by the Township Board. The Township Board may make such changes whether or not development is completed and shall follow all requirements of article II, division 7 of this chapter, amendments.
 - b. Preliminary and final site plans shall expire as provided in article II, division 4 of this chapter, site plan review.
- (8) *Conditions; expirations of approvals.* The Township Board shall include, as a condition of approval, expiration dates as set forth in this section, or such later expiration dates as the Township Board may approve.
- (9) *Extension of time limits.* Time limits set forth in this section may be extended upon showing of good cause, and by written agreement between the applicant and the Township Board, in the case of area plans, and upon Planning Commission approval, in the case of preliminary and final site plans.
- (10) *As-built drawings.* As-built drawings shall be provided in accordance with article II, division 5 of this chapter, nonconformities.
- (11) *Performance guarantees.* Guarantees to assure completion of site improvements shall be provided in accordance with article II, division 4 of this chapter, site plan review.

- (12) *Continuing applicability of regulations.* The location of all uses and structures, the kinds of uses, all yards and buffer strips, and all other information regarding uses of properties as shown on an approved area plan, and on site plans and plats approved subsequently thereto, and all conditions of approval, shall have the full force and permanence of this chapter, as though such regulations were specifically set forth in this chapter. Such regulations shall be the continuing obligation of any subsequent interest in the land in this district, and shall not be changed except as approved through amendment or revision procedures as set forth herein.
- (13) *Violations.* Violations of any plan approved under this section or failure to comply with any requirement of this chapter, including conditions attached to an approved plan, shall be considered a violation of this chapter, as provided in article II, division 2 and section 74-183 of this chapter.

(Comp. Ords. 1990, § 130.1005; Ord. No. 08-2012, 11-19-2012; Ord. No. 4-2019, 12-16-2019)

Sec. 74-546. - Office park district (OP).

- (a) *Location of an OP district.* An OP district shall be located in areas of the Township that are designated in the Township's Master Plan for office uses. A petition for an OP district in all other locations shall either follow, or proceed simultaneously with, an amendment to the master plan.
- (b) *Permitted uses.* Uses in an OP district shall be limited to those uses that are identified on the approved area plan, approved preliminary site plan, or approved final site plan, whichever is applicable. No other uses shall be permitted in the OP district unless the applicable plans are amended in accordance with this chapter. Uses that will be permitted in an office park shall be selected from the following list:
- (1) *Permitted principal uses.*
- a. Administrative, business, professional and governmental offices.
 - b. Uses listed as permitted uses in the A-1 district.
 - c. Transmission and distribution lines, pipelines, and structures of public utility companies.
 - d. Fire, police and ambulance stations.
 - e. Medical and dental clinics.
- (2) *Permitted accessory uses.*
- a. Recreation facilities, indoor and outdoor.
 - b. Service uses, such as barbershops, beauty shops, gift shops, dry cleaning and laundry pickup stations, wearing apparel sales and alterations, financial services, photographic services, and similar uses, intended primarily for patronage by employees in the office park but with a need for additional sales to the people not employed in the office park, shall be permitted, provided the uses are located entirely within buildings containing a principal use and their total floor area shall not exceed two percent of the total floor area existing in the office park with valid certificates of occupancy.
 - c. Living quarters for personnel employed on a farm located in an office park district.
 - d. Day care facilities for children of employees in the office park only.
 - e. Conference, seminar, and business training facilities.
 - f. Helicopter landing/take-off pads and related facilities.
 - g. Research and product development facilities.
 - h. Radio and television receiving and transmitting facilities.
 - i. Display facilities.

- j. Food services, intended primarily for patronage by employees in the office park, shall be permitted without limitation on their total floor area, provided the uses are located entirely within buildings containing principal uses, and any such food service shall not be advertised or promoted in any way for patronage by persons not employed in the office park.
- k. Operations and related buildings and structures required to maintain the grounds of an office park, or to maintain and support the permitted principal and accessory uses, such as maintenance shops, power plants, and storage buildings.
- l. Small-Scale SES.

(3) *Conditional uses.* Large-Scale SES.

- (c) *Density regulations.* The following regulations shall apply to the entire land area within an office park, less any area within public street rights-of-way existing on the filing date of the petition to rezone the land to office park. Density regulations for individual lots shall be as shown on the area plan part of the approved office park zoning district.

- (1) The ground floor coverage (GFC) shall not exceed ten percent.
- (2) The floor area ratio (FAR) shall not exceed 0.10.

- (d) *Minimum area requirements.* The minimum area of land for initial designation in this district shall be 200 acres. Any parcel of land, regardless of area or dimension, may be added to the initial land if contiguous thereto and if the approved area plan is amended accordingly. The minimum area of a lot within this district shall be five acres.

(e) *Required yards.*

- (1) A yard at least 75 feet wide shall be required along an existing or future public street right-of-way.
- (2) A yard at least 75 feet wide shall be provided along a perimeter of this district that does not abut a public street, except where the adjacent property is designated by the Township's Master Plan for residential use, in which case the yard shall be at least 100 feet wide.
- (3) The following minimum yards shall be provided for each lot that is not subject to the yard requirements of subsections (e)(1) and (2) of this section:
 - a. Front: 75 feet.
 - b. Side, interior: 50 feet.
 - c. Side, corner: 75 feet.
 - d. Rear: 50 feet.

For purposes of this section, a parcel of land that is described only for purposes of financing of building construction shall not be subject to these yard requirements, provided development of the parcel so described shall be consistent with the area plan part of the approved office park zoning district.

- (4) A building that is more than three floors or 35 feet high shall be set back from any lot line not less than the distances required in subsections (e)(1) through (e)(3) of this section or not less than the following distances, whichever result in the greater setbacks:
 - a. Not less than one foot for each foot of building height from a street line;
 - b. Not less than 1.5 feet for each foot of building height from an interior side or rear lot line.
- (5) Minimum yard requirements shall apply to all buildings and structures, drives, and parking and loading areas. Drives may cross required yards.
- (6) The preceding yard requirements, except those in subsections (e)(1) and (e)(4) of this section, may be reduced as part of the approved preliminary site plan. The reduction shall be based on findings that topographic conditions, existing trees or other vegetation, proposed land grading or

plant materials, or other existing or proposed site conditions will perform the same function as the required yards.

- (7) All required yards shall be landscaped, and shall be adequately and regularly maintained. The yards required in subsection (e)(2) of this section, shall be developed and landscaped so as to function as a buffer between this district and abutting properties.
- (f) *Distances between buildings.* The permitted distances between buildings shall be as shown on the preliminary site plans, and shall be sufficient to meet fire regulations, and to provide for natural light, air circulation and solar access.
- (g) *Height limits.*
 - (1) No building shall exceed a height of three floors or 35 feet unless a height exemption is approved by the Township Board as part of the area plan. The Planning Commission shall include a recommendation on the exemption in its report to the Township Board on the petition and area plan.
 - (2) The exemption shall be based upon the following standards:
 - a. The building height shall be based on an overall design concept for the office park.
 - b. The building shall be properly related to the topography of the site and neighboring sites.
 - c. The building shall not interfere with natural light, air circulation, and solar access of neighboring buildings or properties; with views from neighboring buildings or properties; and with aircraft flight patterns.
 - d. Parking areas for the building shall be designed and landscaped with due consideration for the visual amenities of the site and the office park.
 - e. The building height and location shall have been reviewed by the Township Fire Chief and a report thereon supplied to the Planning Commission.
 - (3) Not more than one building that exceeds three floors or 35 feet in height shall be permitted on a lot.
 - (4) Height limit zones shall be shown on the area plan. The proposed height of each building shall be shown on the preliminary site plan and shall not exceed the height limit established in the approved area plan, including height exemptions approved under this section.
- (h) *Parking and loading requirements.* Parking and loading facilities shall be provided in accordance with article VIII of this chapter, except that the size of parking spaces may be reduced to not less than nine feet wide and 18 feet long, if approved as part of approval of the preliminary site plan. Notwithstanding requirements of article VIII of this chapter, the number of spaces required for office and accessory service uses shall only be based on the rate of one space for each 300 square feet of office floor area. The number of parking spaces for all other uses, including medical and dental clinics, shall be provided in the number required for such uses in article VIII of this chapter. The number of parking and loading spaces required may be reduced by the Township Board, upon the petitioner's showing that the proposed number of spaces will be adequate and a recommendation from the Planning Commission, as part of the Township Board's approval of the rezoning petition. Parking spaces shall be provided only in surface parking lots or in underground structures; aboveground parking structures shall not be permitted in an office park district. The total number of surface parking spaces provided shall not exceed a rate of one space for each 300 square feet of total floor area in the office park, but in no case shall surface parking be provided in areas not shown for such use in the area plan part of the approved office park zoning district. Loading areas shall be screened from view from any street or property line.
- (i) *Outdoor operations.* The outdoor storage of vehicles, equipment, supplies, or products; outdoor repair; or outdoor display of goods, materials, products, equipment, or processes shall be prohibited. Trash and other waste materials shall be stored as provided in section 74-583(a), shall be screened from view from a street or adjacent lots, and shall not be located in a required yard.

- (j) *Landscaping.* Landscaping shall be provided in accordance with the approved final site plan for each lot. All parts of each lot not developed with buildings, drives, parking and loading areas, and similar improvements shall either be maintained in a natural state or shall be landscaped with grass or other ground cover, shrubbery, trees, bushes, vines, or other suitable plantings. Parking lots shall be landscaped so as to reduce heat and glare, to divide parking lots into smaller units, and to buffer adjacent areas, where necessary. All plantings shall be live and shall be properly and regularly maintained. Dead or dying materials shall be replaced in accordance with approved plans.
- (k) *Signs.* Signs shall comply with the regulations in article IX of this chapter, except that the following regulations shall apply, notwithstanding the provisions in article IX:
 - (1) Sign setbacks shall not be less than one-half the required yards.
 - (2) One freestanding identification sign for the office park shall be permitted along each public road frontage, including freeways, of the park. The area of each sign shall not exceed 80 square feet.
 - (3) One freestanding identification sign, not more than 36 square feet in area, shall be permitted for each building, structure, or use area within the office park.
 - (4) Outdoor advertising signs shall not be permitted in this district.
- (l) *Procedures and general provisions.* As set forth in section 74-545(n), RRA zoning district.

(Comp. Ords. 1990, § 130.1006; Ord. of 2-3-1984; Ord. No. 88-2, 7-11-1988; Ord. of 9-17-1990; Ord. No. 4-2019, 12-16-2019)

Sec. 74-547. - Agricultural preservation residential district.

- (a) *Intent.* The purpose of this section is to establish an optional means for development of lands located in the agricultural production or open space preservation areas of the Township. It is the intent of this district to preserve agricultural lands by providing clustered residential development that offers an alternative to traditional subdivisions through the use of planned unit development legislation as authorized by the Zoning Enabling Act (Public Act 100 of 2006, as amended) for the purpose of:
 - (1) Assuring the permanent preservation of agricultural lands, open spaces, scenic vistas, and natural features;
 - (2) Encouraging a less sprawling form of development, thus preserving farmland as undeveloped land;
 - (3) Preserving a critical mass of contiguous farmland to encourage continuation of crop and livestock production;
 - (4) Allowing innovation and greater flexibility in the design of rural residential developments while discouraging land uses that would cause conflicts with farming operations;
 - (5) Facilitating the construction and maintenance of streets, utilities, and public services in rural residential developments in a more economical and efficient manner; and
 - (6) Ensuring compatibility of design and use between neighboring properties.

These regulations are intended to preserve agricultural lands, open spaces, natural features, and traditional rural character in the Township through the creation of small rural residential clusters mixed with farmland, open space and less intensive land uses. The regions of the Township for which this zoning district applies are areas designated in the Township Master Plan (formerly known as general development plan) for agricultural production or open space preservation. The density bonus described in the master plan for clustered residential development in the agricultural production area is only available through the agricultural preservation residential district described in this article.

In general, uses and activities that induce non-farm development, generate large amounts of traffic, require substantial parking, or pose a threat to agricultural land uses are inconsistent with the purposes of

this district. Without limiting the forgoing, the following specific uses are deemed to have the effect of altering the essential character of this district and causing substantial and permanent impairment to the prevailing agricultural uses in the district and are not permitted: charitable, philanthropic institution, cemetery (human and animal), day care center or child care center, mineral mining, golf course, golf driving range, country club, schools (primary or secondary), and place of worship.

(b) *District general principles.*

- (1) *Zoning classification.* The areas of the Township designated in the master plan as agricultural production or open space preservation are the only areas within which an APD may be established. The density bonus described in the master plan for clustered residential development in the agricultural production area is only available through the agricultural preservation residential district described in this section 74-547.
- (2) *Approval of lots.* Any division of land in an agricultural preservation residential district shall be in accordance with the zoning density provided in this article and shall be approved by one of the following means:
 - a. Division by metes and bounds shall be approved by the Zoning Administrator in accordance with the Township Land Division Ordinance [chapter 58 of this Code]. The Zoning Administrator shall not approve any land division for an APD unless the requirements of this article are met.
 - b. Division by subdivision plat in accordance with the approval process provided in the Township Subdivision Ordinance [chapter 58 of this Code] and the Township Zoning Ordinance [this chapter], including this article.
 - c. Division by site condominium in accordance with the approval process provided in article V, section 74-601 of the Zoning Code and this article.
- (3) *Guarantee of preservation.* The dedicated open space shall in perpetuity remain in an undeveloped state, subject only to uses approved by the Township on the approved APD area plan. Further subdivision of dedicated open space or its use for purposes other than on the approved APD area plan shall be strictly prohibited. As part of the APD approval process, the applicant shall submit for review and approval by the Township Board a recordable conservation easement or use restriction which shall run with the land, which shall be binding on all future owners of the project, and which shall provide that the dedicated open space will be maintained, used and preserved in accordance with the approved APD. The form and content of the conservation easement and use restriction are further described in subsections (4) and (5) below.
- (4) *Unified control.* The proposed project, including the dedicated open space, shall be under single ownership or governance designed to ensure completion of the project, and continued maintenance, use and preservation of the dedicated open space in the manner approved. The applicant shall provide the proposed articles of incorporation and bylaws for the entity proposed for ownership or control of the dedicated open space, and the master deed, bylaws, covenants, restrictions, contracts or bonds that establish a mechanism for ensuring completion of the project and continued maintenance, use and preservation of dedicated open space in the manner approved. Notwithstanding the foregoing, after the approval of the Township, the dedicated open space may be transferred to the Township or another entity committed to ensuring continued farming of the agricultural land portion of the dedicated open space in the manner described in subsection (d)(10) below.
- (5) *Township Master Plan.* The proposed project shall be consistent with and shall further the implementation of the Township Master Plan.

(c) *Principal permitted uses and accessory uses, conditional uses and incompatible uses.*

- (1) *Principal permitted uses and accessory uses.*
 - a. *Residential lots.*

1. Permitted uses. Detached single-family residential dwellings, two-family dwellings and townhouse dwellings are permitted in areas not a part of the common areas or dedicated open space, including home occupations.
 2. Accessory uses. Accessory uses, utilities and buildings incidental to the principal permitted uses as residential dwellings as allowed in the A-1 zoning district are allowed on residential lots or common areas.
- b. *Dedicated open space; primary conservation areas.*
1. Permitted uses. Primary conservation areas and secondary conservation areas shall remain undisturbed and used only in accordance with the approved APD and any wetland permit or natural features use permit and any related conservation easement pursuant to the approved APD. Agricultural land uses are permitted uses within other portions of the dedicated open space subject to the terms of the conservation easement or use restrictions described in subsections (d)(4) and (d)(5) below. For land that is actively farmed, activities normally associated with agricultural land use are permitted in accordance with the Michigan Right to Farm Act.
 2. Accessory uses. Buildings and uses incidental to the permitted agricultural land uses, including roadside stands, signs, storage buildings, barns, silos, when part of a farming operation, and other accessory uses incidental to the permitted use are allowed in the agricultural lands portion of the dedicated open space.
- (2) *Conditional uses.* The following conditional uses may be allowed in the agricultural land portion of the dedicated open spaces using procedures and standards defined in article II, division 3, sections 74-131 through 74-138:
- a. Radio, television, cell towers.
 - b. Transmission and distribution lines in new rights-of-way.
 - c. Family farm-related businesses, such as the sale of incidental farm supplies, repairs and traditional arts and crafts; the farm-related business must be secondary to the farm operation.
- (3) *Prohibited uses.* Uses not specifically described in subsections (c)(1) and (c)(2), above, are prohibited.
- (d) *Agricultural and open space requirements.*
- (1) *Use.* All land within a project that is not devoted to a permitted or accessory residential use or agricultural land use, primary conservation area or secondary conservation area, vehicle access, vehicle parking, a roadway, a utility easement or an approved land improvement, shall be set aside as common area for recreation, conservation or preserved in an undeveloped state. Grading shall be minimal in the common area, with the intent to use existing topography.
 - (2) *Clustering.* Dwelling units shall be grouped so that dedicated open space within a project is at least 80 percent of the total buildable area and such that at least 80 percent of the predevelopment tillable farmland will be permanently protected within the dedicated open space as one contiguous parcel to the extent possible.
 - (3) *Dedicated open space.* The dedicated open space shall be located to preserve significant agricultural lands and secondarily to preserve significant natural features and to connect open spaces throughout the project with adjacent open space. Open space along the exterior public roads shall generally have a depth of at least 100 feet, either as farmland or landscaped with natural vegetation or preserved in a natural wooded condition. All non-farm vegetation shall be native to the area. The open space along the exterior public roads shall be agriculture or landscaped with a minimum of one tree for each 20 feet of road frontage. Such plantings shall be planted in staggered rows or clustered into groupings to provide a natural appearance. Preservation of existing trees is preferred and may be credited towards meeting the frontage landscaping requirement.

- (4) *Conservation easement or use restriction.* The dedicated open space and the primary conservation areas shall be set aside by the developer through a permanent conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Act 451 of 1994, as amended (MCL 324.2140 et seq.) ("conservation easement") or by a conveyance to the Township or other entity approved by the Township with restrictions on use consistent with the approved APD area plan ("use restriction"). Such conservation easement or use restriction shall be held by the Township or a recognized land trust or conservancy approved by the Township Board. It shall be in a form acceptable to the Township and duly recorded in the County Register of Deeds office. In the event the land trust or conservancy holding the conservation easement or land subject to the use restriction ceases to exist, the Township shall have the right to accept an assignment as grantee of the conservation easement or land subject to the use restriction or to designate another tax exempt organization dedicated to preservation of land as the grantee.
- (5) *Purpose and content of conservation easement or use restriction.* The conservation easement or use restriction shall assure that the dedicated open space, and the primary conservation areas, will be protected from all forms of development and used, maintained and preserved, in an undeveloped state, except as shown on the APD approved area plan. The conservation easement or use restriction shall:
- a. Require that farmland be continuously made available for agricultural land uses;
 - b. Require a good faith effort by the landowner to farm the portion of the dedicated open space designated for agricultural use on the APD area plan or make such land available for farming by others;
 - c. Provide for Township remedies in the event the agricultural land is not used for agricultural purposes;
 - d. State the allowable use(s) of the dedicated open space and primary conservation easement areas;
 - e. Require that the Township be notified in writing of any transfer of ownership or control of the dedicated open space;
 - f. Prohibit the following within the dedicated open space (provided, however, on land that is actively farmed, activities normally associated with agricultural land use shall be permitted in accordance with the Michigan Right to Farm Act):
 1. Dumping or storing of any hazardous material or refuse;
 2. Any activity that may cause risk of soil erosion;
 3. Any use of motorized off-road vehicles;
 4. Cutting, filling or removal of vegetation, with the exception of removal of invasive species, from wetland areas;
 5. Use of pesticides, herbicides or fertilizers within or adjacent to wetlands.
- (6) *Connection to adjacent dedicated open space or area.* The APD area plan shall provide for connections of the dedicated open space with adjacent dedicated open space, public land or existing or planned pedestrian or bike paths.
- (7) *Agricultural maintenance plan.* As part of the APD rezoning petition, the applicant shall provide an agricultural maintenance plan for review by the Township Planning Commission and approval by the Township Board. The agricultural maintenance plan shall be designed to ensure that the agricultural land shall be perpetually used for agricultural purposes.
- (8) *Allowable structures.* Structure(s) or building(s) described in (c)(1)b. above, accessory to the approved recreational, conservation or agricultural use may be erected within the dedicated open space, in accordance with the approved APD area plan. The total floor area of accessory

building(s) shall not exceed, in the aggregate, one percent of the required dedicated open space area.

- (9) *Areas not considered dedicated open space.* The following land areas shall not [be] included as dedicated open space for the purpose of this article:
 - a. The area of any private or public street right-of-way.
 - b. Any lot including the required setbacks surrounding a residential structure.
 - c. Stormwater basins, water treatment facilities, and sanitary sewer treatment facilities.
 - d. Primary conservation areas.
- (10) *Ownership of agricultural lands and continued availability of land for farming.* The agricultural land included in the dedicated open space shall be continually made available for farming through recorded use restrictions or a conservation easement and through ownership or control by an entity that has made a demonstrated commitment to farming in the area. Woodlots and other natural areas, including primary conservation areas adjacent to the protected farmland may be owned by the owner of the agricultural land. The homeowners' association described in subsection (12) below is generally not a suitable owner of the agricultural land. Pursuant to the recorded conservation easement or use restrictions, the owner of the agricultural lands must agree that the agricultural land will be farmed by the owner or made available to others for agricultural purposes. Pursuant to the conservation easement or use restrictions, the Township shall have the right to enforce these provisions.
- (11) *Agricultural disclosure.* Agricultural lands within the ADP are used for commercial agricultural operations. To minimize conflict between such commercial agricultural operations and adjacent residential uses, the petitioner and current project owners shall agree, as part of the APD agreement described in subsection (k) below, to provide lot owners and the homeowners' association with the following agricultural disclosure:

"DISCLOSURE OF AGRICULTURAL CONDITIONS

"Lands within the Agricultural Preservation Residential District associated with and adjacent to your residence are used for commercial agricultural operation. Owners, residents and other users of this property or neighboring properties may be subject to inconvenience, discomfort and possible health concerns for susceptible individuals arising from normal and accepted agricultural practices and operations in accordance with Generally Accepted Agricultural Management Practices, including but not limited to, noise, odor, dust, the operation of machinery, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Owners, residents and users of this property should be prepared to accept such inconveniences, discomfort and possible health concerns for susceptible individuals from agricultural operations in accordance with Generally Accepted Agricultural Management Practices, and are notified that such agricultural operations are protected in accordance with the Michigan Right to Farm Act."

- (12) *Homeowners' association.* The primary conservation areas, the secondary conservation areas and other common areas and associated facilities shall be held in common ownership by the homeowners' association. The homeowners' association articles of incorporation and bylaws shall be included in the APD plan submissions and shall be subject to review and recommendation by the Planning Commission and approval by the Township Board in accordance with the following:
 - a. The petitioner shall provide a description of the homeowners' association and include in its articles of incorporation and bylaws methods for maintaining common areas, primary conservation easement areas and secondary easement areas, and ensuring the integrity of the dominant natural features.

- b. The homeowners' association shall be organized by the petitioner or the project owner and shall be operated with a financial subsidy from the petitioner, or the project owner, before the sale of any lots within the project.
 - c. Membership in the homeowners' association shall be automatic and mandatory for all purchasers of lots in the project and their successors. The conditions and timing of transferring control of the homeowners' association from the project owner to lot owners shall be identified.
 - d. The members of the homeowners' association shall share equitably the costs of maintaining the primary conservation areas, secondary conservation areas, and common areas. Assessments of the homeowners' association for such purpose shall be a lien on the lots.
 - e. The homeowners' association or lot owners shall be responsible for payment of any property taxes and maintenance of all primary conservation areas, secondary conservation areas, and common areas and facilities under its control, and maintenance of liability insurance and similar duties of ownership.
- (e) *Density calculations.* The maximum permitted density in an APD shall be determined as follows:
- (1) The total buildable area is calculated by subtracting acreage in primary conservation areas, stormwater basins, water treatment facilities or sanitary sewer treatment facilities and private and public road rights-of-way from the gross project acreage.
 - (2) Multiply the acreage of the total buildable area by 0.14 to determine the maximum number of dwelling units permitted.
 - (3) Lots may vary in size.
 - (4) The maximum ground floor coverage on any lot shall be ten percent; the maximum floor area ratio shall be 0.2.
- (f) *Design standards.*
- (1) *Agricultural preservation.* The project shall be designed to promote the preservation of agricultural lands. Individual lots, buildings, streets and parking areas shall be designed and situated to maximize agricultural land.
 - (2) *Location of lots.* Residential lots shall be laid out, to the greatest extent feasible, to achieve the following objectives:
 - a. In locations that maximize preservation of high quality agricultural land.
 - b. On the most suitable soils for subsurface septic disposal.
 - c. In locations least likely to block or interrupt scenic vistas, as seen from public roadways.
 - (3) *Setbacks.* Minimum setback requirements shall be established in a manner which permits variation in siting of individual dwelling units in order to encourage creativity in design and compatibility with agricultural lands and natural features.
 - a. Front, rear and side yard setbacks shall be staggered to provide for variety in siting and appearance.
 - b. In the case of subdivisions and site condominiums:
 - 1. The minimum front, rear, and corner yard setbacks shall be 25 feet, provided the total of the front and rear setback shall be 70 feet.
 - 2. The minimum side yard shall be ten feet provided the total side yard setbacks on the same lot is 30 feet.
 - 3. The minimum distance between buildings on adjacent lots shall be 30 feet.
 - c. In the case of traditional condominiums:

1. The minimum front, rear, and corner yard setbacks shall be 25 feet, provided the total of the front and rear setback is 70 feet.
 2. The minimum distance between buildings when located side to side shall be 30 feet. The minimum distance between all other building orientations shall be 50 feet.
- d. Dwelling placement on a lot shall be as far as possible from primary conservation areas or agricultural areas, but in no cases shall they be closer than 100 feet from said area.
- (4) *Required road frontage.* There shall be no required minimum lot width provided all applicable setbacks set forth in subsection (f)(3)c. above are met. All lots shall have frontage on a public road which has been accepted for maintenance by the Washtenaw County Road Commission, or a private road approved by the Township. The extent of road frontage shall be determined by the Township, in its discretion, taking into consideration: the extent and importance of natural resources, topographical conditions, floodplains, and wetlands to be preserved on the property; the size and shape of the development site; public safety; aesthetics; and impact upon the surrounding developments.
- (5) *Open space between clusters.* Dedicated open space between clusters of residential dwellings, including those spaces used as recreation areas, shall be at least 100 feet wide.
- (6) *Landscaping and buffering.*
- a. Landscaped or native vegetative cover shall provide a screened buffer between dwellings and neighboring properties.
 - b. Where the agricultural preservation residential district abuts an adjacent single-family residential use, the Planning Commission may recommend and the Township Board may require a transition setback which may include a high, nonclimbable fence. Grading within the transition area shall be minimal unless necessary to provide effective buffering or to accommodate proper drainage. If the project grade change adjacent to a single-family residential use is to be varied by more than three feet, the area plan shall include cross sections illustrating existing and proposed grades in relation to existing and proposed building heights. Perspective renderings that depict the view from adjacent residential units are encouraged. The Planning Commission may recommend and the Township Board may require that the transition area adjacent to a single-family residential use shall consist of one or more of the following:
 1. Woodlands, natural features or a landscaped greenbelt sufficient to provide an effective buffer.
 2. Open or recreation space.
 3. Significant changes in topography that provide an effective buffer.
 - c. Buffer zones of at least 100 feet in width shall be required between the building envelope line in adjacent residential areas and agricultural areas in agricultural preservation residential districts. Buffers shall be provided with a high, nonclimbable fence and planted with fast-growing native shrubs and trees to create an effective barrier separating residential yards from fields and pastures; however, no shrub shall be planted within 20 feet and no tree shall be planted within 30 feet of any land used for agricultural purposes.
- (7) *Dwelling placement.* Dwelling placement shall be planned to screen homes from off-site vantage points, away from environmentally sensitive areas, existing agricultural areas, sites suitable for open space and upwind from areas subject to land management practices that may cause dust, noise, smoke, odors or similar problems.
- (8) *Preserving road frontage.* All dwellings and accessory structures shall be no less than 100 feet from the edge of the public access road. The 100-foot setback area shall be maintained with native plants and trees so as to create a buffer between the roadway and the dwellings and accessory structures.

- (9) *Septic tanks and fields.* The placement of septic tanks and fields shall comply with requirements of the Washtenaw County Department of Environment and Infrastructure Service (WCEIS). Drainfields may be placed in the dedicated open space or transition areas if permitted by the WCEIS as long as such drainfields do not interfere with farming operations.
 - (10) *Public road access.* Direct access onto a public road shall be required for an agricultural preservation residential district which shall also meet or exceed the access standards contained in section 74-11.
 - (11) *Internal roads.* Internal roads within an agricultural preservation residential district may be public or private.
 - a. Construction of private roads as a means of providing access and circulation is encouraged. Private roadways within an agricultural preservation residential district must meet the design requirements of the Township Private Road Ordinance. The Planning Commission may recommend that the Township Board grant a variance in accordance with the Private Road Ordinance in the following circumstances:
 1. There is no potential that the internal roads will connect with abutting land or be extended to serve additional land in the foreseeable future.
 2. Significant natural features such as mature trees, natural slopes, wetlands or other water bodies would be preserved through allowing a variance from the private road standards.
 - b. Both sides of all internal project roads shall consist of agricultural land or shall be landscaped with street trees, provided however, that no shrub or tree shall be planted within 20 feet of, and no tree shall be planted within 30 feet of, any agricultural land. Internal road frontages of individual lots shall have a minimum of two canopy trees per lot. For sections of the internal roads that do not abut residential lots, one canopy tree shall be provided on each side for every 50 feet of road frontage. Existing trees that are preserved and that are located within the right-of-way or road easement and those that are outside these areas but within five feet of the road right-of-way or road easement line may be credited towards this requirement.
- (g) *Regulatory flexibility.*
- (1) To encourage flexibility and creativity consistent with the intent of the agricultural preservation residential district, the Township Board may grant specific deviations from the following requirements of the Zoning Ordinance as a part of the APD approval process: height, setback, off-street parking, ground floor coverage, floor area ratio, yard and lot width standards, provided that such modifications result in enhanced buffering from adjacent land uses or public rights-of-way, or preservation of natural features or farmland. The petitioner shall provide sufficient evidence for the Township Board to make a finding that such deviations are justified by unique topographic conditions, vegetation, grades, or to preserve natural features and open areas. Such evidence shall include calculations, data, expert opinions and other information and documentation demonstrating that (i) the requested deviation is the minimum change necessary, (ii) the deviation will not adversely affect public or private services to the project, (iii) special circumstances or conditions exist peculiar to the project that warrant the proposed deviation and do not result from actions of the applicant, and (iv) the requested deviation will not be harmful or injurious to the neighboring areas, will not be detrimental to the public interest, and will further the intent of this article. Any regulatory modification shall require Township Board approval after Planning Commission recommendation and findings that the deviation shall fulfill the intent of this article. Regulatory modifications are not subject to variance approval of the Zoning Board of Appeals.
 - (2) A table shall be provided on the area plan that specifies the details of all proposed deviations, including ordinance provisions from which deviations are sought, and the reasons and mechanisms to be utilized for the protection of the public health, safety and welfare in lieu of the regulations from which deviations are sought. Only those deviations consistent with the intent of this article shall be considered.

- (h) *Application procedures and final site plan requirements.*
 - (1) *Pre-application conference and petition and area plan approval processes:*
 - a. Pre-application conference and application process. A pre-application conference for an agricultural preservation residential district zoning shall be required using the procedures outlined in section 74-542 (pre-application conference). The APD petition and area plan shall be submitted in accordance with section 74-542 (petition and area plan approvals). The area plan shall constitute the preliminary site plan and shall be reviewed in accordance with the requirements and standards of sections 74-171 through 74-183.
 - b. Final site plan requirements. After approval of the APD rezoning and area plan, a final site plan shall be submitted for review and action by the Planning Commission for each phase of an APD as delineated on the approved area plan. Each final site plan shall be submitted and reviewed and shall meet all provisions of article II, division 4, section 74-174, final site plan. The Planning Commission shall transmit the approved final site plan to the Township Board for its information.
 - c. Subdivision plats. If an agricultural preservation residential district is developed as a subdivision plat the procedures defined in section 74-542(g) and chapter 58 of the Code, being the Township Subdivision Ordinance, shall apply.
 - d. Site condominium. If an APD is developed as a site condominium, the procedures of section 74-601 shall apply.
 - (i) *Project standards.* In considering any application for approval of an agricultural preservation residential district petition and area plan, the Planning Commission shall determine and shall provide evidence in its report to the Township Board that petition and area plan meet the following standards:
 - (1) *Compliance with the agricultural preservation residential district principles, requirements and design standards.* The overall design and land uses proposed in connection with an agricultural preservation residential district shall be consistent with the intent, principles and requirements of the APD district, and the specific design standards set forth herein.
 - (2) *Compatibility with adjacent uses.* The proposed location of uses or structures that are of a significantly different scale or character than the abutting residential district, such as access drives, parking areas, solid waste pickup points, swimming pools, tennis courts, and facilities of a similar nature shall not be located near the boundary of the development or so as to have a negative impact on the residential uses of adjacent lands. The proposed agricultural preservation residential district area plan shall set forth in detail all specifications with respect to height, setbacks, density, parking, circulation, landscaping, views, and other design features and shall exhibit due regard for the relationship of the development to surrounding properties, the character of the site, and the land uses. In determining whether this requirement has been met, consideration shall be given to:
 - a. The bulk, placement, and materials of construction of proposed structures.
 - b. Pedestrian and vehicular circulation.
 - c. The location and screening of vehicular use or parking areas.
 - d. The provision of landscaping and other site amenities.
 - (3) *Impact of traffic.* The agricultural preservation residential district shall be designed to minimize the impact of traffic generated by the proposed development on surrounding uses.
 - (4) *Protection of agricultural capacity and natural environment.* The proposed agricultural preservation residential district shall protect the agricultural capacity of the land within the project and, secondarily, the natural environment and shall comply with all applicable environmental protection laws and regulations. Natural features as defined in Chapter 18 of the Ann Arbor Township Land Development Standards shall be preserved to the maximum extent feasible. If animal or plant habitats of significant value exist on the site, the Planning Commission may recommend and the Township Board may require, as a condition of approval, that the project

plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas. The development shall follow the design standards provided in Chapter 18 of the Ann Arbor Township Land Development Standards.

