

*Ordinance-00*ORDINANCE GRANTING FRANCHISE TO
CONSUMERS POWER COMPANY

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, wires, transformers and other electrical appliances on, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in the TOWNSHIP OF MANCHESTER, WASHTENAW COUNTY, MICHIGAN, for a period of thirty years, and repealing the ordinance adopted by the Township Board of said Township on February 18, 1929, whereby an electric franchise was granted to Consumers Power Company, its successors and assigns.

SECTION 1. The Township of Manchester, Washtenaw County, Michigan, hereby grants the right, power and authority to the Consumers Power Company, a corporation authorized to transact business in Michigan, its successors and assigns, hereinafter called the "Grantee," to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, wires, transformers and other electrical appliances, for the purpose of transmitting, transforming and distributing electricity on, along and across the highways, streets, alleys, bridges, and other public places, and to do a local electric business in the Township of Manchester, Washtenaw County, Michigan, for a period of thirty years.

SECTION 2. In consideration of the rights, power and authority hereby granted, all of which shall vest in the Grantee for a period of thirty (30) years as aforesaid, said Grantee shall faithfully perform all things required by the terms hereof.

SECTION 3. All of Grantee's towers, masts and poles shall be neat and sightly, and so placed on either side of the highways, streets, alleys and bridges as not to unnecessarily interfere with the use thereof for highway, street and alley purposes. All of Grantee's wires carrying electricity shall be securely fastened so as not to endanger or injure persons or property in said highways, streets and alleys. All work performed by said Grantee in said highways, streets and alleys shall be done so as not to interfere with the use thereof, and when completed, the same shall be left in as good condition as when work was commenced. The Grantee shall have the right to trim trees if necessary in the conducting of such business, subject, however, to the supervision of the highway authorities.

SECTION 4. Said Grantee shall at all times keep and save the Township free and harmless from all loss, costs and expense to which it may be subject by reason of negligent construction and maintenance of the structures hereby authorized. In case any action is commenced against the Township on account of the permission herein granted, said Grantee shall, upon notice, defend the Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

SECTION 5. Said Grantee shall be entitled to charge the inhabitants of said Township for electric energy furnished therein, the rates, including minimum charges, as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate electric rates and rules regulating such service in said Township, are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said Township, acting by its Township Board, or by said Grantee.

SECTION 6. The rights, power and authority herein granted, are not exclusive.

SECTION 7. This ordinance, when accepted and confirmed as herein provided, shall repeal the provisions of the ordinance adopted by the Township Board of the Township of Manchester on February 18, 1929, entitled:

"AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successor and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, cross-arms, guys, braces, wires, transformers and other electrical appliances on, along and across the public highways, streets, alleys, bridges and other public places, and to do a local electric business in the TOWNSHIP OF MANCHESTRR, WASHTENAW COUNTY, MICHIGAN, for a period of thirty years."

and the amendments, if any, to such ordinance, whereby a franchis was granted to Consumers Power Company.

SECTION 8. This ordinance shall cease and be of no effect after thirty days from its adoption, unless within said period the Grantee shall accept the same in writing filed with the Township Clerk, subject to confirmation of the grant hereby by at least a majority of the electors of said Township voting thereon at a regular or special township election to be held in the manner provided by law.

Upon the acceptance and confirmation thereof, the same shall constitute a contract between said Township and said Grantee for a period of thirty years from and after the eighteenth (18th) day of February, 1959.

Waldo C. Marx

Waldo C. Marx,
Manchester Township Clerk.

I certify that the foregoing ordinance was adopted at a regular meeting of the Manchester Township Board held April 22, 1963 at which members of the Township Board all voted Yes for the adoption of the Ordinance, and that the Ordinance was published in the Manchester Enterprise a newspaper of general circulation in Manchester Township on April 25, 1963.

Waldo C. Marx

Waldo C. Marx,
Manchester Township Clerk.

Ordinance - 0

*Repealed
10-10-60*

MANCHESTER TOWNSHIP INTERIM ZONING ORDINANCE

AN ORDINANCE TO ESTABLISH ZONING DISTRICTS AND REGULATIONS GOVERNING THE UNINCORPORATED PORTIONS OF MANCHESTER TOWNSHIP, WASHTENAW COUNTY, MICHIGAN, IN ACCORDANCE WITH THE PROVISIONS OF ACT 184 OF THE PUBLIC ACTS OF 1943 AS AMENDED: TO PROVIDE FOR REGULATIONS GOVERNING NONCONFORMING USES AND STRUCTURES; TO PROVIDE FOR A BOARD OF APPEALS AND ITS DUTIES AND POWERS; TO PROVIDE FOR BUILDING PERMITS AND THE COLLECTION OF FEES THEREFOR; TO PROVIDE FOR THE ADMINISTRATION OF THIS ORDINANCE INCLUDING THE OFFICIAL WHOSE DUTY IT SHALL BE TO ENFORCE THE PROVISIONS THEREOF; TO PROVIDE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; AND TO PROVIDE FOR CONFLICTS WITH OTHER ORDINANCES OR REGULATIONS.

THE TOWNSHIP BOARD OF MANCHESTER TOWNSHIP, WASHTENAW COUNTY, MICHIGAN, ORDAINS:

ARTICLE 1

TITLE AND PURPOSE

SECTION 1.01 - TITLE

This Ordinance shall be known as the "MANCHESTER TOWNSHIP INTERIM ZONING ORDINANCE".

SECTION 1.02 - PURPOSE

The fundamental purpose of this Ordinance is to promote the safety, health, morals, convenience, and general welfare; to encourage the use of lands and natural resources in the township in accordance with their character and adaptability; to provide for the orderly development of the township; to protect the character and the social and economic stability of agricultural, residential, commercial and other local areas within the Township; to lessen congestion on the public roads, and streets, and provide safety in traffic and vehicular parking; to prevent excessive concentration of the population and improper use of land and buildings; to facilitate adequate provision of streets and highways, water, sewerage, drainage, and other public facilities; to conserve life, property, and natural resources, and the expenditure of funds for the public improvement and service to conform with the most advantageous use of land, resources and properties.

In order to accomplish the aims and purposes of this Ordinance the unincorporated area of the Township of Manchester is at the time of enacting this Ordinance one land use district or zone and may subsequently be divided into more than one land use districts or zones, such as are hereinafter specified. Districts shall be of such number, shape, kind and area and of such common unity of purpose, adaptability or use that are deemed most suitable to conserve the value of buildings and encourage the most appropriate use of land throughout the Township.

ARTICLE II

DEFINITIONS

For the purpose of this Ordinance certain terms are herewith defined. When not inconsistent with the context, words used in the singular number include the plural number, and words in the plural number include the singular number. The word "shall" is always mandatory and not merely directory.

SECTION 2.01 - ACCESSORY BUILDINGS

A supplementary building or structure on the same lot or parcel of land as the main building or buildings, or part of the main building occupied by or devoted exclusively to an accessory use, but such use shall not include any building used for dwelling, residential or lodging purposes, or sleeping quarters for human beings.

2.02 - ACCESSORY USE

A use naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the land or buildings.

2.03 - AGRICULTURE

The use of land for tilling of the soil, the raising of tree and field crops and animal husbandry.

2.04 - ALTERED

Any change in the location or use of a building, or any change in the supporting members of a building such as bearing walls, columns, beams, posts, girders, and similar components, or any substantial change in the roof or exterior walls.

2.05 - BASEMENT AND CELLAR

- A. That portion of a building partly below the average grade but so located that the vertical distance from grade to the floor is not greater than the vertical distance from the grade to the ceiling.
- B. That portion of a building partly below grade but so located that the vertical distance from the grade to

the floor is greater than the vertical distance from the grade to the ceiling.

2.06 - BUILDING

An independent structure having a roof supported by columns or walls resting on its own foundations and includes shed, garage, stable, green house or other accessory buildings. A detached building is one separated on all sides from adjacent buildings by open spaces from the ground up.

2.07 - BUILDING LINE

The minimum distance which any building must be located from a street right-of-way or high water line.

2.08 - DWELLING

A building designed or used exclusively as the living quarters for one or more families but shall not include trailer coaches.

2.09 - DWELLING, MULTIPLE

A dwelling used and designed as a residence for three or more families, living independently of each other and having their own cooking facilities therein, including apartment houses, apartment hotels, row dwellings and dwelling groups.

2.10 - DWELLING, ONE-FAMILY

A detached dwelling designed for or occupied exclusively by one family.

2.11 - DWELLING, TWO-FAMILY

A dwelling designed for or occupied exclusively by two families living independently of each other.

2.12 - DWELLING, ROW

A row of three to six attached one-family dwellings not more than 2-1/2 stories in height nor more than two rooms deep.

2.13 - DWELLING UNIT

That portion of a dwelling providing complete living quarters for one family.

2.14 - ESSENTIAL SERVICES

The term "Essential Services" shall mean the erection, construction, alteration, or maintenance by Public Utilities or Municipal Departments or Commissions, of underground or overhead gas, electric, steam or water transmission or distribution systems, collection, communication, supply or disposal system, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals or signs and fire hydrants, electric substations, gas regulator stations, and other similar equipment and accessories in connection therewith, reasonable necessary for the furnishing of adequate service by Public Utilities or Municipal Departments or Commissions or for the public health or safety or general welfare.

2.15 - FAMILY

One or more persons occupying the premises and living as a single house-keeping unit as distinguished from a group occupying a boardinghouse, lodginghouse, club, fraternity-house or hotel.

2.16- FARM

Any parcel of land which is used for gain in the production of field and tree crops, live stock, poultry and dairy products. It includes customary farm structures and the storage of equipment used. It excludes the raising of fur-bearing animals, riding stables, livery or boarding stables, animals kennels and establishments for the disposal or feeding of public garbage, rubbish or offal to animals.

2.17 - FILLING STATION

Any area of land including the structures thereon, that is used or designed to be used for the retail supply of gasoline or oil, or other fuel for the propulsion of motor vehicles and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing such motor vehicles.

2.18 - GARAGE, PRIVATE

A garage used for storage purposes only and having a capacity of not more than three automobiles or not more than two automobiles per family housed in the building to which such a garage is accessory, whichever is greater.

2.19 - GARAGE, PUBLIC

Any garage other than a Private Garage, available to the public, operated for gain and which is used for storage, rental, greasing, washing, servicing, adjusting or repairing of automobiles or other motor vehicles.

2.20 - HOME OCCUPATION

An occupation for gain or support conducted solely by members of a family residing on the premises and conducted entirely within the dwelling; provided, that no article is sold or offered for sale except such as may be produced by members of the immediate family residing on the premises. It shall not include the office of a veterinarian.

2.21 - HOTEL

A building, or part thereof, occupied as the more or less temporary abiding place of individuals, in which the rooms are usually occupied singly for hire and in which rooms no provisions for cooking are made, and in which building there may be a general kitchen and public dining room for the accommodation of the occupants. The word "Hotel" shall not include a motel or motor court.

2.22 - JUNK YARD

A place, structure, or parcel of land where junk, waste discarded, salvaged, or similar materials such as old iron or other metal, wood, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto wrecking yards, used lumber yards, house wrecking yards, and places or yards for use of salvaged house wrecking and structural steel materials and equipment.

2.23 - KENNEL

Any premises where three (3) or more dogs are maintained or boarded, for gain or are kept for the purpose of sale.

2.24 - LOT

A parcel of land occupied or to be occupied by a use, building, or dwelling group and accessory buildings and uses together with such yards, open spaces, lot width and lot area as are required under the provisions of this Ordinance and having frontage for a distance of not less than thirty (30) feet upon a street.

2.25 - LOT, CORNER

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

2.26 - LOT, DEPTH OF

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

2.27 - LOT, INTERIOR

A lot other than a corner lot.

2.28 - LOT LINES

Any line dividing one lot from another.

2.29 - LOT, OF RECORD

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

2.30 - LOT, THROUGH

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

2.31 - LOT, WIDTH OF

The average width measured at right angles to its depth.

2.32 - MOTEL

Any establishment in which individual cabins, courts, or similar structures or units, are let or rented to transients for periods of less than one month. The term "Motel" shall include Tourist Cabins and Motor Courts. A motor court or motel shall not be considered or construed to be either a multiple dwelling or a hotel.

2.33 - NON -CONFORMING USE

A structure or land lawfully occupied by a use that does not conform to the regulations of the District in which it is situated.

2.34 - REMOVAL OF GRAVEL, SAND, TOPSOIL OR EARTH

Premises from which any rock, gravel, sand, topsoil or earth in excess of fifty (50) cubic yards in any calendar year is excavated or removed for the purpose of disposition away from the premises except excavation in connection with the construction of a building or within public highway right-of-ways.

2.35 - ROOMING HOUSE

A dwelling in which more than three persons either individually or as families are housed or lodged for hire with or without meals and also includes a boarding house.

2.36 - STORY

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

2.37 - STORY, ONE-HALF

A story under the gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story and the floor area shall not exceed two-thirds of the area of the floor below.

2.38 - STREET

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

2.39 - STREET LINE

The dividing line between the street and the lot.

2.40 - STRUCTURE

The combination of materials to form any type of construction whatsoever.

2.41 - TOURIST HOME

A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

2.42 - TRAILER COACH

Any house car, house trailer or similar mobile unit which may be used for dwelling or sleeping quarters.

2.43 - TRAILER COACH PARK

Any site, lot, or tract of land upon which two (2) or more authorized trailer coaches are parked, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as a part of the equipment of such trailer coach park.

2.44 - USED OR OCCUPIED

The word "Used" or "Occupied" as applied to any realty or building shall be construed to include the words "Intended, arranged or designed to be used or occupied".

2.45 - VARIANCE

A modification of the specific regulations or this ordinance granted by resolution of the Board of Appeals in accordance with the terms of this ordinance for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of rights commonly enjoyed by other properties in the same district.

2.46 - YARD, FRONT

An open, unoccupied space on the same lot with a main building extending the full width of the lot and situated between the street line and the front line of the building, projected to the side lines of the lot, and its depth shall be measured between the front line of the building and the street line.

2.47 - YARD, REAR

An open, unoccupied space on the same lot with the main building extending the full width of the lot and situated between the rear line of the lot and the rear line of the building, projected to the side lines of the lot and shall be measured between the rear line of the lot or the center line of the alley, if there be an alley, and the rear lines of the building.

2.48 - YARD, SIDE

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

ARTICLE III

ESTABLISHMENT OF DISTRICTS AND ZONING MAP

Section 3.01 - DISTRICTS

For the purposes of this Ordinance, all of the area of Manchester Township is hereby divided into the following types of districts, to be known as, and having, the following symbols:

- A. A-1 Districts: Agricultural Districts.
- B. R-1 Districts: One-Family Rural Residential Districts.
- C. B-1 Districts: General Business Districts.
- D. I-1 Districts: Industrial Districts.

3.02 - ZONING MAP

Said districts are bounded and defined as shown on a map entitled "Zoning Map of Manchester Township" which accompanies and which, with all explanatory matter thereon, is hereby made a part of this Ordinance.

3.03 - LOCATION OF DISTRICT BOUNDARIES

- A. Unless otherwise shown on the Zoning Map, the boundary lines of districts shall follow along the lines indicated on the United States Land Office Survey Maps, or the lines of legal subdivisions of land indicated on such maps; or the center line of highways, streets, alleys, or waterways; or the shorelines of water bodies; or the boundaries of unincorporated areas; or the boundary lines of recorded plats; or property lines and the extension of any such lines.
- B. Where the boundaries of use districts are so indicated that they appear parallel to the right-of-way lines of roads, such boundaries shall be construed as parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is indicated such dimensions shall be determined by the use of the scale shown on said Zoning Map.

ARTICLE IV

CONFORMANCE REQUIRED

SECTION 4.01 -

Except as hereinafter provided:

- A. No building or land shall hereafter be used or occupied

and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is located.

B. No Building shall hereafter be erected or altered:

1. To exceed the height;
2. To accommodate or house a greater number of families;
3. To occupy a greater percentage of lot area or
4. To have narrower or smaller rear yards, front yards, side yards,

than is specified herein for the district in which such building is located.

C. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space similarly required for another building.

D. No lot shall hereafter be divided or reduced so as to create a lot width or lot area less than that required by this Ordinance.

ARTICLE V

A-1 DISTRICTS: AGRICULTURAL DISTRICTS

Description of District

This district is composed of rural, agricultural areas in the Township whose predominant land use is general farming on family-sized farms. The regulations for this district are designed to protect and stabilize the essential characteristics of these areas, to minimize conflicting land uses detrimental to farm enterprises and to exclude development which required highway, drainage and other public facilities in excess of those required by agricultural uses. To these ends, permitted uses are limited to agricultural and low density rural residential purposes and necessary community facilities such as schools, churches and parks. More intensive uses such as multiple dwellings and trailer parks are deemed to be in conflict with the purposes and characteristics of this district and are therefore not permitted.

The following regulations shall apply in all A-1 Districts except as otherwise provided in Article X (Supplementary Regulations) of this Ordinance:

SECTION 5.01 - USES PERMITTED

- A. One-family dwellings.
- B. Crop and tree farming, truck gardening, horticulture, aviaries, hatcheries, apiaries, greenhouses, nurseries, and similar enterprises.
- C. Raising and keeping of poultry, rabbits and similar small animals.
- D. Upon a lot having an area of less than ten (10) acres the raising and keeping of cattle, hogs, horses, ponies, cows and similar livestock only for use or consumption by the occupants of the premises.
- E. General and specialized farms including the raising and keeping for gain of cattle, hogs, horses, ponies, cows, sheep, and similar livestock upon a lot having an area of not less than ten (10) acres.
- F. Public and private conservation areas and structures for the conservation of open space, water, soil, forest and wildlife resources.
- G. Public recreation areas, forest reserves, game refuges, and similar non-intensive public uses.
- H. The following conditional uses subject to obtaining a conditional use permit as provided in Article IX of this Ordinance:
 - 1. Churches.
 - 2. Public and private parks and playgrounds.
 - 3. Public and private nursery, elementary and secondary schools.
 - 4. Golf courses and country clubs.
 - 5. Greenhouses and nurseries selling at retail on the premises.
 - 6. Riding stables and livestock auction yards.
 - 7. Kennels.
 - 8. Production of fur bearing animals for gain.
 - 9. Game or wildlife hunting preserves operated for gain.
 - 10. Piggery for the feeding of public garbage, rubbish or offal to animals.
 - 11. Labor camps associated with agricultural enterprises.
 - 12. Sawmills.
 - 13. Shooting ranges.
 - 14. Airports and landing strips.
 - 15. Race tracks and proving grounds.
 - 16. Additional conditional uses as provided in Article IX of this Ordinance.
- I. Customary home occupations.
- J. Customary accessory uses and buildings incidental to any of the permitted uses subject to the following limitations:

1. Temporary roadside stands for the sale of products produced on the premises when located not less than twenty (20) feet from the right-of-way of any highway.
2. The storage of not more than one (1) unoccupied trailer coach upon each lot.
3. The parking and use for residential purposes of not more than one (1) trailer coach upon each lot subject to the granting of a permit therefor by the Board of Appeals, as provided in Article XI of this Ordinance.
4. The killing and dressing of poultry and animals produced upon the premises.
5. Signs not exceeding nine (9) square feet in area advertising only the sale or rent of land, buildings or products produced upon the premises upon which said sign is located.
6. Church or public building bulleting boards not exceeding sixteen (16) square feet in area.
7. Name plates not exceeding two (2) square feet in area indicating the name of the occupant or a permitted occupation.

5.02 - REQUIRED LOT AREA AND WIDTH

- A. Each dwelling shall be located upon a lot having an area of not less than one (1) acre and an average lot width of not less than one hundred and fifty (150) feet. There shall not be more than one (1) dwelling upon each lot.
- B. The average lot depth of any lot shall be not more than three (3) times the average width of said lot.
- C. Each farm enterprise which includes the raising and keeping of livestock for gain shall be located upon a lot having an area of not less than ten (10) acres.

5.03 - REQUIRED YARDS

Each lot shall have front, side and rear yards not less than the following:

- A. Front yard - Fifty (50) feet.
- B. Each side yard - Twenty (20) feet except in the case of a corner lot where the side yard on the street side shall be not less than fifty (50) feet.
- C. Rear yard - Thirty-five (35) feet.

5.04 - REQUIRED OFF-STREET PARKING

As required in Article X of this Ordinance.

5.05 - REQUIRED DWELLING AREA

Not less than seven hundred and twenty (720) square feet of floor area on the first floor level if one story, or six hundred (600) square feet of floor area on the first floor level if two stories.

ARTICLE VI

R-1 DISTRICTS: ONE-FAMILY RURAL RESIDENTIAL DISTRICTS

Description of District

This district is composed of rural residential areas in the Township without urban services, some of which are adjacent to lakes and streams, where low density single-family residential development has occurred or appears likely to occur. The regulations for this district are designed to protect and stabilize the essential characteristics of these areas and to promote and encourage a suitable and safe environment for family life. To these ends, development is restricted to low density residential settlement consistent with limited, rural type public facilities and services and public health and safety considerations. Land uses involving higher population densities and requiring higher levels of public services and facilities such as multiple dwellings and trailer parks are deemed to be in conflict with the characteristics and purposes of this district and are excluded.

The following regulations shall apply in all R-1 Districts except as otherwise provided in Article X (Supplementary Regulations) of this Ordinance:

SECTION 6.01 - USES PERMITTED

- A. One-family dwellings.
- B. Crop and tree farming and truck gardening.
- C. Raising of poultry, rabbits and similar small animals for the use and consumption of the occupants of the premises upon a lot of not less than one (1) acre.
- D. Private stables provided that the minimum area upon which one (1) horse or pony may be kept is one (1) acre and that one (1) additional horse or pony may be kept for each twenty thousand (20,000) square feet by which the lot exceeds one (1) acre.
- E. The following conditional uses subject to obtaining a conditional use permit as provided in Article IX of this Ordinance.
 1. Churches.
 2. Public and private parks and playgrounds.
 3. Public and private nursery, elementary and secondary schools.

4. Golf courses and country clubs.
5. Additional conditional uses as provided in Article IX of this Ordinance.

F. Customary home occupations.
G. Customary accessory uses and buildings incidental to any of the permitted uses subject to the following limitations:

1. Signs not exceeding six (6) square feet in area advertising only the sale or rental of the premises upon which said sign is located.
2. Church and public building bulletin boards not exceeding sixteen (16) square feet in area.
3. Name plates not exceeding two (2) square feet in area indicating the name of the occupant or a permitted occupation.
4. The storage of not more than one (1) unoccupied trailer coach upon each lot.
5. The parking and use for residential purpose of not more than one (1) trailer coach upon each lot subject to the granting of a permit therefor by the Board of Appeals or provided in Article XI of this Ordinance.

6.02 - REQUIRED LOT AREA AND WIDTH

- A. Each dwelling shall be located on a lot having an area of not less than one (1) acre and an average width of not less than one hundred and fifty (150) feet, provided however, that on land abutting a lake or river or located within five hundred (500) feet of the high water line of a lake or river each dwelling may be located on a lot having an area of not less than twenty thousand (20,000) square feet and an average width of not less than eighty (80) feet. There shall not be more than one (1) dwelling upon each lot.
- B. The average lot depth of any lot shall be not more than three (3) times the average width of said lot.

6.03 - PERCENTAGE OF LOT COVERAGE

All buildings including accessory buildings shall not cover more than thirty (30) percent of the area of the lot.

6.04 - REQUIRED YARDS

- A. Each lot located more than five hundred (500) feet from a lake or river shall have front, side and rear yards not less than the depths or widths following:

1. Front yard - thirty-five (35) feet.
 2. Side yard - twenty (20) feet except in the case of a corner lot where the side yard on the street side shall be not less than thirty-five (35) feet.
 3. Rear yard - thirty-five (35) feet.
- B. Each lot located within five hundred (500) feet of a lake or river shall have front, side and rear yards not less than the depths or widths following:
1. Front yard - thirty-five (35) feet.
 2. Side yard - fifteen (15) feet except in the case of a corner lot where the side yard on the street side shall be not less than thirty-five (35) feet.
 3. Rear yard - thirty-five (35) feet.
- C. Each lot abutting a lake or river shall have front, side and water-front yards not less than the depths and widths following:
1. Front yard - thirty-five (35) feet.
 2. Side yard - fifteen (15) feet except in the case of a corner lot when the side yard on the street side shall be not less than thirty-five (35) feet.
 3. Water-front yard - one hundred (100) feet measured from the high water line at the point where it is nearest to the main building, provided however, that the water-front yard shall not be less than the average depth of the water-front yard of existing dwellings.

6.05 - BUILDING HEIGHT LIMIT

Two and one-half stories, but not exceeding thirty-five (35) feet.

6.06 - REQUIRED OFF-STREET PARKING

As required in Article X of this Ordinance.

6.07 - REQUIRED DWELLING AREA

Not less than seven hundred and twenty (720) square feet of floor area on the first floor level if one story, or six hundred (600) square feet of floor area on the first floor level if two stories.

ARTICLE VII

B-1 DISTRICTS: GENERAL BUSINESS DISTRICTS

The following regulations shall apply in all B-1 Districts except as otherwise provided in Article X (Supplementary Provisions) of this Ordinance:

SECTION 7.01 - USES PERMITTED

- A. Any use permitted in R-1 Districts except dwellings which are expressly prohibited.
- B. Stores and shops for the conducting of any retail business.
- C. Personal service shops (barber shop, beauty parlor, shoe repair, etc.).
- D. Restaurants and other businesses serving food or beverages.
- E. Filling stations provided that pumps are located at least twenty (20) feet back from any street right-of-way lines.
- F. Building material, feed and fuel and lumber retail sales including only incidental millwork and storage.
- G. Automobile repair garages, salesrooms and saleslots.
- H. Farm machinery sales and repair establishments and farm supply stores.
- I. Advertising signs and structures.
- J. Medical and dental clinics.
- K. Business and professional offices and banks.
- L. Offices and workshops of a plumber, electrician, decorator or similar trade and baking, printing, laundry, cabinetmaking and similar establishments.
- M. Customary accessory uses and buildings incidental to any of the permitted uses.
- N. The following conditional uses subject to obtaining a conditional use permit as provided in Article IX of this Ordinance.
 - 1. Kennels.
 - 2. Veterinary clinics.
 - 3. Trailer coach parks.
 - 4. Motels.
 - 5. Outdoor theaters.
 - 6. Additional conditional uses as provided in Article IX of this Ordinance.

7.02 - REQUIRED LOT AREA LOT AREA AND WIDTH

None required.

7.03 - REQUIRED YARDS

Each lot shall have front, side and rear yards not less than the following:

- A. Front yard - thirty-five (35) feet.
- B. Side yard - none required except in the case of a lot abutting an R-1 District there shall be a side yard on the abutting side of not less than fifteen (15) feet and in the case of motels and trailer coach parks which shall have side yards of not less than fifteen (15) feet.
- C. Rear yard - fifteen (15) feet.

7.04 - PERCENTAGE OF LOT COVERAGE

None specified.

7.05 - BUILDING HEIGHT LIMIT

Not exceeding thirty-five (35) feet.

7.06 - REQUIRED OFF-STREET PARKING

As required in Article X of this Ordinance.

ARTICLE VIII

I-1 DISTRICTS: INDUSTRIAL DISTRICTS

The following regulations shall apply in all I-1 Industrial Districts except as otherwise provided in Article X (Supplementary Regulations) of this Ordinance:

SECTION 8.01 - USES PERMITTED

- A. All uses permitted in B-1 Districts subject to all the regulations specified in B-1 Districts, provided however, that dwellings, trailer coach parks and motels are expressly prohibited.
- B. Any industrial or commercial use not listed below as requiring a conditional use permit.
- C. The following conditional uses subject to obtaining a conditional use permit as provided in Article IX of this Ordinance.
 - 1. Abattoir (slaughter house).
 - 2. Acetylene gas manufacture.
 - 3. Acid manufacture.
 - 4. Alcohol manufacture and/or storage.

5. Ammonia, bleaching powder or chlorine manufacture.
6. Ammunition manufacture and/or storage.
7. Animal black, lamp black or bone black manufacture.
8. Arsenal.
9. Asphalt manufacture or refining.
10. Auto wrecking.
11. Bag cleaning.
12. Boiler or tank works.
13. Brick, pottery, tile or terra cotta manufacture.
14. Celluloid manufacture.
15. Carbon manufacture.
16. Cement, lime, gypsum or plaster of paris manufacture.
17. Chemical plants.
18. Coal distillation..
19. Crematory.
20. Cresote treatment or manufacture.
21. Curing, tanning or storage of raw hides and skins.
22. Disinfectant, insecticide or poison manufacture.
23. Distillation of onbes, coal, petroleum, refuse grain or wood.
24. Explosives, fireworks and gunpowder manufacture or storage.
25. Fat rendering.
26. Fertilizer manufacture.
27. Fish smoking or curing.
28. Forge plant.
29. Foundry.
30. Gas (illuminating or heating) manufacture or storage.
31. Glue, size or gelatin manufacture.
32. Grease, lard or tallow manufactured or refined from animal fat.
33. Gypsum manufacture.
34. Hydrocarbon material, reclaiming, distilling and refining.
35. Incineration, reduction, storage or dumping of slaughter house refuse, rancid fat, garbage, dead animals or offal.
36. Iron, steel, brass or copper foundry.
37. Junk yard.
38. Linoleum manufacture.
39. Linseed oil, paint, oil. shellac, turpentine or varnish manufacture.
40. Ore reduction.
41. Paper or pulp manufacture.

SECTION 9.01 - AUTHORITY

The Zoning Board, as hereinafter provided, shall have the authority to grant conditional use permits subject to such conditions of design and operation, safeguards and time limitations as it may determine for the following uses:

- A. All conditional uses as permitted in the various district provisions of this Ordinance.
- B. The following conditional uses in any district:
 1. Cemeteries.
 2. Removal of rock, sand, gravel, topsoil, minerals and natural materials except crude oil together with necessary buildings, apparatus, or appurtenances incident thereto (see definition, Section 2.34).
 3. Public and private schools and educational institutions.
 4. Community and organizational buildings.
 5. Hospitals, sanitariums, clinics or rest homes.
 6. Institutions of a philanthropic or charitable nature.
 7. Public beaches, bathhouses and boat liveries operated for gain.
 8. Military establishments.
 9. Temporary carnivals, circuses and other transient amusement enterprises.
 10. Public buildings.
 11. Private resorts and recreational camps.
 12. Public and private dumps, incinerators or sanitary fills.
 13. Sewage treatment plants and disposal areas.

SECTION 9.02 - APPLICATION AND FEE

Application for any conditional use permit permissible under the provisions of this Section shall be made to the Zoning Board. Such applications shall be accompanied by a fee of fifty (50) dollars, except that no fee shall be required of any governmental agency. No part of such fee shall be returnable to the applicant.

SECTION 9.03 - DATA REQUIRED IN APPLICATION

An application for a conditional use permit shall contain the applicant's name in full; a statement that the applicant is the owner of the property involved or is acting on the owner's behalf; the applicant's address; the address or description of

the property involved; an accurate diagram of said property, showing the existing and proposed location of all buildings thereon, the types thereof, and their uses; and a statement and supporting evidence regarding the required findings set forth in Section 9.05 below.

SECTION 9.04 - HEARING

The Zoning Board shall hold a public hearing or hearings upon any application for a conditional use permit, notice of which shall be given by one (1) publication in a newspaper of general circulation in the Township, within ten (10) days next preceding the date of said hearing.

SECTION 9.05 - REQUIRED FINDINGS

The Zoning Board shall review the particular circumstances and facts of the proposed use in the light of the following required findings:

- A. That public facilities and services such as highways, fire and police protection, drainage facilities, refuse disposal and schools are adequate for the proposed use or are capable of being adequately provided by the agencies responsible therefor.
- B. That requirements for additional public services and facilities which will be created by the proposed use will not be detrimental to the economic welfare of the community.
- C. That the proposed use, activities, processes, materials and equipment and conditions of operation, will not be detrimental to the public welfare persons or property by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- D. That liquids and other waste of any kind will be confined, treated or purified so as to prevent pollution of air, water and soil resources.
- E. That the proposed use at the particular location will be consistent with the intent and purposes of this Ordinance.

SECTION 9.06 - CONDITIONAL USE PERMIT, DETERMINATION

If the facts in the case establish that the required findings cannot be made and will not be applicable to the proposed use, The Zoning Board shall not grant a conditional use permit. If the facts in the case establish that the required findings can be made and will be applicable to the proposed use, the Zoning Board shall grant a conditional use permit. In the

granting of any conditional use permit the Zoning Board shall impose such conditions of use as it deems necessary to protect the best interest of the Township and the surrounding property and to achieve the objectives of this Ordinance, and the breach of any such condition shall automatically invalidate the permit therefor.

SECTION 9.07 - REAPPLICATION

No application for a conditional use permit which has been denied wholly or in part by the Zoning Board shall be resubmitted for a period of one (1) year from such denial, except on grounds of new evidence or proof of changed conditions found by the Zoning Board to be valid.

ARTICLE X

SUPPLEMENTARY REGULATIONS

The provisions of this Ordinance shall be subject to such modifications, additions, exceptions, or limitations as herein provided by the following supplementary regulations:

SECTION 10.01 - TEMPORARY STRUCTURES FOR DWELLING PURPOSES, PERMIT REQUIRED.

No cabin, trailer coach, garage, basement or other temporary structure, whether of a fixed or movable nature may be hereafter erected or established for any dwelling purpose for any length of time except after the granting of a permit therefore by the Board of Appeals or provided in Article XI of this Ordinance.

SECTION 10.02 - REQUIRED WATER SUPPLY AND SANITARY SEWAGE FACILITIES

In the interests of protecting the public health and welfare every building or structure hereafter erected, altered or moved upon any premise and used in whole or in part for dwelling, recreational, business, commercial or industrial purposes shall be provided with:

- A. A safe and sanitary water supply.
- B. A safe and sanitary means of collection and disposal of human excreta and domestic, commercial, and industrial waste.

Such facilities shall conform to the minimum requirements as set forth by the Washtenaw County Health Department.

SECTION 10.03 - EXCEPTIONS TO REGULATIONS

- A. Essential Services. Essential services shall be permitted as authorized and regulated by law and other ordinances, it being the intention hereof to exempt such essential services from the application of this Ordinance.

- B. Any lot created and recorded prior to the effective date of this Ordinance may be used for any permitted use even though the lot area is less than that required by the district in which said lot is located, provided that the other requirements of that district are met, and provided that no adjacent land or lot is owned by the owner of said lot.
- C. The height limitations of this Ordinance shall not apply to buildings used for agricultural purposes, church spires, belfries, cupolas, penthouses and domes, not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks, bulk heads, similar features and necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve and then only in accordance with any other governmental regulations.
- D. Where a rear yard abuts upon a street, the setback of all buildings from the street right-of-way line shall be not less than the front yard requirements.

SECTION 10.04 - REQUIRED STREET FRONTAGE

Each principal use hereafter established which involves buildings or structures for human occupancy shall be located and maintained upon a lot which abuts a street for a distance of not less than thirty (30) feet.

SECTION 10.05 - LOCATION OF ACCESSORY BUILDINGS

- A. All accessory buildings shall be in the rear yard except when built as part of the main building.
- B. An accessory building attached to the principal building of a lot shall be made structurally a part thereof, and shall comply in all respects with the requirements applicable to the principal building. The accessory building unless attached and made part of the principal building as provided shall not be closer than ten (10) feet to the principal building.
- C. No accessory building used in connection with any livestock, animals or poultry shall hereafter be located or maintained on any lot closer than fifty (50) feet to any lot line.
- D. In the case of a corner lot no accessory building shall be located nearer to the side street line than a distance equal to the depth of the front yard required on said lot.

SECTION 10.06 - REQUIRED OFF-STREET PARKING AND ACCESS

A. For each dwelling, business, commercial, industrial or other similar building hereafter erected or altered, and located on a public highway in the township, and including buildings or structures used principally as a place of Public Assembly, there shall be provided and maintained suitable space off the right-of-way that is in general adequate for the parking or loading of vehicles in proportions shown on the following table, and such space shall be provided with safe exit to and safe entrance from the public thoroughfare, but not to exceed one (1) such exit and entrance. Such exit and entrance may be combined or provided separately. Approval for the location of such exit and entrance shall be obtained from the County Road Commission, which shall also approve the design and construction thereof in the interests of safety, adequate drainage and other public requirements. A minimum of two hundred (200) square feet, exclusive of drives, entrances, and exits, shall comprise one (1) automobile parking space.

B. Parking Spaces Required:

1. For dwellings at least one (1) parking space for each dwelling unit.
2. For motels at least one (1) parking space for each individual sleeping unit or guest unit.
3. For private clubs at least one parking space for every two (2) of the active membership.
4. For hospitals at least one (1) parking space for each two (2) patient beds, excluding bassinets.
5. For sanitariums, convalescent houses and rest homes at least one (1) parking space for each four (4) patient beds.
6. For medical or dental clinics three (3) spaces for each doctor or dentist having an office in such clinic.
7. For churches, theaters, auditoriums, stadiums and other places of public assembly at least one (1) space for each four (4) seats.
8. For retail stores, personal service shops; business and professional offices at least one (1) parking space for every two hundred (200) square feet of gross floor area in said establishment.

9. Industrial or manufacturing establishments shall provide parking spaces sufficient in number to accomodate the parking of automobiles and other motor vehicles used by the firm or employees or persons doing business therein.

SECTION 10.07 - NON-CONFORMING USES

- A. The lawful use of any buildings or structures and of any land or premise existing prior to the effective date of this Ordinance, may be continued if such use of building or structure entails no original construction, alteration, or enlargement thereof, does not constitute a public nuisance or endanger the public health, safety, or welfare. No other non-conforming use of any building, structure, or any land or premise shall be undertaken following the effective date of this Ordinance.
- B. If the non-conforming use of any building, structure, land or premise is changed to a conforming use, such use shall not hereafter be reverted to any non-conforming use.
- C. If the non-conforming use of any building, structure, land or premise, or part thereof, is abandoned for a continuous period of six (6) months, then any future use of said building, structure, land or premise shall conform in its entirety to the provisions of this Ordinance.
- D. When district boundaries shall hereafter be changed, and the location of any non-conforming use be changed to another type of district, then said non-conforming use may still be continued, but subject to all other provisions of this section.

SECTION 10.08 - RECONSTRUCTION OF DAMAGED NON-CONFORMING BUILDING AND STRUCTURES.

Nothing in this Ordinance shall prevent the reconstruction, repair or restoration and the continued use of any non-conforming building or structure damaged by fire, collapse, explosion, acts of God, or acts of the public enemy, subsequent to the effective date of this Ordinance, provided, that such restoration and resumption shall take place within six (6) months of the time of such damage; further, that said use be identical with the non-conforming use permitted and in effect directly preceding said damage.

SECTION 10.09 - REPAIR, ALTERATION AND COMPLETION OF NON-CONFORMING BUILDINGS AND STRUCTURES

- A. Nothing in this Ordinance shall prevent the repair, reinforcement, improvement or rehabilitation of non-conforming buildings, structures, or part thereof existing at the effective date of this Ordinance rendered necessary by wear and tear, deterioration or depreciation; nor prevent compliance with the provisions of the Building Code or Housing Law of Michigan, relative to the maintenance of buildings or structures; provided, however, that the cost of such repair, reinforcement, improvement, rehabilitation or compliance shall not exceed thirty (30%) percent of the reproduction value of such building at the time such work is done; and provided further, there shall be no change of use of said building or part thereof.
- B. Nor shall anything in this Ordinance require any change in the existing construction or intended use of the building for which plans have been prepared and filed, heretofore, with the Lyndon Township Building Inspector, and the construction of which shall have been diligently prosecuted for a period of one (1) month prior to the effective date of this Ordinance, and which will be completed within two (2) years after the effective date of this Ordinance.

ARTICLE XI

BOARD OF APPEALS

SECTION 11.01 - BOARD ESTABLISHED

There is hereby established a Board of Appeals, which shall perform its duties and exercise its powers as provided by Section 18, Act 184 of the Public Acts of 1943, as amended, in such way that the objectives of this Ordinance shall be enforced, the public health and safety secured and substantial justice done.

SECTION 11.02 - MEMBERSHIP, TERMS OF OFFICE

The Board of Appeals shall consist of three members. The first member of such Board of Appeals shall be the chairman of the Township Zoning Board, for the term of his office, the second member shall be a member of the Township Board appointed by the Township Board, for the term of his office, and the third member shall be selected and appointed by the first two members from among the electors residing in the unincorporated area of the Township for a term of three (3) years provided that no elected officer of the township, nor any employee of the Town-

ship board, may serve simultaneously as the third member of or as an employee of the Township Board of Appeals.

SECTION 11.03 - RULES OF PROCEDURE, MAJORITY VOTE

The Board shall adopt its own rules of procedure as may be necessary to properly conduct its meetgins. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the administrative official or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance.

SECTION 11.04 - MEETINGS

Meetings of the Board of Appeals shall be held at the call of the chairman and at such other times as the Board in its rules of procedure may specify.

SECTION 11.05 - PUBLIC MEETINGS AND MINUTES

All meetings of the Board of Appeals shall be open to the public and accurate minutes of the proceedings showing the action of the Board shall be kept, which record shall be filed in the office of the Township Clerk and shall be a public record.

SECTION 11.06 - POWERS AND DUTIES

The Board of Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Inspector in the administration of this Ordinance as hereinafter provided, and shall have power to interpret the provisions of this Ordinance; to grant variances from the strict application of any of the provisions of this Ordinance and to grant permits for the use of temporary structures for dwelling purposes including trailer coaches, to the extent of the following and no further:

A. Interpretation

To decide any question involving the interpretation of any provision of this Ordinance, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

B. Variances

To grant, upon appeal, variance from any of the regulations or provisions contained in this Ordinance in cases in which there are practical difficulties or unnecessary hardships in the way of such strict application, provided however, that no variance shall be granted to permit the establishment within a district of any use which is excluded, or for which a conditional use permit is required.

C. Temporary Structure Permits

To grant permits for temporary structures for dwelling purposes subject to the procedures and limitations as hereinafter provided.

SECTION 11.07 - APPLICATION FOR TEMPORARY STRUCTURE PERMIT

An application for a permit for the erection or movement of a temporary structure for dwelling purposes shall be made to the Board of Appeals on a special form used exclusively for that purpose.

SECTION 11.08 - HEARING AND REQUIRED FINDINGS

The Board of Appeals shall give due notice of a hearing on such application. No permit shall be granted by the Board of Appeals unless it finds adequate evidence showing:

- A. That the proposed location will not be detrimental to property in the immediate vicinity.
- B. That the proposed water supply and sanitary facilities have been approved by the Washtenaw County Health Department or that the occupants of the proposed structure will have right to unlimited use of the water supply and sanitary facilities of a dwelling existing upon the same lot.

SECTION 11.09 - TEMPORARY STRUCTURE PERMIT LIMITATIONS

In the granting of such a permit the Board of Appeals may impose any reasonable conditions deemed necessary to protect the public welfare and the breach of any such condition shall automatically invalidate the permit. Said permit shall clearly set forth that the structure proposed is intended for temporary dwelling purposes and that said structure is to be vacated upon the expiration of a specific time limit to be determined by the Township Board of Appeals. On delivery of the permit, the owner and occupant shall certify in a space allotted for the purpose that he or she has full knowledge of the terms of the permit and penalty pertaining thereto. No permit shall be transferrable to any other owner or occupant.

SECTION 11.10 - VARIANCES, REQUIRED FINDINGS

No variance shall be granted by the Board of Appeals unless it finds:

- A. That there are exceptional or extraordinary circumstances or conditions applying to the property involved, or to the intended use of the property, that do not apply generally to other property or uses in the same district and have not resulted from any act of the applicant subsequent to the adoption of this Ordinance.

- B. That such variance is necessary for preserving for the applicant a substantial property right belonging to other property in the same district.
- C. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity or in the district in which the property of the applicant is located.
- D. That the granting of such variance will be in harmony with the general purpose and intent of this Ordinance.

SECTION 11.11 - VARIANCES, CONDITIONS MAY BE SPECIFIED

In granting a variance, the Board of Appeals may specify, in writing, to the applicant, such conditions in connection therewith as will, in its judgment, secure substantially the objectives of the regulation or provision to which such variance applies, and the breach of any such condition shall automatically invalidate the permit therefor.

SECTION 11.12- VOIDING OF VARIANCES

Each variance granted under the provisions of this Ordinance shall become null and void unless:

- A. The construction authorized by such variance or permit has been commenced within one (1) year after the granting of such variance and pursued diligently to completion; or
- B. The occupancy of land or buildings authorized by such variance has taken place within one (1) year after granting of such variance.

SECTION 11.13 - VARIANCES, REAPPLICATION

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 one (1) years from such denial, except on grounds of new evidence or proof of changed conditions found by the Board of Appeals to be valid.

SECTION 11.14 - APPEALS, HOW TAKEN

Appeal from the ruling of the Zoning Inspector concerning the enforcement of the provisions of this Ordinance may be made to the Board of Appeals within ten (10) days after the date of the Zoning Inspector's decision, which is appealed from. The appellant shall file with the Board of Appeals and the Zoning Inspector a notice of appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.

SECTION 11.15 - WHO MAY APPEAL

Appeals to the Board may be taken by any person aggrieved or by any Officer, Department Board, or Bureau of the Township, County or State.

SECTION 11.16 - FEE FOR APPEAL

A fee of fifteen (15) dollars shall be paid to the Board of Appeals at the time of filing the notice of appeal which the Board shall pay over to the General Fund of the Township.

SECTION 11.17 - STAY

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

SECTION 11.18 - HEARING ON NOTICE

When a notice of appeal has been filed in proper form with the Board of Appeals, the Secretary shall immediately place the said request for appeal upon the calendar for hearing, and cause notices, stating the time, place and object of the hearing to be served personally or by mail, at least five (5) days prior to the date of such hearing, upon the parties making the request for appeal. All notices by mail shall be deemed to have been given when deposited in the United States Post Office addressed to the respective property owners of record to the Address shown on the last assessment roll of the Township.

SECTION 11.20 - DECISIONS OF BOARD

The Board shall decide upon all matters appealed from within a reasonable time and may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Zoning Inspector from whom the appeal is taken. The final decision of such appeals shall be in the form of a resolution containing a full record of the findings and determination of the Board in each particular case.

ARTICLE XII

AMENDMENTS

SECTION 12.01 - INITIATING AMENDMENTS

This Ordinance may be amended by changing the boundaries of districts or by changing or supplementing any other provisions hereof whenever the public necessity and convenience and the general welfare require such amendment. Said amendment may be initiated by resolution of the Township Board, the Zoning Board or by petition of one or more owners of property to be affected by the proposed amendment, which petition, in the case of one or more owners of property, shall be filed with the Township Board and shall be accompanied by a fee of fifty (50) dollars, or part of which shall be returnable to the petitioner.

SECTION 12.02 - PROCEDURE

The procedure for making amendments to this Ordinance shall be as follows:

- A. Each petition for amendment by one or more owners of property shall be submitted to the Township Board who shall refer it for recommended action to the Zoning Board.
- B. After consideration by the Zoning Board, the petition for amendment, including any changes thereto which the Zoning Board deems desirable, shall be submitted to at least one (1) public hearing, notice of which
- C. Notice of public hearings on any petition for amendment of this Ordinance which proposes to change land use districts as shown on the Zoning map within five hundred (500) feet of the boundary of adjacent townships or municipalities shall be sent to the Zoning Boards or other zoning agencies representing such townships or municipalities in order that coordination with adjacent zoning ordinances may be promoted.
- D. The petition, if approved by Zoning Board, shall be submitted to the Washtenaw County Coordinating Zoning Committee for review.
- E. The petition shall then be submitted to the Township Board by the Zoning Board and acted upon in accordance with the provisions of Section 11 of Act 184 of the Public Acts of 1943.

ARTICLE XII

ADMINISTRATION

SECTION 13.01 - ZONING ADMINISTRATOR

The provisions of this Ordinance shall be administered by the Zoning Inspector, who shall be appointed by the Township Board for such term and subject to such conditions and at such rate of compensation as said Board shall determine. The Zoning Inspector shall for the purposes of this Ordinance have the power of police officers.

SECTION 13.02 - ZONING PERMIT REQUIRED.

Except for agricultural uses of land and accessory buildings, specifically used for agricultural operations as permitted in the A-1 Agricultural District, which are hereby exempted from the requirements of this Article, no land shall be occupied or used and no building or structure shall hereafter be erected or altered until a zoning permit has been obtained from the Zoning Inspector. Such permit shall be nontransferable and shall be obtained before any new use is established or work of excavation or construction is begun.

SECTION 13.03 - CERTIFICATE OF COMPLIANCE

Except as otherwise provided, no land shall be occupied or used and no building hereafter erected or altered shall be occupied or used in whole or in part for any purposes, until a certificate of compliance shall have been issued by the Zoning Inspector stating that the proposed use or building complies with all the provisions of this Ordinance. A certificate of compliance shall be applied for at the same time that the zoning permit is applied for and if approved by the Zoning Inspector shall be issued within ten (10) days after notification from the permittee that the premises are ready for occupancy.

ARTICLE XIV

VALIDITY AND PENALTIES

SECTION 14.01 - VALIDITY

This Ordinance and the various parts, sections, subsections, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby. The Township Board hereby declares that it would have passed this Ordinance, and each section, subsection, phrase, sentence, and clause thereof irrespective of the fact that any one or more sections, subsections, phrases, sentences or clauses be declared invalid.

SECTION 14.02 - PENALTIES

Any building or structure which is erected, constructed, reconstructed, altered, converted, maintained or used, or any use of land or premise which is begun, maintained, or changed in violation of any provision of this Ordinance, are hereby declared to be a nuisance per se. Any person, firm, or corporation, or the agent in charge of such building or land who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of any provision of the Ordinance or any amendment thereof, shall be fined upon conviction not less than one (1) dollar, nor more than one hundred (100) dollars, together with the costs of prosecution, or shall be punished by imprisonment in the county jail for not less than one (1) day or more than ninety (90) days for each offense, or may be fined and imprisoned as provided herein. Each and every day during which any illegal erection, construction, reconstruction, alteration, maintenance or use continue shall be deemed a separate offense. The Township Board, the Township Zoning Inspector, the Board of Appeals, the Attorney of the Township or any owner or owners of real estate within the district in which such building, structure or land is situated may institute injunction, mandamus, abatement or any other appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate, or remove any said unlawful erection, construction, alteration, reconstruction, maintenance or use. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

ARTICLE XV

EFFECTIVE DATE

SECTION 15.01-

The provisions of this Interim Zoning Ordinance are hereby declared to be immediately necessary for the preservation of the public health, safety and welfare and are hereby ordered to become effective upon the date of adoption, as provided by Act 184 of the Public Acts of Michigan, as amended.

The foregoing Interim Zoning Ordinance was adopted by the Township Board of Manchester Township on December 16, 1957.

Waldo C. Marx
Manchester Township Clerk

I certify that the foregoing Ordinance was adopted at a special meeting of the Manchester Township Board held December 16, 1957, at which all members of the Board, Clayton Parr, Waldo Marx, M. H. Wolfe, M/ Billings and William Kuelenkamp were present

and that all voted for the adoption of said Ordinance.

X *Waldo G. Marx.*
Waldo Marx, Manchester Township Clerk

I certify that the within Ordinance was published in the
circulating within the Township of
Manchester, Washtenaw County, Michigan on the

Waldo Marx, Manchester Township Clerk.

ORDINANCE NO. 3ELECTRICAL ORDINANCE
FOR
MANCHESTER TOWNSHIP

AN ORDINANCE FOR SAFEGUARDING LIFE AND PROPERTY BY REGULATING, AND PROVIDING FOR THE INSPECTION, THE INSTALLATION, ALTERATION, REPAIRING, SERVICING AND MAINTENANCE OF ELECTRICAL EQUIPMENT; TO PROVIDE FOR THE LICENSING AND REGISTRATION OF ELECTRICAL CONTRACTORS AND JOURNEYMAN ELECTRICIANS; TO PROVIDE FOR THE ADMINISTRATION AND ENFORCEMENT THEREOF; TO PROVIDE FOR A BOARD OF ELECTRICAL EXAMINERS AND ITS POWERS AND DUTIES; TO PROVIDE A RECIPROCAL ARRANGEMENT FOR THE RECOGNITION OF EXAMINATIONS AND LICENSES ISSUED BY OTHER MUNICIPALITIES IN THE STATE OF MICHIGAN VOLUNTARILY COOPERATING IN THE ENFORCEMENT OF A SIMILAR ORDINANCE; TO PROVIDE A PENALTY FOR VIOLATIONS THEREOF AND TO REPEAL ALL ORDINANCES IN CONFLICT THEREWITH.

IT IS HEREBY ORDAINED BY THE PEOPLE OF MANCHESTER TOWNSHIP:

SECTION 1
ELECTRICAL INSPECTION

A. The Board of Electrical Examiners, also referred to in this Ordinance as the Inspection Authority and Examining Board, shall have and hereby is given jurisdiction, subject to review as hereinafter provided, over the inspection of all electrical installations, including changes, repairs and additions thereto within the Township of Manchester. The Township Board shall appoint an Electrical Inspector who shall inspect all electrical installations and report to the Inspection Authority. This jurisdiction shall apply to the installation of wiring devices, apparatus and equipment for connection to electricity supply systems of all electrical forces except as provided in Section 4 (B); however, jurisdiction shall apply in all systems and all voltages when safety to life and property is involved.

SECTION 2
FEES FOR INSPECTION

A. When an application is made for a permit required under the terms of this ordinance, a fee shall be paid in an amount as prescribed by the Electrical Board of the Township of Manchester.

SECTION 3
RIGHTS OF ACCESS TO BUILDINGS

A. The Electrical Inspector and/or his deputy shall have the right during reasonable hours to enter any building in the discharge of his official duties for the purpose of making any inspection or test of the installation of electric wiring, electric devices and/or electric material contained therein and shall have the authority to cause the turning off of all

ELECTRICAL ORDINANCE FOR MANCHESTER TOWNSHIP

electric supply and cut or disconnect, in cases of emergency, any wire where such electrical currents are dangerous to life or property or may interfere with the work of the Fire Department.

SECTION 4
PERMITS

A. No alterations or additions shall be made in the existing wiring of any building, nor shall any building be wired for the placing of any electric lights, motors, heating devices, or any apparatus requiring the use of electrical current of all electrical forces, nor shall any alterations be made in the wiring in any building after inspection, without first notifying the Electrical Inspector and securing a permit therefore. Applications for such permit, describing such work, shall be made by the person, firm, or corporation installing same and permit when issued shall be to such applicant.

B. This section shall not apply to maintenance and repairs on the premises of a person, firm or corporation regularly employing qualified electricians for that purpose, nor such minor repair work as repairing flush and snap switches, replacing fuses, changing lamp sockets and receptacles, taping bare joints or repairing drop cords.

SECTION 5
INSPECTION

A. Upon the completion of the wiring of any building, it shall be the duty of the person, firm or corporation installing the same to notify the County Building Department, who shall notify the Electrical Inspector to inspect the installation as soon as possible, and if it is found to be fully in compliance with this ordinance and does not constitute a hazard to life and property, he shall issue on request to such person, firm, or corporation for delivery to the owner a certificate of inspection authorizing connection to the electrical service and the turning on of the current. All wires which are to be hidden from view shall be inspected before concealment and any person, firm or corporation installing such wires shall notify the Electrical Inspector, giving sufficient time in which to make the required inspection before such wires are concealed.

SECTION 6
RE-INSPECTION

A. The Electrical Inspector may make periodically a thorough re-inspection of the installation in buildings of all electric wiring, electric devices and electric material now installed or that may hereafter be installed, within the Township of Manchester and when the installation of any such wiring, devices, and/or material is found to be in a dangerous or unsafe condition, the person, firm or corporation owning, using or operating the same shall be notified and shall make the necessary repairs or changes

ELECTRICAL ORDINANCE FOR MANCHESTER TOWNSHIP

required to place such wiring, devices and material in a safe condition and have such work completed within fifteen days, or any longer period specified by the electrical inspector in said notice. The Electrical Inspector is hereby empowered to disconnect or order in writing the discontinuance of electrical service to such wiring, devices, and/or material so found to be defectively installed until the installation of such wiring, devices and material has been made safe as directed by the Electrical Inspector.

SECTION 7
CONSTRUCTION REQUIREMENTS

A. No certificate of inspection shall be issued unless the electrical installation is in strict conformity with the provisions of this ordinance, the statutes of the State of Michigan, the rules and regulations issued by the Michigan Public Service Commission under the authority of the State statutes, and unless they are in conformity with approved methods of construction for safety to persons and property. The regulations as laid down in the National Electrical Code, as approved by the American Standards Association and in the National Electrical Safety Code, as approved by the American Standards Association, and in the Township rules and regulations established as hereinafter provided (Section 10, Par.D) shall be prima facie evidence of such approved methods.

SECTION 8
APPROVED MATERIALS

A. It shall be unlawful to install or use any electrical device, apparatus, or equipment designed for attachment to, or installation on any electrical circuit or system for heat, light or power that is not of good design and construction and safe and adequate for its intended use. The Electrical Inspector shall have power to disapprove the use or installation of devices not fulfilling these requirements. Devices, apparatus and equipment approved by such generally recognized authorities as United States Bureau of Standards, Electrical Testing Laboratories of New York, or Underwriters Laboratories shall be held to have the approval of the Electrical Inspector unless explicitly disapproved by said Authority for reasons of faulty design and poor construction involving danger to persons and/or property.

B. It shall be the duty of the Electrical Inspector from time to time to inspect devices, apparatus and equipment offered to the public for use in installation to see that such items conform to the above requirements.

SECTION 9
RECORD AND REVIEW

A. The Electrical Inspector shall keep complete records of all permits issued and inspections made and other official work performed under the provisions of this Ordinance.

ELECTRICAL ORDINANCE FOR MANCHESTER TOWNSHIP

B. When the Electrical Inspector condemns all or part of any electrical installation the owner or his agent may within five days after receiving written notice from the Electrical Inspector, file a petition in writing for review of said action of the Electrical Inspector with the Board of Electrical Examiners, upon receipt of which the said Board of Electrical Examiners shall at once proceed to determine whether said electrical installation complies with this ordinance, and within three days shall make a decision in accordance with the findings.

SECTION 10

LICENSE FOR ELECTRICAL WORK

A. It shall be unlawful for any person, firm or corporation to engage as an independent contractor in the installation, alteration, maintenance or repair of electrical wiring, equipment, apparatus or fixtures for light, heat or power purposes in or about buildings and/or structures located within the Township of Manchester without first having procured a contractors license.

Persons making applications must be 21 years of age, shall have held a license as a Journeyman electrician for a period of at least 2 years, and shall have passed a suitable examination for Contractor's license. Persons, firms or corporations applying for Contractor's license must have at least one member of the firm with the above qualifications and experience or may have one or more men employed with the above qualifications and experience.

A Board of Electrical Examiners is hereby constituted consisting of the Electrical Inspector of the Township of Manchester, a representative of an Electrical Utility Company, a licensed Electrical Contractor, a licensed Journeyman Electrician and an Industrial Electrical Engineer, and the said Electrical Contractor and Journeyman Electrician shall have had at least 10 years experience in electrical work. The members of said Board of Examiners shall be appointed by the Township Board for such terms as shall be designated at the time of appointment. This Board shall examine all applicants for either Contractor's or Journeyman electrician's licenses. Applicants failing to pass will not be eligible for re-examination in any reciprocating Municipality for a period of thirty days. All applicants for licenses shall designate their legal address as the location of their residence in the case of Journeyman electricians, and their legal address as the principal place of business in the case of electrical contractors. All electrical contractors and journeyman electricians having their legal address within the corporate limits of the Township of Manchester shall secure their license from the said Board of Electrical Examiners.

The Board of Electrical Examiners shall prepare the application blanks, prescribe the examination and meet at least once a month or on call of the Chairman to hold examinations. Due notice shall be given applicants of the date of examination.

B. It shall be unlawful for any person to engage in the occupation or

ELECTRICAL ORDINANCE FOR MANCHESTER TOWNSHIP

trade of Journeyman electrician in the installation, alteration, maintenance or repair of electrical wiring equipment, apparatus or fixtures for light, heat, power or medical purposes in or about buildings and/or structures within the Township of Manchester without having first taken the examination and obtained a license as herein provided. This provision shall not apply to helpers and apprentices, provided such work as they may do is performed under the direction and supervision of licensed Journeyman electricians who shall be on the premises at all times when such helpers or apprentices are performing such work on the premises.

All applications for said examination shall be in writing. The examination shall consist of an oral or written examination as the Examining Board shall determine, and such other practical tests in examination at the discretion of the Examining Board. Stenographic notes shall be taken of all oral examinations.

Minimum qualifications for examination for Journeyman electricians shall be four years of practical experience. Time spent in trade school attendance shall be credited as apprentice experience. Four years in technical school and one year practical experience shall also qualify for examination.

C. The fee for an Electrical Contractor's license shall be \$25.00 per year. The fee for a Master Electrician's license shall be \$10.00 per year. The fee for a Journeyman Electrician's license shall be \$5.00 per year. Licenses shall expire on December 31st of each year, and shall be renewed upon application by the licensee, together with the payment of the required fee. After March 1st all licenses not renewed shall be considered cancelled and may not be renewed except upon approval of the Examining Board. Electrical Contractors' licenses and Journeyman Electricians' licenses shall be issued by the Electrical Inspector upon recommendation of the Examining Board. Licenses issued under this ordinance shall be non-transferable and shall be displayed when required. Electrical Contractors' licenses under the terms of this ordinance shall not secure permits for work to be done by any person not employed by said electrical contractor, and license may be revoked for violation of this rule.

No license shall be recognized by the Township of Manchester unless such licenses are issued by a cooperating Municipality having an Examining Board.

The Township of Manchester shall permit Electrical Contractors lawfully licensed by other municipalities of the State of Michigan to install, alter, or repair electrical wiring, equipment, apparatus or fixtures for light, heat or power purposes within the corporate limits of the Township of Manchester, upon payment of a \$5.00 registration fee, provided that such municipalities reciprocate in recognizing Electrical Contractors who are duly licensed under the provisions of this ordinance by granting them the same privilege and charging the same uniform license and registration fees. Provided further, that the licensing ordinances are substantially equal to the requirements of this ordinance. Journeyman Electricians duly licensed

ELECTRICAL ORDINANCE FOR MANCHESTER TOWNSHIP

by any municipality cooperating in the reciprocal arrangement shall be permitted to work in the Township of Manchester without the payment of a registration fee. Provided, however, that any Journeyman electrician doing work within the Township of Manchester, and holding a license from a cooperating municipality, shall register with the Electrical Inspector.

No Electrical Contractors' licenses shall be recognized, for the purpose of registration, by the Electrical Inspector of applicants who maintain their principal place of business in a municipality which fails to approve, by affirmative action of its legislative body, the reciprocal and mutually interchangeable licensing arrangements covered by this ordinance.

Corporations applying for Electrical Contractors' licenses, whose principal place of business is not in the State of Michigan, should obtain such license from the State of Michigan Electrical Administrative Board upon the payment of the prescribed fee.

Any Electrical Contractor's or Journeyman electrician's license may, after a hearing, be suspended or revoked by the Examining Board having issued such license upon evidence presented that false statements have been made upon application for license or upon evidence presented that the person, firm or corporation holding such license willfully or by reason of incompetence repeatedly violates any rules and regulations relating to the inspection, maintenance, alteration or repair of electrical wiring, devices, appliances or equipment.