- (5) *Compliance with applicable regulations.* The proposed agricultural preservation residential district shall comply with all applicable Federal, State, and local laws, ordinances and regulations.
 - (6) *Township Master Plan.* The proposed agricultural preservation residential district shall be consistent with and further the implementation of the Township Master Plan.
- (j) *Conditions.* Reasonable conditions may be required by the Township Board for approval of an agricultural preservation residential district, for the purpose of:
- (1) Ensuring 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;
 - (2) Protecting agricultural lands or the natural environment;
 - (3) Ensuring the continuing viability of farming operations on the project;
 - (4) Conserving natural resources and energy;
 - (5) Ensuring compatibility with adjacent uses of land, promoting the use of land in a socially and economically desirable manner;
 - (6) Further the implementation of the Township Master Plan; and
 - (7) Protection of the public health, safety and welfare of individuals in the project or those in the immediately adjacent area.

All conditions imposed shall be made a part of the record of the approval, and the APD agreement. The Planning Commission shall make recommendations to the Township Board of proposed conditions for approval.

- (k) *Recording of action; APD agreement; development agreement.* Promptly after approval by the Township Board of the APD, the applicant, the Township and the project owner shall sign and the Township shall record an APD agreement which shall incorporate all conditions for approval of the APD, including, but not limited to, the agreement for disclosure of agricultural conditions, reference to the conservation easements or use restrictions, obligations pertaining to the homeowners' association, the full legal description of the project, and the date of Township approval. The APD agreement shall declare that all uses of and improvements at the project will be carried out in accordance with the approved agricultural preservation residential district rezoning and area plan unless an amendment is adopted by the Township. The petition and area plan for the APD rezoning shall not be deemed officially approved and the applicant shall not be entitled to submit a site plan or obtain grading or building permits for the project until the APD agreement is signed and recorded.

In addition, the use restrictions and conservation easements shall be duly filed with the Register of Deeds of the County of Washtenaw and copies of the recorded documents provided to the Township.

The APD agreement, the use restrictions and conservation easements shall be reviewed by the Township Attorney and Township staff and consultants as to form and consistency with the APD approval and conditions and this article prior to recording.

As part of the final site plan approval for the project, the applicant, the Township and the project owner will enter into a development agreement with performance guarantees as described in section 74-180 of this chapter.

- (l) *Permits.* Following approval of the agricultural preservation residential district final site plan and final approval of the engineering plans by the Township Engineer, grading and building permits may be applied for. For an agricultural preservation residential district that is a subdivision plat, grading and building permits may be applied for only after approval by the Township and all other applicable

agencies is received. It shall be the responsibility of the applicant to obtain all other applicable Township, County, State, and Federal permits.

- (m) *Initiation of construction.* If construction has not commenced within 18 months of final approval, all Township approvals become null and void, unless the Township Board approves an extension. The applicant may apply in writing to the Township Board for an extension, which shall not exceed 12 months. A maximum of two 12-month extensions may be allowed.
- (n) *Continuing adherence to plan.* Any owner of land within an approved APD who fails to comply with the terms, conditions and restrictions of the APD shall be deemed in violation of the Zoning Ordinance and shall be subject to the penalties for same.
- (o) *Scheduling phasing.*
 - (1) *Scheduled phasing.* When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the agricultural preservation residential district and the residents of the surrounding area.
 - (2) *Timing of phases.* Each phase of the project shall be commenced within 12 months of the schedule set forth on the approved site plan. If construction of any phase is not commenced within the approved time period, approval of the plan shall become null and void unless the Township Board approves an extension.
- (p) *Revision of approved plans.*
 - (1) *Minor changes:*
 - a. Minor changes to an approved agricultural preservation residential district plan may be permitted by the Planning Commission following normal site plan review procedures outlined in article II, division 3, sections 74-131 through 74-138 for the following:
 - 1. Reduction of density;
 - 2. Changing non-single-family dwelling units to single-family dwelling units;
 - 3. Realignment of roads;
 - 4. Modifications to setbacks;
 - 5. Increasing the amount of open space;
 - 6. Changes to landscaping, provided the number of plantings is not decreased;
 - 7. Change in the size of detention ponds by no more than ten percent;
 - 8. Changes to septic/drainfields in common areas;
 - 9. Changes to phasing plan.
 - b. Minor changes shall be subject to the finding of all of the following:
 - 1. Such changes will not adversely affect the initial basis for granting approval;
 - 2. Such minor changes will not adversely affect the overall agricultural preservation residential district in light of the intent and purpose of such development as set forth in this article; and
 - 3. Such changes shall not result in the reduction of dedicated open space area as required herein.
 - (2) *Major revisions.* Approved plans for an agricultural preservation residential district that do not qualify as minor under subsection (p)(1) above may be revised by resubmitting a revised agricultural preservation residential district area plan for approval following the procedures of subsection (h) above.

(Ord. No. 4-2008, 7-21-2008; Ord. No. 3-2017, 6-19-2017; Ord. No. 5-2017, 11-20-2017)

Secs. 74-548—74-580. - Reserved.

ARTICLE V. - SUPPLEMENTARY DISTRICT REGULATIONS

Sec. 74-581. - Intent.

Schedules of specifications, regulations, and standards governing land uses have been incorporated into this chapter for each zoning district. There are, however, at times, unusual conditions attendant upon land uses and zoning classifications which justify elaboration of the application of these specifications, regulations and standards.

(Comp. Ords. 1990, § 130.1101)

Sec. 74-582. - Public sanitary sewage treatment and disposal systems; private community wastewater disposal systems.

- (a) *Public sanitary sewage treatment and disposal systems.* In addition to the requirements established by the MDEQ and the State Department of Health, the following site development and use requirements shall apply to all public sewage treatment and disposal plants:
- (1) All operations shall be completely enclosed by a fence not less than six feet high.
 - (2) All operations and structures shall be surrounded on all sides by a buffer strip at least 200 feet wide within which grass, trees and shrubs, and structural screens shall be placed to enhance the appearance of the installation. The Planning Commission shall have the authority to review and approve the design and treatment of all buffer strips.
 - (3) No device for the collection, treatment, and/or disposal of sewer wastes shall be installed or used without approval of the County Health Department, the MDEQ, State Department of Health and other applicable governmental authorities.
- (b) *Private community wastewater disposal systems.* Any proposal to install, construct or operate a private community wastewater disposal system in the Township, as such term is defined in section 70-357, shall conform with all requirements of the article III, division 3, subdivision II of this chapter and shall be considered a conditional land use pursuant to article II, division 3 of this chapter, subject to the notice, public hearing, standards, findings, conditions and other requirements of article II, division 3 of this chapter, and the site plan standards set forth in section 70-364; provided a PWS included in a planned unit development under section 74-542 shall not require a separate conditional use permit under article II, division 3 of this chapter, but instead shall be subject to the notice, public hearing, standards, findings, conditions and other requirements under section 74-542, and the site plan standards of section 70-364.

(Comp. Ords. 1990, § 130.1102; Ord. No. 2-2006, § 130.801, 8-21-2006)

Sec. 74-583. - Storage of materials.

- (a) The following provisions pertaining to the storage of materials shall apply:
- (1) Garbage, trash, and similar refuse to be stored outside a building in an R-5, R-6, R-7, R-8, R-9, and all business and industrial districts shall be stored within containers approved by the County Health Department and such containers shall be stored within a screened enclosure. The enclosure shall be constructed of an opaque material, such as wood, concrete blocks, or brick, and shall be enclosed on at least three sides. The fourth side may be open for access or access

may be provided by one or more gates. The storage area shall have a concrete floor at least four inches thick.

- (2) The location or storage of abandoned, discarded, unused, unusable, or inoperative appliances, furniture, equipment, or materials (but not including inoperative vehicles), shall be regulated as follows, except for junkyards, in which case the regulations set forth in article II of chapter 18 and in section 74-588 shall apply.
 - a. On any lot or parcel in any recreation-conservation, agricultural, residential, commercial, or office district, the owner or tenant shall locate and store such materials within a completely enclosed building. Such storage shall be for future transfer to other premises and shall not be for the purpose of hire or sale.
 - b. On any lot or parcel in any wholesale and warehouse, research and development, or industrial district, the owner or tenant shall locate and store such materials:
 1. Within a completely enclosed building, where required; or
 2. Where outdoor storage is permitted, within an area surrounded by a solid, unpierced fence or wall at least seven 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 such districts.

Such storage shall be for future transfer to other premises and shall not be for the purpose of hire or sale.

(Comp. Ords. 1990, § 130.1103)

Sec. 74-584. - Parking and storage of vehicles.

The following shall not be parked or stored in any district in the Township except in a completely enclosed structure, unless otherwise permitted by this chapter:

- (1) Motor vehicles or trailers which are not properly licensed for use upon the highways of the State for a period in excess of 60 days, except the following:
 - a. Recreational vehicles which shall be regulated as set forth in section 74-591;
 - b. Farm vehicles or trailers or property maintenance vehicles or trailers, which are not otherwise required to be licensed for use on the highways of the State;
 - c. Unlicensed vehicles kept as stock in trade of a regularly licensed and established new or used automobile dealer at a parcel properly zoned for such purpose;
- (2) Motor vehicles or trailers which are inoperable for any reason, for a period in excess of 60 days, except for vehicles in a garage which shall be governed by chapter 22, article II, blight;
- (3) Motor vehicles, machinery or equipment used for construction purposes, unless located on a construction site at which properly authorized construction activities are currently taking place.

(Comp. Ords. 1990, § 130.1104; Ord. No. 7-2003, 5-19-2003)

Sec. 74-585. - Preservation of environmental quality.

The following provisions pertaining to the preservation of environmental quality shall apply:

- (1) In any zoning district no river, stream, watercourse, or drainage way, whether filled or partly filled with water or dry in certain seasons, shall be obstructed or altered in any way at any time by any person, except when done in conformance with State and Federal law and standards.

- (2) No person shall alter, change, transform or otherwise vary the edge, bank, or shore of any lake, river, or stream except as provided in the Inland Lakes and Streams Act, part 301 of the Natural Resources and Environmental Protection Act (MCL 324.30101 et seq.).
- (3) No person shall drain, remove, fill, change, alter, transform or otherwise vary the area, water level, vegetation, or natural conditions of a marsh, swamp, or wetland of one acre or larger, except after receiving approval of a site plan therefor from the Planning Commission in accordance with article II, division 4, site plan review. Any such alterations shall conform to applicable State and Federal requirements.

(Comp. Ords. 1990, § 130.1105)

Sec. 74-586. - Landscaping and transition strips.

- (a) *Intent.* The intent of this section is to promote the public's health, safety, and general welfare by:
 - (1) Improving and enhancing the character of the site; screening or filtering views, where necessary; helping to unify the various parts of the site; blending inharmonious land uses; and buffering incompatible uses.
 - (2) Controlling soil erosion; moderating harsh or unpleasant sounds; removing air pollutants; controlling glare and reflection; slowing the effects of erosive winds or water and promoting stormwater retention, thereby helping to prevent flooding; and blocking, diverting or channeling winds.
 - (3) Moderating the effects of climate and creating a more desirable microclimate.

To the greatest extent possible, applicants are encouraged to satisfy ordinance requirements through the preservation of existing trees and natural vegetation. Where appropriate, the use of a diverse mix of landscape materials native to Washtenaw County is encouraged.

- (b) *Application.* These requirements shall apply to all buildings, structures and uses for which site plan review is required under section 74-172 and for which subdivision plat review is required under section 58-72.
- (c) *Landscape plan required.* A separate sheet showing the landscape plan shall be submitted as part of the final site plan review plan set for projects requiring a site plan as set forth in section 74-176(b)2c and this section 74-586. A separate sheet showing the landscape plan shall be submitted as part of the preliminary plat review plan set for projects requiring subdivision plat approval as set forth in section 58-73(b)(20) and this section 74-586. Landscape plans shall be prepared by a qualified professional, as required in section 74-174(a)(1). The landscape plan shall meet all of the following requirements and include all of the following information:
 - (1) Prepared in a scale that properly illustrates the landscape plan concept and that the requirements of this section 74-586 are met.
 - (2) Existing and proposed topography, by contours correlated with the grading plan.
 - (3) Location of all proposed improvements, including utilities, as shown on the site plan.
 - (4) Location of proposed plant materials; a planting list of proposed materials, showing sizes, height, quantity, botanical and common names, spacing, and root type (bare root or balled and burlapped).
 - (5) A vegetation inventory showing the species and location of trees, shrubs and ground cover within 300 feet of the proposed disturbance to be saved, moved, or removed; proposed means of protecting existing plant materials during construction.
 - (6) Sections, elevations, plans, and details of landscape elements, such as berms, walls, ponds, retaining walls and tree wells.

- (7) Planting and staking details, in text or graphic form, explaining the method of installation, type and depth of mulch, and any special planting requirements.
 - (8) Identification of existing wetlands, forested areas, trees and vegetative cover including those to be preserved.
 - (9) Identification of grass and other ground cover and method of planting.
 - (10) Proposed planting dates.
 - (11) Irrigation system plan for watering and draining landscape areas, if used.
 - (12) Such additional information as the Planning Commission determines is necessary to properly locate and identify existing conditions and proposed landscaping changes.
- (d) *Additional areas or plantings.* The Planning Commission may require more or larger landscape areas, more plant materials, or any combination thereof, than may otherwise be required by this section or by article IV or elsewhere in this chapter, if the Planning Commission finds that the nature or concept of the proposed development, the relationship to existing natural features, or the relationship to neighboring properties indicates a need for such additional landscaping.
- (e) *Transition strips.*
- (1) *Landscaping materials.* The transition strip shall be landscaped with living plant materials; such materials shall be planted within six months of the date of issuance of the certificate of occupancy.
 - (2) *Compliance with section.* A transition strip, when required under article IV, District Regulations, shall be provided in accordance with this Section. Where permitted, a decorative wood screen or masonry wall, four to six feet high, may be substituted for the transition strip if the Planning Commission determines that such screen or wall will equal the performance of the transition strip and where such lot is too limited in dimension or area to reasonably permit the installation of such strip.
 - (3) *Hedge as substitute.* A hedge may also be substituted for a transition strip, provided that it will obtain a height of at least three feet at the end of the first growing season, and if the Planning Commission determines that such hedge will equal the performance of the transition strip. A screen, wall, hedge, or strip shall be adequately maintained at all times.
- (f) *Parking lot landscaping.*
- (1) *Interior areas.* Each separate landscaped area within a parking lot shall be adequately planted and maintained and shall be located in such a manner as to promote the following principles: divide and break up the expanse of pavement; define parking areas; and designate vehicular circulation. The following specific standards shall apply:
 - a. No more than a row of 15 spaces in residential districts, and no more than a row of 20 spaces in commercial, office, and industrial districts shall be permitted without being interrupted by landscaping or a landscape island. Where required landscape areas within parking lots would prevent maintenance or impede traffic flow as a result of the size or configuration of a parking lot, the Planning Commission may require that the parking lot be reconfigured or may approve alternative landscaping along the perimeter of the parking lot.
 - b. Each parking lot shall provide a landscaped area equal to a minimum of five percent of the paved surface area of the parking lot for the purpose of planting shade trees and other landscape materials. Greater than five percent interior landscape area may be required by the Planning Commission where the Planning Commission determines that a greater landscape areas is needed to provide visual and climatic relief.
 - c. There shall be one canopy tree meeting the minimum size requirements set forth in this chapter for every eight parking spaces or fraction thereof. Landscaped islands within a designated parking area shall be a minimum of 150 square feet in area and ten feet in width.
 - d. A minimum distance of three feet shall be established between proposed tree or shrub plantings and the backside of the curb or edge of pavement.

- e. Surfaces of islands and medians in driveways shall be turf grass, other ground cover, or low growing shrubs.
- (2) *Perimeter areas.* In order to reduce the visual impact of a parking lot, minimize conflicts between neighboring uses, and reduce the effect of headlight glare and parking lot lighting on adjacent uses and public roadways, the perimeter of parking lots shall be screened in accordance with the following standards:
- a. Screening may be required between parking areas and adjacent streets, sidewalks, or properties. Screening may be provided by berms, elevation changes, trees and shrubs, flowering plants, decorative fences or walls, or a combination of these features. Evergreen trees and/or shrubs may be required in such areas.
 - b. Canopy trees shall be provided along the perimeter of a parking lot at a minimum rate of one tree per each 40 feet of lot perimeter, but the trees need not be planted on 40 foot centers. Additional canopy trees may be required by the Planning Commission to effectively shade the parking lot or adjoining properties. Trees required for shading purposes shall be canopy trees. Flowering deciduous trees and evergreen trees may also be used but shall not substitute for or replace any of the canopy trees required by these standards.
 - c. A minimum of three-foot wide landscape strips (not including vehicle overhangs) should be provided between paved parking surfaces and buildings, fences, and property lines wherever possible. Trees and shrubs shall be planted clear of the vehicle overhang area.
- (3) *Stormwater management.* The use of parking lot islands and perimeter areas for stormwater infiltration facilities, where possible, is encouraged. Design for stormwater management facilities is described in the Stormwater Management Ordinance, Chapter 26, Article VII of the Township's Code of Ordinances, section 26-501 et seq.
- (g) *Street trees.* Trees shall be provided in the margins on both sides of all streets, whether public or private in all residential developments including but not limited to site condominiums or subdivisions, and such trees shall be provided at a minimum rate of one tree per 60 linear feet of lot frontage. Trees may also be required in pedestrian ways, at the same rate. Trees to be installed in street margins shall be the large deciduous type, such as oak, maple, and sycamore. However, ornamental trees may be installed in street margins, but shall not count toward the minimum street tree requirement. Both large deciduous and ornamental trees may be planted in pedestrian ways.
- (h) *Outdoor trash storage.* Trash storage shall be provided either within a building or in containers located in an enclosure outside the building. If storage is inside a building, trash shall be handled and stored in compliance with all applicable codes. Outside trash containers shall not be permitted unless located within enclosures, and subject to the following standards:
- (1) Outdoor trash disposal containers shall be screened on all sides with an opaque screen made of wood or masonry materials, which shall be at least as high as the container, but not less than six feet in height. Wire fences or fences with plastic, aluminum, or other filler strips shall not be used as enclosures. Enclosures shall be constructed of materials similar to or compatible with the materials used on the outside faces of the principal buildings on the site.
 - (2) Containers shall be consolidated to minimize the number of collection sites.
 - (3) Containers and enclosures shall meet all required setbacks, shall be located behind the front face of the building, and shall be located away from public view insofar as possible. Enclosures shall not be located in any yard required adjacent to a public or private street or in a required transition strip, or pose any fire hazards to buildings.
 - (4) Containers and enclosures shall be situated so that they do not create a public nuisance or result in unsightly or offensive conditions affecting neighboring uses or occupants. Tree and shrub screening may be required to screen the enclosure from view and to provide shade to reduce odors during summer months.
 - (5) Enclosures shall be designed and located for safe and convenient access for both the user and the trash hauling company. They shall not be placed in any location that will interfere with the use

of any parking space, with vehicle or pedestrian flow, with public safety, or with ingress and egress to and from a building, or with access to a fire hydrant.

- (6) Concrete pads of appropriate size and construction shall be provided for containers or groups of containers. Concrete aprons shall be provided for loading of bins.
 - (7) The trash enclosure area and pad shall be sized to accommodate storage of recyclable or compostable materials and related containers.
 - (8) Screening and gates shall be of a durable construction. Gates shall be constructed of heavy-gauge metal or of a heavy-gauge metal frame with covering of wood or other suitable material. Gates shall be secured with sturdy hinges or sliders, and latches. If the enclosure is situated directly adjacent to parking spaces or drives, it shall be protected at its base by concrete curb blocks.
- (i) *Miscellaneous landscape requirements.* The following minimum standards shall apply to all required landscaping:
- (1) *Quality.* Plant and grass materials shall be of varieties and species hardy in Washtenaw County, and shall conform to the current minimum standards of the American Nursery and Landscape Association, and shall have passed any inspections required under State or Federal regulations. Artificial plant materials are prohibited.
 - (2) *Composition.* A mixture of plant materials (evergreen and deciduous trees and shrubs) is required as a protective measure against insect and disease infestation.
 - (3) *Berms.* Berms shall be constructed with slopes no greater than one (1) foot vertical for each three-foot horizontal, with at least a two-foot wide, generally flat top. The highest point of the berm, extending along the length of the berm, shall be sufficiently rounded to avoid scalping by maintenance equipment. Berm slopes shall be protected with grass, shrubs or other form of natural ground cover.
 - (4) *Mulch.* Mulching material for planted trees, shrubs, and vines shall be a minimum of four-inch-deep shredded hardwood mulch. Decorative materials, such as stone chips, woodchips, mulch, or cobblestones within planting beds and areas shall be placed on a permeable landscape fabric that allows passage of water and air to the soil below. Polyethylene or plastic films shall not be used for this purpose.
 - (5) *Walls, fences and paving materials.* Walls shall be constructed of stone, brick or similar materials. Fences for landscaping purposes shall be constructed of wood. Chain link or other metal fences shall not be used for landscaping purposes. Walls, landscape fences, and paving materials shall be coordinated with buildings in terms of design and materials, and with the character of the site.
 - (6) *Existing plant material.* Healthy plant materials existing on a site prior to its development shall be incorporated into the landscape plan if such materials meet the requirements of this section.

Plant materials labeled "to remain" on a final site plan or a preliminary plat shall be protected from construction activities. Fences or other barriers shall be placed no closer to the tree or shrub than its dripline. No vehicle or other construction equipment, and no soil deposits or any material may be parked or stored within the dripline of such trees or shrubs.

Any tree designated on the site plan or plat as "to remain" that is cut down, destroyed, damaged, or excavated behind the dripline during construction, as determined by the Township, shall be replaced by the owner or applicant with trees that are either equivalent in size, or that constitute the total diameter at breast height (dbh) of the trees that have been damaged or removed. Mitigation of removal of landmark trees or other protected trees shall be in accordance with applicable Township ordinances or land development standards.
- (7) *Installation, maintenance, and completion.*
- a. All landscaping required by this section shall be planted within six months after issuance of the certificate of occupancy.

- b. An amount equal to the installed cost of landscaping shall be deposited with the Township in accordance with section 74-178 as security for installation of the landscaping ("landscaping deposit"). The Township is authorized to retain 30 percent of the landscaping deposit for a period of three years after the date of issuance of a certificate of occupancy, to insure replacement of dead or dying landscaping, under the terms of an escrow agreement described in section 178(e). It shall be the responsibility of the property owner (or any applicable owner's association) to maintain the landscaping in good condition in accordance with its intended purpose and subsections e and g below.
- c. Landscaping operations, including planting of trees and shrubs, shall not damage any utility or interrupt any utility service, and shall not damage or create a nuisance affecting adjacent property, public streets, or sidewalks.
- d. Plant and grass materials shall be installed according to generally accepted planting procedures.
- e. Landscaping materials that are unsightly, dead, dying, or that become unhealthy because of damage, neglect, drainage problems, disease, insect infestation, or other causes shall be replaced within one year, or the next planting period, whichever occurs first. Replacement materials shall meet all standards of the original installation.
- f. All landscaped areas shall be provided with an adequate water supply.
- g. The property owner (or any applicable owner's association) shall be responsible to ensure the proper care and maintenance of landscape areas, including keeping all landscape materials in a healthy and growing state. All landscape elements such as, but not limited to, fences, screens, walls, or lighting shall be kept in good repair.
- h. Topsoil removed during construction shall be stockpiled in an appropriate manner to prevent erosion, and shall be redistributed on re-graded surfaces to be landscaped, to provide a minimum of four inches of even cover. The topsoil shall then be permanently stabilized by grass, ground cover, or other plantings.

(8) *Prohibited plants.* Installation of the following plants do not satisfy these requirements and are prohibited:

Common Name	Botanic Name
<i>Trees</i>	
Alder (Black)	<i>Alnus glutinosa</i>
Buckthorn (Common European, Glossy & Tallhedge)	<i>Rhamnus cathartica</i>
	<i>Rhamnus frangula</i>
	<i>Rhamnus utilis</i>
Elm (Siberian)	<i>Ulmus pumila</i>

Horse Chestnut	<i>Aesculus hippocastanum</i>
Locust (Black, Bristly, Clammy)	<i>Robinia psuedoacacia</i>
	<i>Robinia hispida</i>
	<i>Robinia viscosa</i>
Maple (Amur, Norway)	<i>Acer ginnala</i>
	<i>Acer platanoides</i>
Mulberry (Russian, White)	<i>Morus alba</i>
Olive (Autumn, Russian)	<i>Elaeagnus umbellata</i>
	<i>Elaeagnus angustifolia</i>
Poplar (Lombardy, Silver, White)	<i>Populus nigra var. italica</i>
	<i>Populus alba</i>
Prickly Ash	<i>Zanthoxylum americanum</i>
Spindle Tree	<i>Euonymus europea</i>
Tree of Heaven	<i>Ailanthus altissima</i>
Willow (Crack)	<i>Salix fragilis</i>
Willow (Gray)	<i>Salix cinerea</i>
Willow (Laurel/Bayleaved)	<i>Salix pentandra</i>
Willow (White)	<i>Salix alba</i>
<i>Shrubs</i>	

Barberry (Common, Japanese)	<i>Berberis thunbergii</i>
	<i>Berberis vulgaris</i>
Butterfly Bush	<i>Buddleia davidii</i>
Burningbush	<i>Euonymus alatus</i>
Honeysuckle (Amur, Morrow, Tatarian, Japanese)	<i>Lonicera maackii</i>
	<i>Lonicera morrowii</i>
	<i>Lonicera tatarica</i>
	<i>Lonicera japonica</i>
Privet (Common)	<i>Ligustrum vulgare</i>
Rose (Guelder, Multiflora)	<i>Viburnum opulus var. opulus</i>
	<i>Rosa multiflora</i>
Spiraea (Japanese)	<i>Spiraea japonica</i>
<i>Perennials, Groundcovers and Vines</i>	
Bittersweet (Oriental/Asian)	<i>Celastrus orbiculatas</i>
Chinese Silver Grass	<i>Miscanthus sinensis</i>
Crown Vetch	<i>Corollilla varia</i>
Dames Rocket	<i>Hesperis matronalis</i>
English Ivy	<i>Hedra helix</i>
Foxglove	<i>Digitalis purpurea</i>

Periwinkle (or Myrtle)	<i>Vinca minor</i>
Purple Loosestrife	<i>Lythrum salicaria</i>
Wintercreeper	<i>Euonymus fortunei</i>

- a. Species of trees whose roots are known to cause damage to streets, sidewalks, utility lines, or other public facilities; are brittle; are particularly susceptible to insect damage or disease; or are short lived should not be used in any required landscape area.
- (9) *Minimum size and spacing requirements.* Where landscaping is required, the following sets forth minimum size and spacing requirements for representative landscape materials:
- a. Large evergreen trees, such as Fir, Douglas Fir, Spruce, Pine, and Hemlock shall be at least six feet in height at the time of planting. When used for screening purposes, large evergreen trees shall be planted not more than 12 feet on center. Plantings in two or more rows, on staggered centers, may be required for adequate screening.
 - b. Narrow evergreen trees, such as Red Cedar, Arborvitae and Juniper, shall be at least five feet in height at the time of planting. When used for screening purposes, narrow evergreen trees shall be planted not more than five feet on center. Plantings in two or more rows, on staggered centers, may be required for adequate screening.
 - c. Large deciduous canopy trees such as Oak, Maple, Beech, Linden, Ginkgo (male only), Honeylocust, Birch and Sycamore, shall be at least 2.5 inches in caliper at the time of planting. When used for screening purposes, large deciduous trees shall be planted not more than 25 feet on center. Plantings in two or more rows, on staggered centers, may be required for adequate screening.
 - d. Small deciduous ornamental trees, such as Dogwood, Pear, Cherry, Hawthorn (thornless), Redbud, Magnolia, Crabapple, Serviceberry and Hornbeam, shall be at least two inches in caliper at the time of planting. When used for screening purposes, small deciduous trees shall be planted not more than 12 feet on center. Plantings in two or more rows, on staggered centers, may be required for adequate screening.
 - e. Large evergreen shrubs, such as Irish, Hicks, Upright or Spreading Yews, Pfitzer or Savin Juniper, and Mugho Pine, shall be at least three (3) feet in spread at the time of planting. When used for screening purposes, upright evergreen shrubs shall be planted not more than two feet on center. Spreading evergreen shrubs shall be planted not more than four feet on center. Plantings in two or more rows, on staggered centers, may be required for adequate screening.
 - f. Small evergreen shrubs, such as Brown's Ward's, or Sebian Yews, Dwarf Spreading Juniper, and Dwarf Mugho Pine, shall be at least two feet in spread at the time of planting. When used for screening purposes, small evergreen shrubs shall be planted not more than four feet on center. Plantings in two or more rows, on staggered centers, may be required for adequate screening.
 - g. Large deciduous shrubs, such as Lilac, Sumac, Weigelia, Flowering Quince, Crabapple, Red Osier and Gray Dogwood, and Viburnum, shall be at least four feet in height at the time of planting. When used for screening purposes, large deciduous shrubs shall be planted not more than six feet on center. Plantings in two or more rows, on staggered centers, may be required for adequate screening.

- h. Small deciduous shrubs, such as Potentilla or Fragrant Sumac, shall be at least two feet in height if they have an upright habit, or two feet in spread if they have a spreading habit, at the time of planting.
 - i. Containers for groundcovers such as Pachysandra, shall be a 2-inch peat pot, at a minimum. Containers for vines, such as Virginia Creeper, or Wisteria, shall be a two-gallon container, at a minimum. Groundcovers shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one complete growing season, at a rate of at least three plants per square foot.
- (j) *Planning Commission modification.* The Planning Commission may modify the landscaping requirements of this Section upon finding that:
- (1) The topographic features or special characteristics of the site create conditions such that the strict application of the provisions of this section will result in less effective screening and landscaping than alternative landscape designs.
 - (2) That the public benefit intended to be secured by this section will exist with different landscaping or screening than required by this section.

(Comp. Ords. 1990, § 130.1106; Ord. No. 1-2011, 3-21-2011; Ord. No. 8-2011, 8-15-2011)

Sec. 74-587. - Automobile service and repair stations.

In addition to other regulations set forth in this chapter, all automobile gasoline service and repair stations and other automotive service and repair facilities shall conform to the following requirements:

- (1) Sidewalks shall be separated from vehicular parking or circulation areas by curbs, wheel stops, or traffic islands. The portion of the property used for vehicular traffic shall be separated from landscaped areas by a curb.
- (2) The entire area used for vehicle service shall be paved.
- (3) Hydraulic hoists, service pits, lubricating, greasing, washing and repair equipment and operations shall be located within a completely enclosed structure.
- (4) The maximum width of all driveways at the right-of-way lines shall be no more than 30 feet.
- (5) The angle of a driveway intersection with the street from the curb line to lot line shall be not less than 60 degrees.
- (6) The distance of any driveway from any property line shall be at least 20 feet, measured at the tangent points of the drive edge and the street curb return.
- (7) The distance between curb cuts shall be no less than 40 feet, measured between the tangent points of the drive edges and the street curb returns.
- (8) Outdoor storage of trash, including new or discarded vehicle parts, shall be contained within a solid, unpierced enclosure.
- (9) Storage of vehicles rendered inoperative, either through damage or disrepair or any other cause, and vehicles without current license plates, shall be limited to a period of not more than 30 days, and then only for the purpose of temporary storage pending transfer to a junkyard. Such storage shall not be sold or advertised for sale on the premises.
- (10) Sales of used cars and other motorized vehicles shall be prohibited.

(Comp. Ords. 1990, § 130.1107)

Sec. 74-588. - Junkyards.

In addition to other regulations set forth in this chapter, all junkyards shall conform to the following requirements:

- (1) The junkyard shall be located on a public arterial street, or equivalent major public street as defined in the master plan.
- (2) Travel routes for trucks entering and leaving the junkyard shall be shown on a map of the Township at the time of application for the conditional use permit. Such routes except arterial streets or their equivalent shall not pass through residential areas.
- (3) A site plan shall be provided at the time of the conditional use permit application and shall meet all requirements of article II, division 4 of this chapter, site plan review. The site plan shall also contain a description of the location and nature of any material processing operations to be conducted within the junkyard, and the location and nature of equipment for such operations.
- (4) Junk materials shall be stored in organized rows with open intervals at least 20 feet wide between rows for purposes of fire protection access and visitor safety.
- (5) Junk materials shall not be stored in piles higher than the top of the fence surrounding the junkyard. Automobiles, trucks, and other vehicles shall not be stacked so as to prohibit fire protection and to protect the safety of visitors.
- (6) The junkyard shall be maintained in such a manner as to prevent the breeding or harboring of rats, insects, or other vermin.
- (7) The junkyard, when established and located within 1,000 feet of any existing residential district, as measured on a straight-line distance, shall not be open for business and shall not operate at any time other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays; between 7:00 a.m. and 12:00 noon on Saturdays, and shall not be open for business or otherwise operate on Sundays or legal holidays.
- (8) Burning shall be prohibited except within an enclosed incinerator, and only if the burning operation and incinerator are approved by the Township Fire Chief, or other designated fire official, the Township Building Inspector, and the County Health Department.
- (9) All flammable liquids contained in automobiles and other vehicles shall be drained from same immediately after such vehicles are brought to the junkyard. Such liquids are to be stored in containers approved by the Township Fire Chief, or other designated fire official, the Township Building Inspector, and the County Health Department.
- (10) All drives, parking areas, and loading-unloading areas shall be paved, oiled, watered, or chemically treated so as to limit nuisances caused by windborne dust on neighboring properties and public roads.
- (11) There shall be not more than one entranceway from each public street which adjoins the junkyard.
- (12) Fencing shall be required as follows:
 - a. A solid, screen-type fence or wall at least seven feet high as measured from grade at each post in the case of a fence, or at ten-foot intervals in the case of a wall, shall be provided along each public street frontage. The fence or wall shall be located on the rear line of the required front yard. Gates shall also be made of solid, opaque material. The front yard shall be landscaped and continuously maintained as a lawn.
 - b. Where the junkyard is adjacent to a rural, rural and urban residence, business, or R-D district, a solid, screen-type fence or wall, at least seven feet high as measured in subsection (12)a of this section, shall be provided on any side or rear property line or portion thereof, adjoining such lots.
 - c. Where the junkyard is adjacent to a lot in the I-1 district, a chain-link fence six feet high as measured from grade level at each fence post shall be provided on any side or rear property line or portion thereof, adjoining such lots.