D. The Board of Electrical Examiners is hereby empowered and it shall be their duty to promulgate and recommend such rules and regulations concerning electrical work in the Township of Manchester as may be required to properly provide for the situations therein. The rules and regulations so made by the Board of Electrical Examiners shall be effective upon approval by the Township Board, and shall take precedence over plans, specifications and National Electric Code Rules.

E. A licensed electrician shall not be required for any wiring in or on a home and accompanying outbuildings owned, occupied or to be occupied by the person performing the installation, alteration or repair of wiring, devices, appliances and appurtenances, providing the Inspector deems such person qualified to perform such work and such person obtains a permit as required by this code.

SECTION 11
EXEMPTIONS

The provisions of this ordinance shall not apply to the following:

A. The installing of radio receiving sets and equipment. (The installation of convenience outlets for power supply to a radio set shall be subject to such rules and regulations.)

B. This ordinance and its provisions shall not apply to apparatus and

ELECTRICAL ORDINANCE FOR MANCHESTER TOWNSHIP

equipment installed by or for any public utility operating under jurisdiction of the Michigan Public Service Commission in the exercise of its function as a utility and when such apparatus or equipment is used primarily for the generation or distribution of electric current or for signal or communication purposes.

SECTION 12
PENALTY

A. Any person, firm or corporation who shall fail to comply with any of the provisions hereof, shall upon conviction thereof, be subject to a fine of not more than \$100.00 or imprisonment in the City Prison or the jail of Washtenaw County or any other place of confinement provided by the Court for such purpose in the discretion of the Court for a period not to exceed ninety (90) days, or both such fine and imprisonment in the discretion of the Court unless otherwise provided in this ordinance.

SECTION 13
REPEAL OF CONFLICTING ORDINANCES

A. All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed.

Should any section, subdivision, sentence, clause or phrase of this ordinance be declared by the Courts to be invalid the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part so invalidated.

SECTION 14
LIABILITY

A. This ordinance shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or installing any electric wiring, electric devices and/or electric material for damages to person or property caused by any defect therein nor shall the Electrical Inspector be held as assuming any such liability by reason of the inspection authorized herein, or certificate of inspection issued as herein provided.

This ordinance shall take effect thirty (30) days after publication in the Manchester Enterprise, a newspaper having general circulation within Manchester Township, Washtenaw County, Michigan as required by Act 191 of Public Acts of the State of Michigan for the year 1939 as amended.



Waldo C. Marx, Manchester Township Clerk.

I certify that the within ordinance of the Township of Manchester was duly adopted by the Township Board of the Township of Manchester at a

ELECTRICAL ORDINANCE FOR MANCHESTER TOWNSHIP

regular meeting thereof on JANUARY 12, 1970, and was duly printed and published on the 22ND day of JANUARY, 1970, in the Manchester Enterprise a newspaper printed and published in the Township of Manchester, Washtenaw County, Michigan.

Waldo C Marx
Waldo C. Marx, Manchester Township Clerk.

ORDINANCE NO. 5

MANCHESTER TOWNSHIP,

AN ORDINANCE RELATING TO THE KEEPING AND CONTROL OF CERTAIN ANIMALS WITHIN THE TOWNSHIP MANCHESTER.

THE TOWNSHIP OF MANCHESTER ORDAINS:

Section 1.01 - Title

This Ordinance shall be known and may be cited as "The Animal Control Ordinance of Manchester Township."

Section 2.01 - Definitions

For the purpose of this ordinance:

- A. Animal means live stock, poultry, dogs, cats and reptiles.
- B. Live stock means horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids and swine, and fur-bearing animals being raised in captivity.
- C. Poultry means all domestic fowl, ornamental birds and game birds.
- D. Owner when applied to the proprietorship of an animal means every person having a right of property in the animal, and every person who keeps or harbors the animal or has it in his care, and every person who permits the animal to remain on or about any premises occupied or controlled by him.
- E. Reasonable Control means a dog shall be deemed to be under reasonable control when such dog is on the premises of its owner or when such dog, not being on the premises of its owner, is with and under the control of its owner, his agent or some member of the owner's family.

Section 3.01 - Requiring that Dogs be Licensed and Vaccinated.

A. It shall be unlawful for any person to own, keep or possess any dog over the age of six (6) months, within the Township of Manchester that does not at all times wear a collar with a license and vaccination tag attached thereto as provided for by the laws of the State of Michigan.

B. It shall be unlawful for any person except the owner or the authorized agent of such owner to remove any license or vaccination tag from a dog.

An Ordinance Relating to the Keeping and Control of Certain Animals

Section 3.02 - Prohibiting Dogs from Running at Large.

It shall be unlawful for the owner of any dog in the Township of Manchester to allow such dog to stray beyond the premises of such owner unless under reasonable control, or for the owner of any female dog to permit said female to go beyond the premises of such owner when she is in heat unless such dog is held properly in leash; Further, it shall be unlawful for the owner of any dog not to have such dog under reasonable control at all times.

Section 3.03 - Barking Dogs and Ferocious Dogs and Cats

A. It shall be unlawful for the owner of any dog in the Township of Manchester to allow such dog to howl, bark, whine or otherwise create noise disturbing or annoying other persons in their reasonable use and enjoyment of premises other than the premises of such owner.

B. It shall be unlawful for the owner of any dog or cat that is vicious, ferocious, or which without provocation, has bitten or otherwise injured any person to own or allow such dog or cat to be kept or maintained in the Township of Manchester, unless so confined as to prevent injury or threat of injury of any person by such dog or cat.

Section 4.01 - Prohibiting Offensive Keeping of Animals

It shall be unlawful for the owner of any animal in the Township of Manchester to allow such animal to be kept or maintained on premises in any manner causing noxious or offensive odors to be emitted from such premises.

Section 5.01 - Prohibiting Animal Running at Large

It shall be unlawful for the owner of any animal in the Township of Manchester to allow such animal to go at large upon the streets or other public ways of the Township, or upon lands of other persons without the consent of the owner or lessee of such lands.

Section 5.02 - Prohibiting Livestock and Poultry Entering Private Lands

It shall be unlawful for the owner of any live stock or poultry in the Township of Manchester to allow such live stock or poultry, while under the control of such owner, to enter upon lands of other persons without the consent of the owner or lessee of such lands.

An Ordinance Relating to the Keeping and Control of Certain Animals

Section 5.03 - Requiring Enclosure of Livestock and Poultry

It shall be unlawful for the owner of any livestock and poultry in the Township of Manchester to allow such livestock and poultry to be kept or maintained on any premises without such livestock and poultry being enclosed within pens, shelter or fences in a manner to prevent such livestock and poultry from straying beyond such premises.

Section 6.01 - Violations and Penalties

Any person violating any of the provisions of this ordinance shall upon conviction thereof be subject to a fine of not more than One Hundred (\$100.00) Dollars, and the costs of prosecution thereof, by imprisonment in the County jail for a period not to exceed ninety (90) days, or both.

Section 7.01 - Repealing Clause

All ordinances, resolutions or orders, or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed, provided that the provisions of this Ordinance shall not be construed to amend or repeal any provision of the Zoning Ordinance of Manchester Township.

Section 7.02 - Severing Clause

If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not effect any of the other provisions of this Ordinance.

Section 7.03 - Effective Date

A true copy of this Ordinance shall be published in accordance with the law within ten days after the date hereof, in the Manchester Enterprise, a newspaper having general circulation in said Township, and such ordinance shall be effective thirty days after such publication.

Made and Passed: January 10, 1972.

Waldo C. Marx
Waldo C. Marx,
Manchester Township Clerk.

CERTIFICATE

I, Waldo C. Marx, Clerk of the Township of Manchester, Washtenaw County, Michigan, hereby certify that the foregoing Animal Control

An Ordinance Relating to the Keeping and Control of Certain Animals.

Ordinance of Manchester Township was duly adopted by the Township Board of Manchester Township duly assembled in a regular meeting of said Board held January 10, 1972.

I further certify that Member Lyle Widmayer moved adoption of said Ordinance and that Member James Lyons, supported said motion.

I further certify that Clarence Fielder, Waldo C. Marx, James Lyons and Lyle Widmayer voted for adoption.

Member Michael Wolfe was absent from meeting.

I further certify that the same was duly printed and published on the 13th day of January, 1972, in the Manchester Enterprise a newspaper circulated in the Township of Manchester, Washtenaw County, Michigan.

Waldo C. Marx
Waldo C. Marx,
Manchester Township Clerk.

ORDINANCE NO. 8

MANCHESTER TOWNSHIP

AN ORDINANCE TO PROHIBIT LITTERING OR VANDALISM ON ANY PUBLIC BUILDING, PLACE OR STREET WITHIN THE TOWNSHIP OF MANCHESTER.

THE TOWNSHIP OF MANCHESTER ORDAINS:

Section 1. DEFINITIONS:

A. LITTER: The term "litter" as used in this ordinance means all rubbish, refuse, waste material, garbage, offal, paper, glass, cans, bottles, trash, debris or other foreign substances of every kind and description.

B. VANDALISM: The term "vandalism" as used in this ordinance shall mean the wilful, malicious or wanton destruction or injury to personal or real property of another.

Section 2. LITTERING: It shall be unlawful for any person, firm, or corporation to litter or permit litter on any street, alley, sidewalk or other public places within the Township of Manchester by throwing, depositing, tracking, dropping, dumping or spilling any trash, paper, dirt, mud, ashes, sand, glass, leaves, garbage, debris or other materials or to deposit or cause the same to be deposited upon or permit the same to be accumulated upon any premises other than those designated as official disposal sites.

Section 3. COMMERCIAL WASTE: It shall be unlawful for any person, firm or corporation to discharge any commercial or industrial water or any polluted or contaminated waste upon the sidewalks, streets, alleys or gutters within the Township of Manchester at any time.

Section 4. VANDALISM: It shall be unlawful for any person to commit any act of vandalism on any public building, thing, place or street in the Township of Manchester.

Section 5. PENALTIES: Any violation of any of the provisions of this ordinance shall be punishable by a fine not to exceed \$100.00 and/or by imprisonment not to exceed ninety (90) days.

Section 6. REPEAL: All ordinances or parts of ordinances in conflict herewith be and same are hereby repealed.

HOLD FAST "NOISEAR" ®

Ordinance No. 8 (Continued)

Section 7. VALIDITY: Should any section, clause, or paragraph of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same will not affect the validity of the Ordinance as a whole or part thereof other than the part declared to be invalid.

Section 8. EFFECTIVE DATE

A true copy of this Ordinance shall be published in accordance with the law within ten (10) days after the date hereof, in the Manchester Enterprise, a newspaper having general circulation in said Township, and such ordinance shall be effective thirty (30) days after such publication.

Made and passed: December 11, 1973.

Waldo C Marx
Waldo C. Marx,
Manchester Township Clerk.

CERTIFICATE

I, Waldo C. Marx, Clerk of the Township of Manchester, Washtenaw County, Michigan, hereby certify that the foregoing Ordinance of Manchester Township was duly adopted by the Township Board of Manchester Township duly assembled in a regular meeting of said Board held December 11, 1973

I further certify that Ambrose Lentz, Dorothy Burch, Waldo Marx Clarence Fielder were present. Lyle Widmayer absent.

I further certify that the same was duly printed and published on the December 20, 1973 in the Manchester Enterprise a newspaper circulated in the Township of Manchester, Washtenaw County, Michigan.

Waldo C Marx
Waldo C. Marx,
Manchester Township Clerk.

ORDINANCE NO. 10

AN ORDINANCE TO DESIGNATE AN ENFORCING AGENCY TO DISCHARGE THE RESPONSIBILITIES OF THE TOWNSHIP OF MANCHESTER UNDER THE PROVISIONS OF ACT 230 PUBLIC ACTS OF MICHIGAN, 1972, STATE CONSTRUCTION CODE ACT

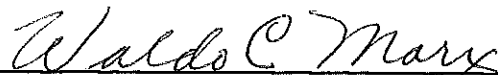
The Township of Manchester Ordains:

Section 1. AGENCY DESIGNATED. Pursuant to the provisions of Section 9 of Act 230 of Public Acts of Michigan 1972 (Compiled Laws of 1948, Sec. 125.1509) State Construction Code Act, the Building Inspector of the Township of Manchester is hereby designated as the enforcing agency to discharge the responsibilities of the township under said act. The Township of Manchester hereby assumes responsibility for the administration and enforcement of said act throughout its corporate limits.

Section 2. REPEAL. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 3. EFFECTIVE DATE. A true copy of this ordinance shall be published in accordance with the law within thirty (30) days after the date hereof in the Manchester Enterprise, a newspaper having general circulation in said township and said ordinance shall be effective thirty (30) days after such publication.

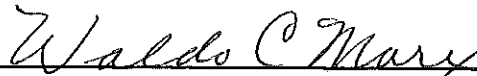
Made and passed August 21, 1974.



Waldo C. Marx, Clerk.

I, Waldo C. Marx, Clerk of the Township of Manchester, Washtenaw County, Michigan, hereby certify that the foregoing ordinance of Manchester Township was duly adopted by the Township of Manchester Board duly assembled at a special meeting of said board held August 21, 1974.

I further certify that Board Members, Clarence Fielder, Dorothy Burch, Lyle A. Widmayer, Ambrose Lentz and Waldo C. Marx voted for adoption of said ordinance and None voted against adoption. I further certify that the same was duly printed and published on the 29th day of August, 1974 in the Manchester Enterprise a newspaper circulated in the Township of Manchester, Washtenaw County, Michigan.



Waldo C. Marx, Clerk.

ORDINANCE NO. 11

MANCHESTER TOWNSHIP SUBDIVISION ORDINANCE

An Ordinance regulating the subdivision of land in Manchester Township, requiring and regulating the preparation and presentation of preliminary and final plats for such purpose; establishing minimum subdivision standards; providing for minimum improvements to be made or guaranteed to be made by the proprietor; setting forth the procedures to be followed by the Township Board and Planning Commission in applying these rules, regulations and standards; and prescribing penalties for the violation of its provisions; The Township of Manchester, Washtenaw County, Michigan Ordains:

ARTICLE I

GENERAL PROVISIONS

- 100.0 **SHORT TITLE:** This Ordinance shall be known and may be cited as the "Manchester Township Subdivision Ordinance."
- 100.1 **PURPOSE:** The purpose of this Ordinance is to regulate and control the subdivision of land within Manchester Township in order to promote the safety, public health and general welfare of the community. These regulations are specifically designed to:
- 100.11 Provide for orderly growth and harmonious development of the community, consistent with adopted development policies of the Township.
 - 100.12 Secure proper arrangement of streets in relation to adequate traffic circulation through coordinated existing and planned streets and to the adopted General Development Plan, and adequate traffic circulation through coordinated street systems with proper relation to major thoroughfares, adjoining subdivisions, and public facilities.
 - 100.13 Achieve individual lots of maximum utility and livability, and lots of such size and layout as to be in harmony with the existing and proposed development pattern of the area.
 - 100.14 Insure adequate provisions for water, drainage and sanitary sewer facilities, and other health requirements.
 - 100.15 Insure adequate provision for recreational areas, school sites, and other public facilities.
- 100.2 **LEGAL BASIS:** This Ordinance is enacted pursuant to the statutory authority granted by the Township Planning Commission Act, Act 168, P.A. of 1959 as amended; and the Subdivision Control Act, Act 288, P.A. of 1967, as amended.
- 100.3 **SCOPE:** This Ordinance shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this Ordinance, except for further dividing of existing lots. Nor is it intended by this Ordinance to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, or with private restrictions placed upon property by deed, covenant, or other private agreements, or with restrictive covenants running with the land to which the Township is a party. Where this Ordinance imposes a greater restriction upon land than is imposed or required by such existing provision of any other ordinance of the Township the provisions of this Ordinance shall prevail.

- 100.4 **ADMINISTRATION:** The provisions of this Ordinance shall be administered in accordance with Act 288, P.A. of 1967 as amended, and, Act 168, P.A. of 1959, as amended.
- 100.5 **FEES:** The schedule of fees for the review of plans and plats, the inspection of improvements for the administration of this Ordinance, and for other costs incurred by the Township in the platting process, shall be determined, and may be modified from time to time, by appropriate Resolution of the Township Board.
- 100.6 **CEMETERIES:** Cemeteries shall not be included in the definition of subdivision and shall not be subject to the provisions of this Ordinance.
- 100.7 **CONFORMANCE WITH ZONING ORDINANCE:** All plats reviewed under these regulations shall conform to all zoning ordinance provisions for the district in which the proposed plat is to be located. All required zoning changes shall be made prior to tentative approval of the preliminary plat by the Township Board.

ARTICLE II
DEFINITIONS

- 200.0 RULES APPLYING TO THE TEXT: For the purpose of this Ordinance certain rules of construction apply to the text, as follows:
- 200.1 Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
- 200.2 The term "shall" is always mandatory and not discretionary; the word "may" or "should" is permissive.
- 200.3 The word or term not interpreted or defined by this Article shall be used with a meaning of common or standard utilization.
- 201.0 DEFINITIONS: The following definitions shall apply in the interpretation and enforcement of this Ordinance, unless otherwise specifically stated.

ALLEY: A public or private right-of-way shown on a plat which provides secondary access to a lot, block or parcel of land.

AS-BUILT PLANS: Revised construction plans in accordance with all approved field changes.

BLOCK: An area of land within a subdivision that is entirely bounded by streets, highways, or ways, except alleys, or between streets, highways, or ways and a railroad right-of-way, unsubdivided acreage, river or live stream, or any other barrier to the continuity of development.

BUILDING LINE OR SETBACK LINE: A line parallel to a street right-of-way line, shore of a lake, edge of a stream or river bank, or other property line, established on a parcel of land or on a lot for the purpose of prohibiting construction of a building or structure between such building line, and a right-of-way, other public area or the shore of a lake, or the edge of a stream or river bank, or other property line.

CAPTION: The name by which the plat is legally and commonly known.

COMMERCIAL SUBDIVISION: A subdivision of land, as defined in this Article, in which the land is to be developed for retail stores, wholesale businesses, offices, business services, and similar uses.

COMMON OPEN SPACE: An area within a subdivision held out of development by the proprietor and designed for the common use or enjoyment of residents of the subdivision. Common open space may contain such complementary structures as are necessary and appropriate for the use or enjoyment of the subdivision. Thus common open space may include areas for recreational use, wildlife or plant preserves, and nature study areas.

COMPREHENSIVE DEVELOPMENT: A residential cluster subdivision, a commercial or industrial park or a planned unit residential development as defined in this Article.

COUNTY DRAIN COMMISSIONER: The Washtenaw County Drain Commissioner.

COUNTY HEALTH DEPARTMENT: The Washtenaw County Health Department.

COUNTY PLANNING COMMISSION: The Washtenaw County Metropolitan Planning Commission.

COUNTY PLAT BOARD: The Washtenaw County Plat Board.

COUNTY ROAD COMMISSION: The Washtenaw County Road Commission.

DEDICATION: The intentional transfer by the proprietor to the public of the ownership of, or an interest in, land for a public purpose. Dedication may be effected by compliance with the statutes relating to dedication of land, by formal deed of conveyance, or by any other method recognized by the law of Michigan.

DEVELOPMENT: Means any subdivision of land as herein defined or any material change in the use or appearance of any parcel of land subject to the provisions of this Ordinance, or the act of building structures and installing site improvements.

EASEMENT: An interest in land owned by another which entitles the owner or owners of the easement to a limited use or enjoyment of the land. An easement may be created in favor of the public generally, federal and state agencies, municipal and private corporations, and individuals. An affirmative easement authorizes a use of land which, if no easement existed, would give the landowner a cause of action. A negative easement precludes the landowner from uses of his land which, if no easement existed, would be perfectly lawful.

FILING DATE: The date of the Planning Commission or Township Board meeting at which a complete application is received from the Township Clerk.

FLOOD PLAIN: That area of land adjoining the channel of a river, stream, watercourse, lake or other similar body of water which will be inundated by a flood which can reasonably be expected for that region.

GENERAL DEVELOPMENT PLAN: A comprehensive land use plan for Manchester 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 for the physical development of Manchester Township, adopted by the County Planning Commission or adopted by the Manchester Township Planning Commission and duly transmitted to the Manchester 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 such plan or any unit or part thereof separately adopted shall have been duly published. Any reference in this Article or elsewhere in this Ordinance to "adoption" of plans refers to adoption by the County Planning Commission in accordance with Act 282, Public Acts of 1945, as amended, or adoption by the Manchester Township Planning Commission in accordance with Act 168, P.A. of 1959, as amended. The term General Development Plan includes such commonly used terms as basic plan, master plan, general plan, comprehensive plan, and land use plan.

OPEN SPACE: Land dedicated or reserved for use by the general public or for use by residents of the subdivision, or land held out of development and retained in its natural condition, with or without public access. Open space includes but is not limited to parks, parkways, playgrounds, school sites, wildlife or plant life preserves, and nature study areas.

OUTLOT: When included within the boundary of a recorded plat, means a lot set aside for purposes other than a building site, park or other land dedicated to public use or reserved to private use.

PARCEL OR TRACT: A continuous area or acreage of land which can be described as provided for in the Subdivision Control Act.

PEDESTRIAN WAY: A separate right-of-way dedicated to or reserved for public use by pedestrians, which crosses blocks or other tracts of land for the purpose of facilitating pedestrian access to adjacent streets and properties.

PLANNED UNIT RESIDENTIAL DEVELOPMENT: An area with a minimum contiguous acreage of 20 acres which is to be developed as a single entity according to a plan and which is to contain one or more residential cluster subdivisions or other residential housing developments with an established overall maximum dwelling unit density, along with associated uses primarily for the benefit of the planned unit residential development. A planned unit residential development may be planned, developed, and regulated as a single land use unit rather than as an aggregation of individual buildings on separate lots.

PLANNING COMMISSION: The Planning Commission of Manchester Township as established under Act 168, P.A. of 1959, as amended.

PERSONS: An individual, corporation, government, or governmental agency, business trust, estate trust, partnership or association, two or more persons having a joint or common interest, or any legal entity.

PLAT: A map or chart of a subdivision of land.

PROPRIETOR: Any person or any combination of persons, including a government agency undertaking any development as defined in this Ordinance. The term Proprietor includes such commonly used references as subdivider, developer, and owner.

PUBLIC OPEN SPACE: An area within a subdivision held out of development by the proprietor and conveyed or otherwise dedicated to, or reserved for purchase by, a municipality, municipal agency, board of education, state or county agency, or other public body for recreation or conservation uses.

PUBLIC USE AREAS: Public parks, playgrounds, or other recreational areas; scenic or historic sites; school sites or sites for other public buildings; and other areas dedicated to public use or enjoyment.

PUBLIC UTILITY: All persons, firms, corporations, co-partnerships, or municipal or other public authority providing gas, electricity, water, steam, telephone, telegraph, storm sewers, sanitary sewers, transportation, or other services of a similar nature.

SUBDIVISION ADVISORY COMMITTEE (SAC): A committee created by resolution of the County Planning Commission, for the purpose of reviewing the technical aspects of proposed plats.

SUBDIVISION CONTROL ACT: Act 288, P.A. of 1967, as amended.

SURVEYOR: Either a land surveyor who is registered in the State of Michigan as a registered land surveyor or a civil engineer who is registered in this State as a registered professional engineer.

TOPOGRAPHICAL MAP: A map showing existing physical characteristics, with contour lines at sufficient intervals to permit determination of proposed grades and drainage.

TOWNSHIP: The Township of Manchester

WATER RESOURCES COMMISSION: The Water Resources Commission of the Michigan Department of Conservation.

ZONING ORDINANCE: The Manchester Township Zoning Ordinance.

300.3 SUBDIVISION ADVISORY COMMITTEE: The proprietor may present his preliminary development ideas to the Subdivision Advisory Committee for its comments and advice. The Planning Commission may request comments and advice from the Committee on the proposed layout.

301.0 PRELIMINARY PLAT-TENTATIVE APPROVAL:

301.1 FILING PROCEDURES: The proprietor shall file 10 copies of the preliminary plat together with a completed application form and plat review fees with the Township Clerk at least 7 days prior to the regular Planning Commission meeting at which the plat is to be considered. The Clerk shall check the completeness of the submittal, and, if complete, transmit same to the Planning Commission in adequate time for inclusion on the agenda for the Planning Commission's next regular meeting. If the application is not complete, the Clerk shall so notify the applicant in writing and shall list deficiencies.

301.2 INFORMATION REQUIRED: The following information is required for all preliminary plats submitted for tentative approval. The required information may be combined for presentation on one or more drawings or maps. The Planning Commission may request that the information be presented on drawings or maps in addition to those submitted.

1. Name of proposed subdivision.
2. Legal description of the entire site to be subdivided.
3. Scale, date, and north point shall be indicated on each map or plan.
4. Name and address of proprietor; other owners, if any, and planner, engineer, surveyor, or designer who designed the subdivision layout.
5. Names of adjacent subdivisions, layout of streets indicating street names, right-of-way widths, and connections with adjoining platted streets, widths and locations of alleys, easements, and public walkways adjacent to or connecting with the proposed subdivision; layout and dimensions of lots adjacent to the proposed subdivision; names and addresses of owners of record of all adjacent property.
6. Topography, existing and proposed, at two (2) foot intervals. Proposed grading and land filling shall be indicated on the plans along with a description of measures to be used to control sedimentation and erosion. All topographic data shall relate to USGS data.
7. Plans and specifications of soil erosion and sedimentation control measures in accordance with standards and specifications of the Soil Conservation District.
8. A site report as described in Rule 560.402 of the Michigan Administrative Code, shall be required for subdivisions that will not be served by public water and sewer. The information listed therein and not required elsewhere in this Ordinance, shall be submitted as part of the application for preliminary plat approval.
9. Proposed deed restrictions or protective covenants; if none, a statement of such in writing.
10. Layout and width of right-of-way and surfacing of all streets or public ways proposed for the subdivision.

secured, the Township Board shall assume that the preliminary plat has been approved by the Planning Commission.

301.33 The Township Board shall, within thirty (30) days of receiving the Planning Commission's recommendation, tentatively approve or disapprove the preliminary plat.

301.3 REVIEW PROCEDURES: (THE FOLLOWING SECTIONS 301.31 THROUGH 301.34 ARE FOR TOWNSHIPS WITHOUT PLANNING COMMISSIONS)

301.31 The Township Board shall review the preliminary plat for conformance to general development plans and to standards and specifications set forth in the Subdivision Control Act and in this Ordinance. If the Township Board determines that there is substantial conformance, it shall transmit one copy of the preliminary plat to the County Planning Commission Staff for design review, one copy to the Subdivision Advisory Committee for technical review, and information about the preliminary plat to the Superintendent of Schools of the School District in which the proposed subdivision is located.

301.32 After receiving comments and recommendations from the County Planning Commission staff, Subdivision Advisory Committee, and the Superintendent of Schools, the Township Board shall re-evaluate the preliminary plat in view of the new information it has received, and may request modifications in the preliminary plat. The Township Board shall then tentatively approve or disapprove the preliminary plat.

301.33 The Township Board shall take action on the preliminary plat within 90 days of the date of filing of the plat.

301.331 The Township Board shall record its tentative approval on the preliminary plat and return one copy to the proprietor and one copy to the Subdivision Advisory Committee. If the preliminary plat is disapproved, the Township Board shall record its reasons for disapproval and the conditions to be met to qualify the preliminary plat for tentative approval, and shall transmit such reasons and conditions to the proprietor.

301.34 After receiving tentative approval from the Township Board, the proprietor shall submit the preliminary plat to all county and state plat approval authorities as required in the Subdivision Control Act.

301.4 EFFECT OF TENTATIVE APPROVAL OF PRELIMINARY PLAT: Tentative approval of the preliminary plat shall confer upon the proprietor for a period of one (1) year from the approval date, approval of the lot sizes, lot orientations and street layout of the proposed subdivision. The tentative approval may be extended if an extension is applied for by the proprietor and granted in writing by the Township Board.

302.0 PRELIMINARY PLAT – FINAL APPROVAL:

302.1 FILING PROCEDURES: The preliminary plat, as tentatively approved by the Township Board and approved by all county and state plat approval authorities as required by the Subdivision Control Act, together with the required information, completed application form, and fees,

preliminary plat. This provision is intended to be used only in situations where, in the opinion of the Board, objections to final approval are minor.

302.4 EFFECT OF FINAL APPROVAL OF PRELIMINARY PLAT: Final approval of the preliminary plat shall confer upon the proprietor for a period of two (2) years from the date of approval the conditional right that the general terms and conditions under which the final approval of the preliminary plat was granted will not be changed. The two (2) year period may be extended if an extension is applied for by the proprietor and granted by the Township Board in writing. Written notice of any extension shall be sent by the Board to all other plat approval authorities.

303.0 FINAL PLAT:

303.1 FILING PROCEDURES: Final plats shall be submitted in the form required in the Subdivision Control Act, together with a) the completed application form, b) fees for filing and recording and plat review, and inspection of improvements; and c) agreement and security required to guarantee performance, and shall be submitted to the Clerk at least 7 days prior to the meeting of the Township Board at which the plat is to be considered. The Clerk shall determine if the submittal is complete, and if complete, transmit same to the Board in adequate time for inclusion on the agenda for the Board's next meeting. If the application is not complete the Clerk shall so notify the applicant in writing and shall list deficiencies. A final plat shall not be accepted for review after the date of expiration of the final approval of the preliminary plat. The final plat shall be submitted to the following agencies, in the indicated order, and the proprietor shall obtain signatures from the agency thereon, in the indicated order, prior to filing the final plat with the Board for approval.

County and Township Treasurer

Drain Commissioner

County Road Commission

County Planning Commission

The final plat shall be signed by the registered land surveyor or engineer and by the proprietor(s) prior to filing with the Township Clerk.

303.2 INFORMATION REQUIRED: All final plats shall be in the form, and contain the information, required by the Subdivision Control Act.

303.21 One (1) reproducible copy on mylar or other dimensionally stable material, and four (4) paper prints thereof, and the filing and recording fees shall be filed by the proprietor with the Township Clerk.

303.22 Abstract of title or other certificate establishing ownership interests and to ascertain if proper parties have signed the plat, for all land included in the subdivision.

303.23 The proprietor shall provide the Township Clerk with a certificate from his engineer indicating that improvements have been installed in conformance with the approved engineering drawings, with any changes noted therein and attached in drawings, and proof of a guarantee of completion for those improvements to be installed after final plat approval, as finally approved in the preliminary plat.

ARTICLE IV**DESIGN AND DEVELOPMENT STANDARDS**

400.0 GENERAL: In reviewing applications for approval of subdivision plats, the standards set forth in this Article shall be considered minimum requirements. Where a duly adopted and published General Development Plan requires higher standards, such higher standards shall apply. The Planning Commission and the Township Board recognize that the standards set forth in this Article are directed primarily to residential subdivisions and that such standards are not always reasonably applicable to mobile home, commercial, and industrial subdivisions. Therefore, Sections 411.0, 412.0, and 413.0 are included to provide the necessary modifications. Variances from the standards set forth in this Article shall be granted only as provided in Article VI, herein.

401.0 STREETS AND ALLEYS: The specifications contained in this Ordinance are the standards for all highways, streets, and alleys which might hereafter be platted or accepted within the Township.

401.1 STREET LAYOUT: Street layout shall conform to the duly adopted and published General Development Plan or the portion thereof relating to streets and traffic. The arrangement of streets in the subdivision shall provide for the continuation of streets in adjacent subdivisions, where such extensions are deemed desirable by the Planning Commission and County Road Commission, and where such extension is not precluded by topographic or other existing conditions. The layout shall provide for proper projection of principal streets into adjoining properties not yet subdivided. In general, all such streets shall have a width at least as great as the street being extended.

Local streets shall be laid out so as to discourage their use by through traffic.

Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets, and reasonable grades, both for the streets and for driveways intersecting therewith.

The street layout shall not isolate lands from existing public streets or roads, unless suitable access is provided, and that such access be granted by easement or dedicated to public use. Slight jogs in continuous streets at points of intersection with other streets shall not be permitted. Where offsets cannot be avoided, a minimum distance of 125 feet shall be established between centerlines of the intersecting streets.