- d. Strips of metal, plastic, or other materials inserted into wire fences shall not fulfill the requirements of subsections (12)a. and b. of this section.
- (13) Wrecking and processing operations are permitted in a junkyard but shall be described in the application for the conditional use permit.

(Comp. Ords. 1990, § 130.1108)

Sec. 74-589. - Drive-in theaters.

In addition to other regulations set forth in this chapter, all drive-in theaters shall conform to the following requirements:

- (1) Drive-in theaters shall be enclosed for their full periphery with a solid, screen-type fence or wall at least seven feet in height. Fences and walls shall be of sound construction, painted or otherwise neatly and inconspicuously finished.
- (2) All fences or walls shall be set back at least 100 feet from any front street or front property line, with the area between the fence and the street or front property line to be landscaped and continuously maintained as lawn.
- (3) All ingress or egress shall be on a public arterial street or equivalent public major street as defined in the master plan. All traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements between the site and the public streets. All points of entrance or exit for vehicles shall be located no closer than 500 feet from the intersection of any two streets or highways.
- (4) A site plan shall be approved in accordance with article II, division 4 of this chapter, site plan review.

(Comp. Ords. 1990, § 130.1109)

Sec. 74-590. - Commercial kennels.

Commercial kennels shall be subject to the following requirements:

- (1) The minimum lot size shall be ten acres.
- (2) Structures or pens shall not be located less than 300 feet from a public right-of-way or less than 100 feet from a side or rear lot line.
- (3) The kennel shall be established and maintained in accordance with all applicable County and Township sanitation regulations.
- (4) A site plan shall be approved in accordance with article II, division 4 of this chapter, site plan review.
- (5) The kennel owner shall obtain a conditional use permit from the Township, and a kennel license from the County.

(Comp. Ords. 1990, § 130.1110)

Sec. 74-591. - Storage of recreational equipment.

Recreational vehicles, boats and boat trailers, snowmobiles, trail cycles, all-terrain vehicles, and similar equipment, and trailers, cases, and boxes used for transporting recreational equipment, whether occupied by such equipment or not, shall not be parked or stored in front of the front building line or any vacant lot in a residential district; provided, however, that such equipment may be parked anywhere in a

driveway or parking area on residential premises for a period not to exceed 72 hours during loading or unloading. Such equipment shall not be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use. Storage of such equipment, when permitted in a commercial district as a principal use of a lot, shall be located behind all required lot lines with all required yards to be landscaped and properly and regularly maintained. The storage area shall have a gravel or paved surface, treated regularly to prevent erosion and blowing of dust. The storage area shall be fenced for security purposes, by at least a six-foot-high cyclone-type fence.

(Comp. Ords. 1990, § 130.1111)

Sec. 74-592. - Mineral mining.

- (a) *Conditional use permit standards.* Mineral mining shall require a conditional use permit, as described in section 74-131. The Township Board shall grant a conditional use permit if it finds that no very serious consequences would result from the operation of the mineral mining activity.

If it is demonstrated that a very serious consequence to the Township would occur, the Township Board shall not grant a conditional use permit. In accordance with MCL 125.3205, Section (5), the following factors shall be considered in making that determination:

- (1) The relationship of extraction and associated activities with existing land uses.
 - (2) The impact on existing land uses in the vicinity of the property.
 - (3) The impact on property values in the vicinity of the property and along the proposed hauling route serving the property.
 - (4) The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
 - (5) The impact on other identifiable health, safety, and welfare interests in the local unit of government.
 - (6) The overall public interest in the extraction of the specific natural resources on the property.
- (b) *Market information.* The applicant shall submit a report prepared by a geologist or other experts with credentials satisfactory to the Township Board to demonstrate compliance with MCL 125.3205, Sections (3) and (4), that the natural resources to be extracted shall be considered valuable, and the applicant can receive revenue and reasonably expect to profit from the proposed mineral mining operation. The applicant shall also provide documentation to demonstrate that there is a need for the natural resources to be mined by either the applicant or in the market served by the applicant.
- (c) *Conditions for mineral mining.* Mineral mining operations shall be subject to the following conditions:
- (1) There shall be not more than one entranceway from a public road to such lot for each 660 feet of front lot line. Such entrance shall be located not less than 500 feet from an intersection of two or more public roads.
 - (2) Such operations shall be permitted only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and between 7:00 a.m. and 12:00 noon on Saturday. Operations shall not be permitted on Sunday or legal holidays, except by special permit from the Planning Commission.
 - (3) On such site no digging, stockpiling, excavating or equipment storage and repair shall take place closer than 100 feet from any lot line, and 300 feet from an existing residential zoning district. Stockpiles of stripped topsoil shall be seeded with grass or other plant materials and shall be prevented from eroding onto other properties.
 - (4) On such lot all roads, driveways, parking lots, and loading and unloading areas within 100 feet of any lot line shall be paved or treated in an environmentally-sensitive manner so as to limit the nuisance caused by windborne dust on adjoining lots and public roads.

- (5) Each operator shall be held responsible for all public roads upon which trucks haul materials from the mineral mines to keep those roads in a driveable condition at least equal to that which existed prior to the beginning of mineral mining operations; and to keep the roads dust free and to clean any and all spillage of material and dirt, rock, mud, and any other debris carried onto the roads by these trucks or other equipment.
- (6) Any noise, odors, smoke, fumes, or dust generated on such lot by any digging, excavating, loading, or processing operation and borne or able to be borne by the wind shall be confined within the lines of such lot as much as possible so as not to cause a nuisance or hazard on any adjoining lot or public road.
- (7) Such removal shall not be conducted so as to:
 - a. Cause the pollution by any material of any surface or subsurface watercourse or body outside of the lines of the lot on which such use shall be located, or of any existing body of water located within the premises.
 - b. Cause or threaten to cause the erosion by water of any land outside of such lot or of any land on such lot so that earth materials are carried outside of the lines of such lot.
 - c. Alter the drainage pattern of surface or subsurface waters on adjacent property. In the event that such removal shall cease to be conducted, it shall be the continuing responsibility of the owner and the operator thereof to assure that no erosion or alteration of drainage patterns shall take place after the date of the cessation of operation as specified in this paragraph.
- (8) All fixed equipment and machinery shall be located at least 100 feet from any lot line and 500 feet from any existing residential zoning district. In the event the zoning classification of any land within 500 feet of such equipment or machinery shall be changed to a residential classification 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 100 feet from any lot line adjacent to such residential district. A fence of not less than six feet in height shall be erected around the periphery of the area being excavated. Fences shall be adequate to prevent trespass.
- (9) All areas within a mineral mine 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 natural.
- (10) The applicant shall submit a plan for the use of the property during mining operations at the time of application for the permit. The plan shall provide the following information:
 - a. Boundary lines of the property; dimensions and bearings of the property lines, correlated with the legal description;
 - b. Aerial photo, showing property and adjacent areas, location and outline of wooded areas, streams, marshes, and other natural features;
 - c. Existing site improvements such as buildings, drives, wells, and drain fields;
 - d. Existing topography at contour intervals of two feet;
 - e. Extent of future mining areas and depth thereof;
 - f. Location and nature of structures and stationary equipment to be located on the site during mining operations;
 - g. Location and description of soil types;
 - h. An estimate of the kind and amount of material to be withdrawn from the site and the expected termination date of mining operations;
 - i. Description of all operations to be conducted on the premises, such as, but not limited to, digging, sorting, and washing operations, and the type, size, and nature of equipment to be used with each operation;

- j. Location and width of drives, sight distances; land widenings on public roads at intersections of same with drives;
 - k. Tree areas and other natural features to be retained;
 - l. Description of pollution and erosion control measures;
 - m. Certified statement by a qualified engineer, with supporting data and analyses, concerning expected impact on the water table and water supply wells in the vicinity of the site; and
 - n. Map showing truck routes to and from the site.
- (11) The applicant shall file a plan for restoring the site to a safe, attractive, and usable condition. The plan shall be filed with the application for the conditional use permit and shall provide the following information:
- a. Boundary lines of the property, dimensions and bearings of the property lines, correlated with the legal description;
 - b. Location and extent of all natural features to be retained during mining operations;
 - c. Contour lines at intervals of two feet of the proposed restored surface, clearly showing connection to existing undisturbed contour lines;
 - d. Schedule and areas of progressive rehabilitation;
 - e. Proposed ground cover and other plantings to stabilize the soil surface and to beautify the restored area;
 - f. Sketch plan of the proposed use of the site when restored; and
 - g. Description of methods and materials to be used in restoring the site.
- (12) The applicant shall provide the following:
- a. Security deposits, in the form and amounts recommended by the Planning Commission and approved by the Township Board, to guarantee restoration of the site and to cover the costs of the Township Engineer in certifying conformance.
 - b. A security deposit when required by the Planning Commission, to maintain and replace public roads traversed by trucks associated with the mining operation. The security shall be deposited with the County Road Commission in the form and amount required by the Road Commission.
 - c. A date for completing the mineral mining operation, such date to be based upon the estimated volume of material to be extracted and an average annual extraction rate. The conditional use permit shall not be issued for a period to exceed five years. Any extension of operations beyond that date shall require a new conditional use permit, which shall be applied for and processed as provided in this chapter upon proof by the applicant that restoration of the site has begun.
- (13) Travel routes for trucks entering and leaving the site shall be shown on a map of the Township at the time of application for the conditional use permit. Such routes, except arterial streets or their equivalents, shall not pass through residential areas.
- (14) Only equipment owned or leased by the operator of the mineral mining operation and used in the operation of the mineral mine shall be stored overnight or for longer periods anywhere on the premises. Storage of any other equipment on the premises shall be prohibited.
- (15) Potable water supply and sanitary sewage disposal systems shall be approved by the Washtenaw County Health Department before a conditional use permit shall be issued.
- (16) Concrete, cement, or asphalt production shall not be allowed as part of a mineral mining operation unless located in a district which allows such use.

- (17) The applicant shall demonstrate compliance with all of the provisions of section 74-594 Performance Standards of the Township Zoning Code.

(Comp. Ords. 1990, § 130.1112; Ord. No. 5-2017, 11-20-2017)

Editor's note— Ord. No. 5-2017, adopted November 20, 2017, amended § 74-592 and in so doing changed the title of said section from "Quarries" to "Mineral mining," as set out herein.

Sec. 74-593. - Mobile home parks.

- (a) *Sale of mobile homes.* The business of selling new and/or used mobile homes as a commercial operation in connection with the operation for mobile home development shall be prohibited. New or used mobile homes located on lots within the mobile home development to be used and occupied on that site may be sold by a licensed dealer and/or broker. This section shall not prohibit the sale of a used mobile home by a resident of the mobile home development provided the development permits the sale.
- (b) *Commercial and service establishments.* Commercial and service establishments may be permitted in a mobile home park, provided all the following requirements are met:
- (1) The establishments are of such nature, size, and location within the mobile home park so as to serve only residents within the mobile home park.
 - (2) The establishments are designed, improved, and located to protect the character of the mobile home park and the surrounding neighborhood.
 - (3) Similar facilities and services are not conveniently available in the neighboring area.
- (c) *Signs.* Signs shall be permitted in a mobile home park in accordance with the following regulations:
- (1) Not more than one identification sign, not exceeding 18 square feet in area, shall be permitted at each principal vehicular entrance to the mobile home park.
 - (2) Not more than one sign, not exceeding six square feet, stating "Vacancy" or "No Vacancy" or similar terminology shall be permitted at each principal vehicular entrance to the mobile home park.
 - (3) One identification sign, not exceeding 18 square feet in area, shall be permitted for each principal building for a nonresidential use permitted in this district as a permitted or conditional use.
- (d) *Yards.* Yards required along the perimeter of a mobile home park and principal nonresidential structures of a mobile home park (section 74-463) may be used to satisfy site area and spacing requirements for individual dwellings, but shall not contain carports, recreation shelters, storage shelters, any other structures, parking spaces, or active recreation areas. Drives may cross, but shall not occupy, required yards.
- (e) *Distances from a mobile home unit.* The following minimum distances shall be provided and maintained from a mobile home unit, and shall be measured from the face, side, and back of the mobile home unit. If the mobile home has an attached or add-on structure, the applicable distances shall be measured from the face, side, and back of the attached structure.
- (1) Twenty feet between mobile home units or an attached structure of another mobile home used for living purposes.
 - (2) Ten feet from an on-site parking space on an adjacent site.
 - (3) Ten feet from an attached or detached structure or accessory which is not used for living purposes.
 - (4) Ten feet from an attached accessory structure that is not used for living purposes.
 - (5) Fifty feet from any permanent building.

- (6) Ten feet from the edge of an internal road.
 - (7) Twenty feet from the right-of-way line of a public street within the mobile home park.
 - (8) Seven and one-half feet from a parking bay.
 - (9) Seven feet from a common pedestrian walkway.
- (f) *Attachment of mobile home structures.* Notwithstanding the requirements of subsection (e) of this section, two or more mobile home units may be attached along common walls if these walls contain no windows, doors or other openings, and are constructed to meet standards issued by the U.S. Department of Housing and Urban Development.
- (g) *Attachment of accessory structures.* Notwithstanding the requirement of subsection (e) of this section, carports, recreation shelters, storage buildings and similar accessory structures on adjacent sites may be attached across site lines, provided they do not impede visibility at intersections of streets or of driveways with streets, or increase fire hazards.
- (h) *Maximum height of structures.* The maximum height of structures in a mobile home park shall be as follows:
- (1) Principal structures: 35 feet.
 - (2) Accessory structures: 15 feet. The height of storage buildings on individual mobile home sites shall not exceed the lesser of 15 feet or the height of the mobile home.
- (i) *Parking requirements.*
- (1) Notwithstanding any conflicting requirement in this chapter a minimum of two parking spaces shall be provided for each mobile home site. The minimum number of parking spaces for conditional uses permitted in a mobile home park may be reduced to two-thirds the number required for such uses as set forth in article VIII of this chapter as part of the conditional use permit approval.
 - (2) The required parking spaces for a mobile home site may be provided either on the mobile home site or in parking bays within 100 feet of the site.
 - (3) Additional parking facilities shall be provided as follows:
 - a. For storage of maintenance vehicles.
 - b. At the office location for office visitors.
 - c. For general visitor parking, at the ratio of one parking space for every three mobile home sites in the park, in a convenient location with respect to the mobile home sites served thereby.
- (j) *Streets.*
- (1) Vehicular access to a mobile home park shall be provided by at least one hard surface public road.
 - (2) Only streets within the mobile home park shall provide vehicular access to individual mobile home sites within the mobile home park.
 - (3) Two-way streets within a mobile home park shall have a minimum width of 21 feet where no parallel parking is permitted, 31 feet where parallel parking is permitted along one side of the street, and 41 feet where parallel parking is permitted along both sides of the street.
 - (4) It is the intent of this chapter to discourage one-way streets in a mobile home park. If one-way streets are to be provided, each such street shall serve not more than 30 mobile home dwelling units. The minimum width of a one-way street shall be 13 feet where no parallel parking is permitted, 23 feet where parallel parking is permitted along one side, and 33 feet where parallel parking is permitted along both sides.

- (5) A dead-end street shall have a turning area adequate for turning the Township firefighting vehicles, and shall have a maximum length of 300 feet, measured to the center of the turnaround area. If a turning circle is used, it shall have a minimum outside radius of 50 feet.
- (k) *Water and sanitary sewer services.* Within a mobile home park, every mobile home unit and every building that has plumbing facilities shall be connected to the Township water and sanitary sewer service lines, where available, or where not available, to facilities approved by the MDEQ and the Township.
- (l) *Outdoor storage.* Common storage areas for the storage of boats, motorcycles, recreation vehicles, and similar equipment may be provided in a mobile home park, but shall be limited to use only by residents of the mobile home park. The location of such storage areas shall be shown on the preliminary site plans required by this chapter. No part of such storage area shall be located in any yard required on the perimeter of the mobile home park. Such storage areas shall be screened from view from adjacent residential properties.
- (m) *Site constructed buildings.* All buildings constructed on site within a mobile home park shall be constructed in compliance with the State Construction Code. Any addition to a mobile home unit that is not certified as meeting the standards of the U.S. Department of Housing and Urban Development for mobile homes shall comply with the State Construction Code. Certificates and permits shall be required as provided in article II of this chapter. A final site plan shall be approved prior to construction of any principal structure, not including mobile home units, in accordance with article II, division 4 of this chapter, site plan review.
- (n) *Television antennas.* Exterior television antennas on individual mobile home units are prohibited.
- (o) *Placement of a mobile home unit.*
- (1) It shall be unlawful to park a mobile home unit so that any part of such unit will obstruct any road or pedestrian walkway within a mobile home park.
- (2) A building permit shall be issued by the Township Building Inspector before a mobile home may be placed on a site in a mobile home park.
- (p) *Occupancy.* A mobile home in a mobile home park shall not be occupied until all required approvals have been obtained from the State.
- (q) *Required site plan review.* Construction of a mobile home park shall require prior approval of a preliminary site plan by the Planning Commission. For the purposes of this section only, a preliminary site plan shall include all information required in subsections 74-173(b) and 74-174(b) except subsections 74-174(b)(11)—(13), (17), (21), (23), and (26), which shall not be required. In addition, the preliminary site plan shall show the location and size of proposed water, sanitary sewer, and storm sewer lines and appurtenances; location and type of wastewater treatment facilities in the mobile home park; location of water supply wells for the mobile home park; location of fire hydrants; points of connection to Township water and sanitary sewer lines; proposed drainage patterns; location and outline of stormwater retention ponds; and the location of proposed electricity, telephone, and other cable lines outside the mobile home park.

(Comp. Ords. 1990, § 130.1114; Ord. of 4-14-1986; Ord. of 3-21-1994)

Sec. 74-594. - Performance standards.

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 shall comply with the following performance standards:

- (1) *Fire hazard.*
- a. Does not constitute a fire hazard per se;

- b. Complies with the fire Prevention Code (MCL 29.1 et seq.) and the rules and regulations promulgated thereunder by all authorized agencies, State and local;
 - c. Is protected by adequate and proper fire suppression and firefighting equipment;
 - d. Provides isolated and approved storage for all flammable, explosive and corrosive materials and substances.
- (2) *Water pollution.* Conforms to the applicable laws of the State, (i.e., Natural Resources and Environmental Protection Act (MCL 324.101 et seq.)) and rules and regulations promulgated thereunder by all authorized agencies, State and local.
- (3) *Air pollution.*
- a. Conforms to the applicable laws of the State (i.e., Natural Resources and Environmental Protection Act (MCL 324.101 et seq.)).
 - b. Does not emit or cause fumes, gas, mist, odor, smoke, vapor, dust, including road or other earth dust, or any combination thereof in excess of minimum standards established under the authority of the laws of the State, or in such volume as to create a public nuisance.
- (4) *Noise abatement.*
- a. Is provided with noise abatement materials and equipment;
 - b. Will not generate unpleasant and objectionable noise greater in volume or intensity than the average of traffic noises at exterior property lines.
- (5) *Vibrations.* No vibrations shall be permitted which are discernible without instruments on any adjoining lot or property.
- (6) *Glare.* No direct or reflected glare shall be permitted which is visible from any property, or from any public street, road, or highway.
- (7) *Radioactive hazards.* Any use or operation which involves the use, possession, or transportation of any form of radioactive materials or substances is expressly prohibited unless the use is in conformity to specifications, regulations, and standards promulgated by the Atomic Energy Commission of the United States and by the State Department of Public Health.
- (8) *Electrical disturbances.* Manufacturing and processing machinery, other equipment and domestic appliances using electrical power which generates radio frequency interferences at levels in excess of those approved by the Federal Communications commission are prohibited.
- (9) *Erosion.* No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties, lakes, ponds, rivers, or streams. Any use of land shall be in accordance with the provisions of Part 91 of the Natural Resources Act (MCL 324.9101 et seq.).

(Comp. Ords. 1990, § 130.1116)

Sec. 74-595. - Setbacks on arterial roads.

- (a) No building or structure shall be located less than a distance equal to the sum of 60 feet and the required minimum front yard of the district in which located, from the existing right-of-way centerline of any of the following roads:
 - (1) Whitmore Lake Road;
 - (2) Nixon Road;
 - (3) Plymouth Road;
 - (4) Dixboro Road;

- (5) Geddes Road;
- (6) Joy Road;
- (7) Maple Road;
- (8) Clark Road;
- (9) Hogback Road;
- (10) Huron River Drive;
- (11) Earhart Road;
- (12) Warren Road, between Pontiac Trail and Whitmore Lake Road;
- (13) Pontiac Trail;

provided, however, notwithstanding the foregoing, for purposes of placement of signs, the additional 60-foot distance shall not be included in the calculation of the required front yard.

- (b) Reference to arterial roads in this chapter shall be deemed to include all of the roads listed in this section 74-595.

(Comp. Ords. 1990, § 130.1117; Ord. No. 4-2003, 5-19-2003)

Sec. 74-596. - Sanitary landfill.

In addition to other regulations set forth in this chapter, all sanitary landfills shall conform to the following requirements:

- (1) The sanitary landfill shall be located on a paved public arterial street, or equivalent paved major public street as defined in the master plan.
- (2) Travel routes for trucks entering and leaving the sanitary landfill shall be shown on a map of the Township at the time of application for the conditional use permit. Such routes except arterial streets or their equivalent shall not pass through residential areas.
- (3) Prior to the beginning of a sanitary landfill operation a license shall be secured from the State Public Health Department.
- (4) The dumping of industrial wastes shall be prohibited unless prior approval for the dumping of such wastes has been granted by the County Health Department.
- (5) No such use shall be exercised on a land area of less than ten continuous acres in one ownership.
- (6) The operational area shall be enclosed by a fence of not less than six feet in height, designed and constructed to bar entry to the area. The fence shall be located not less than 50 feet from the fill operation.
- (7) The area shall be operated and treated in a manner approved by the County Health Department for the control and elimination of rodents and pests.
- (8) The area shall be closed and no operations shall be permitted except in the period between the hours of 7:00 a.m. and 7:00 p.m., and operations shall be prohibited on Sundays and legal holidays; provided, however, that a completely enclosed structure shall be made available for the depositing of inorganic materials by individual users.
- (9) There shall be not more than one point of vehicular ingress and egress in any 1,200 feet of frontage on any public street or highway.
- (10) All interior unpaved roads shall be regularly treated to control the generation of dust and to prevent its escape from the premises.

- (11) The fill area and all public access roads shall be kept free from refuse and debris attributable, directly or indirectly, to the operation.
- (12) The premises shall be adequately drained and regularly graded to prevent the collection of standing water.
- (13) An annual permit shall be required and an annual fee in an amount as determined by resolution of the Township Board shall be paid to the Township Clerk in such amount as the Township Board may deem adequate to defray the cost of inspection and all other public costs which may be attributable, directly or indirectly, to the operation.
- (14) The Zoning Officer and agents of the County Health Department shall have the right of entry and inspection at their discretion.
- (15) A site plan shall be provided at the time of the conditional use permit application and shall meet all of the requirements of article II, division 4 of this chapter, site plan review. The site plan shall also contain the following:
 - a. A detailed description of the types of waste and refuse for which the landfill is to be used;
 - b. A description of the machinery and processes essential to the proposed use;
 - c. Aerial photo, showing property and adjacent areas, location and outline of wooded areas, streams, marshes, and other natural features;
 - d. Extent of future landfill areas;
 - e. Location and nature of structures and stationary equipment to be located on the site during landfill operations;
 - f. Location and description of soil types;
 - g. Location and width of drives, sight distances; lane widenings on public roads at intersections of same with drives;
 - h. Tree areas and other natural features to be retained;
 - i. Description of pollution and erosion control measures.
- (16) The applicant shall file a plan for restoring the site to a safe, attractive, and usable condition. The plan shall be filed at the time of application for the conditional use permit, and shall provide the following information:
 - a. Boundary lines of the property, dimensions and bearings of the property lines, correlated with the legal description.
 - b. Location and extent of all natural features to be retained during landfill operations.
 - c. Contour lines at intervals of two feet of the proposed restored surface, clearly showing connection to existing undisturbed contour lines.
 - d. Schedule and areas of progressive rehabilitation.
 - e. Proposed ground cover and other plantings to stabilize the soil surface and to beautify the restored area.
 - f. Sketch plan of the proposed use of the site when restored.
 - g. Description of methods and materials to be used in restoring the site.
- (17) The applicant shall provide security deposits in the forms and amounts acceptable to the Planning Commission, to guarantee restoration of the site and to cover the costs of the Township Engineer in certifying conformance.

(Comp. Ords. 1990, § 130.1118)

Sec. 74-597. - Underground wiring.

All lines for telephone, electrical, television, and other services distributed by wire or cable shall be placed underground throughout a subdivision or multiple-family residential development. Overhead lines may be permitted upon recommendation of the Planning Commission and approval by the Township Board at the time of tentative approval of the preliminary plat or approval of the preliminary site plan where it is determined that such lines will not impair the health, safety, general welfare, design, appearance, and character of the subdivision. This section shall not be construed to prohibit the construction above the ground of surface equipment associated with an underground distribution system, such as surface mounted transformers, power terminal pedestals, meters and meter boxes, streetlights, and street light poles.

(Comp. Ords. 1990, § 130.1119)

Sec. 74-598. - Distances between grouped buildings.

- (a) In addition to other regulations set forth in this chapter, the following minimum distance shall be provided between two or more residential buildings on a lot:
- (1) Where buildings are front to front or front to rear, three times the height of the taller building, but not less than 70 feet.
 - (2) Where buildings are side to side, one and one-half times the height of the taller building, but not less than 20 feet.
 - (3) Where buildings are front to side, rear to side, or rear to rear, two times the height of the taller building but not less than 45 feet.
- (b) In applying the above regulations, the front of the building shall mean that face of the building having the greatest length; the rear shall be that face opposite the front; and the side shall be the face between the front and rear faces.

(Comp. Ords. 1990, § 130.1120)

Sec. 74-599. - Group foster care homes.

In addition to other regulations set forth in this chapter, all group foster care homes shall conform to the following requirements and all applicable State requirements. In the event of conflict between any of these requirements and applicable State requirements, the more stringent requirements shall control.

- (1) Shall not provide resident services to more than six persons.
- (2) The following lot area shall be provided for each resident including resident counselors:
 - a. R-7 District: 2,910 square feet.
 - b. R-8 District: 1,940 square feet.
 - c. R-9 District: 1,450 square feet.
- (3) Public Act No. 218 of 1979 (MCL 400.701 et seq.).
- (4) All applicable Township codes and ordinances.
- (5) All regulations and requirements of the zoning district where located.
- (6) Be so constructed, arranged, and maintained as to provide adequately for the health and safety and welfare of all occupants.
- (7) The atmosphere and routine shall be such that a resident may spend the majority of his nonsleeping hours outside his bedroom.

- (8) A toilet, lavatory, and bathing or showering facility shall be provided for each six persons. At least one toilet and lavatory shall be provided on each floor having resident bedrooms.
- (9) Provide distinct living and sleeping areas. All areas shall be well lighted, heated, and ventilated.
- (10) Provide a living or dayroom area which affords privacy for use by a resident and his visitors.
- (11) The living and sleeping areas for each resident shall not be in noncontiguous wings, units, or buildings.
- (12) A living room, dining room, or other room not designed nor ordinarily used for sleeping shall not be used for sleeping purposes.
- (13) A room shall not be used as a bedroom where more than one-half the room height is below grade except where the ceiling of such portion of a building is located five feet or more above grade for more than 25 percent of the perimeter measurement of the room.
- (14) Bedrooms shall have at least one window with a minimum sash area of eight square feet.
- (15) A single-occupancy bedroom shall have at least eight square feet of usable floor area.
- (16) A multiple-occupancy bedroom shall have at least 70 square feet of usable floor area per person with a maximum of four beds and persons per bedroom.
- (17) A group foster care home shall be inspected and approved for fire safety prior to the issuance of an occupancy permit and shall be inspected at least annually.
- (18) The number of off-street parking spaces for a group foster care home shall be established by the Planning Commission when the conditional use permit is issued based on the number or type of residents. All off-street parking areas shall conform to the provisions of article VIII of this chapter.
- (19) A group foster care home shall provide a minimum of two adult resident counselors residing permanently in the home who provide care and guidance to the residents.
- (20) Group foster care homes shall not be located closer than 1,000 feet to one another.

(Comp. Ords. 1990, § 130.1121)

State Law reference— Restriction on zoning of certain facilities, MCL 125.3206.

Sec. 74-600. - Fence regulations.

- (a) *General requirement.* It shall be unlawful for any person, firm, or corporation to construct or cause to be constructed any fence on any property in the Township except in accordance with these regulations.
- (b) *Permit requirements.* Any person, firm, or corporation desiring to construct or cause to be constructed a fence that is subject to these regulations shall first obtain a fence permit from the Zoning Officer. The application for a fence permit shall contain all information, including drawings, that is necessary to determine compliance with these regulations. A permit shall not be required for a fence that is to be constructed for the purpose of enclosing farmland.
- (c) *Fee.* The fee for a fence permit shall be established, and may be amended, by resolution of the Township Board. The fee shall be paid to the Township Treasurer at the time of application for the permit.
- (d) *Location of fences.* All fences shall be located entirely on the property of the owner of the fence. Owners of adjoining property may jointly apply for a fence permit for the purpose of constructing a fence on the common property line.
- (e) *Height regulations.*
 - (1) Fences located on residential lots shall comply with the following regulations:

- a. Fences located in a required front yard or in any other required yard that abuts a public or private street shall not exceed four feet in height.
 - b. Fences located in a required side or rear yard that does not abut a public or private street shall not exceed a height of six feet.
- (2) Fences on a lot in a business district and located in any required yard, shall not exceed six feet in height.
- (3) Fences on a lot in an industrial district and located in any required yard shall not exceed a height of 12 feet.
- (4) Fences enclosing farmland shall be exempt from the regulations of this subsection.
- (5) Fences on a lot in any zoning district that are not located in any required yard of that lot shall not exceed the height limit for structures in the district in which located.
- (6) In determining the height of the fence that separates two adjoining lots and that is located within two feet of a common lot line, the maximum permitted height at any point shall be measured from the highest grade at that point within two feet on either side of the common lot line.
- (7) The height regulations in this section may be modified or waived for a fence on a common property line by written agreement between the fee simple owners of the adjoining lots. The agreement shall specify the location and height of the fence. The agreement shall be signed by such owners and shall be filed with the Zoning Officer before a permit may be issued.
- (f) *Vision clearance.* All fences shall comply with section 74-8, Visibility at intersections. A fence that is located at the intersection of a driveway and a public sidewalk, or a sidewalk along a private street, shall not obstruct vision between the driveway and sidewalk.
- (g) *Safety regulations.*
 - (1) No spikes, nails, barbed wire, or other pointed objects or sharp protrusions shall be placed on, attached to, or permitted to remain on, any fence below a height of ten feet, except in the case of fences that enclose farmland, in which case barbed wire may be permitted at any height of the fence.
 - (2) Fences shall not contain any electric charge or current, except fences that enclose farmland, in which case electric fence wires shall be permitted, provided such wires are attached to the inside face of the fence posts. All electric fences shall be of a type and make approved by Underwriters Laboratories.
- (h) *Retaining walls.* A retaining wall shall be regulated as a fence if the wall projects more than 18 inches above the ground being retained.
- (i) *Temporary construction fences.* Temporary construction fences, and fences required for protection around excavations, shall comply with the State Construction Code. Such fences shall be removed promptly after one year from the date of the fence permit, unless a time extension is approved by the Board of Appeals.
- (j) *Public utility fences.* Fences that enclose public utility installations shall not be located in any required yard, where the lot is located in a residential district. Such fences may be located in any required yard where the lot is located in any other zoning district. Such fences shall comply with all other regulations of this section.
- (k) *Maintenance.* Fences shall be maintained so as not to endanger life or property. Any fence which, through lack of repair, type of construction, or other condition that endangers life or property, is a nuisance. If an unsafe fence exists, the Zoning Officer shall serve written notice to the owner, agent, or person in control of the property on which the fence is located. The notice shall describe the unsafe condition, shall specify the repairs or changes required to make the fence safe, or shall require an unsafe fence or part thereof to be removed. The notice shall provide a time limit for such repairs, changes, or removal to be made.

- (l) *Fences in special districts.* Fences located on a lot in a PUD, RRA, OP, or other special zoning district shall be exempt from the regulations of this section, but shall be regulated as provided in the approved petition for that lot.

(Comp. Ords. 1990, § 130.1122; Ord. No. 1-89, 4-17-1989)

Sec. 74-601. - Site condominium review.