Where future connections to adjacent areas are to be provided, the land for such connection shall be covered by an easement and shall be designated "future road" on the various plats. Each such easement shall be at least sixty-six (66) feet wide and a document conveying the easement for road purposes shall be filed with the County Road Commission at the time of filing of the preliminary plat for final approval.

Intersection of local or residential roads with collector and arterial roads shall be reduced to a reasonable minimum but should, in general, be at least 500 feet apart, centerline to centerline, to preserve the traffic carrying capacity of the collector and arterial roads, and to reduce the potential of accidents at such intersections. In general, all streets should intersect each other so that for a distance of at least 100 feet the street is approximately at right angles to the street it

- 401.9 SPECIAL TREATMENT ALONG MAJOR STREETS:** When a subdivision abuts or contains an existing or proposed arterial or collector street, the Planning Commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, or such other treatment as might be necessary for adequate protection of residential properties, to afford separation of through and local traffic, and to retain the traffic carrying capacity of the arterial or collector streets.
- 401.10 STREET NAMES AND HOUSE NUMBERS:** Street names shall not duplicate names of any existing street in Washtenaw County, except where a new street is a continuation of an existing street. Street names that are spelled differently but sound the same shall be avoided. Duplication shall be avoided by checking new street names with the master listing of the County Road Commission. Generally no street should change direction by more than 90 degrees without a change in street name. Streets should have names and not numbers or letters.
- 401.11 LOCATION FOR UTILITIES:** Utilities shall be located so as to best conform to the layout of existing facilities. In streets where no pattern has been established, utilities shall be located in conformance with standards of the County Road Commission.
- 401.12 STREET STANDARDS AND SPECIFICATIONS:** Streets shall be provided in accordance with the street standards and specifications adopted by the County Road Commission. Private streets shall also conform to County Road Commission standards except for right-of-way requirements, which might not apply.
- 402.0 BLOCKS:** Blocks generally shall not be less than 500 feet or more than 1320 feet in length as measured from centerlines of streets. No block width shall be less than twice the normal lot depth except where lots back onto a major street, natural feature or subdivision boundary. A block shall be designed so as to provide two (2) tiers of lots, except where the lots back onto a major street, natural feature, subdivision boundary or other feature or facility which necessitates reverse frontage. In blocks exceeding 800 feet in length the Planning Commission may require reservation of a 20 foot wide easement through the block to provide for the crossing of underground utilities and/or pedestrian traffic where needed or desirable, and may specify further, at its discretion, that a paved foot path be provided by the proprietor. Blocks intended for non-residential uses shall be especially designed for such purposes, and in accordance with Zoning Ordinance provisions. In such cases the above dimensions do not apply.
- 403.0 LOTS:**
- 403.1 DIMENSIONS:** Lots shall conform to the requirements of the Zoning Ordinance except for outlots that are provided for an indicated and approved purpose.

In areas not served by public sewer and water lines the minimum lot area shall be one (1) acre and the minimum road frontage 150 feet with open ditches or 120 feet with curb and gutter.

Corner lots shall have extra width to permit appropriate building setbacks. If the Zoning Ordinance does not require a greater width, this Ordinance shall control, in which case the side yard of the corner lot shall have at least the same width as the required front yard. Lots abutting a pedestrian mid-block crosswalk or other right-of-way shall be treated as corner lots.

Residential lots shall not open or face directly onto a freeway right-of-way, an arterial or collector street, shopping centers, industrial districts or parks, and other similar non-residential areas. In such situations, lots shall be laid out in one of the following ways:

403.5 LOTS TO BE BUILDABLE: The lot arrangement shall be such that in constructing a building in compliance with the Zoning Ordinance, topography or other natural conditions will not create difficulties in locating the building and driveway and in providing adequate yard areas. Acute angles created by side lot lines, and odd shaped lots should be avoided.

The size, shape, and location of each lot should have the following qualities:

(a) A suitable site for placing a house without excess grading;

(b) A usable area for outdoor living and other outdoor activities;

(c) Adequate surface drainage away from the house site and outdoor living areas;

(d) Reasonable driveway grades; and

(e) General site grading should be minimized with significant trees and other vegetation retained.

403.6 SETBACKS AND YARD REQUIREMENTS: Placement of the building on the site shall conform to all yard requirements of the Zoning Ordinance. However, the proprietor should vary the placement of the building on each lot. The front setback should be varied among several adjacent lots to create a more attractive neighborhood appearance and to relieve the monotony that results from rigid adherence to the minimum requirements.

The setbacks provided should conform to topography and natural features of the site.

403.7 ACCESS: Driveways and curbcuts shall conform to standards of the County Road Commission. The curb section of driveways and aprons shall be designed so that excessive breakover angle and rear bumper and exhaust pipe dragging will be eliminated.

403.8 ACCESS FROM PRIVATE STREETS: Access from private streets shall be deemed acceptable only if such streets are designed and improved in accordance with this Ordinance.

403.9 LOT DIVISION: The division of a lot in a recorded plat is prohibited unless approved following application to the Township Board in conformance with the Subdivision Control Act. The application shall be filed with the Township Clerk and shall state the reasons for the proposed division. No building permit shall be issued, nor any construction commenced, until the division has been approved by the Township Board and the suitability of the land for building sites has been approved by the County Health Department for all sites not served by public sewer and water. No lot in a recorded plat shall be divided into lots for building purposes each of which is less in area and dimensions than permitted by the Zoning Ordinance. The division of a lot that results in lots smaller than lots permitted in the Zoning Ordinance may be permitted, but only for the purpose of adding to an existing building site or sites. The application shall so state and shall be in affidavit form.

403.10 RESERVE STRIPS: Privately held reserve strips controlling access to streets shall be prohibited, except as provided in Section 401.9, herein.

403.11 NON-RESIDENTIAL LOTS: Lots intended for uses other than residential shall be identified on the plat, and shall be specifically designed for such uses, in accordance with provisions of this Ordinance and the Zoning Ordinance.

407.0 UTILITIES:

407.1 STORM DRAINAGE: Where a subdivision is traversed by a water course, drainage way, channel, or stream, a storm water easement or drainage right-of-way shall be provided in accordance with standards of the County Drain Commissioner. Such easements shall be placed so as not to interfere with the use of lots. Existing drainage ways may be rechanneled but such rechanneling shall not increase the flow or level, or cause impoundment, of water on properties upstream or downstream from the proposed subdivision. Exceptions may be made if such changes conform to an overall drainage plan for the drainage district.

All natural water drainage ways and impoundment areas shall be preserved at their natural gradient and shall not be filled or interfered with in any way, except as approved by the County Drain Commissioner. If, in the judgement of the Drain Commissioner, a natural water drainage way or impoundment area should be reserved in the public interest, a storm drainage easement of a width and/or to an elevation specified by the Drain Commissioner shall be required and reserved as a public storm drainage easement or impoundment area. Access rights for maintenance purposes to same shall be dedicated to the public through the Drain Commissioner and placed on file with the County Register of Deeds.

The proprietor may be required to carry away by pipe or open ditch, in appropriate easements, any spring or surface water that might exist either previous to, or as a result of, the subdivision.

A culvert or other drainage facility to be provided in the proposed subdivision shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether that area is inside or outside the subdivision. The design and size of the facility shall be based on anticipated run-off from a ten (10) year storm under conditions of total potential development permitted by the Zoning Ordinance, and other applicable zoning ordinances, and recommended in adopted development policies for the lands lying within the drainage area.

The effect of the subdivision on existing downstream drainage facilities outside the subdivision shall be reviewed by the proprietor and the County Drain Commissioner. Where it is anticipated that the additional run-off resulting from development of the subdivision will overload an existing downstream drainage facility during a ten (10) year storm, the County Drain Commissioner shall notify the Township Board of such potential condition. In such situations the Board shall not approve the subdivision until provision has been made for improvement of said condition.

All drainage improvements shall conform to duly adopted and published General Development Plans for the area covered by the proposed subdivision and for the upstream and downstream areas involved, and to the standards and specifications of the County Drain Commissioner.

The Planning Commission may, if it considers such requirements necessary for the proper and safe development of the subdivision and surrounding area, require that the drain be enclosed.

407.2 SEWER AND WATER UTILITIES: Sanitary sewer and water supply facilities shall be designed and located according to the specifications and procedural requirements of the Michigan Department of Health. On-site services and private sanitary sewer and water systems shall be designed according to requirements of the County Health Department.

407.3 GAS, WIRE OR CABLE UTILITIES: All lines for telephone, electrical, television, and other services distributed by wire or cable shall be placed underground throughout a subdivision. 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 where it is determined that such lines will not impair the health, safety, general welfare, design, appearance, and character of the subdivision, and only where such overhead lines are brought to the perimeter of the subdivision. This Section shall not be construed to prohibit the construction above ground of surface equipment associated with an underground distribution system, such as, but not limited, to surface mounted transformers, power terminal pedestals, meters and meter boxes, concealed wires, street lights and street light poles.

All facilities, including those for gas distribution, shall be installed in accordance with standards and specifications of the Michigan Public Service Commission. The layout of such facilities shall be submitted to the utility companies having jurisdiction in the area for their review before filing for final approval of the preliminary plat. All said utilities placed in public rights-of-way shall not conflict with other underground lines. Easements shall be provided in accordance with Section 408.0, herein.

408.0 EASEMENTS: All underground public utility installations, including lines for street lighting systems, which traverse privately owned property shall be protected by easements granted by the proprietor and approved by the public utility. Such easements shall be so located as to not interfere with the use of any lot or other part of the subdivision. The size of, and restrictions pertaining to, such easements shall be in accordance with the standards and specifications of the agency having jurisdiction over the utility lines and the Subdivision Control Act, and shall be indicated on the preliminary plat submitted for tentative approval.

409.0 RESERVATION OF PUBLIC USE AREAS: Where a proposed park, playground, open space, public school, library or other public use area shown in the adopted General Development Plan, or in an adopted applicable part of such plan, is located in whole or in part in a proposed subdivision, such area or areas shall be shown on the plat. Such area or areas may be dedicated to the Township or other applicable public agency by the proprietor if the Township Board or other applicable public agency approves such dedication. Such areas if not dedicated, shall be reserved by the proprietor for future purchase by the Township or other appropriate public agency.

The precise nature, location, and extent of the reservation shall be determined prior to tentative approval of the preliminary plat by the Township Board. The reservation shall be valid for a period of one year from the date on which the Board approves the final plat or such longer period as might be agreed to in writing by the proprietor. Unless during such one-year period or agreed longer period the Board shall have entered into a contract to purchase the reserved area or instituted condemnation proceedings according to law to acquire the fee simple or a lesser interest in the reserved area, the right to develop the reserved area shall revert to the proprietor at the end of the one-year period or agreed longer period. The reservation shall freeze the price per acre of the reserved area for such one-year period at the average value per acre on the date when the preliminary plat was first filed with the Clerk. Because the Township Board or other public agency has the option not to purchase the reserved property,

the plat for the entire subdivision should include provisions for incorporating the reserved area into the overall development.

410.0 RESIDENTIAL CLUSTER SUBDIVISIONS: Where the Zoning Ordinance permits, a proposed residential subdivision may be designated as a residential cluster subdivision for the purpose of creating a more desirable living environment than is possible under the Township zoning and subdivision control ordinances as applied to individual residential lots; for the purpose of encouraging the provision and maintenance of open space for the residents of the subdivision; for the purpose of encouraging creativity, variety, efficiency, and economy in the physical development pattern of the community; and for the purpose of assuring the preservation of desirable natural features of the community and their inclusion in the development pattern of the subdivision and the community. This Section applies to residential subdivisions, but it may also be applied, where desirable by the proprietor and the Planning Commission to mobile home, commercial, and industrial subdivisions by changing "residential" references in this Section to reflect the nature of such other types of subdivisions. Lot size reductions in such other types of subdivision shall conform to Zoning Ordinance provisions.

The plat for a residential cluster subdivision shall be submitted in accordance with the procedures and standards of this Ordinance.

A residential cluster subdivision must be designed to produce a stable and desirable residential community. Overall maximum densities shall not exceed those permitted under applicable provisions of the Zoning Ordinance. Open space areas shall meet the standards for open space established in the duly adopted and published General Development Plan, if there is such a plan, or an ordinance duly adopted and published by the Township Board. The Board, upon advice from the Planning Commission, shall have the right and duty to reject a proposed residential cluster subdivision if the open space areas therein are, in its opinion, of such size and shape as to be difficult or impossible to utilize or maintain for appropriate open space purposes.

Common open space provided in a residential cluster subdivision and conveyed to a homeowners' association shall remain permanently open for recreational and conservational purposes. The open space character of common open space shall be secured by restrictive covenants, negative easements, or other appropriate legal devices. Such common open space shall be set aside for the common benefit, use, and enjoyment of the subdivision lot owners, present and future. All common open space, including recreation areas, tree cover areas, scenic vistas, wildlife or plant preserves, nature study areas, and private walkways, whose acreage is used in determining the size and extent of common open space shall be included in the restrictive covenants, negative easements, or other legal devices designated to assure that such space will remain permanently open.

Open space in any one residential cluster subdivision shall be laid out, to the maximum feasible extent, so as to connect with other open space, existing or proposed, in the vicinity whether such areas are or will be public or private. In the case of two or more adjacent subdivisions, proprietors may cooperatively allocate open space areas, if such areas are coordinated in design and location to an extent acceptable to the Planning Commission.

Residential cluster subdivisions should be laid out so as to reduce the lineal feet of streets that would be otherwise needed to serve the area; to economize on the cost of utility installations; to retain and take advantage of existing natural features and vistas; to reduce the amount of grading required; to take maximum advantage of storage, absorption, and drainage characteristics of the natural landscape; and to otherwise secure the objectives set forth in this

In the event that a homeowners' association established to own and maintain common open space, or any successor association, shall at any time after development of a residential cluster subdivision, fail to maintain the common open space in reasonable order and condition, the Township Board may serve written notice upon such association setting forth the manner in which the association has failed to maintain the common open space, and said notice shall include a demand that such deficiencies of maintenance be corrected within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of said notice. At such hearing the Board may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected. If the deficiencies set forth in the original notice or in the modification thereof are not corrected within said thirty (30) days or any extension thereof, the Board, in order to preserve the taxable values of the properties within the residential cluster subdivision and to prevent the common open space from becoming a public nuisance, may authorize the appropriate Township employees to enter upon said common open space and maintain the same for a period of one (1) year. Said entry and maintenance shall not vest in the public any rights to use the common open space. Before the expiration of said year, the Board shall, upon its own initiative or upon the request of the homeowners' association theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such association, or to the residents of the residential cluster subdivision, at which hearing such association or the residents of the residential cluster subdivision shall show cause why such maintenance by the Township should not, at the election of the Board, continue for a succeeding year. If the Board shall determine that the homeowners' association is ready and able to maintain the common open space in reasonable condition and order, the Township shall cease to maintain the common open space at the end of said year. If the Board shall determine that such association is not ready and able to maintain the common open space in reasonable condition and order, the Board may, in its discretion, continue to maintain the common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter. The cost of such maintenance by the Township shall be assessed ratably against the properties within the residential cluster subdivision that have a right of use and enjoyment of the common open space, and shall become a tax lien on said properties. The Township, at the time of entering upon the common open space for the purpose of maintenance, shall file a notice of such tax lien in the office of the Township Treasurer.

Residential cluster subdivisions for single family residences may be provided in areas not served by public water and/or sanitary sewer if each lot is adjacent to an open area which, in the opinion of the County Health Department, can be considered to be part of the site for purposes of supplying the area necessary for drain fields. In such cases the minimum lot size may be reduced to 20,000 square feet from the one acre minimum ordinarily required. Total overall density in such areas shall not exceed one dwelling unit per acre at completion of the subdivision or during any stage of development. The County Health Department may require a maximum density of less than one dwelling unit per gross acre if soil conditions are not suitable for development at a higher density. Lots in residential cluster subdivisions in areas served by public water and sanitary sewers may be reduced in area and dimensions in accordance with the Zoning Ordinance.

411.0 MOBILE HOME SUBDIVISIONS: Where a mobile home development falls within the definition of "subdivision" as set forth in the Subdivision Control Act, said development shall be considered to be a subdivision and shall be platted in accordance with the Subdivision Control Act and this Ordinance. All provisions of this Ordinance shall apply except for, or in addition to, the provisions of this Section. A mobile home subdivision may also be platted

loading space shall be permitted or provided for on a commercial subdivision street: such movements shall be adequately provided for on each lot.

Entry drives for the subdivision shall be located and designed so as not to create congestion or hazardous conditions on public streets serving the subdivision. Driveways from parking and/or loading areas shall intersect subdivision streets at a distance from street intersections that is large enough to permit safe and convenient maneuvering of vehicles.

The block sizes set forth in Section 402.0, herein, shall not apply to commercial subdivisions. The blocks shall be designed to meet the needs of the commercial uses that will occupy the subdivision. However, block sizes shall meet the requirements of fire protection, snow removal, and other service and emergency vehicles.

Lots in a commercial subdivision shall have access from subdivision or frontage streets, and shall not open directly onto an arterial or collector street.

Sidewalks and pedestrian ways shall be required in commercial subdivisions, except where the Planning Commission determines that such facilities are not required for the safety and convenience of pedestrians within or around the subdivision.

Buffer strips, at least 20 feet wide and landscaped, shall be provided along the perimeter of a commercial subdivision where adjacent to a residential area. The Planning Commission may require provision of a fence, wall or screen if it determines such is necessary to protect the adjacent areas from litter, trespass and other nuisances. Any intended future expansion of the commercial development should be shown on the preliminary plat submitted for tentative approval.

413.0 INDUSTRIAL SUBDIVISIONS: Where industrial developments consisting of, but not limited to, manufacturing establishments, trucking and warehouse facilities, and similar activities, fall within the definition of "subdivision" as set forth in the Subdivision Control Act, such development shall conform to the provisions of this Ordinance, except for modifications provided for in this Section. The development shall conform to all Zoning Ordinance requirements.

Streets shall conform to the requirements of Section 401.0 herein. All streets in an industrial subdivision shall be paved according to standards suitable for heavy trucking activities. All streets shall have concrete curb and gutter with enclosed underground storm drainage.

All streets within the subdivision shall be designed and constructed to easily and conveniently accommodate the movement of large trucks. Street grades shall not exceed five (5) percent and shall follow the land contours longitudinally. Street intersections shall have a minimum curb radius of 25 feet.

Parking and loading on all streets in an industrial subdivision shall be prohibited. Adequate parking and loading areas, and space necessary for maneuvering of trucks in loading and unloading operations shall be provided on each site. Layouts which permit use of streets for turnaround and other maneuvers shall not be acceptable.

Entry drives for the subdivision shall be located and designed so as not to create congestion or hazardous conditions on public streets serving the subdivision. Driveways from parking and/or loading areas shall intersect subdivision streets at a distance from any street intersections that is large enough to permit safe and convenient maneuvering of all vehicles.

final plat of a planned unit residential development shall become a part of the General Development Plan, if there is such a plan.

415.0 SOIL EROSION AND SEDIMENT CONTROL: Since considerable erosion can take place prior to the construction of houses and other buildings, facilities, and features in a subdivision, the various plats for a subdivision shall contain proposed erosion and sediment control measures. The measures shall be incorporated into the final plat and final construction drawings. Erosion and sediment control measures shall conform to the standards and specifications established by the Soil Conservation District in their current form and as they might be modified from time to time, it being the intent of this Section to incorporate such standards and specifications into this Ordinance by reference. The measures shall apply to all street and utility installations as well as to the protection of individual lots. Measures shall also be instituted to prevent or control erosion and sedimentation during the various stages of construction of the subdivision.

416.0 RESTRICTIVE COVENANTS: Covenants designed to preserve the character of the subdivision and to help retain its stability, permanence, and marketability are encouraged to be provided by the proprietor. Such covenants should be recorded with the plat and should be blanket covenants that apply to the entire subdivision. Such covenants are intended to complement the Township's continuing regulation of the subdivision through its zoning and building code powers.

Blanket covenants may contain items such as, but not limited to, land use control; architectural control, including walls and fences as well as buildings; yard and setback requirements; minimum lot size; prohibition of nuisances; regulation of signs; control of type, duration, location, etc., of temporary buildings or vehicles, such as travel trailers, etc., to be stored on each site; scenic or open space easements; and other similar controls.

Covenants shall be discussed with the Planning Commission during the initial procedures and/or preliminary plat stages and shall be coordinated with existing or anticipated police power controls.

Covenants should be recorded prior to the sale of any lot within the subdivision.

417.0 TREES: Trees shall be provided in the margins of both sides of all streets, public or private, and shall be placed at the minimum rate of two (2) per single family residential lot or at a maximum distance apart of 60 feet. Trees may also be required to be installed according to the same distances in pedestrian ways. Trees to be installed in the street margins shall be of the large deciduous type - such as oak, hard maple, ash, hackberry, or sycamore. However, ornamental trees may be installed in the margin. Both kinds of trees may be provided in pedestrian ways.

The following trees are not permitted in the street margins, pedestrian ways, or any other landscaped area required by this Ordinance: box elder, soft maple, American elm, poplar, ailanthus (tree of Heaven) and willow.

All trees shall be protected from damage by wind and other elements during the first full year after planting.

418.0 STREET LIGHTS: Street lights, where provided, shall have underground wiring. Light standards shall meet the minimum specifications of the electric utility company serving that area of the proposed subdivision. Where lights are to be provided, they should be installed

ARTICLE V

SUBDIVISION IMPROVEMENTS

500.0 PURPOSE: It is the purpose of this Article to establish and define the improvements which the proprietor will be required to provide as conditions for final plat approval; to outline the procedures and responsibilities of the proprietor and the various public officials and agencies concerned with the planning, design, construction, financing, and administration of improvements; and to establish procedures for assuring compliance with these requirements.

501.0 GENERAL:

501.1 STANDARDS: Improvements shall be provided by the proprietor in accordance with this Article and/or with any other applicable standards and requirements which may from time to time be established by the Township Board or by any of the various Township departments or county and state agencies, in the form of ordinances or published rules.

The improvements required under this Article shall be considered the minimum acceptable standards.

501.2 PREPARATION OF PLANS: It shall be the responsibility of the proprietor to have prepared by a registered engineer a complete set of construction plans for streets, utilities, and other improvements required in Section 503.0. Such construction plans shall conform to the preliminary plat as finally approved. Construction plans are subject to approval by the responsible public agencies and shall be prepared in accordance with their standards and specifications.

501.3 TIMING OF IMPROVEMENTS: No grading, removal of trees or other vegetation, land filling, construction of improvements, or other material change except for that which is required by any of the reviewing agencies for purpose of aiding in their review of the preliminary plat, shall commence on the subject property until the proprietor has:

501.31 Received a written notice from the Clerk that the Township Board has given final approval to the preliminary plat.

501.32 Entered into a subdivision agreement with the Township Board for completion of all improvements required in the preliminary plat as finally approved.

501.33 Deposited with the Township a bond or other form of security as required by this Ordinance for the provision of improvements.

501.34 Received a certificate of approval or similar evidence of approval of the engineering plans from the Township Engineer of each improvement to be installed prior to approval of the final plat. Where approval of such plans must be obtained from the County Road Commission, County Drain Commissioner, County Health Department, or other county or state agency, the proprietor shall provide evidence of such approvals to the Township Engineer prior to his report and recommendation to the Township Board. Such plans and approvals shall include those for soil erosion and sedimentation controls.

503.3 PUBLIC UTILITIES: Public utilities placed in street rights-of-way shall be located in accordance with County Road Commission requirements and Section 401.0 herein.

503.31 STORM DRAINAGE: An adequate storm drainage system, including necessary storm sewers, drain inlets, manholes, culverts, bridges and other appurtenances, shall be required in all subdivisions, and shall be provided by the proprietor.

All proposed storm drainage construction plans shall be approved by the County Drain Commissioner and the County Road Commission where applicable. Construction shall follow the specifications and procedures of the State Drain Code of 1956 as amended and specifications of the County Road Commission where applicable.

503.32 WATER SUPPLY SYSTEM: When a proposed subdivision is to be serviced by a public water supply system, water lines and appurtenances shall be provided by the proprietor. If there is no existing or accessible public water supply system, the proprietor may be required to install a water supply system for the common use of the lots within the subdivision. All easements and improvements for such systems shall be dedicated to the Township for administration, operation, and maintenance.

Individual wells may be permitted where public water supplies are not available, in accordance with the requirements of the County Health Department.

All features of the installations shall conform to the requirements of Act 98, P.A. 1913, as amended.

503.33 SANITARY SEWER SYSTEM: When a proposed subdivision is to be serviced by a public sanitary sewer system, sanitary sewers and their appurtenances shall be provided by the proprietor in compliance with provisions of Act 98, P.A. 1913, as amended.

If there is not an existing or accessible public sanitary sewer system, a sewer system for the common use of lots within the subdivision may be required to be provided by the proprietor, if feasible in the judgement of the Township Engineer and the County Health Department, and shall comply with provisions of Act 98, P.A. of 1913, as amended. Where such a system is permitted, said system, together with necessary easements, shall be dedicated to the Township for administration, operation, and maintenance. Septic tanks and disposal fields on individual lots may be approved if in compliance with standards and specifications of the County Health Department and the State Administrative Code, Section 460.405.

503.34 GAS, WIRE AND CABLE UTILITIES: The proprietor shall arrange for all lines for telephone, electric, television, and other similar services distributed by wire or cable to be installed underground and may arrange for gas distribution facilities throughout a subdivided area. Overhead lines and facilities may be permitted as set forth in Section 407.3, herein.

503.35 OVERSIZE FACILITIES: Wherever such facilities are required, the proprietor shall be responsible only for his share of the costs of same as based on land area, population or a similar proportionate measure. The amount of proprietor responsibility and the means for allocating costs shall be agreed to prior to final approval of the preliminary plat by the Township Board.

irrevocable letter of credit, whichever the proprietor selects, shall accrue to the Township for administering the construction, operation or maintenance of the improvement.

504.122 AMOUNT: The amount of the cash deposit, certified check, or irrevocable bank letter of credit, shall be equal to the total estimated cost of construction of the improvement including contingencies as estimated by the proprietor's engineer and approved by the Township Board.

504.123 ESCROW TIME: The escrow time for the cash deposit, certified check, or irrevocable bank letter of credit, shall be for a period to be specified by the Township Board.

504.124 PROGRESSIVE PAYMENT: In the case of cash deposits or certified checks, an agreement between the Township and the proprietor may provide for progressive payment out of the cash deposit or reduction of the certified check, or irrevocable bank letter of credit, to the extent of the estimated cost of the completed portion of the improvement in accordance with the previously entered into agreement with respect to financial guarantees.

504.2 CONTINGENCY FEE: The Township Board may require, in addition to the security, an amount of 10 percent thereof to cover such contingency expenses that might occur due to failure, defects in construction, unforeseen costs, etc., of any improvement required herein. The period covered by the contingency fee shall not exceed two years from the date of acceptance of the improvement. Excess funds, if any, shall be returned to the proprietor at the end of the two year period.

504.3 PROTECTION AND REPAIR BOND: The Township Board may also require, in addition to the security and the contingency fee, a bond to cover damage that might occur during construction to existing improvements, facilities, and features on or around the construction site or to adjacent properties. This bond shall include the costs of any cleaning of construction debris from the subdivision and from adjacent properties that might be necessary.

504.4 PENALTY IN CASE OF FAILURE TO COMPLETE THE CONSTRUCTION OF AN IMPROVEMENT: In the event the proprietor shall, in any case, fail to complete such work within the period of time required by the conditions of the guarantee for the completion of improvements under the Township jurisdiction, it shall be the responsibility of the Township Board to have such work completed. In order to accomplish this, the Board shall reimburse itself for the cost and expense thereof by appropriating the cash deposit, certified check, or irrevocable bank letter of credit, which the proprietor may have deposited in lieu of a surety bond, or may take such steps as may be necessary to require performance by the bonding of surety company, and as included in the written agreement between the Board and the proprietor.

505.0 INSPECTION OF IMPROVEMENTS:

505.1 REQUIRED: All improvements required by this Ordinance shall be inspected by the Township Engineer or Building Inspector, except for improvements made under the jurisdiction of the County Road Commission, County Drain Commissioner, and other public agencies. Where inspections are made by other agencies the Township Engineer or Building Inspector shall obtain written reports of each final inspection.

ARTICLE VI**VARIANCES**

- 600.0 GENERAL:** A variance from the provisions of this Ordinance may be obtained for one of two reasons; first, relief from hardship; and second, to permit a comprehensive development according to a plan for the entire project. Variances shall apply only to improvements, standards, and specifications set forth in this Ordinance; no variances shall be granted on procedures required herein.
- 601.0 HARDSHIP VARIANCE:**
- 601.1 GENERAL:** Such variance may be granted if the proprietor can show that strict compliance with the provisions of this Ordinance, as they apply to his property or parts thereof, will result in extraordinary hardship or practical difficulty. The proprietor shall make a formal request for such variance to the Township Board, in which the reasons for the request are clearly stated.
- 601.2 FINDINGS REQUIRED:** No variance shall be granted unless the following findings are made:
- 601.21** That there are such special circumstances or conditions affecting said property that strict application of the provisions of this Ordinance would clearly be impractical or unreasonable.
- 601.22** That the conditions requiring the variance were not created by the proprietor.
- 601.23** That the variance is necessary for the preservation and enjoyment of a substantial property right of the proprietor, and is not primarily intended for his economic gain.
- 601.24** That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
- 601.25** That such variance will not have the effect of nullifying the intent and purpose of this Ordinance, the adopted General Development Plan, and the Zoning Ordinance.
- 601.26** That such variance will not violate the provisions of the Subdivision Control Act.
- 601.3 REPORT:** The Township Board shall prepare a complete report of the proceedings concerning the requested variance, containing all findings of fact and actions taken. A copy of this report shall be made part of the record of the meeting at which action is taken and one copy of the report shall be transmitted to the proprietor.
- 601.4 CONDITIONS:** In granting a variance the Township Board may attach conditions to the variance which will substantially secure the objectives of this Ordinance, and which will further the adopted policies expressed in the Township's General Development Plan, or part or parts thereof, and in various ordinances and resolutions.
- 602.0 COMPREHENSIVE DEVELOPMENT VARIANCE:** The Township Board may authorize variances from the provisions of this Ordinance for a comprehensive development upon written request of the proprietor. The Board shall find that such comprehensive development is permitted by the Zoning Ordinance, and shall have the recommendation of the Planning

ARTICLE VII**ENFORCEMENT****700.0 BUILDING AND OCCUPANCY PERMITS:**

700.1 BUILDING PERMITS: The Building Inspector shall not issue permits for the building of houses or other structures intended for human occupancy or any portion thereof until the preliminary plat has received final approval as provided in the Subdivision Control Act, and until he has been officially notified of such approval by the Township Board. No building permits shall be issued for a tract of land between the time that the subdividing process has commenced and a preliminary plat thereof has received final approval. The Township Clerk shall immediately notify the building department having jurisdiction that such process has been initiated.

700.2 OCCUPANCY PERMITS: The Building Inspector shall not issue permits for the occupancy of structures or any parts thereof until all improvements required by this Ordinance and agreed to in the preliminary plat as finally approved have been completed or otherwise provided for according to this Ordinance, and until the Building Inspector has been notified by the Township Clerk of completion or provision of improvements. Completion shall mean inspection, approval, and acceptance, where applicable, by the Township. A certificate of completion shall be issued by the Township Building Inspector or Engineer as evidence of adequate and complete installation of facilities.

701.0 PENALTIES: Failure to comply with the provisions of this Ordinance shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than one hundred dollars (\$100) or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense.

The land owner, tenant, proprietor, builder, public official or any other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township Board, or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this Ordinance or of the Subdivision Control Act.