- (a) *Approval required.* Pursuant to authority conferred by section 141 of the Condominium Act (MCL 559.241), preliminary and final site plans for all site condominiums shall be approved by the Planning Commission.
- (b) *General requirements.*
 - (1) No permits for erosion control, building construction, grading, or installation of water or sanitary sewerage facilities shall be issued for property in a site condominium development until a final site plan therefor has been approved by the Planning Commission and is in effect. However, the Planning Commission may, at its discretion, and with appropriate conditions attached, authorize the Building Inspector to issue permits for grading and foundation work on the basis of the approved preliminary site plan. This requirement shall include contractible, conversion, and expandable site condominiums.
 - (2) If a building, structure, or use to be placed on a condominium lot requires site plan approval under section 74-172, a site plan for that building, structure, or use shall be approved in accordance with article II, division 4 of this chapter, before a certificate of zoning compliance may be issued.
 - (3) The Planning Commission shall have the authority to review and approve or deny preliminary and final site plans for site condominiums.
 - (4) Preliminary and final site plans shall be submitted, reviewed, and approved or denied in accordance with article II, division 4 of this chapter; provided however, that preliminary and final site plans shall not be combined for site condominiums. A dimensionally stable copy of the as-built drawings shall be submitted to the Township Clerk and a second dimensionally stable copy shall be recorded with the County Register of Deeds.
 - (5) Each condominium unit shall be located within a zoning district that permits the proposed use.
 - (6) For the purposes of this section, each condominium unit shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which it is located. In the case of a site condominium containing single-family detached dwelling units, not more than one dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use, except in a PUD district. Required yards shall be measured from the boundaries of a condominium lot. Lot coverage and floor area ratio shall be calculated using the land area of the condominium lot.
 - (7) Each condominium unit shall be connected to the Township's water and sanitary sewer facilities, where available, or shall have a well, septic tank, and drainfield approved by the County Health Department, where Township water and sanitary sewer services are not available. The well, septic tank, and drainfield serving a condominium lot shall be located within that lot, as described in the master deed, except in a special district, in which case this requirement may be waived by the Township Board as a part of its approval of the PUD district rezoning petition.
 - (8) Relocation of boundaries between adjoining condominium lots, if permitted in the condominium documents, as provided in section 48 of the Condominium Act (MCL 559.148), shall comply with all regulations of the zoning district in which they are located and shall be approved by the Zoning Officer. These requirements shall be made a part of the bylaws and recorded as part of the master deed.

- (9) Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents, as provided in section 49 of the Condominium Act (MCL 559.149), shall comply with all regulations of the zoning district in which it is located and shall be approved by the Zoning Officer. These requirements shall be made a part of the condominium bylaws and recorded as part of the master deed.
 - (10) All information required by this chapter shall be updated and furnished to the Zoning Officer until applicable certificates of zoning compliance have been issued, as provided in section 74-54.
- (c) *Preliminary site plan requirements.*
- (1) A preliminary site plan shall be filed for approval at the time the notice of proposed action is filed with the Township.
 - (2) The preliminary site plan shall include all land that the developer intends to include in the site condominium project.
 - (3) The preliminary site plan shall include all information required in section 74-173(b) except that, in the case of a development that consists only of condominium lots and not buildings or other structures at the time of plan review, the location and dimensions of the condominium lots rather than individual buildings or other structures, and required yards shall be shown on the preliminary site plan.
- (d) *Final site plan requirements.*
- (1) A final site plan shall be filed for review for each phase of development shown on the approved preliminary site plan.
 - (2) A final site plan for any phase of development shall not be filed for review by the Planning Commission unless a preliminary site plan has been approved by the Planning Commission and is in effect.
 - (3) A final site plan shall include all information required by section 66 of the Condominium Act (MCL 559.166), the Condominium Subdivision Plan, and the master deed and bylaws. The final site plan shall also include all information required in 74-174(b), except that, in the case of a development that consists only of condominium units rather than buildings or other structures at the time of plan review, the location and dimensions of the condominium units, rather than individual buildings or other structures, and required yards shall be shown on the final site plan.
 - (4) The applicant shall provide proof of approvals by all County and State agencies having jurisdiction over improvements in the site condominium development, including, but not limited to, the County Road Commission, County Drain Commissioner, County Health Department, and the State Department of Environmental Quality. The Planning Commission shall not approve a final site plan until each County or State agency having such jurisdiction has approved that portion of the final site plan that is subject to its jurisdiction.
- (e) *Revision of condominium subdivision plan.* If the condominium subdivision plan is revised, the final site plan shall be revised accordingly and submitted for review and approval or denial by the Planning Commission before any building permit may be issued, where such permit is required.
- (f) *Amendment of master deed or bylaws.* Any amendment to a master deed or bylaws that affects the approved preliminary or final site plan, or any conditions of approval of a preliminary or final site plan, shall be reviewed and approved by the Planning Commission before any building permit may be issued, where such permit is required. The Planning Commission may require its review of an amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the approved site plan.
- (g) *Relation to subdivision ordinance.* The provisions of divisions 3 and 4 of chapter 58, subdivisions and land division, shall apply to site condominiums and are incorporated herein by reference. In applying the design and development standards of division 3 and the improvement requirements of division 4 of chapter 58, the standards and requirements that are intended to apply to lots in a subdivision shall

apply instead to condominium lots. Nothing in this section shall be construed as requiring a site condominium to obtain plat approval under chapter 58 or the Land Division Act (MCL 560.101 et seq.).

- (h) *Development agreement.* The Planning Commission may require, as a condition of approval, that the applicant enter into a development agreement with the Planning Commission and the Township, incorporating therein the terms and conditions of final site plan approval, and record the same in the County Office of the Register of Deeds.
- (i) *Application for building permit.* Any application for a building permit for construction to be located in a general common element shall include written authorization for the application by the condominium association.
- (j) *Monuments and lot irons.*
 - (1) Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.
 - (2) The Township Engineer may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one year, on condition that the developer deposit with the Township Clerk cash, a certified check, or an irrevocable bank letter of credit running to the Township, whichever the developer selects, in an amount as determined from time to time by resolution of the Township Board. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State that the monuments and irons have been set as required, within the time specified. If the developer defaults, the Township Board shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not to exceed the amount of the security deposit.
- (k) *Road rights-of-way; easements.* Road rights-of-way shall be described separately from individual condominium lots, and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. The right-of-way shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing of public utilities. The developer shall dedicate easements to the Township for all public water and sanitary sewer lines and appurtenances.
- (l) *Improvements.* All improvements in a site condominium shall comply with the design specifications as adopted by the Township Board and any amendments thereto.
- (m) *Private streets.* Any private street in a site condominium shall comply with chapter 50, article II, private roads.

(Comp. Ords. 1990, § 130.1123; Ord. No. 8-89, 8-21-1989)

Sec. 74-602. - Bed and breakfast operations.

- (a) A bed and breakfast operation shall be permitted only in a single-family detached dwelling unit that is the principal dwelling unit on the property. A dwelling unit containing a bed and breakfast operation shall be the principal residence of the operator, and the operator shall live in the principal dwelling unit during the time the bed and breakfast operation is active.
- (b) A dwelling unit containing a bed and breakfast operation shall comply with State regulations for bed and breakfast operations, and applicable fire safety regulations, and shall be regularly maintained so as to remain in compliance with all applicable codes and regulations. The applicant for a bed and breakfast conditional use permit shall provide written evidence of inspection and compliance with applicable codes and regulations to the Township before a certificate of occupancy is granted.
- (c) A dwelling to be used for a bed and breakfast operation shall have a minimum floor area of 2,000 square feet, excluding basement and garage floor areas. Each sleeping room shall have a minimum floor area of 144 square feet and shall not have more than two occupants. Not more than six rooms shall be provided for bed and breakfast operations in one single-family detached dwelling. If the applicant cannot comply with off-street parking, as required by subsection (m) of this section, and the

other provisions of this chapter, the number of rooms for bed and breakfast operations shall be reduced to that number which is served by off-street parking. The Planning Commission may reduce the number of rooms under this subsection if it determines that the use of the site for off-street parking to meet the requirements of the section would adversely affect the residential character of the site within the particular zoning district.

- (d) Lavatories, toilets, and bathing facilities shall be available within the principal structure to all persons using the bed and breakfast operation in that structure. One bathroom, containing a lavatory, toilet, and a bathtub or shower shall be provided for each two sleeping rooms. Each such bathroom shall be physically separated from the living quarters of the resident family. Bathrooms required under this subsection for guests shall be in addition to the facilities utilized by the resident family. Sharing of bathrooms between guests and the resident family shall not be permitted.
- (e) A single-family detached dwelling unit that contains a bed and breakfast operation shall not have, or be converted to, more rental rooms than the number of bedrooms that existed on the date of adoption of this amendment. Any addition to a dwelling for the purpose of increasing the number of bed and breakfast rooms shall be prohibited. For purpose of application of this subsection, bedrooms shall include rooms used on a regular basis for sleeping by the inhabitants prior to the conversion of the single-family detached dwelling to bed and breakfast operations, such rooms which have dual purposes as bedrooms are sometimes known or used as dens/bedrooms, studies/bedrooms, libraries/bedrooms.
- (f) No kitchen or other food preparation area or facilities shall be provided in or available to the rooms in a bed and breakfast operation. Cooking facilities in a dwelling containing a bed and breakfast operation shall be limited to the residential kitchen.
- (g) No meals or food service shall be provided to a guest except the following: breakfast, snacks, coffee and tea service.
- (h) Service of alcoholic beverages in a bed and breakfast operation shall be prohibited.
- (i) One sign, not more than three square feet in area, shall be permitted for each bed and breakfast operation. The sign shall be wall mounted and shall meet all applicable regulations of article IX of this chapter.
- (j) A single-family detached dwelling unit containing a bed and breakfast operation shall have no outside appearance of the presence of the operations, except the sign permitted in this section.
- (k) Bed and breakfast facilities shall not be used for receptions, weddings and similar celebrations and parties.
- (l) The maximum length of stay for any occupant of a bed and breakfast operation shall be 14 days in any period of 90 consecutive days.
- (m) One off-street parking space shall be provided for each bedroom in a bed and breakfast operation. Parking spaces for bed and breakfast registrants shall be in addition to spaces required for the dwelling unit and shall comply with regulations of article VIII of this chapter.
- (n) A property survey, drawn to scale, with dimensions, and showing property lines and all structures and other improvements shall be submitted with the application for a conditional use permit. If the proposed use involves changes to the site outside the building, the Planning Commission may require that the applicant submit a final site plan, as required in article II, division 4 of this chapter or portions of a final site plan that are applicable to the proposed changes and be reviewed and approved by the Planning Commission before the conditional use permit may be issued.
- (o) An approved conditional use permit for a bed and breakfast operation shall not become effective, and a bed and breakfast operation shall not be opened for business, until all licenses required therefor have been issued.

(Comp. Ords. 1990, § 130.1124)

Sec. 74-603. - Child care facilities.

- (a) A group day care home or child care center shall be appropriately licensed by the State agency having jurisdiction.
- (b) A child care center shall not be located within 1,500 feet from any of the following:
 - (1) Another licensed group day care home.
 - (2) Another adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act (MCL 400.701 et seq.).
 - (3) A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under article 6 of the Public Health Code (MCL 333.6101 et seq.).
 - (4) A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the State Department of Corrections.
- (c) All outdoor play areas shall be enclosed by a fence not less than four feet nor more than six feet in height and capable of containing the children within the play area.
- (d) Signs are permitted as regulated in article IX of this chapter.
- (e) Off-street parking shall be provided for employees. Parking for dropoff and pickup of children shall also be provided.
- (f) The group day care home or child care center shall be inspected for compliance prior to the issuance of a certificate of occupancy.
- (g) A group day care home shall not require the modification of the exterior of the dwelling nor the locations of playground equipment in the front yard.
- (h) The Planning Commission may establish additional conditions if necessary.

(Comp. Ords. 1990, § 130.1125)

State Law reference— Restrictions of zoning of day care facilities, MCL 125.3206.

Sec. 74-604. - Wind energy conversion systems.

- (a) *Intent.* It is the intent of the Township to permit the effective and efficient use of wind energy conversion systems (WECS) by regulating the siting, design, and installation of such systems to protect the public health, safety, and welfare, and to ensure compatibility of land uses in the vicinity of WECS. This section does not establish or guarantee air or light or wind rights or establish access to the air, light, or wind.
- (b) *Approval required.* It shall be unlawful to construct, erect, install, alter, or locate any TMT or WECS within the Township except in compliance with the section. A building permit is required for any TMT or WECS pursuant to Chapter 14 and this section.
- (c) *Conditional use, on-site.* On-site WECS or TMT shall be considered a conditional use in all zoning districts and shall be subject to the provisions of this Section and Chapter 74, Article II, Division 3, Conditional Use Permits. Applications for an on-site WECS shall meet all of the requirements for a conditional use permit application in accordance with section 74-133, except that a complete site plan shall only be required in the circumstances described in subsection (h) below. Submittal requirements for an on-site WECS are established in subsection 74-604 h).
- (d) *Conditional use, commercial.* Commercial WECS and TMT shall be considered a conditional use in the following districts and shall be subject to the provisions of this Section and Chapter 74, Article II, Division 3, Conditional Use Permits: R-C, A-1, O, OP, R-D, I-1, PL, RRA. Applications for a commercial

WECS or TWM shall require a complete conditional use permit application in accordance with section 74-133, including a complete site plan in accordance with Article II, Division 4 of this chapter.

- (e) *Planned unit development.* If an applicant proposes a WECS or TMT in an initial application for a planned unit development under section 74-542, this section (together with section 74-542) shall apply to the proposal, except that the applicant need not apply for a conditional use permit. If an applicant proposes a WECS or TMT in a PUD district after approval of the final site plan for the PUD (or, in the case of a PUD developed in phases, after approval of the final site plan for the phase in which the WECS or TMT will be located), this section (including the requirement of a conditional use permit) will apply to the proposal; however, the applicant need not comply with section 74-542(i) (governing amendment to approved area plans and approved site plans in PUD districts).
- (f) *Schedule of uses.* The following chart displays the schedule of use regulations pertaining to WECS within the zoning districts of Ann Arbor Township. A blank box indicates that the use is not permitted in that district.

	On-site WECS or TMT	Commercial WECS or TMT
R-C	C	C
A-1	C	C
A-R	C	
R-1	C	
R-1A	C	
R-2	C	
R-3A	C	
R-3	C	
R-4	C	
R-5	C	
R-6	C	
R-7	C	
R-8	C	
R-9	C	

O	C	C
R-D	C	C
I-1	C	C
PL	C	C
OP	C	C
OSPRD	C	
OSPC	C	
RRA	C	C
APRD	C	

- (g) *Application.* The application for any WECS or temporary meteorological tower shall include, at a minimum, the following:
- (1) *Applicant Information; Fees.* Name, address and contact information, together with the fee established by the Township Board.
 - (2) *Project description.* A general description of the proposed project as well as a legal description (property identification number) of the property on which the project would be located.
 - (3) *Plot plan and documentation.* The plot plan shall include maps showing the physical features and land uses of the project area, both before and after construction of the proposed project. The plot plan shall include:
 - a. The project area boundaries.
 - b. The location, height and dimensions of all existing and proposed structures and fencing.
 - c. Distance of proposed structure from all property lines and permanent structures.
 - d. The location, grades and dimensions of all temporary and permanent on-site access roads.
 - e. Existing topography.
 - f. Water bodies, waterways, wetlands, and drainage ditches (county drains).
 - g. All new infrastructure above ground related to the project.
 - h. The location of all overhead utility wires.
 - (4) *Additional documentation.*
 - a. *Insurance:* Proof of the applicant's appropriate liability insurance.

- b. *Sound pressure level:* Documentation of the manufacturers designed sound pressure levels (decibels) for unit to be installed.
 - c. *Certifications:* Certification that applicant has complied or will comply with all applicable state and federal laws and regulations.
 - d. *Grant of authority:* The applicant shall provide evidence of ownership of the land which the WECS or temporary meteorological tower is to be located and the written consent of the land owner if different from the applicant. If the applicant is leasing land the applicant shall provide a copy of the lease agreement and the land owner's written authorization for the applicant to construct the structure.
- (5) *Compliance with laws and regulations.* The applicant, operator of the WECS or TMT, and owner of the land on which the WECS or TMT is located are each responsible for ensuring that the installation, operation, use and removal of the WECS or TMT complies with all applicable state, federal and local laws, ordinances and regulations, and shall submit proof of such compliance to the township upon request. Further, such applicant, operator and owner shall each defend, indemnify and hold harmless the Township from and against any and all loss, liability, cost or expense including injury to persons or property as a result of any failure of the WECS or TMT to comply with applicable laws, ordinances or regulations. Notwithstanding the foregoing, the Township shall have full authority, at its option, to defend, compromise, or settle any claim of violation of applicable laws, ordinances or regulations at the expense of the applicant, owner or operator.
- (h) *Application—On-site WECS conditional use.* The application for an on-site WECS or temporary meteorological tower when permitted as a conditional use shall, in addition to the information required above, meet all of the requirements for a conditional use permit application, except that a complete site plan shall not be required unless (i) the proposed WECS or TMT involves changes to the site outside the footprint of the WECS or TMT, or (ii) the Planning Commission finds that the scale or character of the project or other factors, including the nature of the surrounding area warrant a complete site plan. If a complete site plan is not required by the Planning Commission, the applicant shall submit the information described in (g)(3) above or such other information as the Planning Commission may determine.
- (i) *Application—Commercial WECS conditional use.* The application for a commercial WECS shall meet all of the requirements for a conditional use permit application and shall include a complete site plan in accordance with Article II, Division 4 of this chapter.
- (j) *Standards and requirements.* All on-site WECS, commercial WECS and temporary meteorological towers shall meet the standards and findings of 74-136 and the following additional standards and requirements:
- (1) *Property setbacks.*
 - a. The distance between a WECS or TMT and the nearest property line shall be at least the 1.5 times the height of the WECS or TMT.
 - b. No part of the WECS or TMT structure, including guy wire anchors, may extend closer than ten feet to the owner's property line.
 - (2) *Height.* On-site and commercial WECS and TMT shall be less than 200 feet in height. Height shall be measured from the existing grade to the tip of the turbine blade at its highest point for a horizontal axis turbine, and to the highest point of a vertical axis turbine. Height for on-site WECS mounted to a structure shall also be measured from grade to the tip of the turbine blade at its highest point for a horizontal axis turbine, and to the highest point of a vertical axis turbine. The applicant shall demonstrate compliance with all FAA regulations and the Michigan Tall Structures Act as part of the approval process, if applicable.
 - (3) *Other Required Setbacks.*
 - a. The distance between a WECS or temporary meteorological tower and a road or a public right-of-way shall be at least 1.5 times the height of the WECS or TMT.

- b. Distance between. The distance between a WECS and any other on-site or commercial WECS shall be at least three times the height of the taller of the two WECS.
- (4) *Noise; sound pressure level.*
- a. Audible noise or the sound pressure level of an on-site WESC or commercial WECS shall not exceed 50 dB(A) (A-weighted decibels) at the property line closest to the WECS. For commercial WECS, modeling and analysis of sound pressure shall be required in accordance with subsection 74-604(p)(8) below.
 - b. This sound pressure level shall not be exceeded by more than five dB(A) for more than three minutes in any hour of the day.
- (5) *Lighting.* No WECS or TMT shall be artificially lighted.
- (k) *Construction codes, towers and interconnections standards:*
- (1) Every WECS and TMT shall comply with all applicable State construction codes and local building permit requirements.
 - (2) Every WECS and TMT shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (PA 23 of 1950), The Michigan Tall Structures Act (PA 259 of 1959), and any other applicable State or Federal laws or regulations.
 - (3) An on-site WECS or Commercial WECS that is tied to the electrical grid shall comply with Michigan Public Service Commission and utility interconnection requirements. Off-grid WECS are exempt from this requirement.
- (l) *Safety:*
- (1) *Design safety certification.* The safety of the design of every WECS or TMT shall be certified by the applicant's professional engineer registered in the State of Michigan and reviewed by the Township. The standard for certification shall be included with the permit application. If WECS or TMT construction is approved, the professional engineer shall certify that the construction and installation of the WECS or TMT meets or exceeds the manufacturer's construction and installation standards, and any applicable State and Federal laws and regulations prior to operation.
 - (2) *Controls and brakes.* Every WECS or TMT shall be equipped with manual and automatic controls to limit rotation of blades to a speed not to exceed the designed limits of the WECS or TMT. The applicant's professional engineer must certify that the rotor and overspeed control design and fabrication conform to applicable design standards. No changes or alterations from certified design shall be permitted unless accompanied by a professional engineer's statement of certification approved by the Township.
 - (3) *Lightning.* Every WECS or TMT shall have lightning protection.
 - (4) *Guy wires.* If an on-site WECS or TMT is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors. Every commercial WECS must be of a freestanding monopole design and guy wires shall not be used.
 - (5) *Grade clearance.* The minimum vertical blade tip clearance from grade shall be 25 feet for any horizontal-axis WECS or from any moving component of a vertical-axis wind energy conversion system.
 - (6) *Electromagnetic interference.* No WECS or TMT shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems or emergency broadcast system would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system. Such replacement signal shall be subject to Township approval. No WECS or TMT shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system

is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.

- (7) *Color.* Towers and blades shall be painted a non-reflective neutral color designated on the application and approved by the Township or as otherwise required by law.
 - (8) *Climb Prevention.* Every WECS or TMT must be protected by anti-climbing devices 12 feet from base of pole.
- (m) *Removal of abandoned on-site WECS or temporary meteorological towers.* In the event an on-site WECS or temporary meteorological tower is abandoned or unused for a period of 180 days, or if a WECS or temporary meteorological tower is damaged, the owner of the tower or the land shall promptly remove the tower and all related equipment. Failure to remove the tower and related equipment in accordance with the foregoing shall subject the tower owner and land owner to fines established by the Township Board. In addition, by accepting a permit for the on-site WECS or TMT, the applicant and land owner agree that in the event the tower and equipment is not removed as required, after 30 days notice from the Township, the Township may undertake such removal and bill the costs to the applicant and land owner plus an administrative fee of 15 percent which if not paid within 30 days shall be assessed against the land on which the tower and equipment is located and collected in the same manner as delinquent taxes.
- (n) *Additional requirements for commercial WECS.* The following standards and requirement shall apply to every commercial WECS:
- (1) *Warnings.* A visible warning sign of High Voltage shall be placed at the base of every Commercial WECS. The sign must have at least six (6") inch letters with $\frac{3}{4}$ -inch stroke. Such signs shall be located a maximum of three hundred (300) feet apart and at all points of site ingress and egress.
 - (2) *Signage.* In addition to warning signs and signs required by law, every Commercial WECS shall be equipped with a sign containing owner identification and contact information. No advertising is permitted.
 - (3) *Liability Insurance.* The owner or operator of a Commercial WECS shall maintain a current commercial liability and property damage insurance policy with coverage limits acceptable to the Township pertaining to installation and operation of the Commercial WECS. The amount and terms of the policy shall be established as a condition of conditional use permit approval. The Township and land owner shall be named as additional insured. Certificates of insurance shall be provided to the Township annually.
 - (4) *Security.* The application shall include a description of security to be posted at the time of receiving a building permit for the WECS to ensure removal of the WECS when it has been abandoned or is no longer needed, as provided in subsection 10 below. The security shall be the form of: (i) cash; (ii) letter of credit; or, (iii) an escrow agreement, in an amount approved by the Township engineer and in a form approved by the Township Attorney providing for timely removal of the Commercial WECS as required under this Section, and payment of any costs and attorney fees incurred by the Township in connection with such removal.
 - (5) *Visual Appearance; Powerlines.* The design of the WECS buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend WECS components with the natural setting and existing environment. The electrical collection system shall be placed underground within the interior of each parcel at a depth designed to accommodate any existing land use to the maximum extent practicable. The collection system may be placed overhead adjacent to public roadways, at points of interconnection to the electric grid or in other areas as necessary.
 - (6) *Threatened and Endangered Species.* The applicant shall submit an endangered and threatened species survey conducted by a qualified professional, such as an ecologist or zoologist, describing the potential impact of the WECS on any species listed as threatened or endangered by the federal government or the state of Michigan, including but not limited to migratory birds or bats. Permits shall not be issued unless the study determines that there shall be no negative

effect on such species. Alternatively, the applicant may submit an endangered species permit from the State of Michigan to fulfill this requirement.

- (7) Annual Inspection; Maintenance. The WECS and surrounding area shall be maintained in accordance with industry standards including painting and landscaping. Every Commercial WECS must be inspected annually by an authorized factory representative or professional engineer to certify that the WECS is in good working condition and is not a hazard to persons or property. Certification records shall be submitted annually to the Township.
- (8) Sound Pressure Level. As part of the application and prior to installation of any Commercial WECS, the applicant shall provide modeling and analysis to Ann Arbor Township that will confirm that the Commercial WECS will not exceed the maximum permitted sound pressure levels. Modeling and analysis shall conform to IEC (International Electrotechnical Commission) 61400, which establishes structural and performance safety provisions for wind energy conversion systems, and ISO (International Organization for Standardization) 9613, which describes a method for calculating the attenuation of sound during propagation outdoors in order to predict the levels of environmental noise at a distance from a variety of sources. After installation of the Commercial WECS, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18, which provides an alternative method of measurement of sound pressure levels in the outdoor environment, considering the effects of the ground, the effects of refraction due to wind and temperature gradients, and the effects due to turbulence. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the local government within 60 days of the operation of the project.
- (9) Shadow Flicker. The applicant shall conduct a four-season analysis of potential shadow flicker. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from

sun-rise to sun-set over the course of a year. The analysis shall identify all areas where shadow flicker may affect occupants or users of the structures or properties. The analysis shall describe measures that will be taken to eliminate or mitigate adverse effects.
- (10) Removal. A commercial WECS shall be removed by the owner of the WECS or land when the commercial WECS has been abandoned or unused for 180 days ("non-use period"). For purposes of this section, the damage, destruction or removal of any part of WECS equipment, or the cessation of operations shall be considered as the beginning of a non-use period. The WECS owner or applicant shall notify the Township of the beginning of any non-use period or any removal of equipment. The end of the non-use period may be sooner than 180 days after commencement if the WECS or any portion of the facility becomes a nuisance or is dangerous to the public health, safety and welfare.
 - a. At the end of the non-use period, the owner of the WECS or the land shall immediately apply for and obtain any applicable demolition or removal permit, and shall immediately proceed with and complete the demolition and removal of the WECS and restoration of the land to the condition existing prior to installation, to the extent reasonably feasible.
 - b. If the required demolition, removal and restoration of the WECS has not been lawfully completed within 60 days after the end of the non-use period, then after 15 days' prior written notice to the land owner and the WECS owner, the Township may remove or secure the removal of the WECS and related equipment and the Township's costs, expenses, attorneys fees and consultants fees, plus a 15-percent administrative charge may be drawn and collected from the security described in (4) above, and any costs and fees in excess of the amount of the security shall constitute a lien on the land on which the WECS is located and may be collected in the same manner as delinquent taxes.

(Ord. No. 3-2010, 2-15-2010)

Sec. 74-605. - Tree and woodland resource preservation.

- (a) *Introduction and purpose.* Trees and woodlands provide for a number of public benefits, including environmental, social, and aesthetic benefits. Uncontrolled development or tree removal could result in unnecessary removal of trees, woodlands and related natural resources. Therefore, it is the intent of this section to:
- (1) Encourage the preservation of trees and related natural resources of the Woodland ecosystem on undeveloped land and in connection with the development of land;
 - (2) Prohibit clear cutting of Woodland areas prior to or in anticipation of development without prior approval from the Planning Commission;
 - (3) Prohibit removal of protected trees or woodlands without a permit when required by this section;
 - (4) Provide for the protection, preservation, proper maintenance and use of trees and Woodlands to minimize damage from erosion and siltation, loss of wildlife and vegetation, and/or from the destruction of the natural habitat;
 - (5) Provide for the paramount public concern for these natural resources in the interest of the health, safety and general welfare of the residents of the Township, in keeping with article IV, section 52 of the Michigan Constitution of 1963 and the intent of the Michigan Natural Resources and Environmental Protection Act, PA 451 of 1994.
- (b) *Applicability.* This section shall apply to all land located in the Township, unless exempt pursuant to subsection (d) below, including parcels that are in the process of being annexed to the City of Ann Arbor until the date that such annexation is final and notice of such official annexation is provided to the Township by the State of Michigan.
- (c) *Prohibitions.*
- (1) Clear cutting of woodlands, including grubbing, on parcels covered by this section is prohibited without first obtaining a tree/woodland removal permit. Clear cutting as a long term forestry management practice for long term regrowth of the woodland and not prior to or in anticipation of development of land is allowed without a tree/woodland removal permit if consistent with a woodland stewardship plan described in subsection (m) below that has been reviewed, approved and is on file with the Township prior to the start of any forestry management practices or operations.
 - (2) Removal of protected trees or woodlands without a permit when required by subsection (g) below is prohibited.
- (d) *Exemptions.* Tree and Woodland removal associated with the following shall be exempt from the requirements of this section:
- (1) Parcels that are not subject to site plan review or subdivision plat review as defined in article II, and:
 - a. Are three acres or less.
 - b. Are greater than three acres, but where no more than 100 dbh inches of protected trees are removed within 12 months.
 - (2) Farming operations, as defined by the Right to Farm Act, which are lawfully existing and operating in accordance with Generally Accepted Agricultural Management Practices as adopted by the Michigan Department of Agriculture.
 - (3) Forestry operations conducted in compliance with a woodland stewardship plan that has been filed with the Township Building Official and has been reviewed and approved by the Township Environmental Consultant prior to the start of any forestry management practices or operations.

- (4) Installation, repair or maintenance of public utilities lawfully operating in the township in accordance with an operating permit or right-of-way permit issued by the township but only to the extent that such tree or woodland removal is necessary for protection of utility lines and the public health, safety and welfare.
 - (5) Work within an existing public road right-of-way or an existing private road easement but only to the extent necessary for safe access along such right of way or private road easement and to protect the public health, safety and welfare in accordance with an operating permit or right-of-way permit issued by the Township.
 - (6) Any trees which are demonstrated by the property owner to the satisfaction of the Township Building Official, in consultation with the Township Environmental Consultant, to have a health and condition standard factor of less than 50 percent based upon the standards established by the International Society of Arboriculture.
 - (7) Any tree that poses a safety hazard, whose removal will prevent injury or damage to persons or property, and provided that removal is accomplished through the use of accepted standard forestry practices.
- (e) *Authorization.* Under certain conditions defined in this section, a tree/woodland removal permit may be authorized by the Planning Commission to allow limited removal of tree/woodland resources, or construction, activity, use, or operations within a woodland area, if preservation techniques described in this section have been applied to the greatest extent practical, and tree and/or woodland removal is found by the Planning Commission to be unavoidable.
- (f) *Filing of application; fee; amendment.* Application for proposed tree/woodland removal permit shall be made by filing an application form and required fee with the Township Clerk. The fees shall be set by resolution of the Township Board. In addition, when this section requires or permits review, approval and filing of a woodland stewardship plan, the plan shall be filed with the Township Clerk on an application form provided by the Township and the required fee. The fee for review of the woodland stewardship plan shall be set by resolution of the Township Board. Any request for amendment to a tree/woodland removal permit shall be made by filing an application form with the Township and the required fee. The fee for amendment to a tree/woodland removal permit shall be set by the Township Board. Any amendment to a tree/woodland removal permit shall be processed in the same manner as the initial permit, and the amendment request and the amended plan submittals shall highlight the proposed changes, including any additional tree/woodland removal proposed, the reasons for such changes, and any additional mitigation proposed, unless otherwise required by the Township environmental consultant in consultation with the Planning Commission due to the nature of the proposed amendment.
- (g) *Application procedure for tree/woodland removal permit.* The provisions of this section shall apply to all parcels in the Township that (1) require site plan review or subdivision plat review as defined in Article II, or (2) are greater than three acres in area (unless exempted in (c) or (d)(1)(b) above). The procedure for review and approval of a tree/woodland removal permit is as follows:
- (1) *When site plan or subdivision plat review is required.* If protected trees or woodlands are proposed for removal as part of a development proposal, the following are required as a component of the preliminary site plan submission pursuant to section 74-175, or the preliminary plat, tentative approval pursuant to section 58-72.
 - a. A Tree/woodland survey.
 - b. A tree replacement plan (see tree replacement options section 74-605 (n)).The planning commission shall review the tree/woodland survey, any tree replacement plan, and all information required by this section and the site plan or plat review sections, as applicable. The planning commission shall approve, approve with conditions or deny the applicant's tree/woodland removal permit in accordance with the standards set forth in this section and the site plan or plat review sections, as applicable.

- (2) *When site plan or subdivision plat review is not required.* If protected trees or woodlands are proposed for removal and are *not* part of a development proposal, the Planning Commission shall conduct a review of permit applications in the following situations:
- a. For parcels that are greater than three acres in area, when more than 100 DBH inches of protected trees are to be removed within 12 months (unless exempt pursuant to (c) or (d)(1)(b) above).
 - b. The Planning Commission may require a tree/woodland survey in circumstances where the Commission determines that it would be helpful in understanding the number and/or sizes of trees proposed for removal. At a minimum, a plot plan, as defined in subsection 74-605(l) of this section, shall be submitted that provides the location, size and type of all protected trees and/or woodlands to be removed as well as a tree replacement plan and tree protection method where necessary.

The Planning Commission, in consultation with any appropriate consultants if needed, shall approve or deny the applicant's tree/woodland removal permit in accordance with the standards set forth in this section.

- (h) *Review criteria.* In determining whether the proposed disturbance or removal of trees and/or woodlands is limited to the minimum necessary to allow a reasonable use of the land, the Planning Commission shall apply the following criteria:
- (1) The importance and overall value of the trees/woodlands on the site. In general, the importance of trees/woodlands increases with rarity, size, and age.
 - (2) The existence of overlapping natural features such as wetlands, 100-year flood plains, woodlands, landmark trees, steep slopes or endangered species in one area. Overlapping natural features increase the importance and overall value for preservation of the area.
 - (3) The impact of the proposed disturbance on the integrity of ecological systems or the continuity between natural features. Wherever possible, ecological systems and continuity between natural features should be preserved.
 - (4) The amount of disturbance in relation to the scale of the proposed development.
 - (5) The adequacy of the tree replacement plan or other mitigation plan.
 - (6) The justification for forestry management practices, the benefits of the proposed disturbance and proposed coordination with the recommendations in the woodland stewardship plan.
- (i) *Invasive trees.* The following species are considered invasive and shall not be considered a protected tree under this section.

Common Name	Botanical Name
Alder (Black)	<i>Alnus glutinosa</i>
Buckthorn	<i>Rhamnus utilis</i>
Buckthorn(Common European)	<i>Rhamnus cathartica</i>
Buckthorn(Glossy, Tallhedge)	<i>Rhamnus frangula</i>
Elm (Siberian)	<i>Ulmus pumila</i>

Horse Chestnut	<i>Aesculus hippocastanum</i>
Locust (Black)	<i>Robinia pseudoacacia</i>
Locust (Bristly)	<i>Robinia hispida</i>
Locust (Clammy)	<i>Robinia viscosa</i>
Maple (Amur)	<i>Acer ginnala</i>
Maple (Norway)	<i>Acer platanoides</i>
Mulberry (Russian, White)	<i>Morus alba</i>
Olive (Autumn)	<i>Elaeagnus umbellata</i>
Olive (Russian)	<i>Elaeagnus angustifolia</i>
Poplar (Lombardy)	<i>Populus nigra var. italica</i>
Poplar (Silver, White)	<i>Populus alba</i>
Spindle Tree	<i>Euonymus europea</i>
Tree of Heaven	<i>Ailanthus altissima</i>
Willow (Crack)	<i>Salix fragilis</i>
Willow (Gray)	<i>Salix cinerea</i>
Willow (Laurel/Bayleaved)	<i>Salix pentandra</i>
Willow (White)	<i>Salix alba</i>

- (j) *Landmark trees*. The following species that meet the minimum size (DBH) requirement are considered landmark trees.

Common Name	Botanical Name	Landmark Tree Size (DBH)
Any healthy tree with a DBH 24" or greater, (except invasive species), or a healthy tree of the species described below with the minimum DBH listed.		
Ash	<i>Fraxinus</i>	18"
Basswood	<i>Tilia</i>	18"
Beech, American	<i>Fagus grandifolia</i>	18"
Black Cherry	<i>Prunus serotina</i>	18"
Black Walnut	<i>Juglans nigra</i>	18"
Buckeye, Ohio	<i>Aesculus glabra</i>	18"
Douglas Fir	<i>Pseudotsuga menziesii</i>	18"
Elm	<i>Ulmus</i>	18"
Fir	<i>Abies</i>	18"
Kentucky Coffeetree	<i>Gymnocladus dioicus</i>	18"
London Planetree/American Sycamore	<i>Platanus</i>	18"
Maple (Silver)	<i>Acer saccharinum</i>	18"
Pine (All species)	<i>Pinus</i>	18"
Spruce	<i>Picea</i>	18"
Tulip Poplar	<i>Liriodendron tulipifera</i>	18"
Hickory	<i>Carya</i>	16"
Honey Locust	<i>Gleditsia tricanthos</i>	16"

Maple (Red)	<i>Acer rubrum</i>	16"
Maple (Sugar)	<i>Acer saccharum</i>	16"
Oak (All species)	<i>Quercus</i>	16"
Arborvitae	<i>Thuja</i>	12"
Bald Cypress	<i>Taxodium distichum</i>	12"
Birch	<i>Betula</i>	12"
Black Tupelo	<i>Nyssa sylvatica</i>	12"
Cherry, Flowering	<i>Prunus spp.</i>	12"
Crabapple/Hawthorne	<i>Malus/crataegus</i>	12"
Dawn Redwood	<i>Metasequoia glyptostroiboides</i>	12"
Ginkgo	<i>Ginkgo</i>	12"
Hackberry	<i>Celtis occidentalis</i>	12"
Hawthorn	<i>Crataegus</i>	12"
Hemlock	<i>Tsuga</i>	12"
Larch/Tamarack	<i>Larix</i>	12"
Magnolia	<i>Magnolia</i>	12"
Pear	<i>Pyrus spp.</i>	12"
Persimmon	<i>Diospyros virginiana</i>	12"
Poplar	<i>Populus except for p. deltoides, alba</i>	12"
Sassafras	<i>Sassafras albidum</i>	12"

Sweetgum	<i>Liquidamber styraciflua</i>	12"
Yellow Wood	<i>Cladrastis lutea</i>	12"
Blue-Beech/Hornbeam	<i>Carpinus caroliniana</i>	8"
Butternut	<i>Juglans cinera</i>	8"
Cedar of Lebanon	<i>Cedrus spp.</i>	8"
Chestnut	<i>Castanea</i>	8"
Dogwood, Flowering	<i>Cornus florida</i>	8"
Eastern Red Cedar	<i>Juniperus virginiana</i>	8"
Hop-Hornbeam/Ironwood	<i>Ostrya virginiana</i>	8"
Maple, Mountain/Striped	<i>Acer spicatum/pensylvanicum</i>	8"
Paw Paw	<i>Asimina triloba</i>	8"
Redbud	<i>Cercis canadensis</i>	8"
Serviceberry	<i>Amelanchier</i>	8"

(k) *Tree/woodland survey.* A Tree/woodland survey shall meet the following requirements:

- (1) *Plan requirements.* If a tree/woodland survey is required as part of the site plan or subdivision plat review process, then the scale of the survey shall be the same as the site plan or the subdivision plat. In any other case, a tree/woodland survey shall be a scaled drawing which shall not exceed 100 feet to the inch.
- (2) *Plan contents.* In all cases a tree/woodland survey shall show all protected trees and woodlands to be removed and to remain. (Note that the phrase "protected trees" includes "landmark trees.") The survey shall contain the following:
 - a. Location of all protected trees and woodlands accurately plotted;
 - b. Common and botanical names of all protected trees, their size in inches at their DBH, and a description of each tree's health
 - c. Ecological characterization report, prepared by a professional or professionals qualified in the areas of ecology, botany, wildlife biology or other relevant discipline that includes, at a minimum, the following information.

1. The plant species, plant communities/associations (paying particular attention to Michigan endangered, threatened, and special concern species) that the Woodland contains;
2. The wildlife use and habitat (paying particular attention to Michigan endangered, threatened, and special concern species) showing the species using the woodland, wildlife movement corridors, the times or seasons that the woodland is used by those species and the "functions" (meaning feeding, watering, cover, nesting, roosting, and/or perching) that the woodland provides for such wildlife species;
3. The boundary of wetlands that are located within, either partially or wholly, the woodland and a description of the vegetation and ecological functions provided by those wetlands;
4. The pattern, species, and location of native trees, native tree stands, and other native site vegetation including their relationship to adjacent areas;
5. The top of the bank or shoreline of any inland lake or stream located, either partially or wholly, within the woodland; and
6. The general ecological functions provided by the woodland and its features.
7. Other information necessary or advisable for a proper evaluation of the site and proposed tree removal.

If the proposed activity or proposed woodland impacts are minimal as determined by the Planning Commission, and as assisted by the Building Official, environmental consultant, or others, the Planning Commission may, in its discretion, waive the requirement for an ecological characterization Report.

- (3) *Tree tags.* All protected trees shall be numbered and non-corrosive tags bearing that number shall be attached to each respective tree.
 - (4) *Professional qualifications.* The tree/woodland survey must be sealed by a forester registered in the State of Michigan, an International Society of Arboriculture certified arborist, or a forester certified by the Society of American Forestry. The ecological characterization report that is part of the Tree/Woodland Survey must be signed by the ecologist, botanist, wildlife biologist or other, stating their qualifications to prepare such report.
 - (5) *Extent of survey.* In the case of large or heavily wooded parcels, plotting of protected trees that are more than 100 feet outside of the edge of the area to be disturbed may be waived by the Planning Commission at the request of the applicant and upon a recommendation by the Township environmental consultant.
- (l) *Plot plan.* When this section requires a plot plan, the plan shall include the following information:
- (1) Scale, date, and north directional arrow.
 - (2) Location map showing major intersections, and dimensioned diagram of the parcel.
 - (3) Dimensioned location, outline, and dimensions of all existing and proposed structures, and the location and extent of all uses not involving structures.
 - (4) Location, species, size, and condition of protected trees and woodlands to be removed.
 - (5) Additional information as required by the Planning Commission for the purposes of determining compliance with the provisions of this chapter.
- (m) *Woodland stewardship plan.* When a woodland stewardship plan is being proposed, it must be reviewed and approved by the Township environmental consultant prior to the start of any forestry management practices or operations. The plan shall meet the following requirements:
- (1) *Plan contents.* The contents of a woodland stewardship plan must comply with the requirements established by the State of Michigan's Forest Stewardship Program (FSP) including:

- a. Property identification and overview: Landowner and plan writer's names, addresses, phone numbers and signatures; acreage under the stewardship plan; date; landowners goals; location of site and directions to property; cover page with FSP logo, date, etc.; completed landowner assessment form; interaction with surrounding landscape.
 - b. Property maps and location information: General property description; forest type map; activity map; soils map, legend, and soils description.
 - c. Resource descriptions: Narrative description of management unit; stands described by cover type and acreage; major species; stand size class, density soil type, site quality; stand quality, including age, health, growth rate, volume, timber quality, threatened and endangered species database checked, habitat class information, cultural heritage data, stand history, wildlife habitat quality and uses, timber production potential, recreational opportunities, wetlands and water quality issues, and aesthetics.
 - d. Prescriptions/recommendations: Schedule of prescribed activities for the next ten years; stand/management unit specific goals statement; how prescriptions use the appropriate best management practices to minimize damage to the resources in each management unit; long-range silvicultural objectives for each stand or cover type clearly stated and related to landowners' goals.
- (2) *Professional qualifications.* All woodland stewardship plans must be prepared by a certified forester. Certified foresters are foresters registered with the State of Michigan or a conservation district forester.
 - (3) *Purpose.* The purpose of the woodland stewardship plan shall be for long term forest management and regrowth of the woodland and not prior to or in anticipation of development of the land.
 - (4) *Review and approval by State of Michigan Forest Stewardship Program (FSP).* Prior to filing the woodland stewardship plan with the Township, the applicant shall obtain and provide evidence of approval of the plan pursuant to the State of Michigan Forest Stewardship Program or its successor.
 - (5) *Compliance with Generally Accepted Forest Management Practices (GAFMP).* The woodland stewardship plan shall comply with GAFMP adopted by the Michigan Department of Natural Resources or its successor.
- (n) *Tree replacement options and requirements.* The tree replacement requirements herein can be met in part or in whole by the landscape requirements set forth in section 74-586, Landscaping and transition strips.
- (1) *Protected tree replacement.* For every one inch DBH of protected trees removed, one-half inch DBH of replacement trees shall be planted on the parcel, each of which replacement trees shall have a 2.0-inch minimum caliper for deciduous trees, or six feet in height for coniferous trees. To compensate for the disparity between DBH and caliper inch measurements, replacement trees using caliper measurements must be provided at 140 percent of the DBH removed. Replacement trees shall be species native to Michigan, and non-sterile varieties. If more than 20 replacement trees are required, a mixture of three more species must be used.
- EXAMPLE:*
- Trees to be removed in woodland area greater than three (3) acres = 200 DBH inches
- $(200 \text{ DBH} \times 140\%) \times .5 = 140 \text{ caliper inches of replacement trees}$
 $140 / 2.0 = 70 \text{ replacement trees at 2.0 caliper inch required}$
- (2) *Tree replacement and woodland stewardship plans.* If removal of protected trees is conducted in compliance with a woodland stewardship plan, then replacement trees are not required.
 - (3) *Tree replacement plan contents.*

- a. *Plan requirements.* If a tree replacement plan is required as part of the site plan review or subdivision plat review process as set forth in 74-605(g)(1), then the scale of the tree replacement plan shall be the same as either the site survey, the site plan, and/or the subdivision plat. If a tree replacement plan is required for other woodland or protected tree removal as set forth in 74-605(g)(2), the tree replacement plan, if required, shall be a scaled drawing and the scale shall not exceed 100 feet to the inch.
 - b. *Plan contents.* In all cases a tree replacement plan shall contain the following:
 1. Property boundaries, existing and proposed buildings and structures, pavement, overhead and underground utilities, and other permanent features of the property.
 2. Existing natural features such as edges of woodlands, protected trees to remain, wetlands, water courses and water features (ponds, lakes, etc.).
 3. Location, size, species (common and botanical names), and number of all proposed trees;
- (4) *Tree removal without permission.* If protected trees are removed without the required review and approval, or without filing any required woodland stewardship plan, then, in addition to sanctions for violation of this chapter, each one (1) inch DBH removed must be replaced with two DBH inches in replacement trees. Replacement trees shall meet the same minimum size, species, and diversity requirements as noted in (1) and (2) above. Plans showing the location, size, species, and other relevant information regarding tree mitigation and replacement as required by this subsection shall be submitted to the Township Building Official for review and approval, in consultation with the Township's Environmental Consultant if needed.
- (5) *Transplanting trees.* Where native woodland species are being displaced by development, smaller sized native trees transplanted from the disturbed area of the site may be used to fulfill tree replacement requirements. Transplanted trees shall be native species, no less than 1.0" caliper for deciduous trees or three feet tall for evergreen trees, and the total number of plants used adds up to the size requirements for a single species. For example, two rescued 1.0" caliper oaks can be used instead of 1, 2.0" caliper oak. Native species transplanted from the site shall not be removed from undisturbed areas of the site, or areas designated as preservation or conservation areas. Federal and state laws protecting native plant species designated as endangered, threatened or of special concern must be adhered to and under no circumstances shall these plants be damaged, destroyed or removed from the site.
- (6) *Woodland restoration.* If deemed appropriate by the Planning Commission, woodland areas disturbed by development activities may be mitigated by the creation of an area planted with a native plant community appropriate to the area. The proposed plant community shall be illustrated on a tree replacement plan, including information about all proposed plant material. In reviewing such a proposal, the Planning Commission shall apply the following standards:
- a. The use of existing Woodland soils from the site to establish necessary soil conditions for Woodland plants to establish themselves.
 - b. The native species diversity proposed for tree, understory and groundlayer plants.
 - c. The age diversity of the proposed tree canopy. (Native trees and shrubs of various ages and sizes are appropriate for this type of planting. Therefore the minimum tree size requirements do not apply here.)
 - d. The use of plants with local genotypes, including rescued plants from the disturbed portion of the site, seed, and propagates from the local plant populations.
 - e. The habitat values created by the proposed mitigation, including plant species proposed adjacent to other site features, such as contiguous woodlands, tree rows, wetlands, streams, or other features.
- (7) *Security.* After issuance of a permit under this section the applicant shall deposit with the Township security in the form of cash, or letter of credit, in an amount recommended by the

Township environmental consultant and approved by the Planning Commission, and in a form approved by the Township Building Official and Township attorney to ensure proper installation and survival of replacement trees, transplanted trees, and/or woodland plants for a period of three years after the later of (i) planting, (ii) issuance of a certificate of occupancy for the project, or (iii) final approval of the tree/woodland removal permit or any amendment. The tree replacement plan shall include a description of the proposed amount and type of security to be posted. The applicant and the Township shall enter into an escrow agreement pertaining to the conditions for release of the security in a form approved by the Township attorney and building official at the time the security is posted.

- (8) *Alternative mitigation measures.* The planning commission shall be authorized to waive a portion of the tree replacement requirements of this section when site factors, tree condition or development requirements make conformity to the tree replacement requirements of this section difficult or undesirable. In such case, the applicant shall propose either (i) a plan for planting a portion of the required replacement trees or other plantings in other areas of the Township, or (ii) a monetary contribution to the Township Woodlands/Natural Features Fund, which contribution shall be in an amount reasonably related to the cost of the tree replacement requirement waived. The Planning Commission shall review such proposal and may request revisions to the proposal and may approve, approve with modifications and conditions, or deny such proposal for waiver of tree replacement requirements.

The Township Woodlands/Natural Features Fund shall be a separate Township fund which shall serve as the depository for all monetary contributions as provided in this subsection.

The Township Board shall administer and use the Township Woodlands/Natural Features Fund for the public purposes of planting and maintaining trees, Woodlands, and other natural features within the Township, and for other public purposes related to stewardship, preservation and restoration of natural features, trees or woodlands in the Township in accordance with specific programs developed by the Planning Commission and approved by the Township Board. Such programs may include but are not limited to the following, all to be conducted within the Township: (i) invasive species removal, (ii) stream bank restoration, (iii) park path way restoration, (iv) assessment, mapping or surveys of waterways, (v) replacement of dead ash trees along roads, or (vi) installation of trees as windbreaks.

- (o) *Preservation of existing trees and woodlands.* Protected trees, landmark trees and woodlands shall be preserved to the greatest extent practicable through the use of site development techniques including but not limited to the following:
- (1) In general, landmark trees should not be removed for development. Site design should consider any landmark tree on a site as an important design element. Removal of landmark trees should occur rarely and should be considered only after alternatives are studied and found to be not feasible.
 - (2) Locate development in areas of the site that are already disturbed or cleared of trees and woody vegetation.
 - (3) Minimize clearing and grading of the site by working with the site's existing topography. Grading, roads, walkways, utility lines, and all other aspects of soil disturbance shall be minimized to the extent possible considering standards of sound design and public safety. Clearing for buildings should be limited to the smallest area needed for safe and effective building work. Excavated soil and materials from basements and grading shall not be spread in the Woodland area. Careful handling of trees and use of adequate tree protection measures should be undertaken, especially for trees near the building envelope.
 - (4) Use retaining walls and other techniques to minimize grade changes near trees.
 - (5) Provide tree and understory/groundlayer protection during all construction phases of the project. Woodland areas excluded from development should be protected from all intrusions during development by well-maintained barrier fencing. (See subsection (p), Tree protection during

construction below for minimum requirements.) If construction or grading is to occur within a portion of woodlands those woodland areas excluded from development should be clearly marked and/or fenced off during development. Unpermitted intrusions include any activity that could adversely affect the plants (trees, shrubs, and herbaceous/groundlayer plants) within the fenced-off woodland including, but not limited to, the following: driving vehicles and/or heavy equipment; stockpiling, storage or parking of any soils, materials, equipment or vehicles; spreading excess fill/soil; dumping of construction or landscaping wastes; and clearing/removal of the understory or groundlayer of vegetation within the woodland.

- (6) Minimize the building/construction footprint on individual lots to preserve trees within lot boundaries.
 - (7) Maintain grades and moisture conditions within the critical root Zone (CRZ) of trees. Many of the native hardwood trees: oaks, hickories, maples and beeches, for example, and most old trees do not adapt to environmental changes brought about by construction. Grading changes should not occur within the CRZ of a tree. In addition, grading on a site should neither increase or decrease moisture conditions within a tree's CRZ. The area of concern around an important tree may be significantly larger than the CRZ. The drip line of the tree shall be used for comparison, and if larger than the CRZ, the dripline should be used to determine how best to protect an important tree.
 - (8) Locate utility lines away from trees to be retained. If this is not possible, install utility lines through bored tunnels instead of trenches.
 - (9) Conduct any necessary excavation around trees by hand.
- (p) *Tree protection during construction.*
- (1) *Critical root zone.* No disturbance or construction activities may occur within the critical root zone of any protected or landmark tree designated to remain as shown on the Tree/Woodland survey, site plan, or subdivision plat.
 - (2) *Protected barrier.* The applicant, and the applicant's agents and successors shall erect and maintain suitable barriers as approved by the Township to protect trees designated to remain as shown on the approved site plan or subdivision plat. Protected barriers shall be placed at the outer limits of the critical root zone, or drip line if larger and if required by the planning commission to provide greater protection for an important tree, and shall remain in place until the Township authorizes removal based on tree protection factors or issues a final certificate of zoning compliance, whichever occurs first.
 - (3) *Inspections.* The Township shall have the right to periodically inspect the site during site plan or subdivision plat review, land clearing, and/or construction to ensure compliance with this section.
 - (4) *Construction damage.* Any woodland, protected tree or landmark tree that is determined to be dead, dying or severely damaged due to construction activity within three years after the later of issuance of a certificate of occupancy or final permit approval for development authorized by an approved site plan, subdivision plat, or tree/woodland removal permit shall be replaced by the applicant in the amount specified in the requirements for mitigation of woodlands. Plans showing the location, size, species, and other relevant information regarding tree mitigation shall be submitted to the Township Building Official for review and approval, in consultation with the Township's environmental consultant.
- (q) *Appeals and variances.* All appeals or requests for variances from the provisions of this section shall be made to the Ann Arbor Township Zoning Board of Appeals. Any appeal must be received in writing by the Township Clerk within 28 days after the date of the meeting at which the Planning Commission made its decision.
- (r) *Violations and penalties.*
- (1) Any person found in violation of the provisions of this section shall be subject to the provisions in Article II, Division 2 of this chapter, and may be cited for each day of violation. The Township,

in addition to other remedies, may institute any appropriate action or proceeding to prevent, abate or restrain the violation.

- (2) In addition to the provisions contained in this Section, the Planning Commission, at a regular or special meeting, shall have the authority to direct the Zoning Officer or other designated person to notify the Township Supervisor that a stop work order (or stop construction order as described in section 74-98) shall be issued upon any project subject to this Section, with the concurrence of the Township Supervisor, when it is determined that a violation has occurred.

(Ord. No. 4-2011, 5-16-2011; Ord. No. 4-2017, 10-16-2017)

Sec. 74-606. - Exterior lighting.

- (a) *Purpose.* The purpose of this section is to protect the general health, safety and welfare by allowing sufficient but not excessive lighting for parking areas, walkways, driveways, building entrances, loading areas, and common areas; to minimize the adverse effects of inappropriate lighting; and to provide for the safety and security of people and property in the Township.
- (b) *Scope.* This section shall apply to all projects that require site plan review as set forth in Chapter 74, Article II, Division 4 or that require subdivision plat review as set forth in Chapter 58, Article II, Division 2.
- (c) *General standards.*
 - (1) Exterior lighting shall be located and maintained to minimize the reflection and glare of light so that it does not create a nuisance or safety hazard to operators of off-site motor vehicles, off-site pedestrians, and neighboring land uses. Glare is a condition in which the direct light source is visible, and the contrast between the light source and the immediate area surrounding the light source is indistinguishable. Glare exists when a light source is unprotected and bright enough to create a distraction or nuisance.
 - (2) Exterior lighting shall be designed, installed, and maintained to control glare and light trespass, to conserve energy and resources, and minimize the degradation of the nighttime visual environment.
- (d) *Specific standards.*
 - (1) All exterior lighting, including parking, building, sign and ornamental lighting, shall be shown on the site plan or preliminary plat in sufficient detail with appropriate photometric studies to allow a determination of compliance with section 74-606 (d)(3).
 - (2) Only fully shielded and downward directed lighting that utilizes cutoff housings, louvers, glare shields, optics, reflectors or other measures to minimize off-site glare and minimize light pollution shall be permitted.
 - (3) Where lighting is required for safety and security, maximum light levels, at any time after installation of the lighting fixtures, shall not exceed ten foot-candles directly beneath a light fixture and 0.1 foot-candles along any property line or street right-of-way line. Lighting levels shall not exceed three foot-candles as measured at the midpoint between two fixtures. The Planning Commission may allow for an increased level of lighting above maximum permissible levels when the Planning Commission determines that the applicant has demonstrated that such lighting is necessary for safety and security purposes.
 - (4) Light levels shall be measured on the horizontal plane at grade level within the site, and on the vertical plane of any property line boundary or street right-of-way line at a height of five feet above grade level.
 - (5) The lighting of building surfaces intended to attract attention to the building or use and not designed for security purposes is not permitted.

- (6) The maximum overall height (as measured from grade level to the highest point of the fixture) for all freestanding pole mounted lighting fixtures shall be:
 - a. Fifteen feet high, where such fixtures are located within 50 feet of a residential district or residential use.
 - b. Twenty feet high, where such fixtures are located more than 50 feet but within 150 feet of a residential district or residential use.
 - c. Twenty-five feet high, where such fixtures are located more than 150 feet from a residential district or residential use.
- (7) The Planning Commission may approve alternative, non-shielded light fixtures as an alternative to shielded fixtures, provided that such fixtures would enhance the aesthetics of the site and would not cause off-site glare or light pollution.
- (8) The design and/or screening of parking areas shall minimize direct light from vehicle headlights visible from an adjacent property.
- (9) Lighting within 200 feet of a residential property line shall be turned off from 11:00 p.m. until 6:00 a.m. each day. The Planning Commission may waive or modify this limitation if the Planning Commission determines that the applicant has demonstrated that lighting during all or a portion of these hours is necessary for purposes of safety and security of persons or property.

(Ord. No. 3-2011, 4-18-2011; Ord. No. 7-2011, 8-15-2011)

Sec. 74-607. - Keeping of animals.

- (a) *Standards; application; purpose.* This section establishes standards for keeping of Class I animals, Class II animals or Class III animals in residential districts including residential planned unit developments. Animals may be kept only by the resident owner of the parcel and the owner's immediate family members who reside at the parcel or by a tenant or occupant with written permission of the owner of the parcel. The purpose of this section is to ensure that the keeping of animals is compatible with adjacent land uses, to maintain the residential character of the neighborhood, and to protect the public health, safety and welfare. This section does not apply to farming operations, public riding stables, or commercial kennels.
- (b) *Cross references.* A commercial kennel as defined in section 74-2 may be operated in rural districts in accordance with section 74-590 and an approved conditional use permit. A public riding stable as defined in section 74-2 may be operated in accordance with an approved conditional use permit in rural districts.
- (c) *Specific regulations.*
 - (1) Class I Animals may be kept in any zoning district, subject to subsections (c)(4) and (5) below.
 - (2) Where Class II animals or Class III animals are kept as part of a farming operation, such animals shall be exempt from the requirements of this section so long as the farming operation is conducted in accordance with a GAAMP as adopted and published by the Michigan Department of Agriculture, or its successor, and as amended from time to time.
 - (3) Where Class II animals and Class III animals are not kept in connection with a farming operation, then the following regulations shall apply:
 - a. Class II animals may be kept subject to the following conditions:
 1. The minimum lot area required to keep Class II animals is three acres as follows:
 - (a) Up to two Class II animals shall be permitted on a three acre parcel; and
 - (b) One additional Class II animal shall be permitted for each full one acre in excess of three acres.

2. There shall be adequate fencing, or other restraining device, for keeping animals within the restricted areas provided for in this section.
 3. Structures housing Class II animals shall be located no nearer than 100 feet to any dwelling that exists on an adjacent lot and no nearer than fifty feet to any adjacent lot line. Fenced areas shall be located no nearer than fifty feet from any dwelling that exists on an adjacent lot.
 4. The manure, refuse and wastes resulting from the keeping of animals shall be controlled upon the premises, and shall be cared for or disposed of regularly to minimize health hazards including odors and other offensive effects upon neighboring people and uses.
 5. All feed and other substances and materials for the keeping of animals shall be stored to not attract rats, mice, vermin or other pests.
- b. Class III animals may be kept subject to the following conditions:
1. The minimum acreage required for the keeping of Class III animals shall be 0.5 acres, regardless of the zoning category.
 2. No more than four Class III animals may be kept.
 3. The principal use of the property must be single family residential.
 4. No roosters shall be kept.
 5. Class III animals will be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times.
 6. Structures housing Class III animals shall be located no nearer than 50 feet to any dwelling which exists on an adjacent lot and no nearer than ten feet to any adjacent lot line.
 7. There shall be adequate fencing, or other restraining device, for the purpose of keeping animals within the owner's parcel in a manner that does not create a disturbance to neighboring owners and occupants.
 8. The manure, refuse and wastes resulting from the keeping of animals shall be controlled upon the premises, and shall be cared for or disposed of regularly to minimize hazards of health and odors or other offensive effects upon neighboring people and uses.
 9. All feed and other substances and materials on the premises for the keeping of animals shall be stored so as to minimize attraction of rats, mice, vermin or other pests.
- (4) On any premises upon which animals are kept in the Township, garbage, refuse, offal, and the like shall not be brought upon the premises and fed to animals. Animal waste shall be properly disposed of so as to not create a health hazard.
- (5) Keeping of animals shall not endanger the public health, safety or welfare, nor create a health hazard nor result in offensive odors, noises or other disturbances that unreasonably interfere with the quiet enjoyment by owners or occupants of neighboring parcels ("disturbance"). The owner of the land on which animals are kept and the person keeping such animals, if different, shall be responsible for ensuring compliance with this Section, including this subsection (5).
- a. A disturbance or other violation of this Section may be determined upon the inspection by the Zoning Officer, or other Township Ordinance Enforcement Officer in accordance with Article II, Division 2 of Chapter 74, section 74-96, et seq.
 - b. If a disturbance or other violation of this section is found, a written notice shall be given by the Zoning Officer or other Township Ordinance Enforcement Officer to the person keeping animals and the owner of the premises, stating in the notice that it appears that a disturbance or other violation of this section arising from keeping of animals exists on the premises, describing the disturbance or other violation of this section, and directing the person keeping

the animals and the owner of the premises to abate the disturbance or other violation of this section within ten days of the date of the notice.

- c. If the disturbance or other violation of this section persists after expiration of the ten-day period, the Zoning Officer or other Township Ordinance Officer may issue a civil infraction in accordance with Article II, Division 2 of Chapter 74 section 74-96 et. seq., and take other action to abate the violation.

(Ord. No. 10-2010, 12-20-2010)

Sec. 74-608. - Agricultural processing and food storage.

The following provisions apply to agricultural processing and food storage buildings, structures, and uses:

- (a) *Review by township.* Buildings and structures (or areas within buildings and structures) that are used, in whole or in part, for agricultural processing or food storage shall be subject to review by the Township, either administratively by the Township Zoning Official as described in subsections (1) and (2) below or as part of the site plan review as described in subsection (3) below for compliance with this section and other applicable ordinances prior to issuance of a building permit or commencement of use.

- (1) *Administrative review.* Administrative review is required for:

- a. Agricultural processing buildings and structures (or areas within buildings and structures) that occupy an area of 2,500 square feet or less.
- b. Agricultural food storage buildings and structures (or areas within buildings and structures) that occupy an area of 5,000 square feet or less.

The building or structure area applies whether the building or structure is existing, new, or an addition to an existing building or structure.

- (2) *Administrative review process.* The administrative review process shall be conducted as follows:

- a. A property survey or plot plan drawn to scale with dimensions, and showing property lines and all existing or proposed buildings or structures, and other improvements and uses, shall be submitted to the Township with an application for a certificate of zoning compliance for the buildings and structures (or areas within buildings and structures) proposed to be used in whole or in part for agricultural food processing or food storage.
- b. The Zoning Official shall review the application and supporting materials, using the standards of this section and other applicable ordinance provisions. The Zoning Official shall provide the applicant with written approval or denial within 135 days from the date the complete application was submitted. If the application is denied, the Zoning Official shall notify the applicant in writing of such action and reasons for such denial.

- (3) *Site plan review.* Site plan review is required for buildings and structures (or areas within buildings or structures) that are used, in whole or in part, for agricultural processing or food storage that exceed the area thresholds for administrative review (as set forth in Section 74-608(a)(1) above), in accordance with the provisions of Section 74-171, Site Plan Review and this section, and shall be subject to review by the Planning Commission.

- (4) *Review standards.* If a site plan review is required by (3) above, site plan review standards shall control in the event of a conflict with the following:

- a. *Maximum building size.* Buildings and structures (or areas within buildings or structures) located on a single parcel used for either agricultural processing or food storage, or for both uses together, as defined herein, shall not exceed 20,000 square feet in floor area.

- b. *Locally/regionally grown materials.* Raw agricultural products processed or stored at an agricultural processing and food storage facility shall be locally/regionally grown and obtained from Michigan farms within a radius of no more than 100 miles from the facility.
- c. *Setbacks.* Agricultural processing and food storage buildings, structures and uses shall be setback a minimum of 100 feet from any adjacent residential structure.
- d. *Parking.* Parking areas and surfaces shall be adequate to accommodate anticipated traffic and vehicles on site. No parking or maneuvering lanes shall be permitted within any road right-of-way.
- e. *Hours of operation.* An agricultural processing and food storage facility shall operate any time between the hours of 7:00 a.m. to 8:00 p.m.
- f. *Lighting.* Lighting used for agricultural processing or food storage operations shall be downward facing and shielded to minimize light trespass onto adjacent properties. Lights, other than those needed only for security, shall be turned off when the agricultural processing or food storage operations are not in use.
- g. *Nuisances.* The agricultural processing or food storage operation shall not create a nuisance for adjacent property owners. Such nuisances include, but are not limited to, amplified music or sounds, excessive dust or odors, and/or traffic that cannot be accommodated on site.
- h. *Other permits.* All other permits required by applicable local, state and federal laws and regulations shall be obtained prior to commencement of construction, user operation.

(Ord. No. 7-2012, 10-15-2012)

Editor's note— Ord. No. 7-2012, adopted Oct. 15, 2012, added provisions numbered as §§ 74-607—74-609. In order to avoid conflicts in section numbering the editor has renumbered these added provisions as §§ 74-608—74-610.

Sec. 74-609. - Community supported agriculture (CSA) distribution site and U-pick/pick your own (PYO) operation distribution site.

The following provisions pertaining to community supported agriculture distribution site, or u-pick/pick your own (PYO) operation distribution site shall apply:

- (1) *Administrative review process.* The administrative review process shall be conducted as follows:
 - a. A property survey or plot plan drawn to scale with dimensions, and showing property lines and all existing or proposed buildings, structures, and other improvements or uses, shall be submitted to the Township with an application for a certificate or zoning compliance for the proposed buildings, structures or uses.
 - b. The Zoning Official shall review the application and supporting materials, using the standards of this section and other applicable ordinance provisions. The Zoning Official shall provide the applicant with written approval or denial within 135 days from the date the complete application was submitted. If the application is denied, the Zoning Official shall notify the applicant in writing of such action and reasons for such denial.
- (2) *Locally/regionally grown farm products.* Agriculture products distributed or sold at a CSA distribution site or u-pick/pick your own (PYO) distribution site shall be locally/regionally grown and obtained from Michigan farms within a radius of no more than 100 miles from the Township. For value-added products sold at any CSA distribution site or u-pick/pick your own (PYO) distribution site, at least 50% of the products' "namesake" ingredient must be produced by a Michigan farm within 100 miles of the Township.