ARTICLE IX
MISCELLANEOUS PROVISIONS

- 900.0 **VALIDITY:** Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be invalid.
- 901.0 **EFFECTIVE DATE:** This Ordinance shall take effect in the Township after recommendation of the Planning Commission, adoption by the Township Board and publication as provided by law.

Made and passed at a regular meeting of the Manchester Township Board held on September 12, 1974.

Waldo C. Marx
Township Clerk.

CERTIFICATION

I, Waldo C. Marx, Clerk of the Township of Manchester, Washtenaw County, Michigan, hereby certify that the foregoing Ordinance of Manchester Township was duly adopted by the Township of Manchester Board duly assembled at a regular meeting of said Board held September 12, 1974. I further certify that Board members, Lyle Widmayer, Ambrose Lentz, Dorothy Burch, Clarence Fielder, and Waldo C. Marx voted for the adoption of said Ordinance and none voted against adoption. I further certify that the same was duly published on the 19th day of September, 1974 in the Manchester Enterprise a newspaper circulated in the Township of Manchester, Washtenaw County, Michigan.

Waldo C. Marx
Waldo C. Marx,
Township Clerk.

MANCHESTER TOWNSHIP
ORDINANCE NO. 14

AN ORDINANCE TO PROHIBIT TRESPASS UPON PUBLIC OR PRIVATE PROPERTY

THE TOWNSHIP OF MANCHESTER, WASHTENAW COUNTY, MICHIGAN ORDAINS:

SECTION 1. TRESPASSES PROHIBITED. It shall be unlawful for any person, firm or corporation to commit a trespass within this municipality upon either public or private property. Any entry upon the lands of another without express or implied permission so to do shall be a trespass.

SECTION 2. SPECIFICALLY ENUMERATED TRESPASSES. Without constituting any limitation upon the provisions of section 1 hereof, any of the following acts by any person, firm or corporation shall be deemed included among those that constitute trespasses in violation of the provisions of said section 1, and appropriate action may be taken hereunder at any time, or from time to time, to prevent or punish any violation or violations of this ordinance.

The aforesaid enumerated acts shall include:

(a) Any entry upon the premises or any part thereof, of another, including any public property in violation of a notice posted or exhibited at the main entrance to said premises or at any point of approach or entry or in violation of any notice, warning or protest given orally or in writing, by any owner or occupant thereof; or

(b) The pursuit of a course of conduct or action incidental to the making of an entry upon the land of another in violation of a notice posted or exhibited at the main entrance to said premises or at any point of approach or entry, or in violation of any notice, warning or protest given orally or in writing by any owner or occupant thereof; or

(c) A failure or refusal to depart from the premises of another in case of being requested, either orally or in writing by any owner or occupant thereof; or

(d) An entry into or upon any vehicle, aircraft or watercraft made without the consent of the person having the right to possession or control thereof, or a failure or refusal to leave any such vehicle, aircraft or watercraft after being requested to leave by the person having such right.

Ordinance No. 14 (Continued)

SECTION 3. SEVERANCE CLAUSE. If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this ordinance.

SECTION 4. PENALTIES. Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be fined in an amount not exceeding one hundred dollars (\$100.00) or imprisoned in the Washtenaw County Jail for a period not to exceed ninety (90) days or both.

SECTION 5. This ordinance shall take effect thirty (30) days after its publication in the Manchester Enterprise.

Effective date August 9, 1975.

Waldo C. Marx

Waldo C. Marx, Manchester Township Clerk.

CERTIFICATE

I, Waldo C. Marx, Clerk of the Township of Manchester, Washtenaw County, Michigan hereby certify that the within ordinance of Manchester Township was duly adopted at the Township Board of the Township of Manchester at regular meeting held July 10, 1975 and that Dorothy Burch, Waldo C. Marx, Ambrose Lentz and Clarence Fielder (Lyle Widmayer was absent), all members of the Board of Trustees voted for the adoption of said ordinance and that the same was published on July 16, 1975 in the Manchester Enterprise a newspaper printed and published in the Township of Manchester, Washtenaw County, Michigan.

Waldo C. Marx

Waldo C. Marx, Manchester Township Clerk.

*Repealed by Ord 42
1-12-98*

MANCHESTER TOWNSHIP

ORDINANCE NO. 16

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED: "AN ORDINANCE ESTABLISHING ZONING DISTRICTS WITHIN MANCHESTER TOWNSHIP, WASHTENAW COUNTY, MICHIGAN.

THE TOWNSHIP BOARD OF MANCHESTER TOWNSHIP, WASHTENAW COUNTY, MICHIGAN ORDAINS:

Section 1. That Section 3.02 of An Ordinance entitled: "AN ORDINANCE ESTABLISHING ZONING DISTRICTS WITHIN MANCHESTER TOWNSHIP, WASHTENAW COUNTY, MICHIGAN" be, and the same is hereby amended as follows:

"Section 3.02 Provision for Official Zoning Map:

The map entitled Official Manchester Township Zoning Map shall be and hereby is amended to change the designation of premises hereinafter described on said map from AR-Agricultural-Residential District to GC-General Commercial District said property being described as:

Commencing at N 1/4 post of Section; thence E 1393.02 feet in N line of Section for a Place of Beginning; thence deflecting 104° 28' right 20 feet; thence deflecting 75° 32' right 20 feet; thence deflecting 75° 32' left 320.81 feet; thence deflecting 75° 32' right 1092.5 feet to a point in the center of highway; thence Northeasterly in center of highway to N line of Section; thence E to Place of Beginning, being a part of N 1/2 of the NE fractional 1/4 Section 2, T4S, R3E, 7.01 acres.

Section 2. This ordinance shall take effect thirty (30) days after its publication in the Manchester Enterprise.

Effective date October 31, 1977

Wilma Lentz

Wilma Lentz, Manchester Township Clerk.

CERTIFICATE

I, Wilma Lentz, Clerk of the Township of Manchester, Washtenaw County, Michigan hereby certify that the within Ordinance of Manchester Township was duly adopted by the Township Board of the Township of Manchester at a regular meeting thereof on October 31, 1977 and that Burch, Fielder, Lentz, Macomber

voted for the adoption of said ordinance and no one voted against

ORDINANCE NO. 16 (continued)

and that the same was published on the 16th day of November, 1977 in the Manchester Enterprise a newspaper printed and published in the Township of Manchester, Washtenaw County, Michigan.

Wilma Lentz.

Wilma Lentz, Manchester Township Clerk.

MANCHESTER TOWNSHIP

ORDINANCE NO. 17

AN ORDINANCE TO DESIGNATE AN ENFORCING AGENCY TO DISCHARGE THE RESPONSIBILITIES OF THE TOWNSHIP OF MANCHESTER UNDER THE PROVISIONS OF ACT 230 PUBLIC ACTS OF MICHIGAN, 1972, STATE CONSTRUCTION CODE ACT.

The Township of Manchester Ordains:

Section 1. AGENCY DESIGNATED. Pursuant to the provisions of Section 9 of Act 230 of Public Acts of Michigan 1972 (Compiled Laws of 1948, Sec. 125.1509) State Construction Code Act, the Building Inspector, Electrical Inspector and Plumbing Inspector of the Township of Manchester are hereby designated as the enforcing agency to discharge the responsibilities of the Township under said act. The Township of Manchester hereby assumes responsibility for the administration and enforcement of said act and all construction codes as amended adopted by the State Construction Code Commission including but not limited to the Michigan Building Code, the Michigan Plumbing Code and the Michigan Electrical Code throughout its corporate limits.

Section 2. REPEAL. All ordinance inconsistent with the provisions of this ordinance are hereby repealed.

Section 3. EFFECTIVE DATE. A true copy of this ordinance shall be published in accordance with the law within thirty (30) days after the date hereof in the Manchester Enterprise, a newspaper having general circulation in said township and said ordinance shall be effective thirty (30) days after such publication.

Made and passed
October 31, 1977

Wilma Lentz, Clerk

Wilma Lentz, Clerk

CERTIFICATE

I, Wilma Lentz, Clerk of the Township of Manchester, Washtenaw County, Michigan hereby certify that the foregoing ordinance of Manchester Township was duly adopted by the Township of Manchester Board duly assembled at a *Special* meeting of said board held *Oct. 31, 1977*. I further certify that Board Members *Burch, Fielder, Lentz, Macomber and Widmayer* voted for adoption of said ordinance and _____ voted against adoption. I further that the same was duly printed and published on the *17* day of *November*, 1977 in the Manchester Enterprise a newspaper circulated in the Township of Manchester, Washtenaw County, Michigan.

Wilma Lentz

Wilma Lentz, Clerk

MANCHESTER TOWNSHIP

ORDINANCE NO. 18

AN ORDINANCE TO ESTABLISH THE FISCAL YEAR OF THE TOWNSHIP OF MANCHESTER, WASHTENAW COUNTY, MICHIGAN, AND THE ANNUAL SETTLEMENT DATE FOR SUCH TOWNSHIP PURSUANT TO MICHIGAN PUBLIC ACT 596 OF 1978.

THE TOWNSHIP OF MANCHESTER, WASHTENAW COUNTY, MICHIGAN ORDAINS:

SECTION I.

Commencing in 1979, the fiscal year of the Township shall extend from July 1, of each year until June 30 of the following year. Any preexisting Township budget lawfully adopted by the Township Board shall be proportionately extended to coincide with the foregoing new fiscal year periods.

Section 2.

The annual settlement day meeting of the Township Board shall hereafter be held on the 15th day of the last month of the fiscal year of the Township unless said day falls on a Saturday, Sunday or legal holiday whereupon said meeting shall be held on the following Monday which is not a legal holiday.

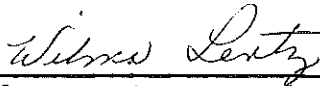
Section 3.

The annual meeting of the electors of the Township, where the same has not been abolished, shall be held on the last Saturday in the last month of the aforesaid fiscal year at such time and place as is determined by the Township Board.

Section 4.

This Ordinance shall take immediate effect. All ordinances or parts of ordinances in conflict herewith are hereby repealed.


Effective date February 27, 1979.



 Wilma Lentz, Manchester Township Clerk.

CERTIFICATE

I, Wilma Lentz, Clerk of the Township of Manchester, Washtenaw County, Michigan, hereby certify that the within Ordinance of Manchester Township was duly adopted at a special meeting of the Township Board held February 27, 1979 and that Dorothy Burch, Clarence Fielder, Lyle Widmayer, Wilma Lentz and Carl Macomber. All of the members of the Board of Trustees voted for the adoption of said ordinance and that the same was published on March 8th, 1979 in the Manchester Enterprise, a newspaper printed and published in the Township of Manchester, Washtenaw County, Michigan.



 Wilma Lentz, Manchester Township Clerk.

TOWNSHIP OF MANCHESTER

ORDINANCE NO. 19

AN ORDINANCE TO PROHIBIT THE STORING OF JUNK, OLD METAL, OLD AUTO BODIES, TRACTORS, JUNK CARS, FARM MACHINERY, HOUSEHOLD APPLIANCES AND OTHER DISCARDED AND/OR UNUSED PERSONAL PROPERTY IN AN OPEN LOT OR FIELD IN THE TOWNSHIP OF MANCHESTER, WASHTENAW COUNTY, MICHIGAN, AND TO PROVIDE PENALTIES FOR VIOLATION THEREOF.

THE TOWNSHIP OF MANCHESTER ORDAINS:

Section 1. Inasmuch as old discarded and non-operating cars, car parts, tractors, machinery, household appliances, old iron debris and other unsightly junk, if allowed to remain in the open, is dangerous to the health of the Township in that it allows weeds, high grass and brush to grow up around it in which rats and other rodents frequent, and is dangerous to the safety of the citizens in that it is an attractive nuisance to children from which children can receive serious injury or possible suffocation and in that it creates a fire hazard because of the dead grass and weeds around and is detrimental to the general welfare of the Township of Manchester in that it adversely affects the value of the adjoining properties and detracts from the general appearance of the Township, therefore, the storing thereof in an open field, lot or part of lot in the Township of Manchester is hereby declared to be a public nuisance.

Section 2. An open field, lot or part of lot is hereby defined for the purpose of this ordinance as any field, lot or part of lot which is not enclosed with a building or a non-combustible fence at least eight (8) feet high so constructed and maintained that rats, mice and other rodents cannot enter or leave and so constructed as to prevent children from entering, and so constructed as to prevent lighted cigarettes, cigar butts or other burning objects from being tossed into said field, lot or part of lot.

Section 3. It shall be unlawful for any owner, occupant, possessor or any person having control of any open lot, field or open part thereof to allow any old auto bodies, old cars, auto parts, farm machinery, equipment, household appliances or other old metal, debris or other personal property that because of the age, wear and tear, lack of repair or other causes is no longer usable as such in its then condition to be stored or remain in any such open lot, field or open part of either for a period of more than thirty (30) days.

Section 4. Upon complaint from any person of any violation of section 3 of this ordinance, a Township Constable shall make an investigation thereof and if it is found that any of the items mentioned in section 1 hereof have been stored, placed or allowed

Ordinance No. 19 (Continued)

to remain in any open lot, field or open part of either in the Township of Manchester for a period of more than thirty (30) days, said constable shall serve upon said owner, occupant, possessor or person having control thereof a written notice to remove the same therefrom within ten (10) days after receipt of said notice; said notice may be served personally or by certified mail with return receipt requested.

Section 5. Any person believing that the notice is not proper or that the removal of said items within ten (10) days would be an undue hardship or who is aggrieved otherwise may appeal to the Township Board of the Township of Manchester by leaving a written claim of appeal stating his reasons for appeal with the Township Clerk within said ten (10) days.

Section 6. Said appeal shall be heard by the Township Board at the next regular meeting thereof and said appellant shall appear before the Township Board and show cause, if any, he has, supporting his appeal. Any official of the Township or any resident may also appear and present any facts they have regarding the matter.

Section 7. After hearing the facts so presented the Township Board may uphold the notice as given or may extend the time for removal of the items or may set aside the notice entirely in accordance with the proofs so presented.

Section 8. If a notice be upheld by the Township Board, the appellant shall have ten (10) days thereafter, or such additional time as granted by said Board. in which to so remove said items.

Section 9. Any person who shall fail, refuse or neglect to so remove said items within ten (10) days after said notice is so served upon him, or within ten (10) days after the decision on the appeal if any appeal is taken and the notice is upheld, or within such additional time as may be granted by the Township Board on said appeal, then said person shall be subject to a fine of not more than \$50.00 or imprisonment of more than thirty (30) days, or both, for a first offense. For a second or subsequent offense charged as such, said person shall be subject to a fine of not less than \$50.00 or more than \$100.00 or by imprisonment of not less than ninety (90) days or both, at the discretion of the Court.

Section 10. This ordinance shall not apply to a junk yard duly licensed.

Ordinance No. 19, (Continued)

Section 11. This ordinance shall become effective thirty (30) days after the date of its publication.

Section 12. Made and passed by the Manchester Township Board at a regular meeting thereof on *August 13, 1979*.

Wilma Lentz

Wilma Lentz, Township Clerk.

I, Wilma Lentz, Clerk of the Township of Manchester, Washtenaw County, Michigan hereby certify that the foregoing ordinance of Manchester Township was duly adopted by the Township Board of Manchester Township at a regular meeting of said Board held August 13, 1979. I further certify that Board members Burch, Fielder, Lentz and Widmayer

voted for the adoption of said ordinance and none (Macomber, absent) voted against adoption and that the same was duly printed and published on the 22 day of August, 1979 in the Manchester Enterprise, a newspaper circulated in the Township of Manchester, Washtenaw County, Michigan.

Wilma Lentz

Wilma Lentz

ORDINANCE NO. 21

AN ORDINANCE TO DESIGNATE AN ENFORCING AGENCY TO DISCHARGE THE RESPONSIBILITIES OF THE TOWNSHIP OF MANCHESTER UNDER THE PROVISIONS OF ACT 230 PUBLIC ACTS OF MICHIGAN, 1972, STATE CONSTRUCTION CODE ACT.

The Township of Manchester Ordains:

Section 1. AGENCY DESIGNATED. Pursuant to the provisions of Section 9 of Act 230 of Public Acts of Michigan 1972 (Compiled Laws of 1948, Sec. 125.1509) State Construction Code Act, the Building Inspector, Electrical Inspector and Plumbing inspector of the Township of Manchester are hereby designated as the enforcing agency to discharge the responsibilities of the Township under said act. The Township of Manchester hereby assumes responsibility for the administration and enforcement of said act and all construction codes as amended adopted by the State Construction Code Commission including but not limited to the Michigan Building Code, the Michigan Plumbing Code, the Michigan Electrical Code, and the Michigan Mechanical Code throughout its corporate limits.

Section 2. REPEAL. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 3. EFFECTIVE DATE. A true copy of this ordinance shall be published in accordance with the law within thirty (30) days after the date hereof in the Manchester Enterprise, a newspaper having general circulation in said township and said ordinance shall be effective thirty (30) days after such publication.

Made and passed

5-12-80

Wilma E. Lentz

Wilma Lentz, Clerk

I, Wilma Lentz, Clerk of the Township of Manchester, Washtenaw County, Michigan hereby certify that the foregoing ordinance of Manchester Township was duly adopted by the Township of Manchester Board duly assembled at a *regular* meeting of said board held *May 12, 1980*. I further certify that Board Members *Burch, Fielder, Lentz, Macomber and Widmayer* voted for adoption of said ordinance and *None* voted against adoption. I further certify that the same was duly printed and published on the *5th* day of *June*, 1980 in the Manchester Enterprise, a newspaper having general circulation in the Township of Manchester, Washtenaw County, Michigan.

Wilma Lentz

Wilma Lentz, Clerk.

TOWNSHIP OF MANCHESTER

ORDINANCE NO. 23

AN ORDINANCE TO ESTABLISH AND REQUIRE MINIMUM DRIVEWAY STANDARDS AS TO PROVIDE ACCESS TO BUILDINGS BY FIRE EQUIPMENT, AMBULANCE OR OTHER LIFE SAVING EQUIPMENT, POLICE VEHICLES AND OTHER EMERGENCY EQUIPMENT.

The Township of Manchester, Washtenaw County, Michigan Ordains:

1. It shall be unlawful for any person, firm or corporation to construct or relocate any buildings more than 60 feet from a public street or an access easement as permitted under Section 18.06-b of Manchester Township Zoning Ordinance Number 9 as amended by Manchester Township Ordinance Number 15 without first providing a driveway for access thereto by motor vehicles as hereinafter set forth.

2. Prior to inspection of foundation footings as required under the Michigan Building Code as adopted pursuant to Act 230 Public Acts of Michigan, 1972 and Ordinance 21 of Manchester Township and rules adopted pursuant thereto the driveway required under Section 1 hereof shall be constructed or installed to meet the following standards:

- a. The entrance to the driveway shall be designated during construction or relocation of any building by two (2) white inch and one-quarter (1 1/4) wooden stakes driven into the ground not less than fifteen (15) feet or more than thirty (30) feet apart three (3) feet above ground level and located at or near the public road or access easement line as to be clearly visible therefrom.
- b. The driveway shall be not less than fifteen (15) feet in width and shall have a vertical clearance of not less than twelve (12) feet and shall terminate not more than fifty (50) feet from the building or buildings served by the driveway.
- c. The driveway shall be installed or constructed as to be well drained and free from standing surface water.
- d. The driveway shall have a natural gravel or equivalent material base of not less than six (6) inches deep or constructed with gravel or equivalent material to provide a base not less than six (6) inches deep and shall be of sufficient depth to support vehicles of not less than fifteen (15) tons gross weight.
- e. If the driveway shall be 200 feet or more in length an open space shall be provided at its terminus at the building site as to permit motor vehicles not less than thirty (30) feet in length to turn around and exit.

ORDINANCE NO. 23

Page

3. After construction or installation of a driveway as required hereunder it shall be unlawful for any person, firm or corporation in possession of the premises served by such driveway to permit the same to be obstructed as not to provide motor vehicle access over a width of not less than fifteen (15) feet with a vertical clearance of not less than twelve (12) feet.

4. Prior to inspection of foundation footings under said Act 230, Ordinance 21 and rules adopted pursuant thereto, the Manchester Township Zoning Inspector at the request of a person, firm or corporation requesting said inspection shall examine the driveway to determine if it has been constructed or installed to meet the requirements of this ordinance and upon so determining shall issue to such person, firm or corporation a compliance certificate to be signed by said Inspector.

5. Any person, firm or corporation violating any of the provisions in this ordinance shall upon conviction thereof be fined in an amount not exceeding \$100.00 or imprisoned in the Washtenaw County Jail for a period not to exceed thirty (30) days or both.

6. This ordinance shall take effect thirty (30) days after its publication in the Manchester Enterprise.

EFFECTIVE DATE

November 20, 1982

Wilma E. Lentz

Wilma E. Lentz,
Manchester Township Clerk.

CERTIFICATE

I, Wilma E. Lentz, Clerk of the Township of Manchester, Washtenaw County, Michigan hereby certify that the within Ordinance of Manchester Township was duly adopted by the Township Board of the Township of Manchester at a regular meeting held Tuesday, October 12, 1982 and that Burch, Macomber, Widmayer, Fielder and Lentz

all members of the Board of Trustees present voted for the adoption of said Ordinance and that the same was published on October 21, 1982 in the Manchester Enterprise, a newspaper printed and published in the Township of Manchester, Washtenaw County, Michigan.

Wilma E. Lentz

Wilma E. Lentz,
Manchester Township Clerk.

TOWNSHIP OF MANCHESTER

ORDINANCE 24

AN ORDINANCE TO REPEAL ORDINANCE NO. 4 OF MANCHESTER TOWNSHIP, ADOPTED DECEMBER 8, 1971 AS AMENDED BY ORDINANCE NO. 20 ADOPTED AUGUST 13, 1979 WHEREIN MANCHESTER TOWNSHIP ADOPTED THE UNIFORM TRAFFIC CODE FOR CITIES, TOWNSHIPS AND VILLAGES AS IT THEN EXISTED AND TO ADOPT BY REFERENCE THE UNIFORM TRAFFIC CODE FOR CITIES, TOWNSHIPS AND VILLAGES AS IT NOW EXISTS AND AS HEREIN MODIFIED.

THE TOWNSHIP OF MANCHESTER ORDAINS:

Section 1. That certain ordinance No. 4 of Manchester Township adopted December 8, 1971, wherein said Township adopted by reference the Uniform Traffic Code for Cities, Townships, and Villages as it then existed and Ordinance No. 20, adopted August 13, 1979 amending said Ordinance No. 4, are hereby repealed as of the effective date of this Ordinance and replaced as hereinafter set forth.

Section 2. CODE ADOPTED

The Uniform Traffic Code for Cities, Townships and Villages promulgated by the Director of State of Police and published in the 1979 edition of the Michigan Administrative Code and amendments as published in the Quarterly Supplement No. 5 to the 1979 edition of the Michigan Administrative Code, in accordance with Public Act 62 of 1956, State of Michigan, as amended is hereby adopted by reference as in this ordinance modified.

Section 3. REFERENCES IN CODE

References in the Uniform Traffic Code for Cities, Townships and Villages to "governmental unit" shall mean the Township of Manchester and all references herein and in said Code to "township" shall mean the Township of Manchester.

Section 4. NOTICE TO BE PUBLISHED

The Township Clerk shall publish this ordinance in the manner required by law and shall at the same time publish a supplementary notice setting forth the purpose of the said Uniform Traffic Code and of the fact that a complete copy of the Code is available at the office of the Clerk for inspection by the public at all times.

Section 5. CHANGES IN CODE

The following sections and subsections of the Uniform Traffic Code for Cities, Townships and Villages are hereby amended or deleted as set forth and additional sections and subsections are added as indicated. Subsequent section numbers used in this article shall refer to the like numbered sections of the Uniform Traffic Code.

Ordinance No. 24 (Continued)

specified portion of the period of suspension to drive only to and from the person's residence and place of employment; in the course of employment; to and from an alcohol training program as ordered by the court; or pursuant to a combination of those restrictions. The court shall not order the secretary of state to issue a restricted chauffeur's license which would permit a person to operate a truck or truck tractor, including trailers, which hauls a hazardous material.

(6) The court, before accepting a plea of guilty under this section, shall advise the accused of the statutory consequences possible as the result of a plea of guilty in respect to suspension of an operator's or chauffeur's license, the penalty imposed for violation of this section, and the limitation on the right to appeal.

(7) The operator's or chauffeur's license of a person found guilty of violating this section, shall be surrendered to the court in which the person was convicted and the court shall immediately forward the surrendered license and an abstract of conviction to the secretary of state. The abstract of conviction shall indicate the sentence imposed pursuant to subsection (3) or (4) or subsection (5). Upon receipt of, and pursuant to the abstract of conviction, the secretary of state shall suspend the person's license and, if ordered by the court and the person is otherwise eligible for a license, issue to the person a restricted license stating the limited driving privileges indicated on the abstract. If the license is not forwarded to the secretary of state, an explanation of the reason why the license is absent shall be attached. If the conviction is appealed to circuit court, the court may, ex-parte, order the secretary of state to rescind the suspension or restricted license issued pursuant to this section.

Sec. 5.15a. CRIMINAL PROSECUTIONS FOR OPERATING UNDER THE INFLUENCE OF INTOXICATING LIQUOR; TESTS; ADMISSABILITY; PRESUMPTION; LIABILITY FOR WITHDRAWING BLOOD; REFUSAL TO TAKE TEST; OTHER EVIDENCE; OPTION TO DEMAND BREATH TEST ONLY.

(1) In a criminal prosecution for operating a vehicle while under the influence of intoxicating liquor, for operating a vehicle while visibly impaired, or in a criminal prosecution pertaining to manslaughter or negligent homicide resulting from the operation of a motor vehicle, while the driver is alleged to have been under the influence of intoxicating liquor, the amount of alcohol in the driver's blood at the time alleged as shown by chemical analysis of the person's blood, urine, or breath shall be admissible into evidence. If a test is given, the results of the test shall be made available to the person charged or the person's attorney upon written request to the prosecution, with a copy of the request filed with the court. The prosecution shall furnish the report at least 2 days before the day of the trial and the results shall be offered as evidence by the prosecution in a criminal proceeding. Failure to fully comply with the request shall bar the admission of the results into evidence by the prosecution. The amount of alcohol in the driver's blood at the time alleged as shown by chemical analysis of the person's blood, urine, or breath shall give rise to the following presumptions:

Ordinance NO. 24 (Continued)

(a) If there was at the time 0.07% or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor.

(b) If there was at the time in excess of 0.07% but less than 0.10% by weight of alcohol in the defendant's blood, it shall be presumed that the defendant's ability to operate a vehicle was impaired within the provisions of section 5.15b due to the consumption of intoxicating liquor.

(c) If there was at the time 0.10% or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.

(2) A sample or specimen of urine or breath shall be taken and collected in a reasonable manner. Only a license physician, or a licensed nurse or medical technician under the direction of a licensed physician and qualified to withdraw blood acting in a medical environment, at the request of a peace officer, may withdraw blood for the purpose of determining the alcoholic content of the blood under this act. Liability for a crime or civil damages predicated on the act of withdrawing blood and related procedures shall not attach to a qualified person who withdraws blood or assists in the withdrawal in accordance with this act unless the withdrawal is performed in a negligent manner.

(3) A person charged with a crime enumerated in subsection (1) who takes a chemical test administered at the request of a peace officer, as provided in subsections (1) and (2), shall be informed that the person will be given a reasonable opportunity to have a person of his or her own choosing administer 1 of the chemical tests, as provided in this section, within a reasonable time after his or her detention, and the results of the test shall be admissible and shall be considered with other competent evidence in determining the innocence or guilt of the defendant. A person charged with a crime enumerated in subsection (1) who is requested by the peace officer to take a chemical test as provided in subsections (1) and (2) shall be informed that he or she has the right to demand that 1 of the tests provided for in subsection (1) shall be given him or her, and the results of the test shall be admissible and shall be considered with other competent evidence in determining the innocence or guilt of the defendant.

(4) The person charged shall be advised that the person's refusal to take a test as provided in this section shall result in the suspension or revocation of his or her operator's or chauffeur's license or his or her operating privilege.

(5) This section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether or not the defendant was under the influence of intoxicating liquor.

(6) Notwithstanding any other provision of this act, a person requested to take this test shall be advised that he or she has the option to demand that only a breath test shall be given, in which

Ordinance No. 24 (Continued)

case his or her refusal to submit to another test shall not constitute a refusal for the purposes of sections 5.15d and 5.15f.

(7) If a jury instruction regarding a defendant's refusal to submit to a chemical test under this section is requested by the prosecution or the defendant, the jury instruction shall be given as follows:

"Evidence was admitted in this case which, if believed by the jury, could prove that the defendant had exercised his or her right to refuse a chemical test. You are instructed that such a refusal is within the statutory rights of the defendant and is not evidence of his guilt. You are not to consider such a refusal in determining the guilt or innocence of the defendant."

Sec. 5.15b. IMPAIRED OPERATION; VIOLATION AS A MISDEMEANOR.

(1) A person shall not operate a vehicle upon a highway or other place open to the general public, including an area designated for the parking of vehicles, within the Township when, due to the consumption of an intoxicating liquor, a controlled substance, or a combination of an intoxicating liquor and a controlled substance, the person has visibly impaired his or her ability to operate the vehicle. If a person is charged with violating section 5.15 a finding of a guilty is permissible under this section.

(2) A person convicted of a violation of this section is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than \$300.00, or both, together with costs of the prosecution.

(3) A person who has been previously convicted of a violation of this section or of a violation of a Michigan statute or a Michigan local ordinance substantially corresponding to this section and who is thereafter convicted of a violation of this section is guilty of a misdemeanor, punishable by imprisonment for not more than 1 year, or a fine of not more than \$1,000.00, or both.

Sec. 5.15c. IMPLIED CONSENT

(1) A person who operates a vehicle upon a public highway or other place open to the general public, including an area designated for the parking of vehicles, in the Township is considered to have given consent to chemical tests of his or her blood, breath, or urine for the purpose of determining the alcoholic content of his or her blood if:

(a) The person is arrested for a violation of section 5.15 or 5.15b.

(b) The person is arrested for manslaughter or negligent homicide resulting from the operation of a motor vehicle and the peace officer has reasonable ground to believe that the person was operating a vehicle while under the influence of intoxicating liquor, or while his

Ordinance NO. 24 (Continued)

or her ability to operate a vehicle was impaired due to the consumption of intoxicating liquor.

(2) A person who is afflicted with hemophilia, diabetes, or a condition requiring the use of an anticoagulant under the direction of a physician shall not be considered to have given consent to the withdrawal of blood.

(3) The tests shall be administered at the request of a peace officer having reasonable grounds to believe the person was operating a vehicle upon a public highway or other place open to the general public, including an area designated for the parking of vehicles, in the Township while in violation of section 5.15 or 5.15b.

(4) If after a highway accident the driver of a vehicle involved in the accident is deceased, a sample of the decedent's blood shall be withdrawn in a manner directed by the medical examiner for the purpose of determining blood alcohol content. The results of an examination of the blood of a deceased driver shall be used for statistical purposes only.

Sec. 5.15d. RIGHT TO REFUSE CHEMICAL TEST

A person who is requested pursuant to section 5.15c(3) to take a chemical test shall be advised of the right to refuse to submit to chemical tests; and if the person refuses the request of a peace officer to submit to chemical tests, a test shall not be given without a court order. A sworn report shall be forwarded to the department by the peace officer. The report shall state that the officer had reasonable grounds to believe that the person had been operating a vehicle on a public highway or other place open to the general public, including an area designated for the parking of vehicles, in the Township while under the influence of intoxicating liquor or that the person had been operating a vehicle while his or her ability to operate a vehicle had been impaired due to the consumption of intoxicating liquor and that the person had refused to submit to the test upon the request of the peace officer and had been advised of the consequences of the refusal. The form of the report shall be prescribed and furnished by the secretary of state.

Sec. 5.15e. NOTICE OF RECEIPT OF SWORN STATEMENT

(1) Upon receipt of the sworn statement, the department shall immediately send a written notice to the person, mailed to his or her last known address, that the sworn statement has been received and that within 14 days of the date of the notice he or she may request a hearing as provided in section 322 of the Michigan Vehicle Code (MCL 257.322).

(2) The notice shall specifically state that failure to request a hearing within 14 days will result in the suspension of the person's license or permit to drive. The notice shall also state that the person is not required to retain counsel for the hearing, although counsel may represent the person at the hearing.

Ordinance No. 24 (Continued)

Sec. 5.15f. HEARING; FAILURE TO REQUEST; SUSPENSION, REVOCATION, OR DENIAL OF LICENSE, PERMIT OR OPERATING PRIVILEGE

(1) If the person who refuses to submit to a chemical test pursuant to section 5.15d does not request a hearing within 14 days of the date of notice pursuant to section 5.15e the secretary of state shall suspend the person's operator's or chauffeur's license or permit to drive, or nonresident operating privilege, for a period of not less than 90 days nor more than 2 years. If the person is a resident without a license or permit to operate a vehicle in the state, the secretary shall deny to the person the issuance of a license or permit for a period of not less than 90 days nor more than 2 years.

(2) If a hearing is requested, the secretary of state shall hold the hearing in the same manner and under the same conditions as provided in section 322 of the Michigan Vehicle Code (MCL 257.322). At least 10 days notice of the hearing shall be mailed to the person requesting the hearing, to the peace officer who filed the sworn report, and if the prosecuting attorney requests receipt of the notice, to the prosecuting attorney of the city where the arrest was made. The hearing officer shall be authorized to administer oaths, issue subpoenas for the attendance of necessary witnesses, and may grant a reasonable request for an adjournment. The hearing shall cover only the following issues:

(a) Whether the peace officer had reasonable grounds to believe that the person had been operating a vehicle upon a highway or other place open to the general public, including an area designated for the parking of vehicles, in the township while in violation of section 5.15 or 5.15b.

(b) Whether the person was placed under arrest for a crime enumerated in section 5.15a(1).

(c) Whether the person reasonably refused to submit to the test upon the request of the officer.

(d) Whether the person was advised of the rights under sections 5.15a, 5.15b, and 5.15c.

(3) After the hearing, the secretary may suspend or deny issuance of a license or driving permit or a nonresident operating privilege of the person involved for a period of not less than 90 days nor more than 2 years. If the person involved is a resident without a license or permit to operate a vehicle in the state, the secretary may deny to the person the issuance of a license or permit for a period of not less than 90 days nor more than 2 years. The person involved may file a petition in the circuit court of the county in which the arrest was made to review the suspension or denial in the same manner and under the same conditions as provided in section 323 of the Michigan Vehicle Code (MCL 257.323). All hearings in circuit court shall be de novo and shall be limited to the issues enumerated in subsection (2).

(4) When it has been finally determined that a nonresident's privilege to operate a vehicle in the state has been

Ordinance No. 24 (Continued)

suspended or denied, the department shall give notice in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of each state in which he or she has a license to operate a motor vehicle.

Sec. 5.15g. UNIFORM STANDARDS FOR THE ADMINISTRATION OF CHEMICAL TESTS

The department of state police may promulgate uniform rules for the administration of chemical tests for the purposes of this act.

Sec. 5.99a is hereby added to the Uniform Traffic Code:

Sec. 5.99a DRIVING A MOTORIZED VEHICLE ON LAND OTHER THAN HARD SURFACED STREETS, DRIVEWAYS, AND PARKING AREAS.

(1) No person shall drive a motorized vehicle, other than an official emergency vehicle, on any land in the Township other than on any highway or other place open to the general public, including any area designated for the parking of motor vehicles without the consent of the owner of said land.

(2) A person who violates this section is responsible for a civil infraction.

SECTION 6. CONFLICTING ORDINANCES REPEALED

All other ordinances inconsistent with the provisions of the Uniform Traffic Code are, to the extent of such inconsistency, hereby repealed.

SECTION 7. WHEN EFFECTIVE

The Uniform Traffic Code, as herein modified, shall be in effect in this governmental unit thirty (30) days after publication of this adopting ordinance.

Made and passed

November 8, 1982

Clarence L. Fielder
Clarence L. Fielder, Supervisor

Wilma E. Lentz
Wilma E. Lentz, Clerk

CERTIFICATE

I, Wilma E. Lentz, Clerk of the Township of Manchester, Washtenaw County, Michigan hereby certify that the within ordinance of Manchester Township was duly adopted by the Township Board of the Township of Manchester, at a regular meeting held on November 8, 1982

Ordinance No. 24 (Continued)

and that Burch, Widmayer, Macomber, Fielder and Lentz

all members of the Township Board of Trustees voted for the adoption of said ordinance and that ~~no one~~ voted against the adoption of said ordinance, and that the same was published on the 11th day of November, 1982 in the Manchester Enterprise a newspaper printed, published and circulated in the Township of Manchester, Washtenaw County, Michigan.

Wilma E. Lentz

Wilma E. Lentz
Manchester Township Clerk.

TOWNSHIP OF MANCHESTER

ORDINANCE NO. 26

AN ORDINANCE TO AMEND ORDINANCE NO. 23 ENTITLED "AN ORDINANCE TO ESTABLISH AND REQUIRE MINIMUM DRIVEWAY STANDARD AS TO PROVIDE ACCESS TO BUILDING BY FIRE EQUIPMENT, AMBULANCE OR OTHER LIFE SAVING EQUIPMENT, POLICE VEHICLES AND OTHER EMERGENCY EQUIPMENT"

The Township of Manchester, Washtenaw County, Michigan Ordains:

1. Paragraph 1 of said Ordinance 23 is deleted and the following substituted therefor:

1. It shall be unlawful for any person, firm or corporation to construct or relocate any building more than 60 feet from a public street which is a part of the Washtenaw County Road System and which has been approved as to meet the minimum construction standards of said Road Commission, for an access easement as permitted under Section 18.06 of Ordinance No. 9 as amended Manchester Township Zoning Ordinance without first providing a driveway access thereto by motor vehicles as herein-after set forth.

2. This ordinance shall take effect thirty (30) days after its publication in the Manchester Enterprise.

Effective date

December 22, 1984

Wilma E. Lentz

Wilma E. Lentz,
Manchester Township Clerk

CERTIFICATE

I, Wilma E. Lentz, Clerk of the Township of Manchester, Washtenaw County, Michigan hereby certify that the within Ordinance of Manchester Township was duly adopted by the Board of the Township of Manchester at a regular meeting held on Tuesday, November 13, 1984 and that Lentz, Macomber, Burch and Fielder all members of the Township Board of Trustees voted for the adoption of said Ordinance and that Noone voted against the adoption of said Ordinance and that the same was published on the 22nd day of November, 1984 in the Manchester Enterprise, a newspaper printed and published and circulated in the Township of Manchester, Washtenaw County, Michigan.

Bd. member WIdmayer was absent.

Wilma E. Lentz

Wilma E. Lentz,
Manchester Township Clerk

MANCHESTER TOWNSHIP

ORDINANCE NO. 30

AN ORDINANCE TO PROTECT THE HEALTH, SAFETY AND GENERAL WELFARE OF PERSONS AND PROPERTY WITHIN THE TOWNSHIP OF MANCHESTER BY ESTABLISHING A COMMON SOLID WASTE TRANSFER SITE IN COOPERATION WITH THE VILLAGE OF MANCHESTER, THE TOWNSHIP OF BRIDGEWATER, THE TOWNSHIP OF FREEDOM AND THE TOWNSHIP OF SHARON: BY CONTROLLING AND REGULATING THE DEPOSIT OF SOLID WASTE WITHIN THE TOWNSHIP: TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF; TO PROVIDE FOR THE ESTABLISHMENT OF FEE SCHEDULES FOR THE DEPOSIT OF SOLID WASTE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

THE TOWNSHIP OF MANCHESTER ORDAINS:

Section 1. Title.

This ordinance shall be known and may be cited as "The Solid Waste Transfer Site Ordinance of the Township of Manchester."

Section 2. Establishment of Solid Waste Transfer Site.

Pursuant to 1951 P.A. 35 for the State of Michigan, being MCLA 124.1; MSA 5.4081, et. seq., as amended, the (Supervisor or Village Manager) is authorized to negotiate agreements with other municipalities in the County of Washtenaw for the purpose of establishing and administering a Solid Waste Transfer Site, and from time to time to negotiate modifications of agreements or new agreements with the same or other municipalities within the county for those purposes.

Such agreements shall be of no force and effect until adopted by resolution by the legislative bodies of all of the agreeing municipalities.

Section 3. Definitions.

(1) "Solid Waste Transfer Site" means the area and container established for that purpose by agreement of the legislative bodies of the agreeing municipalities.

(2) "Garbage" means rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that attend the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruits or vegetables, and all other putrescible wastes, excluding grass.

(3) "Rubbish" means empty cans or bottles, glass, wooden or paper boxes, crates, old metals or alloys, stone, ashes, brick, tires, grass, cloth and any other nonputrescible waste allowed by the rules established pursuant to this ordinance.

Section 4. Use Limited to Rubbish; Fee Required.

No person shall use the solid waste transfer site area for the dumping or depositing of garbage and hazardous materials, as defined in 1979 P.A. 64 for the State of Michigan, being MCLA 299.501; MSA 13.30(1) et. seq., as amended, and defined by the Department of Natural Resources in its Hazardous Waste Management Rules, Sections R299.6301 through R299.6317 inclusive. Only rubbish, as defined in subsection 3(3) hereof may be so dumped or deposited, upon the payment of the fees prescribed by agreement of the agreeing municipalities.

Section 5. Fee Schedule; Rules and Regulations; State Law.

The agreeing municipalities, by resolution of their legislative bodies, or a jointboard established for the purpose of managing the Solid Waste Transfer Site, may prescribe, adopt and from time to time modify a schedule of fees for the use of the solid waste transfer site and establish rules and regulations equal to or more stringent than those imposed by State Statute or by the State Health Commission. Nothing in this section shall be construed as less stringent than the rules and regulations of state law or the Commissioner.

Section 6. Compliance with Section and Signs Required.

Whoever uses the facilities of the solid waste transfer site shall abide by and conform with this ordinance, with all instructions and orders of the person authorized by the agreeing municipalities to supervise dumping operations at the solid waste transfer site and with all signs and notices posted at the solid waste transfer site by the person in charge or posted pursuant to the rules and regulations adopted.

Section 7. Removal of Articles.

No person shall remove an article or object which has been deposited or dumped and left at the solid waste transfer site without the permission of the person in charge.

Section 8. Penalty.

Any person, firm or corporation who violates any of the provisions of the within Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not to exceed \$500.00 or imprisonment in the county jail for not to be exceeded 90 days, or both such fine and imprisonment as a court of competent jurisdiction may so determine. In addition to the foregoing, the enforcing officers of the Township of Manchester shall have the right and authority in their discretion to remove any material, rubbish or debris deposited in violation of the within ordinance at the expense of the owner or tenant of the premises or owner of the rubbish or debris as may be determined to be most appropriate by such officials. Such right of removal, however, shall not relieve a violator from penalties hereinbefore set forth.

Section 9. Saving Clause.

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of the ordinance other than said part or portion thereof and the remainder of said ordinance shall remain in full force and effect.

Section 10. Effective Date.

This ordinance shall take effect 30 days after its publication in the Manchester Enterprise. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Effective date September 20, 1986, 1986

Wilma E. Lentz

 Wilma E. Lentz, Manchester Township
 Clerk

CERTIFICATE

I, Wilma E. Lentz, Clerk of the Township of Manchester, Washtenaw County, Michigan hereby certify that the within Ordinance of Manchester Township was duly adopted by the Township Board of the Township of Manchester at a regular meeting thereof on August 11, 1986 and that Macomber, Widmayer, Burch, Fielder, Lentz voted for the adoption of said ordinance and noone voted against and that the same was published on the 21st day of August, 1986 in the Manchester Enterprise a newspaper printed and published in the Township of Manchester, Washtenaw County, Michigan.

Wilma E. Lentz

 Wilma E. Lentz, Manchester Township
 Clerk.

MANCHESTER TOWNSHIP

ORDINANCE NO. 31

AN ORDINANCE TO REQUIRE THE RETURN OF BOOKS BORROWED FROM THE MANCHESTER TOWNSHIP LIBRARY AND TO PROHIBIT DAMAGE TO THE BOOKS OF THE LIBRARY

THE TOWNSHIP OF MANCHESTER, WASHTENAW COUNTY, MICHIGAN ORDAINS:

Section 1. It shall be unlawful for any person to fail to return a book loaned to him or her by the Manchester Township Library within the time prescribed by the rules and regulations adopted by the Manchester Township Library Board of Directors.

Section 2. It shall be unlawful for any person to damage any book of the Manchester Township Library.

Section 3. Any person violating any of the provisions of this Ordinance shall upon conviction thereof be fined in an amount not exceeding \$100.00 or imprisoned in the Washtenaw County Jail for a period not to exceed thirty (30) days or both.

Section 4. This Ordinance shall take effect thirty (30) days after its publication in the Manchester Enterprise.

Section 5. Effective Date
March 21, 1987

Wilma E. Lentz
Wilma E. Lentz, Manchester Township Clerk

CERTIFICATE

I, Wilma E. Lentz, Clerk of the Township of Manchester, Washtenaw County, Michigan hereby certify that the within Ordinance of Manchester Township was duly adopted by the Township Board of the Township of Manchester at a regular meeting thereof on February 9, 1987 and that Macomber, Widmayer, Burch, Fielder, Lentz voted for the adoption of said ordinance and that no one voted against and that the same was published on the 19th day of February, 1987 in the Manchester Enterprise a newspaper printed and published in the Township of Manchester, Washtenaw County, Michigan.

Wilma E. Lentz
Wilma E. Lentz, Manchester Township Clerk

ORDINANCE NO. 34

CONSUMERS POWER COMPANY ELECTRIC FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in the TOWNSHIP OF MANCHESTER, WASHTENAW COUNTY, MICHIGAN, for a period of thirty years.

THE TOWNSHIP OF MANCHESTER ORDAINS:

SECTION 1. GRANT, TERM. The Township of Manchester, Washtenaw County, Michigan, hereby grants the right, power and authority to the Consumers Power Company, a Michigan corporation, its successors and assigns, hereinafter called the "Grantee," to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances, for the purpose of transmitting, transforming and distributing electricity on, under, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in the Township of Manchester, Washtenaw County, Michigan, for a period of thirty years.

SECTION 2. CONSIDERATION. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

SECTION 3. CONDITIONS. All of Grantee's towers, masts and poles shall be neat and sightly, and so placed on either side of the highways, streets, alleys and bridges as not to unnecessarily interfere with the use thereof for highway, street and alley purposes. All of Grantee's wires carrying electricity shall be securely fastened so as not to endanger or injure persons or property in said highways, streets and alleys shall be done so as not to interfere with the use thereof, and when completed, the same shall be left in as good condition as when work was commenced. The Grantee shall have the right to trim trees if necessary in the conducting of such business, subject, however, to the supervision of the highway authorities.

SECTION 4. HOLD HARMLESS. Said Grantee shall at all times keep and save the Township free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the structures hereby authorized. In case any action is commenced against the Township on account of the permission herein granted, said Grantee shall, upon notice, defend the Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

SECTION 5. RATES. Said Grantee shall be entitled to charge the inhabitants of said Township for electric energy furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate electric rates and rules regulating such service in said Township, are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said Township, acting by its Township Board, or by said Grantee.

SECTION 6. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive.

SECTION 7. REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

SECTION 8. MICHIGAN PUBLIC SERVICE COMMISSION, JURISDICTION. Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to electric service in said Township.

SECTION 9. EFFECTIVE DATE. This ordinance shall take effect upon the day after the date of publication thereof, provided, it shall cease and be of no effect after thirty days from its adoption unless within said period the Grantee shall accept the same in writing filed with the Township Clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said Township and said Grantee.

CLERK'S CERTIFICATE OF PUBLICATION

The foregoing ordinance was duly adopted and passed by the Township Board of Manchester Township, Washtenaw County, Michigan, on the ninth day of January, 1989, by the following vote:

<u>Ronald E. Mann</u> Supervisor	<u>Yes</u> (Yes or No)
<u>Wilma E. Lentz</u> Township Clerk	<u>Yes</u>
<u>Jeannine M. Uphouse</u> Township Treasurer	<u>Yes</u>
<u>Carl Macomber</u> Township Trustee	<u>Yes</u>
<u>Lyle Widmayer</u> Township Trustee	<u>Yes</u>

I further certify that the foregoing ordinance was published in the Manchester Enterprise, a newspaper of general circulation in the above Township, on the 19th day of January, 1989.

Wilma E. Lentz
Township Clerk

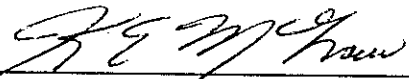
ACCEPTANCE

TO THE TOWNSHIP BOARD OF THE TOWNSHIP OF MANCHESTER, WASHTENAW COUNTY,
MICHIGAN:

The Consumers Power Company hereby accepts the franchise granted to
it by your Board, on the 9th day of JANUARY, 1989, which said fran-
chise is entitled as follows:

AN ORDINANCE, granting to CONSUMERS POWER COMPANY,
its successors and assigns, the right, power and
authority to construct, maintain and commercially
use electric lines consisting of towers, masts,
poles, crossarms, guys, braces, feeders, trans-
mission and distribution wires, transformers and
other electrical appliances on, under, along and
across the highways, streets, alleys, bridges
and other public places, and to do a local elec-
tric business in the TOWNSHIP OF MANCHESTER,
WASHTENAW COUNTY, MICHIGAN, for a period of
thirty years.

CONSUMERS POWER COMPANY

By 
K E McGraw, Vice President
Customer Services and Marketing

Dated: JANUARY 9, 1989.

I hereby certify that the acceptance, of which the foregoing is a true copy, was filed with me as Township Clerk, on the ninth day of January, 1989.

Wilma E. Lentz
Township Clerk

Dated: 1-09-89, 1989.

STATE OF MICHIGAN)
) SS
COUNTY OF WASHTENAW)

I Wilma E. Lentz, Township Clerk of the Township of Manchester, Washtenaw County, Michigan, do hereby certify that the annexed is a true and correct copy of all of the proceedings of the Township Board of said Township, with reference to the granting of a franchise to Consumers Power Company.

I further certify that the within acceptance of said franchise is a true and correct copy of the acceptance duly filed in my office; that I have compared the within copies with the original records in my office, and that the same are true and correct transcripts therefrom.

I further certify that the franchise ordinance was duly published, as appears by proof thereof on file in my office and that all of said proceedings were regular and in accordance with all legal requirements.

Wilma E. Lentz
Township Clerk

Dated: January 20, 1989.

ORDINANCE NO. 38

CONSUMERS POWER COMPANY GAS FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges and other public places, and to do a local gas business in the TOWNSHIP OF MANCHESTER, WASHTENAW COUNTY, MICHIGAN, for a period of thirty years.

THE TOWNSHIP OF MANCHESTER ORDAINS:

SECTION 1. GRANT, TERM. The Township of Manchester, Washtenaw County, Michigan, hereby grants to the Consumers Power Company, a Michigan corporation, its successors and assigns, hereinafter called the "Grantee," the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges and other public places, and to do a local gas business in the Township of Manchester, Washtenaw County, Michigan for a period of thirty years.

SECTION 2. CONSIDERATION. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

SECTION 3. CONDITIONS. No highway, street, alley, bridge or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the same order and condition as when said work was commenced. All of Grantee's pipes and mains shall be so placed in the highways and other public places as not to unnecessarily interfere with the use thereof for highway purposes.

SECTION 4. HOLD HARMLESS. Said Grantee shall at all times keep and save the Township free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the structures and equipment hereby authorized. In case any action is commenced against the Township on account of the permission herein given, said Grantee shall, upon notice, defend the Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

SECTION 5. EXTENSIONS. Said Grantee shall construct and extend its gas distribution system within said Township, and shall furnish gas to applicants residing therein in accordance with applicable laws, rules and regulations.

SECTION 6. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive. Either manufactured or natural gas may be furnished hereunder.

SECTION 7. RATES. Said Grantee shall be entitled to charge the inhabitants of said Township for gas furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate gas rates and rules regulating such service in said Township, are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said Township, acting by its Township Board, or by said Grantee.

SECTION 8. REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

SECTION 9. MICHIGAN PUBLIC SERVICE COMMISSION, JURISDICTION. Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to gas service in said Township.

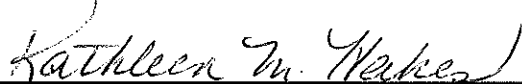
SECTION 10. EFFECTIVE DATE. This ordinance shall take effect upon the day after the date of publication thereof; provided, however, it shall cease and be of no effect after thirty days from its adoption unless within said period the Grantee shall accept the same in writing filed with the Township Clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said Township and said Grantee.

CLERK'S CERTIFICATE OF PUBLICATION

The foregoing ordinance was duly adopted and passed by the Township Board of Manchester Township, Washtenaw County, Michigan, on the 13th day of April, 1993, by the following vote:

Ronald E. Mann Supervisor	Yes (Yes or No)
Kathleen M. Hakes Township Clerk	Yes
Claire A. Turk Township Treasurer	Yes
Carl E. Macomber Township Trustee	Yes
_____ Township Trustee	_____

I further certify that the foregoing ordinance was published in the *Manchester Enterprise*, a newspaper of general circulation in the above Township, on the 22nd day of April, 1993.



 Township Clerk

ACCEPTANCE

TO THE TOWNSHIP BOARD OF THE TOWNSHIP OF MANCHESTER, WASHTENAW COUNTY, MICHIGAN:

The Consumers Power Company hereby accepts the franchise granted to it by your Board, on the 13th day of April, 1993, which said franchise is entitled as follows:

AN ORDINANCE, granting to CONSUMERS POWER COMPANY its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, and other public places, and to do a local gas business in the TOWNSHIP OF MANCHESTER, WASHTENAW COUNTY, MICHIGAN, for a period of thirty years.

CONSUMERS POWER COMPANY

By 

Carl L. English, Vice President
Energy Distribution Services

Dated: 4.13, 1993.

I hereby certify that the acceptance, of which the foregoing is a true copy, was filed with me as Township Clerk, on the 13th day of April, 1993.

Kathleen M. Nakes
Township Clerk


Dated: April 13, 1993.

STATE OF MICHIGAN)
 : SS
 COUNTY OF WASHTENAW)

I, Kathleen M. Hakes, Township Clerk of the Township of Manchester, Washtenaw County, Michigan, do hereby certify that the annexed is a true and correct copy of all of the proceedings of the Township Board of said Township, with reference to the granting of a franchise to Consumers Power Company.

I further certify that the within acceptance of said franchise is a true and correct copy of the acceptance duly filed in my office; that I have compared the within copies with the original records in my office, and that the same are true and correct transcripts therefrom.

I further certify that the franchise ordinance was duly published, as appears by proof thereof on file in my office and that all of said proceedings were regular and in accordance with all legal requirements.



 Township Clerk

April 13, 1993.

MANCHESTER TOWNSHIP
ORDINANCE NUMBER 39

An Ordinance Regulating The Extraction Of Sand, Gravel, And Other Earthen
Materials

The Township Of Manchester, Washtenaw County, Michigan, Ordains:

Section 1. Name

1.01 This Ordinance shall hereinafter be known and cited as Manchester Township Mining Ordinance.

Section 2 Purpose

2.01 Manchester Township recognizes that sand, gravel and other earthen deposits within the Township's land area are nonrenewable natural resources necessary and beneficial to the welfare of its inhabitants and the surrounding regional area. To provide for the utilization of these resources in a manner compatible with nearby residential areas, to protect human health and the environment, and to insure complete restoration for another land use at the conclusion of the extraction, it is necessary to regulate and provide procedures and standards for mining and extraction of earthen materials and for the restoration of the land at the conclusion of the extractive operation. These regulations are required because such mining operations and the related activities can cause unique and substantial impacts upon the environment and the welfare of adjacent properties and the community as a whole. They can disrupt the environment, impair the water quality and supply, cause noise nuisances, dust nuisances, damage the roads and create conditions that are dangerous to Township residents. Mining operations can also leave land in a condition that is unsightly, and dangerous.

Section 3. Exemptions

3.01 This ordinance does not apply to the following:

- A. *The ordinary and necessary grading of land for the tilling and cultivation of soils for the growing of crops.*
- B. *The ordinary and necessary grading or excavation for the construction of buildings or structures or related septic system on the lot under a permit from the Township.*
- C. Any removal of minerals of less than five hundred (500) cubic yards per calendar year.
- D. Excavation within a public right-of-way, within public roads or drainage easements.

Section 4. Definitions

- 4.01 Mineral Extraction – The mining, quarrying, excavation, or other removal or processing of sand, gravel, soil, or other minerals from the mineral extraction site.
- 4.02 Processing – The washing, sorting, crushing, aggregating, grinding, blending, mixing, or cutting of mined material.
- 4.03 Site – The entire real property that is the subject of the application.
- 4.04 The terms "applicant", "owner", and "operator" shall include the owners, tenants, lessees, agents, servants or assigns.
- 4.05 A mineral extraction permit does not allow other uses including but not limited to on-site processing of material from off-site, asphalt, cement or other manufacturing operations of any nature.

Section 5. Permit Required

- 5.01 It shall be unlawful for an owner, leaseholder or any other persons or entities who own, manage, lease or otherwise occupy the site of the extractive operation to conduct any extractive operation without first having complied with and having obtained the necessary zoning permits pursuant to the Manchester Township Zoning Ordinance and having obtained the permit required by this ordinance. Submittal for these permits to Manchester Township may be concurrent.
- 5.02 Any party having an interest in the land, including the owner, leaseholder, and operator, shall be equally responsible for complying with the requirements of this ordinance. Each party having any of the interest mentioned above, shall have the responsibility of taking all necessary precautions and actions to prevent the violation of this ordinance.
- 5.03 No person who has been issued a permit pursuant to this ordinance shall engage in activity contrary to the terms of the permit or contrary to the terms of this ordinance.

Section 6. Application for Permit

- 6.01 Filing Of Application – Applications for the extractive permit shall be filed with the Township Clerk by the owners and leaseholders, if any, of the land proposed for extractive operations. The application shall be promptly forwarded to the Township Planning Commission by the Clerk. Each application shall be accompanied by a fee to compensate the Township for its administrative expenses in reviewing, processing and conducting the necessary investigations before granting or denying the permit.
- 6.02 Amount of Application Fee – The amount of the application fee shall be Five Thousand (\$5,000.00) for the first ten (10) acres and One Thousand (\$1,000.00) for each additional ten (10) acres or fraction thereof included on the application including all required setbacks. The application fee shall be for all contiguous land owned or leased for the purposes of extraction. Any additional lands not contiguous or to be added at a future date shall require a separate application. Applicant shall also reimburse the Township within thirty (30) days of receipt of invoices for all reasonable expenses incurred by the Township with respect to experts retained by it to review and process the application.
- 6.03 Information and Data Required – The following data and information shall be required in and with the application for a permit:

- A. A legal description of the property;
- B. A list of any deed restrictions appearing in the chain of title;

- C. A list of names and addresses of persons, firms or corporations having legal or equitable interests in the property;
- D. A two-foot contour interval topographic map of the site, including the proposed locations of access drives, parking and loading areas, excavation equipment, and existing streets, buildings, and drainage facilities located within two hundred (200) feet outside of the perimeter of the site;
- E. An aerial photo showing the property and adjacent areas;
- F. A hydrogeological analysis, prepared by a Registered Professional Engineer, demonstrating no significant impact to existing private water supply wells within the influence of site dewatering operations. The hydrogeological report shall include test pumping data at the site and analytical computations used to assess potential site dewatering impacts. The hydrogeological report shall determine the direction and rate of ground water movement, the upgradient and down-gradient water quality, aquifer characteristics (when soil dewatering is planned, or extraction is planned to extend within 20 feet or less of the highest recorded groundwater level), extent of dewatering influence, and impact on surrounding water supply wells. All monitor wells installed shall be retained for future monitoring and be constructed to Type I production well standards of the Michigan Department of Public Health.

The report shall also demonstrate the effect the proposed operation will have upon the watershed of the area. If water bodies are to be created, the anticipated permanence of such, depth of any lake and other pertinent data;
- G. An environmental impact statement that assesses the operation's impact on the natural features flora and fauna on the property which is to be the subject of the extractive operation and upon the surrounding area;
- H. A statement of compatibility with surrounding uses;
- I. Excavation methods, extraction equipment, depths and drainage methods to be used on the site;
- J. Dust control plan;
- K. Estimated amount of material and types of material to be taken from the site;
- L. Site clearance methods and debris clean-up;
- M. Soil erosion control methods;
- N. Treatment of ponded or surface water;
- O. Anticipated Operating hours;
- P. A map showing truck routes and/or private easements to the site;
- Q. The estimated average and maximum amount of gravel, sand, or other minerals to be removed each year of the plan for mineral excavation;
- R. Evidence that a bond or security deposit has been supplied to the Washtenaw County Road Commission in an amount sufficient for maintaining the truck haul route during the term of the license until reclamation has been completed;
- S. The estimated average and maximum number of trucks per day that are to haul minerals from the site each year of the plan;

- T. A site map (from both aerial and cross-section perspective) divided into cells and timing of anticipated cell development that shows:
1. Existing site improvements including buildings, drives, wells, and drain fields;
 2. Location and type of materials for visually screening the site including berming and any other screening plans;
 3. Delineation of entrance, exit and haul routes to the Township boundaries;
 4. Location of land uses/natural resources and public right-of-ways within 500 feet of the operation;
 5. Fencing, and other security measures including signage;
 6. Setbacks;
 7. Location of proposed structures and utilities;
 8. Location of sediment ponds and drainage diversions and discharge points;
 9. A complete description of proposed pollution and erosion control measures;
 10. Location and description of structures and stationary and/or portable equipment to be located on the site during mining operations;
 11. Location and description of soil types;
 12. Tree areas and other natural features to be preserved;
 13. Locations, sizes and depths of test wells for monitoring water quality as may be required based upon conclusions of studies submitted with permit application.
- U. Michigan State Fire Marshall and/or Michigan State Police permit for the on-site storage or transfer of fuels; or a written indication from the applicable agency that a permit is not required.
- V. Copy of permit from the Michigan Department of Natural Resources (DNR), or letter from the DNR showing that a permit is not required for the proposed mining or reclamation by the:
1. Inland Lakes and Streams Act, being P.A. 346 of 1972, as amended.
 2. Goemaere-Anderson Wetland Protection Act, being P.A. 203 of 1979.
- W. A restoration plan prepared by a professional engineer or registered landscape architect. All restoration operations shall be performed in accordance with the restoration plan approved by the Manchester Township Planning Commission. The restoration shall be completed within one (1) year of the end of the extractive operations.
- The restoration plan shall provide the following information:
1. Boundary lines of the property and dimensions and bearings of the property lines correlated with the legal description;
 2. Location and extent of all natural features to be retained after extraction operations.

including but not limited to wetlands, streams, and wooded areas;

3. The slope of all restored areas;
4. Proposed completed topography at contour intervals of not more than two (2) feet;
5. A schedule integrating the areas of progressive rehabilitation with the final restoration plan;
6. Proposed ground cover and other plantings to stabilize the soil surface and to beautify the restored areas;
7. A description of the methods and materials to be used in restoring the site; and
8. A sketch plan of the proposed use or uses of the restored site when restored. A landfill or other disposal or refuse site is not a suitable or satisfactory use.

X. A proposed surety bond, irrevocable bank letter of credit in satisfactory form, or security deposit in an amount sufficient to guarantee restoration of the site. In fixing the amount of such security the Manchester Township Planning Commission shall take into account the size and scope of the proposed excavation, probable cost of rehabilitating the premises upon default of the operator, recommendation of appropriate consultants, estimated expenses to compel the operator to comply by court decree, and such other factors and conditions as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding each application.