- (3) *Setbacks.* Buildings, structures, facilities or areas used for a CSA distribution site or U-pick (PYO) distribution site shall be setback a minimum of 100 feet from any adjacent residential structure.
- (4) *Parking.* Adequate parking for the maximum number of expected patrons must be provided on site and outside of any road right-of-way. Parking lot and maneuvering lane surfaces shall be adequate for the number and types of vehicles accessing the facility.
- (5) *Hours of operation.* The facility shall operate any time between the hours of 7:00 a.m. to 8:00 p.m.
- (6) *Lighting.* Lighting used in the operation of the CSA distribution site, or U-pick/pick your own (PYO) operation distribution site shall be downward facing and shielded to minimize light trespass onto adjacent properties. Lights, other than those needed only for security, shall be turned off when the CSA distribution site or u-pick/pick your own (PYO) operation distribution site is not in use.
- (7) *Nuisances.* The CSA distribution site, or U-pick/pick your own (PYO) operation distribution site shall not create a nuisance for adjacent property owners. Such nuisances include, but are not limited to, amplified music or sounds, excessive dust or odors, and/or traffic that cannot be accommodated on site.
- (8) *Other permits.* All other permits required by applicable local, state and federal laws and regulations shall be obtained.

(Ord. No. 7-2012, 10-15-2012)

Note— See the editor's note following § 74-608.

Sec. 74-610. - Farm market/roadside stand.

(a) The following provisions pertaining to a farm market/roadside stand:

- (1) *A farm market/roadside stand occupying less than 2,500 square feet in area; administrative review process.* Administrative review is required for a farm market/roadside stand occupying less than 2,500 square feet in area. The administrative review process shall be conducted as follows:
 - a. A property survey or plot plan drawn to scale with dimensions, and showing property lines and all existing or proposed buildings, structures and other improvements shall be submitted to the Township with an application for a certificate of zoning compliance for the proposed buildings, structures or uses.
 - b. The Zoning Official shall review the application and supporting materials, using the standards of this section and other applicable provisions of the Zoning Ordinance. The Zoning Official shall provide the applicant with written approval or denial within 135 days from the date the complete application was submitted. If the application is denied, the Zoning Official shall notify the applicant in writing of such action and reasons for such denial.
- (2) *Farm markets occupying 2,500 square feet or more in area; site plan review.* Site plan review is required for a farm market/roadside stand occupying 2,500 square feet or more in area in accordance with section 74-171, Site plan review and this section, and shall be subject to review by the Planning Commission.
- (3) *Review Standards.* If a site plan review is required by (2) above, site plan review standards shall control in the event of a conflict with the following:
 - a. *Setbacks.* Buildings, structures, or areas used for a farm market/roadside stand shall be setback a minimum of 100 feet from any adjacent residential structure.

- b. *Parking.* Adequate parking for the maximum number of expected patrons must be provided on site and outside of any road right-of-way. Parking lot and maneuvering lane surfaces shall be adequate for the number and types of vehicles accessing the facility.
- c. *Hours of operation.* The farm market/roadside stand shall operate any time between the hours of 7:00 a.m. to 8:00 p.m.
- d. *Lighting.* Lighting used in the operation of the farm market/roadside stand shall be downward facing and shielded to minimize light trespass onto adjacent properties. Lights, other than those needed only for security, shall be turned off when the farm market/roadside stand is not in use.
- e. *Other permits.* All other required permits shall be obtained prior to commencement of construction or use.

(Ord. No. 7-2012, 10-15-2012)

Note— See the editor's note following § 74-608.

Sec. 74-611. - Agricultural commercial kitchen.

- (a) An agricultural commercial kitchen shall be permitted only on a farm and only as an activity incidental to the production or processing of farm products and shall meet the following standards:
 - (1) *Purpose of agricultural commercial kitchen.* The purpose of the agricultural commercial kitchen use shall be to allow a small-scale facility that supports the local agricultural community. This type of kitchen is intended for use by local farmers and other local producers of agricultural products to create small volumes of value-added products, as defined in section 74-2, made from local fruits, vegetables, and other locally-raised food.
 - (2) *No associated eating establishment.* The site of the agricultural commercial kitchen shall not contain an associated eating establishment for consumption on site, such as a restaurant, coffee shop, snack bar or similar establishment, catering service, or mobile food vendor; however, it can be associated with a farm market/roadside stand as defined in this section 74-2 for sale to customers for consumption off-site. Samples of products offered for sale at the associated farm market are exempt from this prohibition.
 - (3) *Setbacks.* Minimum setback from an adjacent street shall be the same as required for the main building on the site.
 - (4) *Vehicular access.* Shall have ingress and egress on a public road and shall be designed so as to avoid traffic congestion and hazards. All connections to public roads shall meet the driveway permit requirements of the Washtenaw County Road Commission.
 - (5) *Nuisances.* An agricultural commercial kitchen shall not create a nuisance for adjacent property owners. Such nuisances include, but are not limited to, amplified music or sounds, excessive dust, odors, light and/or traffic that cannot be accommodated on site.
 - (6) *Preservation of agricultural land.* Construction and use of the agricultural commercial kitchen shall minimize the removal of areas potentially useable for growing agricultural crops or grazing.
 - (7) *Maximum size.* The total combined floor area of all agricultural commercial kitchen facilities located on a farm shall not exceed 5,000 square feet.
 - (8) *Regionally grown farm products.* Raw agricultural products processed at an agricultural commercial kitchen shall be regionally grown and obtained from Michigan farms or a farm otherwise within a radius of 100 miles from the Township. For value-added products, at least 50 percent of the products' "namesake" ingredient must be produced by a Michigan farm or a farm otherwise within a radius of 100 miles from the Township.

- (9) *Other permits.* All other permits required by applicable local, state and federal laws and regulations shall be obtained prior to commencement of construction, use or operation.
- (b) *Minor agricultural commercial kitchen.* Buildings, structures and facilities used, in whole or in part, as a minor agricultural commercial kitchen, that meet the standards listed in section 74-611(a)(1) through (9) shall be reviewed administratively as set forth in section 74-611(b)(1) below. In these instances, site plan review is not required.
- (1) *Administrative review process:* The administrative review process shall be conducted as follows:
- (i) A description of the proposed location, purpose and use of the agricultural commercial kitchen, including a property survey, drawn to scale with dimensions, shall be submitted to the Township Building and Zoning Official along with an application for zoning compliance and evidence of compliance with the standards listed in 74-611(a)(1) through (9) above.
 - (ii) The application, property survey, and other supporting materials, shall provide the following information:
 - a. Property lines of the farm parcel on which the agricultural commercial kitchen is located.
 - b. Existing buildings, structures and facilities, vehicular circulation, utility lines, wells, septic tanks/fields, stormwater facilities, and other existing site improvements.
 - c. Proposed buildings, structures and facilities, vehicular circulation, utility lines, wells, septic, stormwater facilities and other proposed improvements.
 - d. The intended location, purpose and use of the agricultural commercial kitchen.
 - (iii) The Township Building and Zoning Official shall review the application and supporting materials, using the standards of this section and other applicable provisions of the Zoning Ordinance. The Township Building and Zoning Official shall approve or deny the application within 135 days from the date the complete application is received. The Township Building and Zoning Official shall notify the applicant in writing of the decision and if approved, any conditions of approval and if denied, the reasons for denial.
- (c) *Major agricultural commercial kitchen.* Buildings, structures and facilities used, in whole or in part, for major agricultural commercial kitchens, shall be subject to a modified conditional use permit review process, as described in (1) below to be reviewed by the Planning Commission and Township Board in accordance with Article II, Division 3 of this Chapter including the standards set forth in section 74-136.
- (1) All information set forth in 74-611(b) shall be submitted with the application for a conditional use permit. The Planning Commission may require that the applicant submit a final site plan, as required in Article II, Division 4 of this chapter, or portions of a final site plan that are applicable to the proposed changes to be reviewed and approved by the Planning Commission as part of the conditional use permit approval. Such review shall include consideration of the standards set forth in this Section 74-610.

(Ord. No. 2-2013, 6-17-2013)

Editor's note— Ord. No. 2-2013, adopted June 17, 2013, added provisions numbered as §§ 74-610, 75-611. In order to avoid conflicts in section numbering the editor has renumbered these sections as § 74-611, 74-612.

Sec. 74-612. - Agricultural education.

- (a) Agricultural education uses, shall be permitted only on a farm and shall be conducted as an activity incidental to the production or processing of farm products and shall be subject to the requirements and standards below:

- (1) *Purpose of agricultural education facility.* An agricultural education facility shall offer educational services for the purpose of furthering the understanding of farm operations, agricultural crop or livestock production, and processing, distribution and/or marketing of farm products.
 - (2) *Setbacks.* Minimum setback from an adjacent street shall be the same as required for the main building on the site.
 - (3) *Vehicular access.* Shall be located on a public road or a private road if there is a recorded maintenance agreement executed by all lot owners served by the private road. All connections to public roads shall meet the driveway permit requirements of the Washtenaw County Road Commission.
 - (4) *Nuisances.* The operation of an agricultural education facility shall not create a nuisance for adjacent property owners. Such nuisances include, but are not limited to, amplified music or sounds, excessive dust, odors, light and/or traffic that cannot be accommodated on site.
 - (5) *Preservation of agricultural land.* Construction and use of the agricultural education facility shall minimize the removal of areas potentially useable for growing agricultural crops and grazing.
 - (6) *Other.* The agricultural education facility shall be operated by the owner or occupant (lessee) of the farm on which the facility is located.
 - (7) *Other permits.* All other permits required by applicable local, state and federal laws and regulations shall be obtained prior to commencement of construction, use or operation. Such permits may include, without limitation, a special event permit pursuant to sections 10-26 through 10-28 of the Township Code, if the agricultural education facility is an outdoor assembly at which more than three hundred (300) people are expected to attend.
- (b) *Agricultural education, minor facility.* Existing buildings, structures and facilities used, in whole or in part, for agricultural education, minor facility shall be reviewed administratively as set forth in 74-612(b)(1) below. In these instances, site plan review is not required.
- (1) *Administrative review process:* The administrative review process shall be conducted as follows:
 - (i) A description of the proposed location, purpose and use of the agricultural education facility, including a property survey, drawn to scale with dimensions, shall be submitted to the Township Building and Zoning Official along with an application for zoning compliance, and evidence of compliance with the standards set forth in 74-612(a)(1)—(7) above.
 - (ii) The application, property survey, and supporting materials, shall provide the following information:
 - a. Property lines of the farm parcel on which the agricultural education facility is located.
 - b. Existing buildings, structures and facilities, vehicular circulation, utility lines, wells, septic tanks/fields, stormwater and other existing site improvements.
 - c. Proposed buildings, structures, facilities, vehicular circulation, utility lines, wells, septic tanks/fields, stormwater and other existing site improvements.
 - d. The intended location, use and purpose and use of the agricultural education facility.
 - (iii) The Township Building and Zoning Official shall review the application and supporting materials, using the standards of this section and other applicable provisions of the Zoning Ordinance. The Township Building and Zoning Official shall approve or deny the application within 135 days from the date the complete application is received. The Township Building and Zoning Official shall notify the applicant in writing of the decision and if approved, any conditions for approval and if denied, the reasons for denial.
- (c) *Agricultural education, major facility.* Buildings, structures and facilities used, in whole or in part, for agricultural education, major facility, shall be subject to a modified conditional use permit review process, as described in (1) below to be reviewed by the Planning Commission and Township Board in accordance with Article II, Division 3 of this Chapter including the standards set forth in section 74-136.

- (1) All information set forth in 74-612(b) shall be submitted with the application for a conditional use permit. The Planning Commission may require that the applicant submit a final site plan, as required in Article II, division 4 of this chapter, or portions of a final site plan that are applicable to the proposed changes to be reviewed and approved by the Planning Commission as part of the conditional use permit approval. Such review shall include consideration of the standards set forth in this section 74-612.

(Ord. No. 2-2013, 6-17-2013)

Note— See editor's note to § 74-611.

Sec. 74-613. - Medical marijuana grow operation.

- (a) Medical marijuana grow operations shall require conditional use approval subject to the procedures and standards set forth in article II Administration and Enforcement, division 3 Conditional Use Permits, being section 74-131 et seq. of the Township Zoning Code. Notwithstanding any other provision of the foregoing, or other Township ordinance to the contrary, the Township shall not grant more than one valid, conditional use permit for a medical marijuana grow operation for any single parcel or lot. Further, the Township shall not grant a conditional use permit to the lessee or land contract vendee of a parcel or lot, unless the lessee or vendee establishes in its application that it has the parcel's or lot's owner's or owners' approval of the application.
- (b) It shall be unlawful to operate or cause to be operated a medical marijuana grow operation within 500 feet of any of the following:
 - (1) A church, synagogue or other place of worship.
 - (2) A primary school, secondary school, child care center or day care center.
- (c) For the purpose of this section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of the structure or enclosure used in conjunction with the medical marijuana grow operation to the closest point on a property boundary or right-of-way associated with any of the land use(s) identified in subsection 2 above.
- (d) A property survey, drawn to scale, with dimensions, and showing property lines and all existing and proposed structures and other improvements, including parking areas and service drives, may be submitted with the application for a conditional use permit in lieu of any site plan, unless submission of a site plan or plans is otherwise required under article II division 4 section 74-172. If, however, the proposed use involves changes to the outside of an existing building, or includes construction of a new building or structure, the Planning Commission may require submission of a preliminary site plan, or portions of a preliminary site plan that are applicable to the proposed changes or new building or structure, to be reviewed and approved by the Planning Commission before the conditional use permit may be issued.
- (e) Medical marijuana grow operations are conditional uses in the R-C, A-1, A-R, R-1 and I-1 zoning districts only and are not permitted, conditional or accessory uses in any other zoning district.

(Ord. No. 4-2016, 10-17-2016)

Sec. 74-614. - Marijuana provisioning center or dispensaries.

Marijuana provision center or dispensary is not a permitted, conditional or accessory use in any zoning districts.

(Ord. No. 4-2016, 10-17-2016)

Sec. 74-615. - Small medical marijuana grow operation.

Small medical marijuana grow operation is a permitted use in all zoning districts, subject to all applicable building codes, ordinances, laws and regulations.

(Ord. No. 4-2016, 10-17-2016)

Sec. 74-616. - Other marijuana grow operations.

Operations for the growing, cultivation, or planting of 73 or more marijuana plants are not a permitted, conditional or accessor use in any zoning districts.

(Ord. No. 4-2016, 10-17-2016)

Sec. 74-617. - Campgrounds.

- (a) Campgrounds, other than temporary campgrounds, as defined in this ordinance, shall be subject to the following:
- (1) The minimum site area shall be 20 acres.
 - (2) A minimum 100-foot setback shall be established as a buffer around the perimeter of the property that is adjacent to residentially-zoned or -used properties. The perimeter buffer shall be kept in its natural state. Where natural vegetation or land contours are insufficient to buffer a campground in relation to surrounding properties, the township may require additional setback, landscaping or berming.
 - (3) Mobile homes shall not be permitted to be located within a campground.
 - (4) The use and occupancy of a campground shall be in strict compliance with the current laws and requirements of the State of Michigan agency governing such uses. Under no circumstances shall campers stay for more than 15 consecutive nights in any one campground. Reservations cannot be combined to exceed the 15-night limit.
 - (5) No more than two vehicles in addition to the primary camping shelter are allowed for one camp site.
 - (6) Amplified music or other outdoor broadcasting is not allowed.
- (b) Temporary campgrounds shall be permitted on parcels of three acres or more with a valid permit from the Washtenaw County Health Department.

(Ord. No. 5-2017, 11-20-2017)

Editor's note— Ord. No. 5-2017, adopted November 20, 2017, added provisions intended for § 74-613; in as much as § 74-613 already exists in the Code, said provisions have been redesignated as § 74-617 at the discretion of the editor.

Sec. 74-618. - Solar energy systems.

- (a) *Intent.* It is the intent of the Township to permit the effective and efficient use of solar energy systems (SES) by regulating the siting, design, and installation of such systems to protect the public health, safety, and welfare, and to ensure compatibility of land uses in the vicinity of SES. This section does not establish or guarantee air or light or wind or view rights or establish access to the air, light, wind, or views. Solar energy systems shall comply with the provisions of this section and all other applicable ordinances, and are only permitted as authorized by this section.

- (b) *Approval required.* It shall be unlawful to construct, erect, install, alter, or locate any SES within the Township except in compliance with this section.
- (c) *Small-scale SES—Ground mounted and building-mounted.*
- (1) *Districts permitted.* Small-scale SES shall be permitted as an accessory use/structure in all zoning districts.
 - (2) *Certificate of zoning compliance.* Small-scale SES requires a certificate of zoning compliance issued by the Building Official, except in the following situations:
 - a. The installation of building-mounted SES, including poles and other structures, with a total solar collector surface area of less than eight square feet used to power incidental lighting or other fixtures on site.
 - b. The installation of ground-mounted SES with a height less than six feet and a solar collector surface of less than eight square feet used to power incidental lighting and other fixtures on site.
 - c. Repair or replacement of existing SES and ancillary solar equipment, provided that there is no expansion to the size or coverage area of the solar energy system.
 - (3) *Application—Building-mounted small-scale SES.* For installation of SES on an existing building or structure, an application for a certificate of zoning compliance shall include, at a minimum, the following:
 - a. An application form completed and submitted by the property owner where the SES will be located.
 - b. Renderings and/or specifications of the proposed solar energy system, including elevations showing the height of the SES as measured from the ground surface grade surrounding the SES.
 - c. Certification by a professional engineer that the roof structure can support the proposed SES.
 - d. The property owner's letter certifying to the Township Building and Zoning Official that the owner has notified any Home Owners Association, Condominium Association or Subdivision Association with jurisdiction or control over construction of structures on the property ("HOA"), of the proposed SES, and a description of the response from the HOA, including a copy of any letter from the HOA approving or disapproving construction of the SES. If there is no HOA with jurisdiction over construction of the SES, or if the HOA has failed to respond to the owner's request for approval of the SES within the time required by the HOA restrictions (or if no time limit is specified in the HOA restrictions, within 60 days of the owner's written request), the owner shall include in owner's certification a statement that there is no HOA with jurisdiction or a description of the HOA's lack of response. If the HOA disapproves construction of the SES, but the owner wishes to proceed with obtaining a permit for construction of the SES from the Township anyway, the owner shall provide a written acknowledgement to the Township that (i) owner is proceeding at owner's own risk; (ii) the Township will have no liability or obligation to owner for any private action that may be taken by the HOA against owner, including any action by the HOA to require removal of any SES constructed without HOA approval; and (iii) owner will defend, indemnify and hold harmless Township from any action by the HOA against Township related to Township's approval of the SES.
 - (4) *Application—Ground-mounted small-scale SES.* For installation of SES mounted on a free-standing structure, located on the ground, and constructed solely for this purpose, an application for a certificate of zoning compliance shall include, at a minimum, the following:
 - a. The information described in subsection 74-618(3)(a) and (b) above.
 - b. A plot plan or survey, drawn and printed to scale, to indicate where the SES is to be installed on the property. The plot plan shall include:

1. Property lines;
 2. Project area boundaries;
 3. The following information that is located in the project boundary limits and/or within 25 feet of the edge of the boundary:
 - i. The location, height and dimensions of all existing and proposed structures and fencing.
 - ii. Distance of proposed SES facilities or structure from all property lines and permanent structures.
 - iii. The location of all temporary and permanent access roads, driveways or other travel ways, such as walks or trails.
 - iv. Existing topography at two-foot intervals.
 - v. Water bodies, waterways, wetlands, drainage ditches, county drains, all trees that are diameter at breast height (DBH) of six inches or greater within 25 feet of the perimeter of the SES, and farmland that meets the definition of "prime farmland."
 - vi. The location of all overhead and underground utility wires and lines above or below the footprint of the SES.
 4. All new infrastructure, both above ground and underground, related to the project, including a graphic representation of the footprint of the SES and the total square footage of the solar collector surface area.
 5. A description of the screening to be provided for the ground-mounted SES, if applicable.
- c. The property owner's letter certifying to the Township Building and Zoning Official that the owner has notified any Home Owners Association, Condominium Association or Subdivision Association with jurisdiction or control over construction of structures on the property ("HOA"), of the proposed SES, and a description of the response from the HOA, including a copy of any letter from the HOA approving or disapproving construction of the SES. If there is no HOA with jurisdiction over construction of the SES, or if the HOA has failed to respond to the owner's request for approval of the SES within the time required by the HOA restrictions (or if no time limit is specified in the HOA restrictions, within 60 days of the owner's written request), the owner shall include in owner's certification a statement that there is no HOA with jurisdiction or a description of the HOA's lack of response. If the HOA disapproves construction of the SES, but the owner wishes to proceed with obtaining a permit for construction of the SES from the Township anyway, the owner shall provide a written acknowledgement to the Township that (i) owner is proceeding at owner's own risk; (ii) the Township will have no liability or obligation to owner for any private action that may be taken by the HOA against owner, including any action by the HOA to require removal of any SES constructed without HOA approval; and (iii) owner will defend, indemnify and hold harmless Township from any action by the HOA against Township related to Township's approval of the SES.
- (5) *Standards for building-mounted small-scale SES.* Small-scale SES mounted onto an existing building or structure shall be subject to the following standards:
- a. *Setbacks.* A building-mounted small-scale SES shall comply with division 3. Schedule of area, placement and height regulations (section 74-501 through section 74-505) related to setbacks for principal buildings of the zoning district in which the SES is located, or comply with section 74-426(d) related to setbacks for accessory buildings, as applicable to the placement of the SES.
 - b. *Height.* SES that are mounted on the roof of a building shall not project more than five feet above the highest point of the roof and, in any circumstances, shall not exceed the maximum building height limitation for the zoning district in which it is located, or the maximum height

of an accessory structure, as specified in section 74-426(d). The SES shall not project beyond the eaves of the roof.

- c. *Wall-mounted SES.* Wall-mounted SES shall not exceed the height of the building wall to which they are attached.
 - d. *Weight.* SES mounted on the roof of a building shall be only of such weight as can safely be supported by the roof. If deemed necessary by the Building Official, proof thereof, in the form of certification by a professional engineer, shall be submitted.
 - e. *Attachment.* SES that are roof- or wall-mounted or are otherwise attached to a building shall be permanently and safely attached to the building. Proof of the safety and reliability of the means of attachment shall be submitted.
 - f. *Visual impact.* Any parts of the SES that are visible from a street or road or adjacent properties, shall, to the maximum extent reasonably feasible, use materials, colors, textures, screening and landscaping that will blend SES components with the building, and use materials and be located to minimize glare on adjacent properties and roadways.
- (6) *Standards for ground-mounted small-scale SES.* Ground-mounted small-scale SES, as defined by this section, shall be considered an accessory structure and subject to the following standards:
- a. *Accessory standards.* A ground-mounted small-scale SES shall comply with the accessory building standards listed in section 74-426(d) of the zoning district in which the SES is located, except that the SES on any non-rural residential property (R-2, R-3, R-3A, R-4, R-5, R-6, R-7, R-8, and R-9) shall be setback from the side or rear lot line a minimum of five feet.
 - b. *Ground floor coverage.* A ground-mounted small-scale SES shall count toward the maximum ground floor coverage of the zoning district in which the SES is located.
 - c. *Natural resources.* Ground-mounted small-scale SES shall not be constructed within a natural feature setback, as defined in section 74-683 of this chapter, county drain easement or drainage ditch, or on prime farmland. Provided, ground-mounted small-scale SES may be permitted on prime farmland if the parcel is located within a Farmland Preservation Easement conveyed to the Township, and renewable energy generation is permitted, and such use is in accordance with the approved easement agreement.
 - d. *Visual impact.* Any parts of the SES that are visible from a street, road or adjacent properties, shall, to the maximum extent reasonably feasible, use materials, colors, textures, screening and landscaping that will blend SES components with the natural setting, existing environment, and neighborhood character, and use materials and be located to minimize glare on adjacent properties and roadways.
- (7) *Additional standards for small-scale SES—Building-mounted and ground-mounted.* The following additional standards apply to both building-mounted and ground-mounted small-scale SES:
- a. *Installation and maintenance.* SES shall be installed, maintained and used only in accordance with the manufacturer's specifications.
 - b. *Compliance with additional codes.* SES, and the installation and use thereof, shall comply with the Building Code, the Electrical Code, and any other applicable state codes. Installation of an SES shall not commence until all necessary permits have been issued.
- (d) *Large-scale SES—Building-mounted and ground-mounted.*
- (1) *Districts prohibited; districts permitted.* Large-scale SES, both building-mounted and ground-mounted, are:
- a. Prohibited on prime farmland and prime farmland if drained, on any properties that are within the AG Preservation Overlay area identified in the Township Master Plan, or subject to a conservation easement under the Township's PDR Ordinance. Notwithstanding anything

contained herein to the contrary, large scale SES, both building mounted and ground-mounted shall be permitted on land designated as prime farmland or prime farmland if drained, provided that the applicant or owner is able to prove through site soil analysis that the soils on the site do not constitute prime farmland or prime farmland if drained.

- b. Except as prohibited in (a) above, considered a conditional use in the following districts and shall be subject to the provisions of this section and chapter 74, article II, division 3, conditional use permits: R-C, A-1, O, OP, R-D, I-1, PL, RRA. Applications for a large-scale SES shall require a complete conditional use permit application in accordance with section 74-133, including a complete site plan in accordance with article II, division 4 of this chapter. In addition, if natural features or protected trees will be affected by the large-scale SES, an appropriate natural features permit and woodland removal permit shall be required.
- (2) *Planned unit development.* A proposed large-scale SES as part of an application for a planned unit development shall be subject to approval as part of the PUD petition pursuant to section 74-542, and the standards and requirements of section 74-542 and this section, except that no conditional use permit application shall be required. A large-scale SES proposed as an amendment to an existing PUD shall be considered a major change and processed in accordance with section 74-542(i), and in compliance with this section.
 - (3) *Application—Large-scale SES conditional use.* The application for a large-scale SES shall meet all of the requirements for a conditional use permit application and shall include a complete site plan in accordance with article II, division 4 of this chapter, and other applicable permits and approvals. In addition, written evidence of compliance with recorded restrictions shall be provided, including a current title search and copies of all applicable restrictions.
 - (4) *Standards and requirements.* All large-scale SES shall meet the standards and findings of section 74-136, the standards for a preliminary and final site plan, and the following additional standards and requirements:
 - a. *Standards for building-mounted large-scale SES.*
 1. Building-mounted large-scale SES shall comply with the requirements of section 74-618(c)(5).
 - b. *Standards for ground-mounted large-scale SES.*
 1. *Area, placement and height.* Large-scale SES shall meet the lot area, lot width, ground floor coverage (GFC), floor area ratio (FAR), and height standards of the zoning district in which it is located. Large-scale SES panels shall be placed such that the concentration of radiation or solar glare shall not be directed onto nearby properties or roadways. The Planning Commission may require a report from a registered engineer or other professional confirming compliance with this requirement.
 2. *Property setbacks.* Large-scale SES shall be setback from all property lines a distance at least equal to the yard requirement of the district in which the SES is located, or 50 feet, whichever is greater.
 3. *Natural resources.* Ground-mounted large-scale SES shall not be constructed within a natural feature setback, as defined in section 74-683 of this chapter, county drain easement or drainage ditch, or on prime farmland and prime farmland if drained on properties that are within the AG Preservation Overlay area as identified in the Township Master Plan, or subject to a recorded conservation easement under the Township's PDR Ordinance.
 4. *Visual impact.* Any parts of the SES that are visible from a street, road or adjacent properties, shall, to the maximum extent reasonably feasible, use materials, colors, textures, screening and landscaping that will blend SES components with the natural setting and existing environment, and use materials and be located to minimize glare on adjacent properties and roadways.

5. *Cement footings.* Cement footings shall not be used for the securing, installation and erection of ground-mounted large scale SES.
- c. *Additional standards for large-scale SES—Building-mounted and ground-mounted.*
1. *Minimum lot area.* The minimum lot area for large-scale SES shall conform to the minimum standards of the zoning district in which it is located.
 2. *Location.* Every large-scale SES shall be located on the site in a manner designed to minimize its effect on protected trees, prime farmland and natural resources.
 3. *Lighting.* On-site lighting shall meet the performance standards of section 74-606. Lighting shall be limited to that required for safety and operational purposes, and shall be directed downward and shielded from abutting properties.
 4. *Signage.* Signs shall comply with the requirements of article IX of the Township Code of Ordinances.
 5. *Utility connections.* All utility lines and connections from the SES shall be placed underground, unless the Planning Commission determines that site conditions and requirements of the utility provider create extenuating circumstances warranting certain overhead lines.
 6. *Screening.* When a large-scale SES is adjacent to a residentially-zoned, planned or used property, front, side and rear yard screening may be required in addition to that required by section 74-618(d)(4), as determined by the Planning Commission, based on the location of the SES and adjacent uses.
 7. *Installation and maintenance.* SES shall be installed, maintained and used only in accordance with the manufacturer's specifications.
 8. *Compliance with additional codes.* SES, and the installation and use thereof, shall comply with the Building Code, the Electrical Code, and any other applicable state codes. Installation of an SES shall not commence until all necessary permits have been issued.
 9. *Site control.* The applicant shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed installation.
 10. *Emergency services.* The owner and operator of the large-scale SES shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the SES shall be clearly marked. The owner and operator shall identify a responsible person for public inquiries throughout the life of the installation and provide such information to the Township. An information sign shall be posted and maintained at the entrance(s) which lists the name and contact information (24/7 phone, e-mail address, and mailing address) of the operator and current contact person. Such contact person shall be available 24 hours per day, seven days per week to handle emergency calls.
 11. *SES maintenance and inspection.* The large-scale SES owner/operator shall maintain the facility and site in good operating condition in accordance with industry standards and all state, federal, and Township laws, codes and regulations. Maintenance shall include, but not be limited to, painting, structural repairs, site maintenance, and integrity of security measures. Site access shall be maintained to a level acceptable to local emergency response personnel and the Township. The owner/operator shall be responsible for the cost of maintaining the SES installation, ancillary solar equipment, site, and access road(s). Every large-scale SES must be inspected annually by an authorized factory representative or professional engineer to certify that the SES is in good working condition and is not a hazard to persons or property. Proof of approved certification records shall be submitted annually to the Township.

12. *Site clearing.* Clearing of vegetation shall be avoided if possible, and limited to only that area necessary for construction, operation, and maintenance of the SES installation, ancillary solar equipment, and access road(s).
13. *Vegetation requirements and management.* For ground-mounted off-site SES projects with generating capacity of more than 40 kilowatts, the project site design shall include installation and establishment of native perennial prairie vegetation mix of low-growing, flowering herbaceous plants and grasses. The purpose of this vegetation is to:

- Significantly reduce wind and soil erosion.
- Significantly reduce fertilizer, herbicide, and pesticides applications, resulting in improved water quality.
- Provide food and habitat for pollinating insects, and cover and nesting habitat for mammals, birds, reptiles and amphibians.
- Increase organic matter and water holding capacity of soils. The result is higher quality soils for farming when the site is decommissioned.
- Improve the aesthetic look of the solar facility.

The Planning Commission may require a cash deposit or irrevocable letter of credit, in such form and amount as determined necessary by the Planning Commission, in consultation with the Township Natural Features Consultant, Supervisor, and Attorney, to ensure compliance with this requirement.

- (5) *Ancillary solar equipment.* Where feasible, ancillary solar equipment shall be located inside a building or be screened from public view. All ancillary solar equipment shall be screened to the maximum extent reasonably feasible without compromising the effectiveness of the solar collectors. When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the Building Code, and when no longer in use, shall be disposed of in accordance with applicable laws and regulations. The design of any buildings and related structures shall, to the maximum extent reasonably feasible, use materials, colors, textures, screening and landscaping that will blend with the natural setting and existing environment.
- (6) *Security.* The application shall include a description of security to be deposited with the Township prior to receiving a building permit for the SES to ensure removal of the SES when it has been abandoned or is no longer needed, as provided in subsection (7) below. The security shall be the form of: (i) cash or (ii) renewable letter of credit and an escrow agreement, in an amount approved by the Township engineer and in a form approved by the Township Attorney providing for timely removal of the SES as required under subsection (7) below, and payment of any costs and attorney fees incurred by the Township in connection with such removal.
- (7) *Abandonment or decommissioning.*
 - a. *Removal.* A large-scale SES shall be removed by the owner of the SES or land when the large-scale SES has been abandoned or unused for 180 days ("non-use period"). For purposes of this section, the damage, destruction or removal of any part of SES equipment, or the cessation of operations shall be considered as the beginning of a non-use period. The SES owner or applicant shall notify the Township of the beginning of any non-use period or any removal of equipment. The end of the non-use period may be sooner than 180 days after commencement if the SES or any portion of the facility becomes a nuisance or is dangerous to the public health, safety and welfare.

- b. At the end of the non-use period, the owner of the SES or the land shall immediately apply for and obtain any applicable demolition or removal permit, and shall immediately proceed with and complete the demolition and removal of the SES and restoration of the land to the condition existing prior to installation, to the extent reasonably feasible.
- c. If the required demolition, removal and restoration of the SES has not been lawfully completed within 60 days after the end of the non-use period, then after 15 days' prior written notice to the land owner and the SES owner, the Township may remove or secure the removal of the SES and related equipment and the Township's costs, expenses, attorney fees and consultant fees, plus a 15 percent administrative charge may be drawn and collected from the security described in subsection (6) above, and any costs and fees in excess of the amount of the security shall constitute a lien on the land on which the SES is located and may be collected in the same manner as delinquent taxes.

(Ord. No. 4-2019, 12-16-2019)

Secs. 74-619—74-640. - Reserved.

ARTICLE VI. - WIRELESS COMMUNICATIONS FACILITIES^[7]

Footnotes:

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Editor's note— Ord. No. 1-2013, adopted Jan. 21, 2013, amended and restated former Art. VI, §§ 74-641—74-647, in its entirety which pertained to similar subject matter and derived from the 1990 Compiled Ords, §§ 130.401—130.404, 130.505, 130.606, 130.707.

Sec. 74-641. - Purpose and intent of article.