6.04 Issuance Or Rejection Of The Permit – The Manchester Township Planning Commission shall, once a complete application is submitted and fully reviewed, act by resolution within 60 days, on the submitted permit based upon the following:

A. Approve the permit based on the following findings:

1. The applicant can comply with this ordinance;
2. The operation will not adversely affect the health, safety, and welfare, of the residents of the Township;
3. The site will be restored so it is safe and harmonious with surrounding land uses.
4. The necessary fees, bonds, security deposits and evidence of insurance have been submitted.
5. The proposed operation will not adversely affect the water table or water quality or supply of any surrounding land.

B. Disapprove the permit based on one or more of the following findings that the applicant has failed to demonstrate that:

1. The applicant can or will comply with this ordinance; or
2. The operation will not adversely affect the health, safety, and welfare of the residents of the Township, or impair the environment; or
3. The site will be restored so it is safe and harmonious with the surrounding land uses; or

- 4. The proposed operation will not adversely affect the water table or water quality or supply of any surrounding land.
- C. Conditionally disapprove the license until the applicant submits revised document(s) providing evidence that the permit should be approved.
- D. Extend the period of review for an additional 30 days upon request by the petitioner when additional review is needed.

6.05 Issuance of Permit

If a permit is approved, the Manchester Township Planning Commission shall issue the permit in duplicate upon receiving the required fee, irrevocable bank letter of credit, or security deposit, and proof of insurance. One duplicate original permit will be provided to the applicant, and the other will be maintained by the Township.

6.06 Form of Permit

The permit shall be prepared in duplicate originals and signed by the Township Supervisor and Township Clerk and contain the following:

- A. A full description of the operation permitted by the permit based on approved plans and drawings.
- B. A full description of the restored site based on the approved plans and drawings.
- C. Dates for the completion of the operations and the completion of restoration.
- D. The dates for which the permit is valid based on the continual restoration schedule approved by the Manchester Township Planning Commission.
- E. Signed commitments by all parties having an interest in the land and the operation that they will comply with the ordinance and the permit, and that the permittee will reimburse all legal, engineering, consulting, and investigation costs incurred by the Township after establishing that a violation has taken place.
- F. That it remains subject to required annual inspections by the Township's designated agent and payment of designated fees as specified by this ordinance, and reimbursement of the Township's cost for monitoring to determine compliance with the permit.
- G. All required attachments to the application.

6.07 Compliance with Future Amendments to Ordinance - Any permittee shall be required to comply with the provisions of any future amendments to this Extraction Ordinance.

Section 7. Right of Entry

7.01 The Township, through its agents, shall have the reasonable right to enter any private property, upon notification to the owner/operator, to conduct the necessary inspections while reviewing the application. The Township shall also have the right to conduct the necessary periodic inspections to determine any violations of provisions of this ordinance or conditions of the permit. Refusal to permit that entry shall result in rejection of the application or revocation of the permit.

Section 8. Ongoing Operational Fees

8.01 Ongoing Fees – In order to reimburse Manchester Township for its costs incurred in enforcing the provisions of this Ordinance and monitoring the performance of the permittee, the permittee shall make quarterly payments to Manchester Township in an amount equal to five cents per ton with respect to each ton of sand, gravel or other earthen material removed from the site. The payment by the applicant to Manchester Township shall be made on or before March 31, June 30, September 30, and December 31 of each year the permit for the extraction operation is in effect. The amount to be paid to Manchester Township shall be based upon the quantity of materials removed from the site during the previous quarter. Funds remaining after enforcing and monitoring the provisions of this Ordinance shall be placed in an escrow fund, established by the Township, along with any security deposit furnished by the permittee.

Upon approval of the Planning Commission, the amount of the security may be reduced by the ongoing fees deposited in the escrow fund if the Planning Commission determines that the remaining security will be adequate. Upon approval of the Planning Commission, payment from the escrow fund may be made to permittee upon proof of partial restoration of the site. Such payment shall not exceed the cost of the restoration and shall not reduce the escrow fund below the amount needed to provide security. The Township may withdraw funds from the escrow account for enforcing and monitoring the provisions of this Ordinance, to repair and maintain roads or other public facilities damaged by the permittee's operations, or to restore the site if the permittee fails to restore it as required by this Ordinance. When the Planning Commission receives proof of complete restoration of the site, any funds remaining in the escrow account that are not needed for enforcing and monitoring the provisions of this Ordinance shall be paid to the permittee.

8.02 Annual Report Of Material Remedies – At the end of each calendar year, and at the date of termination in the final year of operations, the applicant shall provide a written report detailing all operations and activities conducted within and on the site including the following information:

- A. An annual aerial photograph of oblique prospective depicting entire property holding where the extraction operation is located. All activities on the site shall be identified and labeled on the aerial photograph.
- B. All rehabilitation accomplished during the past year on the site shall be depicted on the aerial photograph.
- C. A schedule depicting the type of rehabilitation that is anticipated on the site for the next year.
- D. A List of all equipment located on the site, either of permanent or temporary nature.
- E. The amount and type of material mined during the past year and a percentage estimate of material left to be removed from the site.
- F. Certified test well information for the site.

An annual inspection date for Township officials to visit the extraction site shall be determined at the meeting of the Manchester Township Planning Commission where the report is presented.

Section 9. Other Permits – The applicant shall obtain and file with the Manchester Township Clerk copies of all other permits required by other units of government before the commencement of any extractive operation.

Section 10. Financial Guaranty And Indemnity Insurance

10.01 Excavation and Restoration Plans – The Manchester Township Planning Commission is authorized to approve the manner and order of restoration of proposed new excavations. To assure faithful

restoration of the excavated area, the applicant shall deposit with the Township, an irrevocable bank letter of credit in satisfactory form, or security deposit in an amount sufficient to guarantee restoration of the site. In fixing the amount of such security, the Manchester Township Planning Commission shall take into account the size and scope of the proposed excavation, probable cost of rehabilitating the premises upon default of the operator, recommendation of appropriate consultants, estimated expenses to compel the operator to comply by court decree, and such other factors and conditions as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding each application.

The Township Board of Trustees may approve of the release of portions of a security deposit to pay for completed restoration. The Board of Trustees may approve a reduction in the amount of a letter of credit upon receipt of evidence that part of the restoration has been completed. The security deposit and/or the letter of credit shall be returned to the permittee following complete restoration. If restoration has not been started within 6 months after the end of extraction operations or has not been completed within one year after the end of extraction operations, the Township may draw on the letter of credit or use the security deposit to restore the site.

10.02

Site Insurance - The applicant shall provide a site specific liability insurance policy of not less than \$5,000,000.00 per incident for all liability claims arising out of the site. The adequacy of this amount shall be subject to yearly review by the Manchester Township Planning Commission. The liability insurance is to cover property damage for surface and/or subsurface occurrences and bodily injury in an amount and form approved by the Manchester Township Board of Trustees, naming Manchester Township, its elected officials and appointed officials as additional named insureds and provide a copy of this policy to the Township clerk. Said insurance shall provide an endorsement that provides that the general aggregate limit of the operator's commercial and general liability applies separately to the site. Manchester Township must be sent a notice of intent to cancel the insurance not less than 30 days before the cancellation. Failure of the operator, or any persons, firm or corporation named in the policy to maintain the insurance shall be cause for immediate revocation of the permit.

Section 11. Specific Operating Requirements

All persons or firms engaged in the activity of mineral extraction shall comply with the following regulations.

- 11.01 Establishment of Setback Lines – Before commencement of extraction operations on the site, 4" X 4" white painted posts, a minimum of five (5) feet in height, shall be placed along the designated setback lines around the site. Such posts shall be placed at a distance, not to exceed three hundred (300) feet from each post. The posts shall be placed at intervals so that from the line location of any post two additional posts are visible.
- 11.02 Setback – Excavation, washing and stockpiling of extracted material shall not be conducted closer than three hundred (300) feet from any road right of way, five hundred (500) feet from any existing residence, and not less than two hundred (200) feet from any other property line of the site. The setback area shall not be used for any use related to the extractive operation, except access roads and public notice signs identifying the use as an excavation. Greenbelt plantings and landscaping shall be provided in the setback area as required by the Manchester Township Planning Commission. Said setback may be varied by the Township Planning Commission when the outer boundary of the site abuts a body of water. In granting said variance, the Township Planning Commission shall establish a specific setback so as to secure public safety.
- 11.03 Placement of Processing Plants – Any processing plant and all equipment and structures for sorting, crushing, loading, weighing and other operations, shall not be located closer than two hundred (200) feet from any property line, three hundred (300) feet from a public highway, measured from its centerline and five hundred (500) feet from any existing residence.
- 11.04 Stockpiles of Topsoil– Stockpiling of topsoil from the site may take place within setbacks that are not along boundaries of the site adjacent to an existing residence or along a public highway if granted by the Township Planning Commission.
- 11.05 Access – All means of access to the property shall be from major or secondary thoroughfares and shall not be from residential roadways.
- 11.06 Fencing – Before the commencement of any extractive operations, a 10/47/6 fence (standard farm type fence) shall be erected around the perimeter of the active extraction site and maintained in good condition until excavation and mining operations have been completed. A lockable gate shall be provided at all access points from the public road to the extractive operation. Said gates shall be closed and locked at all times except during the permitted hours of operation.
- 11.07 Signs – The Township Planning Commission may require the posting of "Keep Out – Danger" or similar signs, every one hundred feet along the entire perimeter fence.
- 11.08 Noise, Vibration and Air Pollution – Any noise, odors, smoke, fumes, or dust generated on said site by any digging, excavating, loading or processing operation and borne or able to be borne by the wind shall be confined so as not to cause a nuisance or hazard on any adjoining site or public road. The noise generated by the operation shall not at any one time exceed the maximum allowable decibel level as established by the United States Bureau of Mines at any adjacent property line of property not owned by the operator.
- 11.09 Pollution of Waters – The removing of materials shall not cause pollution of any body of water or subsurface watercourse.
- 11.10 Natural Drainage – The operations and related activities shall not adversely affect the natural drainage of the other properties in the area.

- 11.11 Access Roads - All access points shall be paved for a minimum of three hundred (300) feet into the parcel from the edge of the public road.
- 11.12 Slopes - Finished slopes of the banks of the excavation shall not exceed four feet horizontal to one foot vertical. Where ponded water results from the operations, slopes must be maintained and extended into the water to a depth of five (5) feet. Said slopes shall be completed as the work in any one cell of the excavation is completed. The time for completion of said slopes shall not extend beyond one (1) year's time from the date of beginning the restoration, provided that the Township Planning Commission may extend the above one (1) year period to such longer period as satisfactory under the circumstances. Sufficient top soil shall be stockpiled on the site so that the entire area, when excavation operations are completed, may be covered with a minimum of six (6) inches of top soil, and that such replacement of top soil shall be made immediately following the termination of excavation operations. To prevent erosion of slopes, all replaced top soil shall immediately be planted with grass or other ground cover acceptable to the Township Planning Commission.
- 11.13 Elevation of Plant Site - Any processing plant shall be located within the excavation area, at a point lower than the general level of the surrounding terrain, to reduce its visual and sound impact.
- 11.14 Seeding of Stockpiles - Stockpiles of stripped top soil and/or overburden shall be seeded with grass or other ground cover materials to prevent erosion.
- 11.15 Domestic Water Supply and Domestic Sewage Disposal Systems - Before the issuance of the permit authorized by this ordinance and the commencement of the extractive activities on the site, the applicant shall obtain approval, in writing, from the Washtenaw County Health Department or other governmental agency having jurisdiction of the matter for the on-site domestic water supply and domestic sewage disposal systems. A copy of this permit with the plans for the systems shall be furnished to Manchester Township.
- 11.16 Testing of Domestic Wells - Where the extractive operation is to occur below grade level, the operator shall be required, before any excavation occurring below grade level to perform a written certified pump test of all domestic wells within one-half (1/2) of a mile of the perimeter of the property. Said tests shall determine the draw down and the capacity of the well in gallons per minute and other pertinent information determined by the expert. The costs of said tests and analysis supplied shall be verified by the Township Engineer. All costs shall be borne by the operator.
- 11.17 Markers shall be placed upon all highway orientated extraction trucks with initials of the company and not more than a three (3) digit number on each individual truck, on the rear of each tractor-train, white background, black letters and numerals, letters and numerals at least twelve (12) inches high, and must be clean when entering and leaving the site.
- 11.18 If site dewatering is planned or becomes necessary, an impermeable groundwater protective barrier wall shall be installed around the entire perimeter of the affected area. Any such required wall shall have a maximum hydraulic conductivity of 1×10^{-7} cm/sec and shall be a minimum of 36 inches thick. The barrier wall shall extend from the surface elevation of the site down to and be keyed into (at least 36 inches) an impervious clay confining layer with maximum hydraulic conductivity of 1×10^{-7} cm/sec. To be used as a floor barrier, the underlying clay layer must be a minimum of six feet in thickness and continuous across the site.

Section 12. Blasting

No blasting shall be allowed at any time as part of any extraction operation.

Section 13. Hours of Operation

- 13.01 Extractive Operations – Extractive and processing operations shall be permitted only between the hours of 7:00 A.M. and 5:00 P.M., Monday through Friday, and between 7:00 A.M. and 12:00 p.m. on Saturday.
- 13.02 Transporting – No transporting of aggregates or any materials from the site shall be permitted prior to 7:00 A.M. and after 5:00 P.M., Monday through Friday, and prior to 7:00 A.M. and after 12:00 P.M. on Saturday.
- 13.03 Repair Of Equipment – Repair of equipment on site shall be permitted as allowed under the terms of this ordinance.
- 13.04 Sunday Operations – There shall be no extractive operations or transporting of aggregates permitted on Sundays or the official holidays of New Years Day, Memorial Day, 4th of July, Labor Day, Thanksgiving or Christmas.

Section 14. Public Roads

- 14.01 The operator shall be responsible for all public roads upon which any trucks haul materials to and from the site. The operator shall maintain these public roads in a safe and driveable condition at least equal to that which existed before the beginning of extractive operations. Further, the operator shall clean all spillage and/or trackage of material, dirt, rock, mud and any other debris carried onto any public roads by trucks coming to or from the site or by other equipment. This cleaning shall occur promptly after the spillage or trackage of the material has occurred.

If a haul route is approved by the Washtenaw County Road Commission for the site for class "A" loads, permittee shall only load materials unto trucks coming to or leaving the site on a route specifically approved by the Road Commission. The foregoing shall not prevent permittee or its customers from delivering materials from the site to locations in the Township.

Section 15. Landscaping

- 15.01 Berm – As soon as it is practicable, except where an entrance is indicated, the operator shall have completed construction of a berm, seeded to prevent erosion, around the entire perimeter of the site. The berm shall be a minimum height of at least ten (10) feet, measured from the elevation of the nearest road, and shall have an outside slope not to exceed one (1) foot vertical drop for each four (4) foot horizontal. The berm shall be adequately maintained. The location of the berm shall be as noted in the plans submitted with the application for the permit. Where the operation is adjacent to a private landowner, the operator shall construct a drainage swale to prevent surface water from running off of the berm onto said adjacent properties.
- 15.02 Unexcavated Areas – Unexcavated areas shall be left in such a condition so as to ensure growth of vegetation, soil stabilization and erosion control. Topsoil of a quality equal to that occurring naturally in the area shall be replaced, if necessary, to a depth of four (4) inches on unexcavated areas.
- 15.03 Seeding and Tree Planting – On the top of and outside slope of the berm and for other areas where seeding is required, the operator shall engage in fertilizing and sowing seed in an approved manner. The trees shall be planted on the berm as shown in the plans submitted with the application. If a tree or other landscaping dies, it shall be promptly replaced by the operator.

Section 16 Restoration and Reclamation

- 16.01 Removal of Structures, Etc. – Upon cessation of the extractive operations by abandonment or otherwise, the operator, within a reasonable time not to exceed twelve (12) months, shall remove all structures, buildings, stockpiles and equipment; provided that buildings and structures which have a function under the reclamation plan, which can be lawfully used under the requirements of the zoning district in which they will be located under such a plan, may be retained, with the written consent of Manchester Township.
- 16.02 Time for Reclamation – Reclamation shall be completed by the operator within twelve (12) months after cessation of the extractive operation, whether cessation be by abandonment or otherwise.
- Section 17. Dumping of Materials on Site
- 17.01 No material of any kind, including but not limited to soil, sand, clay or gravel shall be brought from elsewhere onto the site of the extractive operation unless specific written permission to do so has been obtained from Manchester Township.
- Section 18. Penalties
- 18.01 Any violation of this ordinance or the permit given pursuant to it shall justify revocation of the permit provided that the Township gives the applicant ten (10) days within which to cure the violation. Failure on the part of the operator to correct the reported violation within ten (10) days after such demand is made shall entitle the Manchester Township Planning Commission to cancel the permit and demand that all activities cease and that restoration be done and completed as provided for in this ordinance.
- 18.02 Additionally, any person, firm, corporation, or any other organization, which violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of, any provision of this ordinance, shall be fined upon conviction not more than Five hundred and No/100 (\$500.00) Dollars together with the costs of prosecution, or shall be punished by imprisonment in the County Jail for not more than ninety (90) days for each offense, or may be both fined and imprisoned as provided herein at the discretion of the Court. Every day during which such violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt this offender from compliance with the provisions of this ordinance.
- 18.03 The above penalties and/or relief are in addition to any other provided by law.
- Section 19. Public Nuisance
- 19.01 The use of any land in Manchester Township in violation of this ordinance is hereby declared to be a public nuisance, per se, and may be abated by order of any court of competent jurisdiction.
- Section 20. Severability
- 20.01 This ordinance and its various parts, sections, subsections, sentences, phrases and clauses are severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this ordinance shall not be affected. The Township Board declares that it would have passed this ordinance and each of its parts, sections, subsections, phrases, sentences and clauses irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Section 21. Interpretation

21.01 The provisions of this ordinance shall be held to be minimum requirements for the promotion of public health, moral safety, comfort, convenience, or general welfare. It is not intended by this ordinance to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinance, or with any rules, regulations, or permits previously adopted, or issued, or which shall be adopted or issued pursuant to the law relating to the use of the premises described herein, provided, however, that where this ordinance imposes a greater restriction than is required by existing ordinance or by rules, regulations, or permits, the provisions of this ordinance shall control.

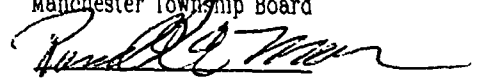
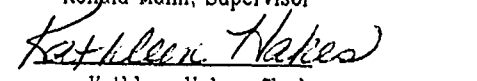
Section 22. Variances

When there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this ordinance, the Township Board shall have the power to vary or modify the application of the provisions of this ordinance so that the intent and purpose of the ordinance shall be observed, public safety secured and substantial justice done.

Any applicant may apply for a variance from any provision of the ordinance by filing an application for variance with the Township Clerk. The Township Board shall hold a public hearing upon such application within forty-five (45) days from its filing. The Township Clerk shall give notice of the hearing to the owners of all property within three hundred (300) feet of the subject property. The notice shall be mailed to each such party and published in a newspaper of general circulation in the Township not later than seven (7) days before the hearing. Any party may appear and comment at the hearing in person or by agent or by attorney. The Township shall keep a record of said hearing and shall render a written decision not later than the next regular Township Board meeting after the hearing date. The Township Board may attach reasonable conditions in granting any variance from any provision of the ordinance, and the breach of any conditions or the failure of any application to comply with the conditions shall void the variance. This provision of the ordinance is intended, in part, to enable variances to be granted and conditions attached to the variances to facilitate the upgrading of prior extraction operations, in a reasonable and practical manner.

Section 23. **Effective Date**

- 23.01 This ordinance is adopted by the Township Board of the Township of Manchester at a meeting thereof held on the 9th day of October, 1995, and is ordered to be given according to law. This ordinance shall take effect thirty (30) days after publication of this ordinance.
- 23.02 Owners and operators of all extraction operations existing before October 9, 1995, must apply for the required permit by March 1, 1996; and must meet all provisions of this ordinance by January 1, 1997.

Manchester Township Board

Ronald Mann, Supervisor

Kathleen Hakes, Clerk

I, Kathleen Hakes, Manchester Township Clerk, certify as follows:

- A. The above ordinance was passed by the Manchester Township Board of Trustees on the 9th day of October, 1995. The names of the members voting thereon and how each member voted was as follows:
- Yeas: Hakes, Turk, Mann, Widmayer, Macomber
- Nays: None
- Absent: None
- B. A true copy of the above ordinance was published in the Manchester Enterprise, a newspaper circulating within the Township, on the 26th day of October, 1995;
- C. The effective date of the ordinance is the 27th day of November, 1995; and
- D. A true copy of the above ordinance was filed with the Washtenaw County Clerk on the 27th day of November, 1995.

Manchester Township Board
By: 
Kathleen Hakes, Clerk

LAND DIVISION ORDINANCE NO. 41

TOWNSHIP OF MANCHESTER

COUNTY OF WASHTENAW

Adopted: December 8, 1997

Effective: January 8, 1998

An ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant but not limited to Michigan Public Act 288 of 1967, as amended, and Act 246 of 1945, as amended, being the Township General Ordinance statute; to provide a procedure therefore; to repeal any ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this ordinance.

TOWNSHIP OF MANCHESTER, WASHTENAW COUNTY, MICHIGAN,
ORDAINS:

SECTION I

TITLE

This ordinance shall be known as the MANCHESTER Township Land Division Ordinance.

SECTION II

PURPOSE

The purpose of this ordinance is to carry out the provisions of the State Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the Manchester Township community, and otherwise provide for the health, safety and welfare of the residents and property owners of Manchester Township by establishing reasonable standards for prior review and approval of land divisions within Manchester Township.

SECTION III

DEFINITIONS

For purposes of this ordinance certain terms and words used herein shall have the following meaning:

- A. "Applicant" - a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.
- B. "Divided" or "Division" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the State Land Division Act.
- C. "Exempt split" or "exempt division" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than 40 acres or the equivalent; provided all resulting parcels are accessible for vehicular travel and utilities from existing public roads through existing adequate roads or easements, or through areas owned by the owner of the parcel that can provide such access.
- D. "Forty acres or the equivalent" - either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.
- E. "Governing body" - the Manchester Township Board of Trustees.

SECTION IV

PRIOR APPROVAL REQUIREMENT FOR LAND DIVISIONS

Land in Manchester Township shall not be divided without the prior review and approval of the official designated by the Township Board, in accordance with this ordinance and the State Land Division Act; provided that the following shall be exempted from this requirement:

- A. A parcel proposed for subdivision through a recorded plat pursuant to the Manchester Township's Subdivision Control Ordinance and the State Land Division Act.
- B. A lot in a recorded plat proposed to be divided in accordance with the Manchester Township's Subdivision Control Ordinance and the State Land Division Act.
- C. An exempt split as defined in this Ordinance.

SECTION V

APPLICATION FOR LAND DIVISION APPROVAL

An applicant shall file all of the following with the Manchester Township Clerk or other official designated by the governing body for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development:

- A. A completed application form as provided by the Township, including Michigan Department of Treasury form L-4260, Property Transfer Affidavit.
- B. Proof of fee ownership of the land proposed to be divided.
- C. A survey map of the land proposed to be divided, prepared pursuant to the survey map requirements of 1970 Public Act 132, as amended, (MCL 54.211) by a land surveyor licensed by the State of Michigan, and showing the dimensions and legal descriptions of the existing parcel and the parcels proposed to be created by the division(s), the location of all existing structures and other land improvements, and the accessibility of the parcels for vehicular traffic and utilities from existing public roads.

In lieu of such survey map, at the applicant's option, the applicant may waive the 30 day statutory requirement for a decision on the application until such survey map and legal description are filed with the Manchester Township, and submit a tentative preliminary parcel map drawn to scale of not less than that provided for on the application form including an accurate legal description of each proposed division, and showing the boundary lines, dimensions, and the accessibility of each division from existing or proposed public roads for automobile traffic and public utilities, for preliminary review, approval, and/or denial by the locally designated official (s) prior to a final application under Section V.

The official (s) designated by the Township, may waive the survey map requirement where the foregoing tentative parcel map is deemed to contain adequate information to approve a proposed land division considering the size, simple nature of the divisions, and the undeveloped character of the territory within which the proposed divisions are located. An accurate legal description of all the proposed divisions, however, shall at all times be required.

- D. Proof that all standards of the State Land Division Act and this Ordinance have been met.

- E. The history and specifications of any previous divisions of land of which the proposed division was a part sufficient to establish the parcel to be divided was lawfully in existence as of March 31, 1997, the effective date of the State Land Division Act.
- F. Proof that all due and payable taxes or installments of special assessments pertaining to the land proposed to be divided are paid in full.
- G. Unless a division creates a parcel which is acknowledged and declared to be "not buildable" under Section VIII of this Ordinance, all divisions shall result in "buildable" parcels containing sufficient "buildable" area outside of unbuildable wetlands, flood plains and other areas where buildings are prohibited therefrom, and with sufficient area to comply with all required setback provisions, minimum floor areas, off-street parking spaces, on-site sewage disposal and water well locations (where public water and sewer service is not available), and maximum allowed area coverage of buildings and structures on the site.
- H. The fee as may from time to time be established by resolution of the Township Board for land division reviews pursuant to this ordinance to cover the costs of review of the application and administration of this Ordinance and the State Land Division Act.

SECTION VI

PROCEDURE FOR REVIEW OF APPLICATIONS FOR LAND DIVISION APPROVAL

- A. Upon receipt of a land division application package, the Township Clerk or other official designated by the Township Board shall forthwith submit the same to the designated official for decision. The designee shall approve, approve with reasonable conditions to assure compliance with applicable ordinances and the protection of public health, safety and general welfare, or disapprove the land division applied for within 30 days after receipt of the application package conforming to this Ordinance's requirements, and shall promptly notify the applicant of the decisions and the reasons for any denial. If the application package does not conform to this Ordinance requirements and the State Land Division Act, the assessor or other designee shall return the same to the applicant for completion and refile in accordance with this Ordinance and the State Land Division Act.
- B. Any person or entity aggrieved by the decision of the designee may, within 30 days of said decision appeal the decision to the Township Board of Manchester Township which shall consider and resolve such appeal by a majority vote of said

Board or by the designee at its next regular meeting or session affording sufficient time for a 20 day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.

- C. A decision approving a land division is effective for 90 days, after which it shall be considered revoked unless within such period a document is recorded with the County Register of Deeds office and filed with the Township Clerk or other designated official accomplishing the approved land division or transfer.
- D. The land division designee shall maintain an official record of all approved and accomplished land divisions or transfers.

SECTION VII

STANDARDS FOR APPROVAL OF LAND DIVISIONS

A proposed land division shall be approved if the following criteria are met:

- A. All the parcels to be created by the proposed land division(s) fully comply with the applicable lot (parcel), yard and area requirements of the applicable zoning ordinance, including, but not limited to, minimum lot (parcel) frontage/width, minimum road frontage, minimum lot (parcel) area, minimum lot width to depth ratio, and maximum lot (parcel) coverage and minimum set-backs for existing buildings/structures.
- B. The proposed land division(s) comply with all requirements of the State Land Division Act and this Ordinance.
- C. All parcels created and remaining have existing adequate accessibility, or an area available, to a public road for public utilities and emergency and other vehicles not less than the requirements of the Township Zoning Ordinance, The Township Private Road Ordinance, Township Driveway Standards, or this Ordinance.
- D. Where accessibility is to be provided by a proposed new dedicated public road, proof that the Washtenaw County Road Commission or Michigan Department of Transportation has approved the proposed layout and construction design of the road and of utility easements and drainage facilities connected therewith.
- E. Where accessibility by vehicle traffic and for utilities is permitted through other than a dedicated and accepted public road or easement, such accessibility shall comply with the following:

If accessibility is by a private road or easement, a document acceptable to the Township shall be recorded with the County Register of Deeds and filed with the

assessor or designee specifying the method of private financing of all maintenance, improvements, and snow removal, the apportionment of these costs among those benefitted, and the right of the Township to assess such costs against those properties benefitted, plus a 25 percent administrative fee, and to perform such improvements in the event of a failure of those benefitted to privately perform these duties for the health, safety and general welfare of the area.

SECTION VIII

ALLOWANCE FOR APPROVAL OF OTHER LAND DIVISIONS

Notwithstanding disqualification from approval pursuant to this ordinance, a proposed land division which does not fully comply with the applicable lot, yard, accessibility and area requirements of the applicable zoning ordinance or this Ordinance may be approved in any of the following circumstances:

- A. Where the applicant executes and records an affidavit or deed restriction with the County Register of Deeds, in a form acceptable to the township, designating the parcel as "not buildable". Any such parcel shall also be designated as "not buildable" in the township records, and shall not thereafter be the subject of a request to the Zoning Board of Appeals for variance relief from the applicable lot and/or area requirements, and shall not be developed with any building or above ground structure exceeding four feet in height.
- B. Where, in circumstances not covered by paragraph A above, the Zoning Board of Appeals has, previous to this Ordinance, granted a variance from the lot, yard, ratio, frontage and/or area requirements with which the parcel failed to comply.
- C. Where the proposed land division involves only the minor adjustment of a common boundary line or involves a conveyance between adjoining properties which does not result in either parcel violating this Ordinance, any applicable zoning ordinance, or the State Land Division Act.

SECTION IX

CONSEQUENCES OF NONCOMPLIANCE WITH LAND DIVISION APPROVAL REQUIREMENT

Any parcel created in noncompliance with this ordinance shall not be eligible for any building permits, or zoning approvals, such as special land use approval or site plan approval, and shall not be recognized as a separate parcel on the assessment roll. In addition, violation of this ordinance shall subject the violator to the penalties and

enforcement actions set forth in Section X of this ordinance, and as may otherwise be provided by law.

SECTION X

PENALTIES AND ENFORCEMENT

Any person who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 or by imprisonment in the county jail for not to exceed 90 days or by both such fine and imprisonment. Any person who violates any of the provisions of this ordinance shall also be subject to a civil action seeking invalidation of the land division and appropriate injunctive or other relief.

SECTION XI

SEVERABILITY

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

SECTION XII

REPEAL

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed, except that this Ordinance shall not be construed to repeal any provision in the Manchester Township zoning ordinance, the Manchester Township Subdivision Control Ordinance, or the Manchester Township Building Code.

SECTION XIII

EFFECTIVE DATE

This ordinance shall take effect 30 days following its publication after adoption.

MANCHESTER TOWNSHIP

KATHLEEN M. HAKES, CLERK

DATED DECEMBER 9, 1997

The original of the above ordinance may be inspected or a copy purchased at the Manchester Township Hall 275 South Macomb Street, Manchester, Michigan, 48158, during regular office hours, which are Monday, Tuesday, Wednesday and Friday, from 8:30 a.m. to noon.

I, Kathleen M. Hakes, Manchester Township Clerk, certify as follows:

1. The preceding ordinance was adopted by the Manchester Township Board of Trustees at the regular meeting held on December 8, 1997, and that members Hakes, Mann, Turk, and Widmayer voted in favor of adoption, none voted against, and Macomber was absent.
2. A true copy of the ordinance was published in the Manchester Enterprise on December 25, 1997.
3. The effective date of the ordinance is January 8, 1998.
4. A true copy of the ordinance was filed with the Washtenaw County Clerk on December 19, 1997.

Kathleen M. Hakes, Clerk

ARTICLE 1.0
TITLE, PURPOSES AND LEGAL CLAUSES

SECTION 1.01 - TITLE

This ordinance shall be known and may be cited as **“The Manchester Township Zoning Ordinance.”**

SECTION 1.02 - REPEAL OF ORDINANCE

The Manchester Township Zoning Ordinance adopted on November 13, 1973, and all amendments thereto are hereby repealed effective coincident with the effective date of this ordinance.