The purpose of this article is to ensure that wireless communication facilities are located, constructed and maintained in the Township in a manner which will maintain the integrity, character, property values and aesthetic quality of the affected neighborhood and the Township at large. It is the further purpose of this section to:

- (1) Establish predetermined districts or zones of the number, shape, and in the location considered best for the establishment of wireless communication facilities, subject to applicable standards and conditions.
- (2) Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing populations, transportation systems, and other public services and facility needs.
- (3) Promote the public health, safety and welfare.
- (4) Provide for adequate information about plans for wireless communication facilities in order to permit the community to effectively plan for the location of such facilities.
- (5) Minimize the adverse impact of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.
- (6) Minimize the negative visual impact of wireless communication facilities on neighborhoods, community landmarks, historic sites and buildings, natural beauty areas and public rights-of-way. This purpose contemplates the establishment of as few towers as reasonably feasible, and the use of towers which are designed for compatibility, including the use of existing towers.

(Ord. No. 1-2013, 1-21-2013)

Sec. 74-642. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Collocate or *collocation* means to place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound with a view toward reducing the overall number of towers within the Township.

Provider means an entity which is properly licensed by the Federal Communications Commission (FCC) and other appropriate governmental authorities to provide services through wireless communications facilities.

Wireless communications antenna or *antenna* means any antenna used for the transmission or reception of wireless communication signals excluding those used exclusively for dispatch communications by public emergency agencies, ham radio antenna, satellite antenna, those which receive video programming services via multipoint distribution services which are one meter (39 inches) or less in diameter and those which receive television broadcast signals.

Wireless communications equipment compound or *equipment compound* means an area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.

Wireless communication equipment or *equipment* means the set of equipment and network components used in the provision of wireless communications service, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.

Wireless communications facilities or *facility* means the wireless communications antennae, equipment, equipment compound and tower, and any related accessory structures, landscaping and improvements. Not included in this definition are citizen band radio facilities, shortwave facilities, ham or amateur radio facilities, satellite dishes for residential use, and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

Wireless communications support structure or *tower* means a structure erected or modified to support wireless communications antennae or equipment including a monopole, self-supporting lattice tower, utility pole, guyed tower, water tower, building or other structure.

(Ord. No. 1-2013, 1-21-2013)

Sec. 74-643. - Authorization for collocation on existing towers; conditional uses; special districts.

- (a) Permitted accessory use of antennae and other equipment. To encourage collocation and to minimize the number of towers within the Township, an antenna or other equipment shall be considered a permitted accessory use when all of the following are met:
- (1) The proposed collocation will be placed on or attached to a lawfully existing and approved tower, or within a lawfully existing and approved equipment compound.
 - (2) The proposed collocation will comply with the terms and conditions of any previous final approval of the tower or equipment compound by the Township.
 - (3) The proposed collocation will not do any of the following:
 - a. Increase the overall height of the existing tower by more than 20 feet or by more than ten percent of the original tower height, whichever is greater;

- b. Increase the existing tower width by more than the minimum necessary to permit collocation;
- c. Increase the area of the existing equipment compound to greater than 2,500 square feet; and
- d. Make any other modifications to the approved tower, including lights or guy wires or form, except as otherwise required by law.

The installation of an antenna and any other equipment that meets the conditions of this subsection (a) shall be subject to standards and conditions applicable to all facilities described in section 74-644, and the plan and application requirements of section 74-645(a), shall be reviewed on an administrative basis by the Building and Zoning Official, and shall not require approval as a conditional use.

- (b) *Conditional uses.* Except as provided in subsection (a) of this section, wireless communications facilities shall be conditional uses within the following districts, subject to the standards and conditions set forth in section 74-644, and the plan and application requirements of section 74-645(b), including, site plan review and conditional use permit: business (C-1) and (O), industrial (I-1) and (R-D), public land, and agricultural (A-1) so long as the property is not designated as residential under the Township's master plan, and recreation conservation (R-C) within 100 feet of a limited access highway.
- (c) *Special districts.* Except as provided in subsection (a) of this section, wireless communications facilities shall be considered a permitted principal use in the office park and RRA districts subject to the standards of section 74-644, and the plan and application requirements of section 74-645(b), including site plan review, except no conditional use permit shall be required. Except as provided in subsection (a) of this section, any proposed new facility in the office park or RRA district shall be considered a major change in the area plan requiring area plan amendment within such district in addition to compliance with this article.
- (d) *Other districts.* Wireless communication facilities shall not be permitted uses or conditional uses in other districts except as described in subsections (a), (b) and (c) of this section.

(Ord. No. 1-2013, 1-21-2013)

Sec. 74-644. - Standards and conditions for review.

All applications for wireless communications facilities shall be reviewed in accordance with the following standards and conditions, and if approved shall be constructed and maintained in accordance with such standards and conditions. In addition, the standards and procedures set forth in article II, division 3 of this chapter, governing conditional use permits, shall apply to proposed facilities that may be approved as conditional uses in accordance with this article. Upon compliance with the provisions of this article, such facilities shall be exempt from other height regulations of the Township ordinances.

- (1) *Public safety.* The facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.
- (2) *Harmony with surrounding areas.* The facilities shall be located and designed to be harmonious with the surrounding areas.
- (3) *Compliance with federal and state standards.* The facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
- (4) *Justification for height, width and size.* The applicant shall demonstrate a justification for the proposed height, width and size of the tower, equipment and antenna and an evaluation of alternative designs which might result in lower height, width and size for use by the applicant, based on an independent evaluation of a licensed engineer. The maximum height, width and size of the tower, equipment and antenna shall be the minimum height, width and size demonstrated to be necessary for reasonable wireless communications by the applicant (and by other entities to collocate on the structure). The equipment compound shall be limited to the minimum dimensions necessary to house the applicant's equipment.

- (5) *Applicant licensed as provider.* The applicant shall demonstrate that it is properly licensed as a provider.
- (6) *Setback.*
 - a. The setback of the tower from any residential district lot line shall be at least one and one-half times the height of the tower and antenna.
 - b. The setback of the tower from any existing or proposed public or private roads shall be no less than the height of the tower and antenna.
 - c. Where the proposed new or modified wireless communications support structure abuts a parcel of land zoned for a use other than residential, the minimum setback of the tower and accessory structures shall be the required setback for main or principal buildings as provided in the zoning ordinance for the district.
- (7) *Access.* There shall be unobstructed access to the facility for operation, maintenance, repair and inspection purposes, that may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares, traffic and circulation within the site, utilities needed to serve the tower and other facilities, the location of buildings and parking facilities, proximity to residential districts, minimizing disturbance to the natural landscape, and the type of service that will be needed at the site. The minimum standards for such access road shall be a 15-foot width, gravel road with suitable drainage.
- (8) *Division of property.* The division of property for the purpose of locating a facility is prohibited unless all requirements of the Township ordinances are met.
- (9) *Color; maintenance.* The color of the tower and equipment building shall be designed to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. The applicant and owner shall maintain the facility in a safe, neat and orderly condition.
- (10) *Compliance with building code; suitability of soil; compliance with FAA and other requirements.*
 - a. The facility including the tower, equipment, equipment compound and antenna shall be constructed in accordance with all applicable building codes.
 - b. The applicant shall submit a soils report from a geotechnical engineer, licensed by the state confirming the suitability of soil conditions for the proposed facility.
 - c. The applicant shall provide proof of compliance with all requirements of the Federal Aviation Administration (FAA), FCC and state aeronautics commission for the facility.
- (11) *Advertising and lighting.* The facility shall not be used for advertising purposes and shall contain no signs or lighting except to identify the provider and emergency telephone numbers and as may be required by the FAA.
- (12) *Maintenance plan.* A maintenance plan for the facility shall be provided by the applicant for review and approval by the applicable Township body in order to ensure long-term, continuous maintenance of the facility.
- (13) *Demonstration of need.* The applicant shall demonstrate the need for the facility based on the following factors:
 - a. Proximity to an interstate or major thoroughfare.
 - b. Areas of population concentration.
 - c. Concentration of commercial, industrial, and/or other business centers.
 - d. Areas where signal interference has occurred due to tall buildings, masses of trees and other obstructions.
 - e. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.

- f. Other specifically identified reasons creating a need for the facility.
 - g. Effect on property values.
 - h. Compliance with section 74-646 below.
- (14) *Design.* The tower shall be a monopole design unless the applicant can demonstrate that such a design is not feasible for the proposed tower.

(Ord. No. 1-2013, 1-21-2013)

Sec. 74-645. - Plan and application requirements.

- (a) *Collocation.* For a collocation that qualifies as a permitted accessory use under section 74-643(a), the applicant shall submit the following to the Building and Zoning Official for review on an administrative basis and approval or denial of a Zoning Compliance Certificate based on the standards set forth in this article:
- (1) *Plan requirement for collocation.* An application for zoning compliance certificate shall be provided to the Building and Zoning Official along with a scaled, dimensioned plan of the existing wireless communications facilities, the proposed collocation antennae or other equipment, and any other proposed modifications to the site. The plan shall be prepared by a professional engineer, architect, planner, landscape architect, or land surveyor registered in the State of Michigan, whose seal is affixed to the first sheet. The Building and Zoning Official has the authority to require additional information to confirm that the proposed changes meet the requirements of subsection 74-643(a) and the standards and conditions listed in section 74-644.
 - (2) *Review standards.* The application shall be reviewed in accordance with the following standards:
 - a. The application contains all required information and all required fees have been paid.
 - b. All requirements of section 74-643(a)(1)(2) and (3) and MCL 125.3514(1)(a), (b), (c) and (d) have been met.
 - c. The standard and conditions of section 74-644 have been met.
- (b) *Other facilities.* Except for collocations that qualify as a permitted accessory use under section 74-643(a), site plan review and approval is required for every wireless communications facility in accordance with Chapter 74, Article II, Division 4. The site plan shall show the location, size, screening and design of the tower, the equipment compound and other facilities, and all adjacent buildings and structures, including fences, and the location, number, and species of trees and shrubs, and the location and design of vehicular access. The site plan shall be accompanied by the information described in 74-645B (b) through (g). In addition, for wireless communications facilities described in Section 74-643(b), a conditional use permit in accordance with Chapter 74, Article II, Division 3 shall be required. Such site plan review and conditional use permit review procedures are modified as set forth in 74-645(b)(1) below.
- (1) *Review procedures.*
 - a. Within 14 business days after receipt of an application for a conditional use permit under this article, the Township shall notify the applicant in writing if the application is incomplete or if any fee is unpaid along with a statement of the information or fee needed. The application shall not be considered complete until (i) all of the requirements for a combined preliminary and final site plan have been submitted in accordance with Chapter 74, Article II, Division 4 as determined by the Building and Zoning Official after review by Township consultants, (ii) submission of all information required by Section 74-645(b)(2) through (g), and (iii) the applicant posts the sign required by Section 74-133 and 74-61(g) after establishment of the public hearing date. Provided, the Building and Zoning Official is authorized to establish the date of the public hearing after receipt of the information set forth in (i) and (ii) above, notwithstanding section 74-133.

- b. Except as provided in c. below, the Township Board, after recommendation by the Planning Commission, shall approve or deny the application not more than 90 days after the application is considered complete, unless the applicant agrees to an extension of such time period.
 - c. For a collocation project that meets the requirements of Section 74-643(a)(1), but does not meet the requirements of Section 74-643(a)(2) or (3), the Township Board, after recommendation by the Planning Commission, shall approve or deny the application not more than 60 days after the application is considered complete, unless the applicant agrees to an extension of such time period.
- (2) *Landscaping plan.* The site plan shall include a detailed landscaping plan to provide screening and aesthetic enhancement of the tower base, storage buildings and surrounding areas.
 - (3) *Fencing.* The site plan shall show fencing designed to protect the facility and to provide security from unauthorized entry as appropriate, and any alternate or additional security measures.
 - (4) *Fall zone.* The plan submittal shall include certification signed by a state licensed professional engineer certifying the fall zone of the tower and the manner in which the tower will fall. This certification will be used along with other criteria such as applicable setback requirements for the district in determining the appropriate setback for the tower and other facilities as described in subsections 74-644(6)b and c.
 - (5) *Security.* The plan submittal shall include a description of the security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer used, as provided in section 74-647. The security shall be in the form of: cash, surety bond, or letter of credit, together with an agreement in the form approved by the Township providing for removal of the facility as described in section 74-647. The provider shall submit an estimate of the cost of removal of the facility, certified by a licensed engineer for the Township's use in determining the security to be posted.
 - (6) *Map of existing, proposed and projected facilities.* The plan submittal shall include a map showing existing, known proposed and projected potential facilities within the Township for the next five years, and existing and known proposed facilities within areas surrounding the Township in order to determine potential collocation of facilities and to demonstrate the need for the proposed facility.
 - (7) *Contact person.* The site plan submittal shall include the name, address and telephone number of the person to contact for engineering and maintenance of the facility. This information shall be kept current while the wireless communication facility is in operation and posted at the facility.
 - (8) *Conditions.* Conditions for approval of the application shall be consistent with applicable Township ordinances, and other applicable, state, federal and local laws and ordinances.

(Ord. No. 1-2013, 1-21-2013)

Sec. 74-646. - Demonstration of availability for collocation.

- (a) *Statement of policy.* It is the policy of the Township to minimize the overall number of newly established wireless communications facilities, including towers within the Township and to encourage the use of existing towers.
- (b) *Feasibility.* Collocation shall be deemed to be feasible for purposes of this section in the following circumstances:
 - (1) A provider will pay market rent or other market compensation for collocation.
 - (2) The tower can provide structural support for additional antennae, taking into consideration reasonable modification or replacement of a facility.
 - (3) The collocation is technologically reasonable.

- (4) The height of the tower necessary for collocation will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the standards set forth in this chapter.
- (c) *Requirements for collocation.*
- (1) A permit for the construction and use of a new tower or facility shall not be granted unless the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.
 - (2) All new and modified wireless communications facilities shall be designed and constructed so as to accommodate the maximum number of feasible providers for collocation.
 - (3) If a provider fails or refuses to alter an existing wireless communications facility to accommodate a proposed and feasible collocation, such provider's facilities in the Township shall be deemed nonconforming uses and shall not be altered, expanded or extended in any respect.
 - (4) If a provider fails or refuses to permit a feasible collocation, such provider shall be prohibited from receiving approval of a new facility for a period of ten years from the date of the failure to permit the collocation.
- (d) *Notice of collocation.* The applicant shall send a written notice to all potential providers offering an opportunity for collocation on the applicant's facility. Copies of the notice letter shall be provided to the Township at the time the application is filed. If during a period of 30 days after the notice letters are sent to potential providers, a provider requests collocation on the new facility, the applicant shall accommodate the request unless the applicant can demonstrate that collocation is not reasonably feasible based on the standards set forth in this section.

(Ord. No. 1-2013, 1-21-2013)

Sec. 74-647. - Removal.

- (a) *Conditions for removal.* A condition of approval of a wireless communications facility shall be adequate provision for removal of the facility upon the occurrence of one or more of the following events:
- (1) Failure to use the facility for 180 days or more.
 - (2) One hundred eighty days after new technology is available at reasonable cost as determined by the Township, which permits the operation of the facility without a tower. Each applicant shall certify its agreement to provide the Township with information on such new technology if and when it is available as part of the approval process.
- (b) *Application for demolition or removal.* Upon the occurrence of an event requiring removal of a facility, the provider shall promptly apply for demolition or removal of the facility and proceed with removal of the facility and restoring the affected area to a condition reasonably acceptable by the Township.
- (c) *Failure of provider to remove.* If a facility has not been removed within 60 days of the required removal date then after 30 days' written notice to the provider, the Township may remove or secure the removal of the facility. All costs including reasonable administrative charges of such removal shall be paid by the provider or collected from the security posted by the provider.

(Ord. No. 1-2013, 1-21-2013)

Secs. 74-648—74-680. - Reserved.

ARTICLE VII. - NATURAL FEATURES SETBACK AND STEEP SLOPE USE PROTECTION⁸¹

Footnotes:

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Editor's note— Ord. No. 7-2009, adopted Dec. 21, 2009, amended former Art. VII, §§ 74-681—74-690, in its entirety which pertained to similar subject matter and derived from Ord. of 9-5-1998, § 11.26.

Sec. 74-681. - Intent.

(a) It is the intent of this article to:

- (1) Require a minimum setback from natural features, and to regulate property within a required setback in order to prevent physical harm, impairment and/or destruction of or to a natural feature. It has been determined that, in the absence of such a minimum setback, intrusions in or onto natural features may occur, that may result in harm, impairment and/or destruction of natural features contrary to the public health, safety and general welfare.
- (2) Protect and/or limit the risk of degradation by soil erosion to areas with steep slopes, as defined in this article.

(b) This regulation is based on the police power, for the protection of the public health, safety and welfare, including the authority granted in the Michigan Zoning Enabling Act (MCL 125.3101 et seq.).

(Ord. No. 7-2009, 12-21-2009)

Sec. 74-682. - Purpose.

(a) The purpose of this article is to:

- (1) Establish and preserve a minimum setback from natural features and to recognize and make provision for the special relationship and interdependency between the natural feature and the setback area. This section acknowledges the unique spatial relationship between the setback and the natural feature. It also acknowledges the interdependency of these areas in terms of physical location, plant and animal species, diversity and hydrology. If a greater setback or prohibition is required by other ordinance, or other provision of the Code, such greater setback or prohibition shall apply.
- (2) Establish a means of protecting existing landforms constituting steep slopes and beneficial vegetation on steep slopes by limiting disturbance of such landforms and vegetation in order to minimize erosion.

(b) Natural features, their immediate surroundings, and steep slopes, as defined in this article, provide important environmental, cultural, and recreational benefits to the residents of Ann Arbor Township, including:

- Stormwater attenuation;
- Flood protection;
- Air quality benefits;
- Wildlife habitat;
- Scenic beauty; and
- Recreational opportunities.

In addition, lands adjacent to natural features also provide important protections for the feature itself, including:

- Filtration of pollutants from stormwater;

- Bank stabilization; and
- Shading to preserve desirable water temperatures.

(Ord. No. 7-2009, 12-21-2009)

Sec. 74-683. - Natural feature setback.

(a) *Regulation.* A natural feature setback shall be maintained in relation to all areas defined in this article as being a natural feature, unless and to the extent, it is determined to be in the public interest not to maintain such setback, in accordance with the standards set forth in this article.

(b) *Definition.*

Natural features: A protected wetland or watercourse, as defined in the Ann Arbor Township Wetland and Watercourse Protection Ordinance, being Article IV of Chapter 26 of the Code, section 26-106 et seq.

(c) *Authorization and prohibition.*

(1) The natural feature setback shall be determined in accordance with the standards and provisions in subsection (d) of this section, in relation to the applicable wetland or watercourse. The applicant requesting approval is responsible for determining whether protected natural features, as defined in this section, exist on the site and determining the boundaries of such natural features. This determination can be made by outside professional consultants retained by the applicant. Additional sources of information on natural features within the Township include, but are not limited to, the Township wetland map, the county planning commission fragile lands study maps, and county soil maps. Township staff, consultants, and Planning Commission will confirm these determinations during the review process.

(2) If during the process of site plan review, an application for a building permit, a soil erosion and sedimentation control permit ("SESC") or other permit or application for development, construction, disturbance, alteration or operation in the Township it appears that natural features exist on the property and may be affected by the proposed activity, the applicant or owner shall prepare and file an application in accordance with this article.

(3) Within an established natural feature setback there shall be no: construction; deposit of any material, including structures; removal of any soils or minerals; clearing of any native vegetation; dredging, filling or land balancing; constructing or undertaking seasonal or permanent operations, except as authorized pursuant to this section.

(d) *Setback standards.* The following setbacks shall apply:

(1) A 25-foot non-disturbance setback from the boundary or edge of a protected wetland, as defined and regulated in chapter 26 of Article IV, wetlands protection.

(2) A 25-foot non-disturbance setback from the ordinary high water mark of a watercourse.

(3) In addition, no building or construction shall occur within the greater of (i) 100 feet from the high water mark of any watercourse or (ii) within the 100-year floodplain.

(Ord. No. 7-2009, 12-21-2009)

Sec. 74-684. - Steep slope protection.

(a) *Regulation.* Protective measures shall be implemented in relation to all areas defined in this article as being a steep slope, unless and to the extent, it is determined to be in the public interest not to implement such protective measures, in accordance with the standards set forth in this article.

(b) *Definitions.*

Steep slope: A naturally occurring or human made landform with a vertical change in elevation of ten feet or more, and a slope of twenty (20) percent or greater, and a length of 50 feet or more, measured parallel to the contour lines. Prohibitive, precautionary, and moderate steep slopes are included in this definition.

Forest fragments: Remnant patches of formerly large areas of contiguous native forest that retain examples of native forest cover and habitat.

Beneficial vegetation: That vegetation that is both native and well-suited to the soil and climatic conditions found on the site in question so as to be an effective contributor to soil erosion control.

(c) *Steep slope protection priorities.*

- (1) *Prohibitive steep slopes:* A naturally occurring or human made landform with either of the following two characteristics is of high-level concern:
 - i. Steep slopes of 40 percent or greater; or
 - ii. Steep slopes of 20 percent or greater that are within 400 feet of the Huron River or within 100 feet of its open or historic tributaries and that both:
 - a. Have native forest fragments; and
 - b. Serve as a source of water for adjacent or connected water features.
- (2) *Precautionary steep slopes:* Steep slopes 20—39 percent that are within 400 feet of the Huron River or within 100 feet of its open or historic tributaries that do not meet the criteria for Prohibitive steep slopes.
- (3) *Moderate steep slopes:* Steep slopes not within 400 feet of the Huron River or within 100 feet of its open or historic tributaries that do not have native forest fragments.

(d) *Identification of steep slopes.*

- (1) The applicant is responsible for determining whether steep slopes, as defined in this section, exist on the site and for determining the boundaries and topographic change of such steep slopes. All topographic survey evidence shall be provided by the applicant for use by the Township staff, consultants, and Planning Commission to confirm these determinations during the review process.

(e) *Steep slope protection standards.*

- (1) *Prohibitive steep slopes:* Steep slopes identified as prohibitive steep slopes in this section shall be sustained and cared for as natural areas. No disturbance is allowed unless the Township determines it is in the public interest to do so. In that case, the standards of precautionary steep slopes shall apply.
- (2) *Precautionary steep slopes:* Steep slopes identified as precautionary steep slopes in this section shall be disturbed to the least extent possible. Alteration of the landform and/or vegetation will only be considered for approval if it is proposed in accordance with the following standards:
 - i. If any portion of a precautionary steep slope must be disturbed as part of an approved project, the balance of the steep slope area must be protected from disturbance during construction and it must be managed/restored as a natural area thereafter.
 - ii. Native vegetation, as identified by the requirements of section 74-685, shall not be disturbed to the greatest extent practicable.
 - iii. All areas disturbed as part of an approved project must be revegetated by native vegetation of similar caliper on a 1:1 basis.
 - iv. The built environment is to be of the lowest impact possible, minimizing the area of impervious surfaces.

- v. The built landscape around any approved built environment shall use minimum impervious surface and shall be complementary to the adjoining natural area.
 - vi. If additional stormwater is generated by the built environment or landscape, such additional stormwater is to be managed on-site in such a way that erosion does not occur.
 - vii. Protection measures must be in place before landform or vegetation disturbance takes place. Any damage to waterways or off-site locations from erosion must be promptly repaired to the fullest extent practical, using best management techniques.
 - viii. Plans presented for development on steep slopes must reflect sound analysis of soil erosion control methods with carefully crafted limits of disturbance lines, and must indicate procedures whereby all contractors, subcontractors, owners, and inspectors are fully and continuously informed of the values on the site that must be protected, without errors.
- (3) *Moderate steep slopes:* Development of steep slopes identified as moderate steep slopes in this section requires special techniques to prevent soil erosion. Alteration of the landform and/or vegetation of these areas shall address all of the following goals:
- i. Landscape work on these sites shall be done to restore native ecologies.
 - ii. Stormwater runoff shall be reduced.
 - iii. Infiltration of stormwater shall be enhanced.
 - iv. Only clean water shall exit the site.
 - v. Enhance natural linkages of native vegetation with contiguous properties.
 - vi. Enhance linkages of habitat with contiguous properties.

(Ord. No. 7-2009, 12-21-2009)

Sec. 74-685. - Natural feature setback or steep slope use permit.

- (a) *Authorization.* Under certain conditions defined in this section, a natural features setback and/or steep slope use permit may be authorized by the Planning Commission to allow limited construction, activity, use, or operations within the natural feature setback or steep slope area.
- (b) *Filing of application; fee.* Application for proposed disturbance within a natural features setback or steep slope area shall be made by filing an application form approved by the Township with the required information and the required fee with the Township Clerk. The fee shall be set by resolution of the Township Board. If a natural features setback permit is being applied for in conjunction with activities that require site plan approval, as described Chapter 74, Article II Division 4, Site Plan Review of this chapter, then the permit application shall be filed at the same time as the preliminary site plan, section 74-173. In all other cases, the procedure for submission of the application and determination that the application is complete shall be in accordance with section 74-173 (a), (b) and (c)(1).
- (c) *Contents of application.*
 - (1) *Site plan review required.* An application for a natural features setback use permit for a project that requires site plan review shall contain the information listed in (i) through (viii) below. An application for a steep slope use permit for a project that requires site plan review shall contain all the information listed in (i) through (ix) below:
 - i. The applicant's name, address and telephone number.
 - ii. The names and addresses of all owners of record and proof of ownership.
 - iii. The applicant's interest in the property, and if the applicant is not the fee-simple owner, the owner's signed authorization for the application.
 - iv. Legal description, address and tax parcel number of the property.

- v. A scaled and accurate survey drawing, correlated with the legal description, and showing all existing buildings, drives and other improvements.
 - vi. A vegetation inventory showing the species and location of trees, shrubs, and groundcover within 300 feet of the proposed disturbance.
 - vii. A detailed description of the proposed use.
 - viii. A site plan, meeting the requirements of a preliminary site plan, as set forth in section 74-173.
 - ix. For steep slope use applications:
 - a. A topographic plan of the entire site under consideration showing all contours at one foot intervals.
 - b. Soils analysis of the site, including soil conditions through soil borings and logs, and in sufficient detail to adequately address the slope's stability and erosion potential.
- (2) *Site plan review not required.* An application for a natural feature setback use permit or steep slope use permit for a project that does not require site plan review shall contain the information listed in (i) through (vii) below. In addition an application for a steep slope use permit that that does not require site plan review but will result in an earth change of 225 square feet or more shall also include the information set forth in (viii) below:
- i. The applicant's name, address and telephone number.
 - ii. The names and addresses of all owners of record and proof of ownership.
 - iii. The applicant's interest in the property, and if the applicant is not the fee-simple owner, the owner's signed authorization for the application.
 - iv. Legal description, address and tax parcel number of the property.
 - v. A plan prepared in accordance with section 26-405 showing the location of any drain tile on the property or a written statement representing that, following a good faith investigation, there is no evidence to indicate the existence of any drain tile on the property.
 - vi. A scaled and accurate survey drawing showing:
 - a. Project area boundaries.
 - b. Location and dimensions of all existing and proposed buildings, drives, and other improvements.
 - c. Existing topography.
 - d. Water bodies, waterways, wetlands, and drainage ditches.
 - vii. Description of the species, size and location of all trees, shrubs, and groundcover in the area of disturbance.
 - viii. A topographic plan of the site showing contours at one foot intervals (for a steep slope use permit that will result in an earth change of 225 square feet or more.)
- (d) *Additional information.* If, in the course of its review, the Planning Commission determines that additional information is needed to properly analyze the impact of the proposed permit requested in accordance with the standards set forth in this chapter or in view of the particular characteristics of the site and surrounding area, then the Planning Commission may require the applicant to provide additional information. Such additional information must be provided within a reasonable period of time and before further action by the Planning Commission.
- (e) *Review of application.* The Planning Commission shall review the application to determine if all required information has been provided. Within 135 days of receipt of a complete application, the Planning Commission shall render a decision regarding the requested natural features setback use permit, based on the standards set forth in subsections (e) and (f) of this section, provided, if additional

time is needed, the Planning Commission may extend the review period for an additional 135 days. The time period set forth in this subsection (e) shall not include any tabling or delay of action or consideration resulting from (i) lack of representation by the applicant at the meeting, (ii) the applicant's request, or (iii) failure of the applicant to supply required information (including required approvals from third parties) by the filing deadline.

- (f) *Construction, disturbance, or operation to be in public interest.* In determining whether to grant a natural features setback or steep slope use permit, the Planning Commission shall determine if the proposed construction, disturbance, or operations are in the public interest. The benefit which would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the construction, disturbance, or other operation, taking into consideration the local, state, and national concern for the protection and preservation of the natural feature or steep slope area in question. The following general criteria shall be applied in undertaking this determination:
- (1) The relative extent of the public and private need for the proposed activity.
 - (2) The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity.
 - (3) The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public and private use to which the area is suited, including the benefits the natural feature, natural feature setback, and/or steep slope area provides.
 - (4) The probable impact of each proposal in relation to the cumulative effect created by other existing and anticipated activities in the watershed.
 - (5) The probable impact of each proposal in relation to soil erosion.
 - (6) The probable impact on recognized pre-historic, historic, cultural, scenic, ecological, or recreational values, and on fish, wildlife, and the public health.
 - (7) The size and quantity of the natural feature setback and/or steep slope impact being considered.
 - (8) The amount and quantity of the remaining natural feature setback and/or steep slope area.
 - (9) Proximity of the proposed construction and/or operation in relation to the natural feature and/or steep slope, taking into consideration the degree of slope, general topography in the area, soil type, and the nature of the natural feature and/or steep slope to be protected.
 - (10) Economic value, both public and private, of the proposed construction, disturbance, or operation, and economic value, both public and private, if the proposed construction, disturbance and/or operation were not permitted.
 - (11) The necessity for the proposed construction, disturbance, or operation.
- (g) *Conditions of approval.*
- (1) All operations permitted or approved under a natural features setback or steep slope use permit shall be conducted in such a manner as will cause the least possible damage and encroachment or interference within the natural feature setback, the steep slope area, and with the natural resources and natural processes within the watercourses, wetland areas, and steep slopes in the Township as defined in this section.
 - (2) The Planning Commission in granting authorization to conduct an activity within a natural feature setback and/or steep slope area, may:
 - i. Impose such conditions in the manner and extent of the proposed construction, disturbance, operation, development, use, structure, or use activity as are necessary to ensure that the intent of this article is carried out;
 - ii. Fix a reasonable time for the undertaking and completion of all operations; and

- iii. Require a cash bond or irrevocable letter of credit, in such form and amount as determined necessary by the Planning Commission in consultation with the Township Natural Features Consultant, Supervisor, and Attorney to ensure compliance with the use permit.
- (3) The review and approval of an application to conduct an activity within a natural feature setback and/or steep slope area may be done concurrently with the review and approval of site plans, subdivision plats, site condominiums, or planned unit development. Use permits approved under this section shall expire (and may be extended) at the same time (or in the same manner) as any subdivision, plat, site plan, site condominium or PUD approval, or if none then 24 months after approval of such permit by the Planning Commission.
- (4) Prior to commencement of work on the site and continuing throughout the duration of the project, a copy of the approved use permit which contains the conditions of issuance shall be posted on the site in a conspicuous manner such that the wording of such permit will be available for public inspection.
- (5) Any change which increases the size, scope, use or hours of operation shall require the filing of and amendment to the use permit which shall be processed in the same manner as an amendment to the building permit, SESC permit, site plan or other permit or approval issued in connection with the original permit under this article.
- (6) Any necessary natural features setback or steep slope use permit shall be obtained prior to the issuance of any building permits or SESC permit necessary for construction.

(Ord. No. 7-2009, 12-21-2009)

Sec. 74-686. - Appeal of approval or denial of application.

A decision on an application regarding a use permit application under this article may be appealed only to the Ann Arbor Township Zoning Board of Appeals. Any appeal must be received in writing by the Township Clerk within 28 days after the date of the Planning Commission's decision

(Ord. No. 7-2009, 12-21-2009)

Sec. 74-687. - Penalties and enforcement.

- (a) Any person found guilty of violating any of the provisions of this article shall be punished as provided in Article II, Division 2 of this chapter, and may be cited for each day of violation. The Township, in addition to other remedies, may institute any appropriate action or proceeding to prevent, abate or restrain the violation.
- (b) In addition to the provisions contained in this section, the Planning Commission, at a formal meeting, shall have the authority to direct the Zoning Officer or designated person to notify the Township Supervisor that a stop work order (or stop construction order as described in section 74-98) shall be issued upon any project for development, with the concurrence of the Township Supervisor, when it is determined that a violation has occurred.

(Ord. No. 7-2009, 12-21-2009)

Sec. 74-688. - Ordinance conflict.

Nothing in this article shall be interpreted to conflict with present or future state statutes in the same subject matter; conflicting provisions of this chapter shall be abrogated to, but only to, the extent of the conflict. Moreover, the provisions of this section shall be construed, if possible, to be consistent with relevant state regulations and statutes. If any part of this section is found to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent

provision. Such holding shall not affect the validity of the remaining portions thereof, and the remainder of the section shall remain in force. Rights and duties which have matured, penalties which have been incurred, proceedings which have begun and prosecutions for violations of law occurring before the effective date of the ordinance from which this chapter is derived are not affected or abated by this article.

(Ord. No. 7-2009, 12-21-2009)

Secs. 74-689—74-725. - Reserved.

ARTICLE VIII. - OFF-STREET PARKING AND LOADING REGULATIONS

DIVISION 1. - GENERALLY

Secs. 74-726—74-760. - Reserved.

DIVISION 2. - OFF-STREET PARKING

Sec. 74-761. - General provisions for off-street parking.

- (a) The regulations of this article shall be met in all districts whenever any uses are established or any building or structure is erected, enlarged, or increased in capacity.
- (b) Plans and specifications showing required off-street parking spaces, including the means of access, ingress, egress, and circulation shall be submitted to the Building Inspector for review at the time of application for a building permit for the erection or enlargement of a building or at the time spaces are added or altered, unless a site plan is required under article II, division 4, site plan review, in which case this requirement shall not apply.
- (c) No parking area or parking space which existed December 13, 1976, or which subsequent thereto is provided for the purpose of complying with the provisions of this chapter, shall thereafter be relinquished or reduced in any manner below the requirements established by this chapter.
- (d) Except for recreational vehicles which shall be regulated as provided in section 74-591, parking of motor vehicles on any parcel or lot zoned or used for residential purposes shall be limited to private passenger automobiles, including private passenger sport utility vehicles and pick-up style trucks, and not more than one commercial vehicle of a light delivery type, not to exceed three-fourths-ton carrying capacity. Provided, however, other commercial vehicles may be parked on a parcel or lot zoned for residential purposes if used in connection with a school, place of worship, day care or other properly authorized conditional use of such parcel or lot. Parking of motor vehicles on any parcel zoned or used for residential purposes shall only be allowed in garages, carports, or properly designated parking areas located on the premises as the principal building.
- (e) The storage of merchandise or vehicle parts in any parking lot in any district is prohibited.

(Comp. Ords. 1990, § 130.1201; Ord. No. 6-2003, 5-19-2003; Ord. No. 3-2017, 6-19-2017; Ord. No. 5-2017, 11-20-2017)

Sec. 74-762. - Specifications for parking areas.

- (a) Required off-street parking facilities shall be located on the same lot as the principal building for which the parking is intended or on another lot wherein the parking facilities are within 300 feet of the building they serve.
- (b) Every parcel of land hereafter used as a public or private parking area shall be developed and maintained in accordance with the following regulations:

- (1) Off-street parking spaces and driveways.
 - a. Off-street parking spaces and all driveways serving properties zoned or used for other than single-family detached residential uses or purposes shall be located a minimum of 50 feet from any property line which is adjacent to a parcel zoned for single-family detached residential use.
 - b. Off-street parking spaces and all driveways serving properties zoned or used for other than single-family detached residential uses or purposes shall be located a minimum of ten feet from any property line which is adjacent to a parcel zoned for non-single family detached residential use; provided, however, a closer distance may be permitted in such case if a suitable wall, screen or compact planting strip is provided as a barrier along such property line.
 - c. Off-street parking spaces and driveways serving properties zoned for single-family detached residential use shall not be subject to any requirement for location a minimum distance from property lines.
- (2) Off-street parking spaces shall not be located in the required front yard or within the required yard along any street.
- (3) All off-street parking areas shall be drained so as to prevent direct drainage onto abutting properties and surface drainage onto public streets. Parking areas shall be paved except in the I-1 district, in which gravel surfaces may be permitted. All parking spaces in paved lots shall be marked with striping.
- (4) Lighting fixtures used to illuminate any off-street parking areas shall be so arranged as to reflect the light away from any adjoining streets or residential lots.
- (5) Any off-street parking area providing space for five or more vehicles shall be effectively screened on any side which adjoins a lot in any residential district, by a wall, screen, or compact planting strip not less than four feet in height.
- (6) All off-street parking areas that make it necessary or possible for vehicles to back directly into a public street are prohibited, provided that this prohibition shall not apply to off-street parking areas of one-family or two-family dwellings.
- (7) All spaces shall have adequate access by means of aisles or lanes.
- (8) Ingress and egress to parking lots shall be provided for all vehicles by means of clearly limited and defined drives.
- (9) Aisles for access to all parking spaces on two-way aisles shall be designed and clearly marked for two-way movements. Aisles for angle parking spaces shall have one-way movement only and shall be clearly marked for one-way movement.
- (10) Not more than 15 parking spaces shall be permitted in a continuous row in rural and urban residential districts without being interrupted by landscaping. Not more than 20 parking spaces shall be permitted in a continuous row in business and industrial districts without being interrupted by landscaping.
- (11) All required landscape areas and screens shall be maintained in a healthy, neat, and orderly appearance.
- (12) Width and length of parking spaces.
 - a. The minimum width of parking spaces shall be nine (9) feet.
 - b. The width of a parking space shall be measured on a line perpendicular to both sidelines of the space.
 - c. The length of a parking space shall be at least 19 feet.
- (13) The minimum width of parking lot drives or aisles shall be as follows:

- a. For 90-degree parking, 22 feet.
 - b. For 60-degree parking, 18 feet.
 - c. For 45-degree parking, 13 feet.
 - d. For parallel parking, 11 feet for one-way traffic flow and 22 feet for two-way traffic flow.
- (c) Off-street parking facilities for trucks at restaurants, service stations, and similar establishments shall be of a sufficient size to adequately serve trucks and not interfere with other vehicles that use the same facilities.

(Comp. Ords. 1990, § 130.1202; Ord. No. 7-2010, 11-15-2010; Ord. No. 7-2010, 11-15-2010)

Sec. 74-763. - Rules for calculating required number of parking spaces.

- (a) Where floor area is the unit for determining the required number of off-street parking spaces, such unit shall mean the gross floor area, except that floor area used for parking within the principal building, incidental service, storage, installations of mechanical equipment, heating systems, and similar uses need not be included.
- (b) In stadiums, sports arenas, places of worship and other places of assembly in which those in attendance occupy benches, pews, or other seating facilities, each 18 inches of such seating shall be counted as one seat. In cases where a place of assembly has both fixed seats and open assembly areas, requirements shall be computed separately for each type and added together.
- (c) For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift.
- (d) For requirements stated in terms of capacity or permitted occupancy, the number shall be determined on the basis of the largest ratings by the local county or state building, fire, or health codes.
- (e) Any fractional space shall be counted as one additional required space.
- (f) The number of parking spaces required for land or buildings used for two or more purposes shall be the sum of the requirements for the various uses computed in accordance with this division. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except as provided in subsections (g) and (h) of this section.
- (g) If a parking lot serves two or more uses where the operating hours of the uses do not overlap, the total number of required spaces may be less than the sum of requirements for each use, to a limit of the sum of one-half of the parking requirements of each use. In no case, however, shall the number of spaces required be less than the sum of the largest number of spaces required for one use plus one-half of the required spaces for each additional use. The Building Inspector shall determine the conditions of overlapping requirements and the amount of reductions in the required number of spaces which shall be permitted, in accordance with this subsection.
- (h) Off-street parking spaces required for places of worship may be reduced by 50 percent where places of worship are located in nonresidential districts and within 300 feet of existing usable public or private off-street spaces where permission is granted. The Building Inspector shall determine if such public or private spaces qualify under this section. The required number of off-street parking spaces may also be reduced in accordance with subsection (g) of this section, if applicable.
- (i) Where a use is not specifically listed in the schedule of requirements, section 74-764, the parking requirements of a similar use shall apply. The Building Inspector shall make the interpretation.

(Comp. Ords. 1990, § 130.1203; Ord. No. 1-2003, 3-1-2003; Ord. No. 3-2017, 6-19-2017; Ord. No. 5-2017, 11-20-2017)

Sec. 74-764. - Schedule of off-street parking requirements.

(a) Uses permitted in recreation-conservation, agriculture, and residential districts:

(1)	Dwellings—Single-family	Two spaces for each dwelling unit.
(2)	Dwellings—Mobile home park	2½ spaces per unit plus one space for each two employees of the park.
(3)	Dwellings—Two-family and multiple-family	Two spaces for each dwelling unit.
(4)	Dwellings—Senior citizens units	One space for each two dwelling units, plus one space for each employee.
(5)	Fraternities, sororities	One space for each two occupants.
(6)	Hospitals	One space for each bed, excluding bassinets, plus one space for each two employees.
(7)	Sanitariums, nursing homes, children's homes	One space for each four beds plus one space for each two employees.
(8)	Elementary and junior high schools	One space for each employee plus one space for each classroom, including portables.
(9)	Senior high schools, colleges, universities	One space for each employee plus one space for each four students of the rated capacity, plus one half the requirements for auditoriums.
(10)	Places of worship, auditoriums, sports arenas, theaters, assembly halls other than schools	One space for each four seats of maximum seating capacity
(11)	Libraries, museums	One space for each 500 square feet of floor area.
(12)	Swimming pool clubs, tennis clubs, and similar uses	One space for each two-member families plus spaces as required for each accessory use, such as a restaurant.
(13)	Golf courses	Six spaces for each golf hole and one space for each employee, plus spaces as required for each accessory use, such as a restaurant.

(14)	Nursery schools, day nurseries, child care centers	One space for each 350 square feet of floor area and one space per employee.
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(b) Uses permitted in business districts:

(1)	General retail sales establishments, not elsewhere classified	One space for each 200 square feet of gross floor area.
(2)	Furniture, appliance, household equipment stores and repair shops	One space for each 400 square feet of gross floor area.
(3)	Barbershops and beauty shops	Two spaces for each chair, plus one space for each employee.
(4)	Restaurants, cocktail lounges, taverns, nightclubs	One space for each two patrons of maximum seating capacity plus one space for each two employees.
(5)	Professional and business offices	One space for each 200 square feet of gross floor area.
(6)	Medical and dental offices, clinics, banks	One space for each 100 square feet of floor area plus one space for each employee.
(7)	Self-serve laundry or dry cleaning stores	One space for each two washing, drying, or dry cleaning machines.
(8)	Automobile service stations	One space for each gasoline pump, plus two spaces for each lubrication stall.
(9)	Automobile or machinery sales and/or service establishments	One space for each 200 square feet of showroom floor area plus two spaces for each service bay plus one space for each two employees.
(10)	Bowling alleys	Five spaces for each alley plus parking for accessory uses as provided in this chapter.

(11)	Motels, hotels, tourist homes	One space for each occupancy unit plus one space for each two employees plus parking for accessory uses as provided in this chapter.
(12)	Funeral homes	Four spaces for each parlor or one space for each 50 square feet of floor area in parlors, whichever is greater, plus one space for each fleet vehicle.
(13)	Shopping center	5½ spaces for each 1,000 square feet of gross leasable floor area.
(14)	Private clubs, lodge halls	One space for each three persons of maximum capacity.
(15)	Automobile wash, drive-in	Five spaces for each washing stall (not including space in each stall) plus one space for each employee.

(c) Uses permitted in industrial districts:

(1)	Wholesale establishments	One space for each 200 square feet of sales floor area, plus one space for each two employees plus one space for each vehicle to be stored on the premises.
(2)	Manufacturing, fabricating, processing, research and testing establishments	One space for each 1½ employees.
(3)	Warehouses	One space for each 2,000 square feet of gross floor area plus one space for each vehicle to be stored on the premises plus one space per employee.
(4)	Utility substations	Two spaces.
(5)	Contractors establishments	One space for each employee, plus one space for each vehicle stored in the premises.
(6)	Junkyards	One space for each employee, plus one space for each operating vehicle stored on the premises, plus two spaces for each acre of land in yard.

(Comp. Ords. 1990, § 130.1204; Ord. No. 3-2017, 6-19-2017; Ord. No. 5-2017, 11-20-2017)

Secs. 74-765—74-795. - Reserved.

DIVISION 3. - OFF-STREET LOADING

Sec. 74-796. - General provisions for off-street loading facilities.

- (a) In connection with every building or part thereof erected after December 13, 1976, except single-family and two-family dwellings, off-street loading and unloading spaces for uses which customarily receive or distribute material or merchandise by vehicle shall be provided on the same lot with such buildings. Off-street loading spaces are hereby required in order to avoid interference with public use of streets and parking areas.
- (b) Plans and specifications showing required loading and unloading spaces and the means of ingress and egress and internal circulation shall be submitted to the Building Inspector for review at the time of application for a building permit for the erection or enlargement of a use of a building or structure or at the time such spaces are added or altered, unless a site plan is required under article II, division 4 in which case this requirement shall not apply.

(Comp. Ords. 1990, § 130.1205)

Sec. 74-797. - Specifications for loading facilities.

- (a) Each off-street loading/unloading space shall not be less than the following:
 - (1) In any rural, suburban, or urban residential district, a loading space shall not be less than ten feet in width and 25 feet in length and, if a roofed space, not less than 15 feet in height.
 - (2) In any business or industrial district, a loading space shall not be any less than ten feet in width and 55 feet in length and, if a roofed space, not less than 15 feet in height.
- (b) Subject to the limitations of subsection (d) of this section, a loading space may occupy part of any required side or rear yard, except the side yard along a street in the case of a corner lot shall not be occupied by such space. No part of a required front yard shall be occupied by such loading space.
- (c) Any loading space shall not be closer than 50 feet to any lot located in a residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, fence, or compact planting strip not less than six feet in height, in which case such space shall not be located closer to the lot line than the required yard.
- (d) Off-street loading facilities that make it necessary or possible to back directly into a public street shall be prohibited. All maneuvering of trucks and other vehicles shall take place on the site and not within a public right-of-way.

(Comp. Ords. 1990, § 130.1206)

Sec. 74-798. - Schedule of off-street loading requirements.

- (a) Off-street loading/unloading spaces where required shall be provided at the rate of one space for the first 5,000 square feet of gross floor area, and one space for each additional 20,000 square feet of gross floor area, or fraction thereof.
- (b) Required off-street parking spaces shall not be included in the counting of required loading spaces.

- (c) In the case of mixed uses on one lot or parcel the total requirements for off-street loading facilities shall be the sum of the various uses computed separately.

(Comp. Ords. 1990, § 130.1207)

Secs. 74-799—74-830. - Reserved.

ARTICLE IX. - SIGN REGULATIONS

Sec. 74-831. - Purpose of article.

- (a) The purpose of this article is to regulate all exterior signs placed for exterior observance so as to protect property values, to protect the character of the various neighborhoods in the Township, to protect health and safety, and to protect the public welfare.
- (b) The principal features are the restriction of advertising to the use of the premises on which the sign is located and the restriction of the total sign area permissible per site. Any sign placed on land or on a building for the purposes of identification or for advertising a use conducted therein or thereon shall be deemed to be accessory and incidental to such land, building, or use. It is intended that the display of signs will be appropriate to the land, building, or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification or advertisement. With respect to signs advertising business uses, it is specifically intended, among other things, to avoid excessive competition and clutter among sign displays in their demand for public attention. It is further intended that all signs within one complex or center be coordinated with the architecture in such a manner that the overall appearance is harmonious in color, form, and proportion.
- (c) It is also intended by this article that all temporary signs erected for directional purposes, for public information or to call attention to special events shall be confined to those that are of general public interest and that such signs shall be limited to the giving of information.
- (d) All other signs, commonly referred to as outdoor advertising, billboards, or poster panels which advertise products or businesses not connected with the site or building on which they are located, are deemed by this article to constitute a principal use of the lot. Any widespread display of outdoor advertising is deemed to be inappropriate to the character and sound development of the Township and it is intended that such advertising be confined to undeveloped commercial or industrial property.

(Comp. Ords. 1990, § 130.1301)

Sec. 74-832. - General sign regulations.

No sign shall be erected or replaced at any location where, by reason of position, size, shape, color, or illumination, it may interfere with, obstruct the view of, or be confused with, any authorized traffic sign, signal, or device so as to interfere with, mislead, or confuse traffic. 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 essential character of such area. Signs, including signs painted onto building walls, shall conform to all yard and height requirements of the district in which located unless otherwise provided in this article. A permit for any sign, whether freestanding or mounted on or applied to a building, including signs painted on building walls, or other structures, or for any change in copy, shall be obtained from the Township Building Inspector before such sign may be erected, replaced, or relocated. Strings of pennants or flags attached to or part of a sign, or independently displayed for purposes of advertising, shall be prohibited.

(Comp. Ords. 1990, § 130.1302)

Sec. 74-833. - Signs permitted in all zoning districts.

Subject to the other conditions of this chapter, the following signs shall be permitted anywhere within the Township:

- (1) One sign shall be permitted for all building contractors, one for all professional design firms and one for all lending institutions on sites under construction, each sign not to exceed six square feet overall, with not more than a total of three such signs permitted on one site. The sign shall be confined to the site of the construction, construction shed, or construction trailer and shall be removed within 14 days of the issuance of a certificate of occupancy.
- (2) One temporary real estate "for sale" sign located on the property and not exceeding six square feet in area shall be permitted for each lot. If the lot or parcel has multiple frontage, one additional sign not exceeding six square feet in area shall be permitted on the property on each street frontage. Under no circumstances shall more than two such signs be permitted on a lot. Such sign(s) shall be removed within seven days following the sale.
- (3) Street banners advertising a public entertainment or event, if such banners are approved by the Township Board and in locations designated by the Township Board, may be displayed 14 days prior to and seven days after the public entertainment or event.
- (4) Name, directional, and informational signs and emblems of service clubs, places of worship, civic organizations, and quasi-public uses shall be permitted on private property and set back in accordance with the requirements of the zoning district in which located. Each sign shall not be more than three square feet in area. The top of such sign shall not exceed eight feet above grade. In the event that more than one sign is to be placed at one location, all civic organizations and service clubs signs must be consolidated and confined within a single frame, and all signs for places of worship shall be consolidated and confined within a single frame which may be separate from that for civic organizations and service clubs.

(Comp. Ords. 1990, § 130.1303)

Sec. 74-834. - Signs permitted in recreation-conservation and agricultural districts.

- (a) One incidental sign advertising the type of farm products grown on the farmstead premises is permitted. Such sign shall not exceed 32 square feet in area.
- (b) One sign for each public street frontage identifying a park, or school building, other authorized use, or a lawful nonconforming use, is permitted. Such sign shall not exceed 18 square feet in area.

(Comp. Ords. 1990, § 130.1304)

Sec. 74-835. - Signs permitted in residential districts.

The following signs are permitted:

- (1) One sign for each public street frontage advertising a recorded subdivision or development, not to exceed 18 square feet in area. Such sign shall be removed within one year after the sale of 90 percent of all lots or units within such subdivision or development.
- (2) One sign on each street frontage of a new multiple-family development advertising the new dwelling units for rent, not to exceed 18 square feet in area. Such sign shall be removed within 60 days of the initial rental of 90 percent of the dwelling units within the development or within the first phase, whichever is applicable.
- (3) One sign for each public street frontage identifying a multiple-family building, subdivision, or development, not having commercial connotations, not to exceed 18 square feet in area.

- (4) One sign advertising "For Rent" or "Vacancy" may be placed on each frontage of a rental residential development provided that such sign shall not exceed three square feet in area and is incorporated into the identification sign permitted in subsection (3) of this section.
- (5) One sign for each public street frontage identifying a school, place of worship, public building, other authorized use or lawful nonconforming use, not to exceed 18 square feet in area.

(Comp. Ords. 1990, § 130.1305; Ord. No. 3-2017, 6-19-2017; Ord. No. 5-2017, 11-20-2017)

Sec. 74-836. - Signs permitted in business and industrial districts.

- (a) A sign, except outdoor advertising signs, which shall be regulated as set forth in section 74-837, in C-1, O and R-D districts, is permitted only where it identifies an enterprise occupying the same lot upon which the sign is located and shall conform to the following regulations:
 - (1) An identification sign, limited to one sign per building, may be affixed to a wall of the building. If the building contains more than one enterprise, as in a shopping center, each enterprise located therein may have one such sign. Total sign area for wall signs shall not exceed two square feet for each foot of length of the wall to which it is affixed. Wall signs shall not project more than one foot from the wall face, as measured to the farthest face of the sign.
 - (2) Where more than one sign is permitted on a wall face, the minimum horizontal distance between such signs shall be two feet.
 - (3) One freestanding identification sign may be erected for an individual lot, or group of lots developed as one lot, when not provided for by subsections (a)(4) and (5) of this section, and shall not exceed 36 square feet in area for offices and 80 square feet in area for other uses. If the lot fronts on more than one street, the total permitted sign area may be divided among two or more such signs, provided, however, that the maximum permitted sign area shall not be exceeded.
 - (4) One freestanding identification sign may be erected for a research park or office center, or combined research park/office center. Such sign shall not exceed 36 square feet in area. If the lot fronts on two or more collector or arterial streets, one such sign may be permitted for each such frontage.
 - (5) One freestanding identification sign stating the name of a shopping center or commercial development, and major tenants therein, may be erected for a shopping center or other integrated group of store or commercial buildings. The sign area shall not exceed one square foot per front foot of building, or buildings, for which it is erected; however, such sign shall not exceed 200 square feet in area. If the lot fronts on two or more collector or arterial streets, one such sign may be permitted for each such frontage.
 - (6) Identification signs for rear or side entrances shall be permitted, at the rate of one such sign for each entrance, provided that the area of each such sign shall not exceed four square feet. The area shall not be included in the area limitations set forth elsewhere in this section.
 - (7) Wall signs shall not extend above the top edge of walls.
 - (8) Signs may be placed on the vertical faces of a marquee in place of a wall sign. One identification sign per establishment, not exceeding four square feet in area, may be placed on the underside of a marquee provided it does not project below the lower edge of a marquee more than 24 inches, but the bottom of a sign placed on a marquee shall be no less than eight feet above the sidewalk or grade at any point. No part of the sign shall project above the top of the vertical faces of a marquee.
- (b) In I-1 districts, a sign, except outdoor advertising signs, which shall be regulated as set forth in section 74-837 of this section, is permitted only where it identifies a business occupying the lot upon which the sign is located. Such signs shall conform to the following regulations:

- (1) An identification sign, limited to one sign per building, may be affixed to a wall of the building. If the building contains more than one enterprise, each enterprise may have one such sign, similarly affixed. The total sign area shall not exceed one square foot for each foot in length of the wall to which it is affixed. A wall sign shall not project more than one foot from the face of the wall, measured to the farthest face of the sign.
- (2) One freestanding identification sign may be erected for an industrial park, district, or subdivision, or for an individual lot or group of lots. The area of such sign shall not exceed 80 square feet. If the lot fronts on two or more collector or arterial streets, one sign may be permitted on each such frontage.
- (3) Identification signs for rear or side entrances shall be permitted, at the rate of one for each entrance, provided that the area of each such sign shall not exceed four square feet. The area shall not be included in the area limitations set forth elsewhere in this section.
- (4) Wall signs shall not extend above the top edge of walls.

(Comp. Ords. 1990, § 130.1306)

Sec. 74-837. - Outdoor advertising signs.

Outdoor advertising signs are prohibited in the Township except where permitted by the Highway Advertising Act of 1972 (MCL 252.301 et seq.).

(Comp. Ords. 1990, § 130.1307)

Sec. 74-838. - Signs for automobile service stations.

Signs for automobile service stations shall be regulated as set forth in section 74-836(a). In addition, the following regulations shall apply:

- (1) The permitted wall sign or legend may be attached either to a wall of the building or to the canopy of a fuel pump island.
- (2) One permanent sign for the purpose of advertising gasoline prices and similar announcements, when mounted on a freestanding structure or on the structure of another permitted sign, may be installed along each street frontage, provided that clear views of street traffic by motorists or pedestrians are not obstructed in any way. Such signs shall not exceed six square feet in area. All temporary signs for such purposes and all banners, streamers, flags (other than state or national flags) and similar advertising objects shall be prohibited.

(Comp. Ords. 1990, § 130.1308)

Sec. 74-839. - Exemptions.

The following types of signs are exempted from all the provisions of this chapter except for construction and safety regulations and the following standards:

- (1) Signs of a noncommercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of his public duty, such as directional signs, regulatory signs, and informational signs.
- (2) Temporary signs announcing any public, charitable, educational, or religious event or function, located entirely within the premises of that institution and set back not less than ten feet from the property line. Maximum sign area shall be 24 square feet. Such signs shall be allowed no more than 14 days prior to the event or function and must be removed within seven days after the event

or function. If building mounted, these signs shall be flat wall signs and shall not project above the roof line. If ground mounted, the top shall be no more than six feet above ground level.

- (3) Names of buildings, dates of erection, monument citations, commemorative tablets and the like, when carved into stone, concrete, or similar material or made of other permanent type construction and made an integral part of the structure.
- (4) Signs directing traffic movement onto a property or within a property, not exceeding eight square feet in area for each sign. Horizontal directional signs on and flush with paved areas are exempt from these standards.
- (5) Temporary real estate directional signs, not exceeding three square feet in area and four in number, showing a directional arrow and placed back of the property line, shall be permitted on approach routes to an open house and shall be displayed only during daylight hours. The tops of such signs shall not exceed three feet in height.
- (6) Political campaign signs announcing candidates seeking public political office and other data pertinent thereto.
- (7) National, state, municipal, and university flags.
- (8) "No trespassing," "no hunting," and similar signs prohibiting invasion of private property, provided the area of such sign shall not exceed two square feet.

(Comp. Ords. 1990, § 130.1309)

Sec. 74-840. - Prohibited signs.

The following signs are prohibited anywhere within the Township:

- (1) Signs which imitate an official traffic sign or signal, which contain the words "stop," "go," "slow," "caution," "danger," "warning," or similar words except as provided in section 74-839(4).
- (2) Signs which are of a size, location, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal or which obstruct the view in any direction at a street or road intersection.
- (3) Signs which contain or consist of pennants, ribbons, streamers, spinners, strings of light bulbs, or other similar devices.
- (4) Signs which are placed on a street or other public right-of-way.
- (5) Signs which are pasted or attached to utility poles, trees, or other signs, except as provided in section 74-839(8).
- (6) Signs which move in any manner or have a major moving part or give an illusion of motion.
- (7) Signs which swing or otherwise noticeably move as a result of wind pressure because of the manner of suspension or attachment.

(Comp. Ords. 1990, § 130.1310)

Sec. 74-841. - Permit application; inspection; maintenance; and fees.

- (a) Application for a permit to erect or replace a sign, or to change copy thereon, shall be made by the owner of the property on which the sign is to be located, or his authorized agent, to the Township Building Inspector, by submitting the required forms, fees, exhibits, and information. Fees for sign permits shall be determined by resolution of the Township Board and no part of such fee shall be returnable to the applicant. No fee shall be required of any governmental body or agency.
- (b) The application shall contain the following information:

- (1) The applicant's name and address in full, and a complete description of relationship to the property owner.
 - (2) The signature of the property owner concurring in submittal of such application.
 - (3) An accurate survey drawing of the property showing location of all buildings and structures and their uses, and location of the proposed sign.
 - (4) A complete description and scale drawings of the sign, including all dimensions and the area in square feet.
- (c) All signs shall be inspected by the Township Building Inspector for conformance to this chapter prior to placement on the site. Foundations shall be inspected by the Building Inspector on the site prior to pouring of the concrete for the sign support structure.
 - (d) Any sign involving electrical components shall be wired by a licensed electrician in accordance with the Township electrical code and the electrical components used shall bear an Underwriters Laboratories, Inc. seal of inspection.
 - (e) A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six months after the date of the permit. A permit may be renewed and no additional fee shall be collected for the renewal.
 - (f) Painting, repainting, cleaning, and other normal maintenance and repair of a sign or a sign structure, unless a structural or copy change is made, shall not require a sign permit.
 - (g) All signs shall comply with the requirements of the state construction code.

(Comp. Ords. 1990, § 130.1311)

Sec. 74-842. - Illumination of signs.

- (a) The light from or onto any illuminated sign shall be so shaded, shielded, or directed that the light intensity or brightness shall not adversely affect surrounding or facing premises nor adversely affect safe vision of operators of vehicles moving on public or private roads, highways, or parking areas. Light shall not shine onto or into residential structures.
- (b) No sign shall have blinding, flashing, or fluttering lights or other illuminating devices which have a changing light intensity, brightness, or color, or which are so constructed and operated as to create an appearance or illusion of writing or printing, except that movement showing the date, the time, and the temperature exclusively may be permitted. Nothing contained in this chapter shall, however, be construed as preventing the temporary use of lights or decorations related to religious and patriotic festivities. Beacon lights or search lights shall not be permitted as a sign for advertising purposes.
- (c) No exposed reflective type bulbs and no strobe lights or incandescent lamps shall be used on the exterior surface of any sign so as to expose the face of the bulb, light, or lamp to any public street or adjacent property.
- (d) Illumination of the following types of signs shall be limited as follows:
 - (1) *Wall and marquee signs:* Wall and marquee signs may be illuminated if the light source is designed to prevent spillage of excess light beyond the edge of the sign face as determined by the Zoning Official. Further, wall or marquee signs may be internally illuminated if the background of the sign is opaque with translucent lettering and logos that allow illumination of the lettering and logos only.
 - (2) *Ground signs:* Ground signs may be illuminated if the light source is designed to prevent spillage of excess light beyond the edge of the sign face as determined by the Zoning Official. Further, ground signs may be internally illuminated, if the background of the sign is opaque with translucent lettering and logos that allow illumination of the lettering and logos only.

- (3) *Outdoor advertising signs:* Outdoor advertising signs shall be illuminated from above using light fixtures that are tightly focused to prevent spillage of excess light beyond the edge of the sign face and directed downward to prevent off-site glare and minimize light pollution.
- (4) *Applicant information.* The Township Zoning Official may request and the applicant shall provide at the applicant's expenses sufficient information for the Township Zoning Official to make the foregoing determinations.

(Comp. Ords. 1990, § 130.1312; Ord. No. 8-2010, Ord. No. 8-2010, 11-15-2010)

Sec. 74-843. - Computation of surface area.

The surface area of a sign shall be computed as including the entire area within a regular geometric form or combination of such 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 copy or display material shall not be included in computation of surface area. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back, parallel to one another, and no more than 24 inches apart, the area of the sign shall be the area of one face.

(Comp. Ords. 1990, § 130.1313)

Sec. 74-844. - Removal.

- (a) The Building Inspector shall order the removal of any sign erected or maintained in violation of this chapter. Thirty days' notice in writing shall be given to the owner of such sign or of the building, structure, or premises on which such sign is located, to remove the sign or to bring it into compliance with this chapter. Upon failure to remove the sign or to comply with this notice, the Township shall remove the sign. The Township shall also remove the sign immediately and without notice if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public. Any cost of removal incurred by the Township shall be assessed to the owner of the property on which such sign is located and may be collected in the manner of ordinary debt or in the manner of taxes and such charge shall be a lien on the property.
- (b) A sign shall be removed by the owner or lessees of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the Township shall remove it in accordance with subsection (a) of this section. These removal provisions shall not apply where a subsequent owner or lessee conducts the same type of business and agrees to maintain the signs as provided in this chapter or changes the copy on the signs to advertise the type of business being conducted on the premises, and provided the signs comply with the other provisions of this chapter.

(Comp. Ords. 1990, § 130.1314)

Sec. 74-845. - Nonconforming signs.

Copy may be changed on nonconforming signs, provided that the sign area is not increased, and provided that no structural changes are made in the sign.

(Comp. Ords. 1990, § 130.1315)

Sec. 74-846. - Responsibilities for signs.

The following regulations apply to all signs, except those signs permitted in sections 74-833, 74-834, and 74-835(1), (2) and (4):

- (1) The advertiser is hereby made responsible for copy, structure, lighting, and all other parts of a sign.
- (2) Signs shall be constructed and erected only by individuals or companies licensed in the state for such purpose.
- (3) All signs requiring permits shall display, in a conspicuous place, evidence of the permit and containing such data as might be required by the Building Inspector, including the name of the individual or company erecting the sign.
- (4) Each individual or company erecting signs within the Township shall annually provide the Building Inspector with a certificate of public liability insurance. A permit for erecting a sign shall not be issued unless such certificate is on file with the Building Inspector.
- (5) All signs and components thereof shall be kept in good repair and in a safe, clean, neat, and attractive appearance.

(Comp. Ords. 1990, § 130.1316)

Sec. 74-847. - Registry.

The Building Inspector shall maintain an up-to-date registry of each sign erected in the Township after December 13, 1976. The registry shall contain the following information: location of the sign, name and address of the property owner, advertiser, and individual or company erecting a sign and height, dimensions, and face area, and date of placement on the site.

(Comp. Ords. 1990, § 130.1317)

APPENDIX A. - RANKING SYSTEM

Part I. - Characteristics of the farmland.

Types of agricultural land are as follows:

- (1) *Prime farmland.* Land that has the best combination of physical and chemical characteristics for producing food, feed, fiber, forage, oilseed and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides and labor, without intolerable soil erosion, as determined by the Secretary of Agriculture.
- (2) *Other productive soils.* Soils that are contained on farm or ranch land and that are identified as soils of Statewide or local importance and is used for the production of food, feed, fiber, forage or oilseed crops.

(Ord. No. 8-03, App. A, pt. I, 8-18-2003; Ord. No. 6-2005, App. A, pt. I, 12-19-2005)

Part II. - Stewardship of the land.

- (a) *Conservation plans.* In the absence of NRCS plans, the Preservation Board will determine the extent of conservation practices by consulting with experts in the field and other appropriate means.
- (b) *Enrollment in the farmland and open space preservation program.* Part 361 of the Natural Resources and Environmental Protection Act (MCL 324.36101 et seq.) enables a landowner to enter into a development rights agreement (for farmland) or a conservation easement (for open space) with the State. These agreements and easements are designed to ensure that the land remains in a particular

use for an agreed upon period. In return for maintaining the land in a particular use, the landowner is entitled to certain income or property tax benefits.

(Ord. No. 8-03, App. A, pt. II, 8-18-2003; Ord. No. 6-2005, App. A, pt. II, 12-19-2005)

Part III. - Long range planning considerations.

- (a) *Scenic view.* A broadly sweeping view including a variety of vegetation types (woodland, farm fields) combined with topographical variations. This view is visible from a major highway and/or rural road.
- (b) *Historical or architectural.* Pre-Civil War houses and round barns are examples of this category.
- (c) *No contribution.* Hidden or screened by manmade or natural features.

(Ord. No. 8-03, App. A, pt. IV, 8-18-2003; Ord. No. 6-2005, App. A, pt. IV, 12-19-2005)

Part IV. - Financial considerations.

- (a) *Protected land.* Protected land is defined as that which is permanently protected through private or public means. Types of protected land include nature preserves, public park and recreation lands, lands restricted by conservation easement with land trusts and conservancies and other lands with development rights secured through purchase or donation.
- (b) *Matching funds.* Matching funds are defined as other financial contributions from private or public sources that could be applied to a property's application and result in a lower local cost for development rights purchase.

(Ord. No. 8-03, App. A, pt. V, 8-18-2003; Ord. No. 6-2005, App. A, pt. V, 12-19-2005)