SECTION 1.03 - PURPOSES

This ordinance has been established for the purposes of:

- A.** Promoting and protecting the public health, safety and general welfare;
- B.** Protecting the character and the stability of the agricultural, recreational, residential, commercial and industrial areas within the Manchester Township and promoting the orderly and beneficial development of such areas;
- C.** Providing adequate light, air, privacy and convenience of access to property;
- D.** Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light and air and to protect the public health;
- E.** Lessening and avoiding congestion in the public highways and streets;
- F.** Providing for the needs of agriculture, recreation, residence, commerce, and industry in future growth;
- G.** Promoting healthful surroundings for family life in residential and rural areas;
- H.** Fixing reasonable standards to which buildings and structures shall conform;
- I.** Prohibiting uses, buildings or structures which are incompatible with the character of development or the uses, buildings or structures permitted within specified zoning districts;
- J.** Preventing such additions to or alteration or remodeling of existing buildings or structures in such a way as to avoid the regulations and limitations imposed hereunder;
- K.** Protecting against fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards in the interest of the public health, safety and general welfare;
- L.** Preventing the overcrowding of land and undue concentration of buildings and structures so far as is possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them;
- M.** Conserving the taxable value of land, buildings, and structures throughout the Township;
- N.** Providing for the completion, restoration, reconstruction, extension or substitution of non conforming uses;
- O.** Creating a Board of Appeals and defining the powers and duties thereof;
- P.** Designating and defining the powers and duties of the official or officials in charge of the administration and enforcement of this ordinance;

- Q.** Providing for the payment of fees for building permits; and
- R.** Providing penalties for the violation of this ordinance.

SECTION 1.04 - VALIDITY AND SEVERABILITY CLAUSE

If any court of competent jurisdiction shall declare any part of this ordinance to be invalid, such ruling shall not affect any other provisions of this ordinance not specifically included in said ruling.

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

SECTION 1.05 - CONFLICT WITH OTHER LAWS

- A.** Where any condition imposed by any provision of this ordinance upon the use of any lot, building or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this ordinance or by the provision of an ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.
- B.** This ordinance is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this ordinance shall govern.

SECTION 1.06 - EFFECTIVE DATE

This ordinance was adopted by the Township Board of the Township of Manchester, Washtenaw County, Michigan at a Regular Meeting held on January 12, 1998, and ordered published within 10 days thereafter in the Manchester Enterprise, a newspaper having general circulation in said Township as required by Act 184 of the Public Acts of 1943, as amended. This ordinance will take effect on the 30th day following publication.

**ARTICLE 2.0
DEFINITIONS**

SECTION 2.01 - PURPOSE

For the purpose of this ordinance certain terms are herewith defined.

SECTION 2.02 - RULES OF CONSTRUCTION

The following rules of construction apply to the text of this ordinance.

- A.** All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such, as may have acquired a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning.
- B.** The particular shall control the general.
- C.** Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural shall include the singular, unless the context clearly indicates the contrary.
- D.** The word “*shall*” is always mandatory and not discretionary. The word “*may*” is permissive.
- E.** All measurements shall be to the nearest integer, unless otherwise specified herein.
- F.** The phrase “*used for*” includes “*arranged for*”, “*designed for*”, “*intended for*”, “*occupied for*”, and “*maintained for*”.
- G.** The word “*building*” includes the word “*structure*”. The word “*build*” includes the words “*erect*” and “*construct*”. A “*building*” or “*structure*” includes any part thereof.
- H.** The word “*dwelling*” includes the word “*residence*”, and the word “*lot*” includes the words “*plot*” or “*parcel*”.
- I.** The word “*person*” includes an individual, a corporation, a partnership, an incorporated association, or any similar entity.
- J.** Whenever a word or term defined hereinafter appears in the text of this ordinance, its meaning shall be construed as defined herein. Words or terms not herein defined shall have the meaning customarily assigned to them and land use planning nomenclature.
- K.** Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “*and*”, “*or*”, or “*either/or*”, the conjunction shall be interpreted as follows:
 - 1.** “*And*” indicates that all the connected items, conditions provisions, or events shall apply.
 - 2.** “*Or*” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - 3.** “*Either/or*” indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- L.** Catch words and catch lines shall in no way by their presence or absence limit or affect the meaning of this ordinance.
- M.** Where an illustration accompanies any item within this ordinance, the written text shall have precedence over said illustrations.

- N.** In computing a period of days, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

SECTION 2.03 - DEFINITIONS

Accessory Use, Building Or Structure: A use, building, or structure which is clearly incidental to, customarily found in connection with, subordinate to, and is located on the same zoning lot as the principal use to which it is exclusively related. An accessory structure shall not include dwellings, or be used for residential or lodging purposes or sleeping quarters for human beings.

Agriculture: The use of land for agricultural purposes, including farming, dairying, pasturage, nurseries, orchards, poultry farms and bona fide greenhouses operated on contiguous, neighboring or associated land as a single unit carried on by the owner-operator, manager or tenant farmer by his own labor or with assistance of members or his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a continuous parcel of five (5) acres or more in area.

Alley: A dedicated public vehicular way not more than thirty (30) feet in width which affords a secondary means of access to abutting property but is not intended for general traffic circulation or for parking, standing, or loading.

Alterations: Any change, addition or modification to a structure or type of occupancy, or any change in the structural members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the interior walls or any changes in size or location of any window or door.

Animal Hospital: See Clinic, Veterinary.

Apartment: See Dwelling, Multiple-Family.

Automobile: Unless specifically indicated otherwise, “**automobile**” shall mean any vehicle including, by way of example, cars, trucks, vans, motorcycles, and the like.

Automobile Or Vehicle Service Station: A place where gasoline or other vehicle engine fuel, kerosene, motor oil and lubricants, and grease are sold directly to the public on the premises for the purposes of operation of motor vehicles; including the sale of minor accessories (such as tires, batteries, brakes, shock absorbers, window glass) and the servicing of and minor repair of motor vehicles. Automobile filling stations may also incorporate a convenience store operation as an accessory use, and which is clearly incidental to the filling station use. Parking requirements for filling station/convenience store operations shall be computed by adding together the parking space requirements for each separate use.

Automobile Or Vehicle Repair Garage: An enclosed building where the following services may be carried out: general repairs, engine rebuilding, reconditioning of motor vehicles; collision services, such as frame or fender straightening and repair; painting and undercoating of automobiles; and, similar vehicle repair activities.

Automobile Or Vehicle Dealership: A building or premises used primarily for the sale of new and/or used automobiles and other motor vehicles.

Automobile Wash Or Car Wash Establishment: A building or portion thereof where automobiles are washed.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood.

Basement: That portion of a building which is wholly or partly below the average grade of the ground level, but is so located that the vertical distance from the average grade to the floor below is greater than the vertical distance from the average grade to the ceiling. This definition shall not apply to earth-bermed or earth-sheltered homes. A basement shall not be counted as a story.

Bed-And-Breakfast Inn: A dwelling in which overnight accommodations are provided or offered for transient guests for compensation, including provisions for a morning meal for overnight guests only.

Bedroom: A room designed or used in whole or in part for sleeping purposes.

Berm: A manmade formed earth mound of definite height and width used for obscuring purposes.

Block: The property bounded by a street or by a combination of streets and public lands, rights-of-way, rivers or streams, boundary lines of the Township, or any other barrier to the continuity of development.

Board: The Board of Trustees of the Township of Manchester, Washtenaw County.

Board Of Appeals: The Township Zoning Board of Appeals, created pursuant to the provisions of Public Act 110 of 2006, as amended.

Boarding Or Rooming Houses: A building, other than a hotel, where for compensation or by pre-arrangement for definite periods of time, lodging or lodging and meals are provided for three or more persons.

Building: Any structure, either temporary or permanent, having a roof or other covering and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. A building shall include tents, awnings, semi-trailers, or vehicles situated on a parcel and used for the purposes of a building. A building shall not include such structures as signs, or fences.

Building, Principal: A building or, where the context so indicates, a group of buildings which are permanently affixed to the land and which are built, used, designed, or intended for the shelter or enclosure of the principal use of the parcel.

Building, Accessory: See Accessory Use, Building, Or Structure.

Building Area: The total area taken on a horizontal plane at the largest floor level of a building and of all accessory buildings on the same lot exclusive of unroofed porches, terraces, patios and steps, and of awnings and non-permanent canopies.

Building, Temporary: A building which is not permanently affixed to the property and is permitted to exist for a specific reason for a specific period of time. An example of a temporary building is a trailer used on a construction site.

Building Height: The vertical distance measured from the established grade to:

1. the highest point of the coping of a flat roof;
2. to the deck line of mansard roofs; or,
3. to the average height between the eaves and the ridge for gable, hip, and gambrel roofs.

Where a building is located on sloping terrain, the height shall be measured from the average ground level at the building wall.

Building Line: The minimum distance which any building must be located from a street right-of-way or high water line. For the purposes of this Ordinance, a building line is the same as the front setback line.

Bulk: The term used to indicate the size and setback of a building or structure and the location of same with respect to another building or structure or to a lot line and includes the following:

1. the size and height of a building or structure;
2. the location of the exterior wall of a building in relation to a lot line, street or other building;
3. the floor area of a building in relation to the area of the lot on which it is located;

4. the open spaces allocated to and surrounding a building; and
5. the amount of lot area per dwelling unit.

Business Center: Two or more buildings containing stores or two or more buildings containing a combination of stores and offices usually on separate lots, and sharing a common drive or street and/or off-street parking facilities, and/or identified by a name for the center.

Caretaker Living Quarters: An independent residential dwelling unit designed for and occupied by one (1) person who is employed to look after goods, buildings, or property on a commercial or industrial parcel on which the living quarters are located.

Carpport: A partially open shelter for housing of vehicles. Such structure shall comply with all yard requirements applicable to private garages.

Cemetery: Land used for the burial of the dead, including columbariums, crematories, and mausoleums.

Child Care Center: See Day Care Facilities.

Church, Synagogue, Temple, Mosque, Or Similar Religious Facility: Any structure wherein persons regularly assemble for religious activity.

Clinic, Veterinary: A place for the care, diagnosis, and treatment of sick or injured animals, and those in need of medical or minor surgical attention. A veterinary clinic may include customary pens or cages.

Clinic, Medical: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.

Club Or Fraternal Organization: An organization of persons for special purposes or for the promulgation of sports, arts, science, agriculture, literature, politics, or similar activities, but not operated for profit or to espouse beliefs or further activity that is not in conformance with the Constitution of the United States or any laws or ordinances. The facilities owned or used by such organization may be referred to as a "club" in this ordinance.

Commercial Hunting Enterprise - A business concern involving a hunting operation, located on a parcel of land or portion of a parcel of land, whose primary purpose and land use activity is to provide hunting activities for commercial gain.

Commercial Use: The use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or personal services, and the maintenance or operation of offices.

Commercial Vehicle: Commercial vehicles shall consist of the following:

1. All motor vehicles used for the transportation of passengers for hire, or
2. constructed or used for the transportation of goods, wares or merchandise, or
3. all motor vehicles designed and used for drawing other vehicles.

Vehicles licensed for farm purposes only shall not constitute a commercial vehicle.

Commission: See Township Planning Commission.

Community Wastewater Utility System or Systems ("CWUS"): A facility which is owned by a non-governmental entity and is designed, constructed, operated, and maintained to transport, collect, process, and treat sanitary sewage from more than one (1) dwelling unit. The system shall include any individual

septic tanks, pumps, lines, and appurtenances serving each dwelling unit in addition to facilities, sewers, and appurtenances that serve more than one (1) dwelling unit.

Comprehensive Or General Development Plan: The Manchester Township General Land Use Plan including graphics and written proposals indicating general areas for physical resource management and containing development standards and general location of streets, parks, schools, and all physical development of the Township and including any unit or part of such plan and any amendment to such plan or parts thereof.

Conditional Or Special Land Use: A use which is subject to conditional approval by the Planning Commission. A conditional use may be granted only when there is a specific provision in this ordinance. A conditional use is not considered to be a non-conforming use.

Condominium Development: See definition **Site Condominium**, herein.

Congregate Housing: See Housing For The Elderly.

Controlled Uses: An establishment which draws its customers from one or more segments of the public including but not limited to the following:

1. **Adult Book Store.** An establishment, which has a substantial or significant portion of its stock in trade sexually explicit verbal material. Sexually explicit verbal material is defined as a book, pamphlet, magazine, video, movie, printed matter reproduced in any manner, or sound recording that contains an explicit and detailed verbal description or narrative account of sexually explicit activity.
2. **Adult Cabaret.** An establishment whose principal activity is the conducting or presenting of any sexually explicit performance. Sexually explicit performance is defined as a motion picture, video, digital presentation, exhibition, show, representation, or other presentation that, in whole or in part, depicts sexually explicit activity.
3. **Adult Video/Motion Picture Theater.** An establishment, which, as its principal activity, presents or offers for sale or rents, any sexually explicit visual material. Sexually explicit visual material is defined as a picture, photograph, drawing, sculpture, motion picture film, or similar visual representation that depicts sexually explicit activity, or a book, magazine, or pamphlet that contains such a visual representation. An undeveloped photograph, mold or similar visual material may be sexually explicit material notwithstanding that processing or other acts may be required to make its sexually explicit content apparent.
4. **Adult Retail Store.** An establishment which has a substantial or significant portion of its stock in trade in items used or advertised as sexually explicit entertainment gimmicks, novelties, paraphernalia, any sexually explicit matter or any combination thereof. Sexually explicit matter is defined as any sexual explicit verbal material, sexually explicit visual material, or sexually explicit performance.
5. **Body Painting or Nude Modeling Studio.** Any building, structure, premise or part thereof used primarily as a place which offers as its principal activity the providing of models to exhibit, display or perform any sexually explicit performance for a fee, or which provides the services of body painting of the human body in conjunction with any sexually explicit activity.
6. **Sexually Explicit Activity.** Sexually explicit activity is defined as any presentation, exhibition, narrative, show, representation, depiction, or other description of any of the following:
 - a. **Erotic Fondling.** The touching of a person's clothed or unclothed genitals, pubic area, buttocks or, if the person is female, breasts, for the purpose of sexual gratification or stimulation.
 - b. **Nudity.** The showing of the male or female genitals, pubic area, vulva, anus, the showing of the female breast with less than a fully opaque covering of any part of the nipple, the showing of the covered male genitals in a discernibly turgid state or any lewd display of the human male or female genitals or pubic area.

- c. **Sadomasochistic Abuse.** Means either of the following: (1) Flagellation, or torture, for sexual stimulation or gratification, by or upon a person who is nude or clad only in undergarments or in a revealing costume, or (2) the condition of being fettered, bound, or otherwise physically restrained for sexual stimulation or gratification, of a person who is nude or clad only in undergarments or in a revealing costume.
 - d. **Sexual Excitement.** The condition of human male or female genitals when in a state of sexual stimulation or arousal.
 - e. **Sexual Intercourse.** Intercourse, real or simulated, whether genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between a human and an animal; or any intrusion, however slight, into the genital or anal openings of another's body.
7. **Escort.** A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
 8. **Escort Agency.** A person or business association that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.
 9. **Pawnbrokers and Pawnshops.** The term "pawnbroker" as used herein is defined as any person, corporation or member or members of a co-partnership or firm, who loans money on deposit, or pledge of personal property, or other valuable things, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back again at a stipulated price. The term "pawnshop" is defined as any location where a pawnbroker conducts business.
 10. **Tattoo/Body-Piercing Branding Parlor.** An establishment, which provides external body modification, through the application of a tattoo, body piercing, or branding.
 11. **Body-Piercing.** The perforation of human tissue other than an ear for a non-medical purpose.
 12. **Branding.** A permanent mark made on human tissue by burning with a hot iron or other instrument.
 13. **Tattoo.** An indelible mark made upon the body of another individual by the insertion of a pigment under the skin or an indelible design made upon the body of another by production of scars other than by branding.

Convalescent Home: See Nursing Home, or Rest Home.

Convenience Store: A one-story, retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). Convenience stores are designed to attract a large volume of stop-and-go traffic.

Co-op (Cooperative) Housing: A multiple dwelling owned by a corporation which leases its units to stockholders on a proprietary lease arrangement.

Court (Open Space): An open space on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings. A court shall be unoccupied.

Curb Cut: The entrance to or exit from a property provided for vehicular traffic to or from a public or private thoroughfare.

Day Care Facilities: As used in this ordinance, the following definitions shall apply to day care facilities:

1. **Adult Day Care Center:** A center other than a private home where one (1) or more functionally impaired elderly persons are received for care and supervision for any part of

any day, but less than twenty-four (24) hour care. Overnight care shall not be provided. Nursing Home, Convalescent Home or Rest Homes, or facilities defined under Housing for the Elderly are not included in this definition. However, such businesses may establish adult day care centers within their own facilities if such use is permitted within the district.

2. **Child Care Center:** A center other than a private home where one (1) or more children are received for care and supervision. Pre-schools and nurseries are included in this definition.
3. **Family Day Care Home:** A private home in which one (1) to six (6) children are received for care and supervision, including those children less than seven (7) years old in the resident family.

Development: The construction of a new building, reconstruction of an existing building, or improvement of a structure on a parcel or lot, the relocation of an existing building to another lot, or the improvement of open land for a new use.

Developable Envelope: The area of a lot which is defined by the minimum setback requirements, within which building construction can occur.

Distribution Center: A use which typically involves both warehouse and office/administrative functions, where short and/or long term storage takes place in connection with the distribution operations of a wholesale or retail supply business.

District, Zoning: A portion of the Township of Manchester within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain yards, open spaces, lot areas, and other requirements are established.

Domestic Help: Shall mean only those persons hired by the householder for the purpose of performing domestic services and maintenance of the household.

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

Dwelling: Any building, or part thereof, containing sleeping, kitchen, and bathroom facilities designed for and occupied by one family. In no case shall a travel trailer, motor home, automobile, tent, or other portable building not defined as a recreational vehicle is considered a dwelling. In the case of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purposes of this Ordinance.

Dwelling, Accessory Apartment: A dwelling unit that is accessory to and typically contained within a conventional single-family dwelling, and which is occupied by:

1. persons related to the occupant of the principal residence by blood, marriage or legal adoption, or
2. domestic servants or gratuitous guests.

Dwelling Area: The dwelling area of a dwelling unit is composed of sleeping rooms, kitchen, dining room, den, studio, bathrooms, and family and living rooms. For the purposes of this ordinance, a minimum of 1,000 square feet shall be required for a dwelling intended for human occupancy.

Dwelling, Manufactured: A building or portion of a building designed for long-term residential use and characterized by the following:

1. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended,

2. The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities, and
3. The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.

A mobile home is a type of manufactured housing, which is defined as follows:

Dwelling, Mobile Home: A structure, transportable in one (1) or more sections, which is built upon a chassis and designed to be used as a dwelling without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Recreational vehicles as described and regulated herein shall not be considered “mobile homes” for the purposes of this Ordinance.

Dwelling, Multiple-Family: A building designed for and occupied by two (2) or more families living independently, with separate housekeeping, cooking, and bathroom facilities for each. Examples of multiple-family dwellings units include those commonly known as apartments, which are defined as follows:

Apartment: An apartment is an attached dwelling unit with party walls, contained in a building with other apartment units which are commonly reached off of a common stair landing or walkway. Apartments are typically rented by the occupants. Apartment buildings often may have a central heating system and other central utility connections. Apartments typically do not have their own yard space. Apartments are also commonly known as garden apartments or flats.

Efficiency Unit: An efficiency unit is a type of multiple-family or apartment unit consisting of one (1) principal room, plus bathroom and kitchen facilities, hallways, closets, and/or a dining alcove located directly off the principal room.

Dwelling, One-Family Or Single-Family: An independent, detached residential dwelling designed for and used or held ready for use by one (1) family only. Single-family dwellings are commonly the only principal use on a parcel or lot.

Dwelling, Two-Family or Duplex: A detached building designed exclusively for and occupied by two (2) families living independently of each other, with separate housekeeping, cooking, and bathroom facilities for each. Also known as a duplex dwelling.

Dwelling Unit: One or more rooms, along with bathroom and kitchen facilities, designed as a self-contained unit for occupancy by one family for living, cooking, and sleeping purposes.

Dwelling Unit, Single-Family Attached Or Townhouse: A townhouse is an attached single-family dwelling unit with common walls, designed as part of a series of three (3) or more dwellings, with its own front door which opens to the outdoors at ground level, its own basement, and typically, with its own utility connections and front and rear yards. Townhouses are also commonly known as row houses.

Drive-In Theater: An open-air theater constructed and operated at an established location, without cover or roof, displaying motion pictures for the general public who view the screen or stage while seated in a vehicle. The term “drive-in theater” as used herein shall include the entire premises upon which such theater is constructed and operated, including parking areas and all other facilities accessory to such business.

Driveway: A designated area designed for and providing direct access to principle uses upon a parcel of land.

Earth-Sheltered Home: A complete building partially below grade that is designed to conserve energy and is intended to be used as a single-family dwelling.

Easement: Any private or dedicated public way that provides a means of access to property. The term “easement” may also refer to utility easements which give public or private utility companies the right to use land for the construction and maintenance of utilities.

Enforcement Official: The Enforcement Official is the person or persons designated by the Township as being responsible for enforcing and administering requirements of this Zoning ordinance. Throughout this Ordinance the Enforcement Official may be referred to as the Building Official, Planning Official, Public Safety Official, Engineering Official, or their agents. Such titles do not necessarily refer to a specific individual, but rather, indicate generally the office or department most commonly associated with the administration of the regulation being referenced.

Entrance Ramp: A roadway connecting a feeder road with a limited access highway and used for access onto such limited access highway.

Erected: Any physical change on a site, including construction, reconstruction, or alteration of buildings or structures thereon. Excavation, fill, drainage, and the like shall be considered part of erection.

Excavation Of Gravel, Sand, Topsoil, Or Earth: Premises from which any rock, gravel, sand topsoil or earth in excess of fifty (50) cubic yards in any calendar year is excavated or removed for the purpose of disposition away from the premises except excavation in connection with the construction of a building or within public highway rights-of-way.

Exotic/Non-Domestic Animals - A specific animal or breed of animal that has been introduced within an area that is not common or communal to existing species in an area and can be considered alien to animals normally adapted to an area. Animals of this nature that can or may be hazardous to human health are prohibited.

Family: One (1) or more persons related by blood, bonds of marriage, or legal adoption, plus up to a total of three (3) additional persons not so related who are either domestic servants or gratuitous guests, occupying a single dwelling unit and living as a single nonprofit housekeeping unit, or,

A collective number of individuals living together in one dwelling unit, whose relationship is of a continuing non-transient domestic character, and who are cooking as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, or group of transitory or seasonal nature or for a limited duration of a school term or terms or other similar determinable period.

Farm: All of the contiguous neighboring or associated land operated as a single unit of ten (10) acres or more which is cultivated for agricultural production by the owner-operator, manager, or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; also including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms, and apiaries. For the purposes of this ordinance, farms shall not include establishments for keeping or raising fur-bearing animals, private stables, commercial dog kennels, game fish hatcheries, piggeries, stockyards, or feedlots unless such establishments are combined with other bona fide farm operations listed above which are located on the same continuous tract of land.

A farm which is operated as a business for purposes of agricultural production is distinguished from a collection of farm buildings and animals that is operated for educational, demonstration, or recreational purposes. Such quasi-farm operations may be known as "petting zoos" or "model farm" or "interpretative farm."

Farm Buildings: Any building or structure other than a dwelling, which is constructed, maintained, and used on a farm, and which is essential and customarily used for the agricultural operations carried out on that type of farm.

Feed Lot: A feed lot shall include any of the following facilities:

1. any tract of land or structure wherein any type of fowl or the by-products thereof are raised for sale at wholesale or retail;
2. any structure, pen, or corral wherein cattle, horses, sheep, goats, or swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.

Fence: A permanent or temporary barrier enclosing or bordering a plot of land or portion thereof composed of suitable man-made materials for the purpose of preventing or controlling entrance or to confine within or to mark boundary.

Floodplain: Any land area susceptible to being inundated by floodwaters when high amounts of precipitation are experienced or natural cyclic conditions raise the water levels. Determinants of a floodplain are as follows:

1. The area which typically is adjacent to a river, stream, or other body of water, and is designated as subject to flooding from the 100-year base flood.
2. Principal estuary courses of wetland areas that are part of the river flow system.
3. Contiguous areas paralleling a river, stream, or other body of water that exhibit unstable soil conditions for development.

Floodway: The channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge floodwaters without cumulatively increasing the water surface elevation more than one foot.

Floor Area: The sum of the gross horizontal floor areas of the several stories of a building, as measured to the exterior face of the exterior walls, plus that area, similarly measured of all other stories that are accessible by a fixed stairway, ramp, escalator, or elevator; including all enclosed porches and balconies, and all stairways, breezeways, storage area, recreational rooms, boiler rooms, and other areas within or contiguous to the structure; and the measurement shall include the floor space of all accessory buildings measured similarly.

Floor Area Ratio: The ratio of the floor area of a building to the area of the lot on which it is located calculated by dividing the floor area by the lot area and expressing it as a percentage. For example, a floor area ratio of 80 percent is specified and the lot area is 10,000 square feet, the maximum permitted floor area on the lot is 8,000 square feet. The number of stories being optional, the building area may be 4,000 square feet for each of two (2) stories, 2,000 square feet for each of four (4) stories, or 1,000 square feet for each of eight (8) stories.

Garage, Commercial: Any building available to the public operated for gain and which is used for storage, rental, greasing, washing, servicing, repairing, or adjusting of automobiles or other motor vehicles.

Garage, Community: A structure, or a series of structures, for the storage of motor vehicles, having no public sales or repair shop or services in connection therewith, and separated into compartments or sections with separate vehicular entrances, for the use of two or more owners or occupants of property in the vicinity.

Garage, Private: An accessory building or structure used principally for storage of automobiles and for other incidental storage purpose only.

Golf Course Or Country Club: The premises upon which the game of golf is played, including clubhouses, parking lots, swimming pools, tennis courts, or other facilities or uses customarily incidental to a golf course or country club. See also Par-3 Golf course.

Grade: The term "grade" shall mean the ground elevation established for the purpose of regulating the number of stories or height of a building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

Grain Elevator: An agricultural storage facility used for the storage of grain or similar agricultural products.

Guest House: An accessory building intended for temporary or periodic use as an auxiliary sleeping facility, but which does not have kitchen facilities, and is not intended to be used as a permanent residence. See also definitions for Bed-And-Breakfast Inn and Boarding House.

Hazardous Uses: All uses which involve the storage, sale, manufacture or processing of materials which emit poisonous fumes, risk explosion, are combustible, and are likely to burn with moderate rapidity and with a considerable volume of smoke, but from which neither poisonous fumes nor explosions are to be anticipated in the event of fire, and as listed by the Basic Building Code 1965 amended edition prepared by the Building Officials Conference of America, Inc.

Highway: A public thoroughfare or street, except alleys, but including Federal, interstate, State, and County roads, including those appearing on plats recorded in the office of the Register of Deeds and accepted for public maintenance.

Home Occupation: See SECTION 3.20, herein.

Home Office – A designation and use of a portion of a single family residence where activities are designed to take place which are part of a defined office activity. Such home office is intended as a secondary occupation or support extension of a primary occupation conducted outside of the principal residence. Such home office shall be a permitted use and shall be used only by resident family members residing within the residential dwelling. No representation of any non residential activities shall be visible from outside the residential dwelling.

Hospital: An institution which is licensed by the Michigan Department of Health to provide in-patient and out-patient medical and surgical services for the sick and injured, and which may include such related facilities as laboratories, medical testing services, central service facilities, and staff offices.

Hotel: A building occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms consisting of a minimum of one (1) bedroom and a bath, occupied for hire, in which access to at least fifty percent (50%) of the lodging units is through a common entrance, in which provision is not made for cooking in the individual units, which shall provide customary hotel services such as maid service, the furnishing and laundering of linens, telephone and secretarial or desk service, the use of furniture, a dining room accommodating at least twenty (20) guests which provides dining service for a minimum of two meals during the day, a general kitchen, and a minimum of one (1) meeting room accommodating at least fifty (50) persons.

Housing For The Elderly: An institution other than a hospital, hotel, or nursing home, which provides room and board to non-transient persons primarily sixty (60) years of age or older. Housing for the elderly may include the following designations such as “Senior Apartments”, “Elderly Housing Complex”, “Congregate Housing”, or “Dependent Housing Facilities”.

Ice Cream Parlor: A retail establishment whose business is limited to the sale of ice cream, frozen desserts, dessert items, candies and confections, and beverages in a ready-to-eat state. Businesses serving hot dogs, hamburgers, salads, pizza, hot or cold sandwiches, or similar entree items are not considered ice cream parlors for the purposes of this ordinance.

Indoor Recreation Center: An establishment which provides indoor exercise facilities and indoor court sports facilities, and which may include spectator seating in conjunction with the sports facilities. For the purposes of this ordinance, a bowling establishment shall be considered a type of indoor recreation center.

Industrial Park: A group of two or more buildings, usually on separate lots, for industrial, research, or warehousing uses, with a common street or driveway system, developed according to an overall plan for the park, and identified by a name for the park.

Ingress and Egress: As used in this ordinance, “ingress and egress” generally is used in reference to a driveway, which allows vehicles to enter or leave a parcel of property, or to a sidewalk, which allows pedestrians to enter or leave a parcel of property, a building, or another location.

Interstate Highway: A highway officially designated as a part of the national system of interstate and defense highways by the Department of Transportation and approved by the appropriate authority of the Federal government. (Act #106 of Public Acts of 1972.)

Junk: Any motor vehicles, machinery, appliances, products or merchandise with parts missing, or other scrap materials that are damaged, deteriorated, or are in a condition which prevents their use for the purpose for which the product was manufactured.

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

Kennel: Any lot or premises on which four (4) or more adult dogs of more than six (6) months in age are confined either permanently or temporarily.

Landscaping: The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other live plant material. In addition, a landscape design may include other decorative man-made materials, such as wood chips, crushed stone, boulders, or mulch. Structural features such as fountains, pools, statues, and benches shall also be considered a part of landscaping, but only if provided in combination with live plant material. Artificial plant materials shall not be counted toward meeting the requirements for landscaping. Various landscaping-related terms are defined as follows:

Berm: A continuous, raised earthen mound with a flattened top and sloped sides, capable of supporting live landscaping materials, and with a height and width that complies with the requirements of this ordinance.

Grass: Any of a family of plants with narrow leaves normally grown as permanent lawns in Washtenaw County, Michigan.

Greenbelt: A strip of land of definite width and location reserved for the planting of a combination of shrubs, trees and ground cover to serve as an obscuring screen or buffer for noise or visual enhancement, in accordance with the requirements of this ordinance.

Ground Cover: Low-growing plants that form a dense, extensive growth after one complete growing season, and tend to prevent weeds and soil erosion.

Hedge: A row of closely planted shrubs or low-growing trees which commonly form a continuous visual screen, boundary, or fence.

Interior Landscaping Area: A landscaped area located in the interior of a parking lot in such a manner as to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area.

Nurse Grass: Any of a variety of rapidly-growing annual or perennial rye grasses used to quickly establish ground cover to prevent dust or soil erosion.

Screen or Screening: A wall, wood fencing, or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the screen is composed of non living material, such materials shall be compatible with materials used in construction of the main building, but in no case shall include wire fencing.

Shrub: A self-supporting, deciduous, or evergreen woody plant normally branched near the base, bushy, and less than fifteen (15) feet in height.

Sod: An area of grass-covered surface soil held together by matted roots. Types of sod are defined as follows:

Mineral Sod: A piece from the surface of grassland containing the grass, support soil, and the healthy roots, extracted with the intention of replanting in another area for the purpose of establishing lawn areas. The sod is grown on mineral soil, commonly referred

to as “topsoil”, and must be a minimum of two (2) years old. The grasses permitted for use in sod for landscaped lawns should be a blend that reflects the current standards in the industry and has been demonstrated to prosper under local conditions.

Peat Sod: A piece from the surface of grassland containing the grass, support soil, and the healthy roots, extracted with the intention of replanting in another area for the purpose of establishing lawn areas. The sod is grown on peat and must be a minimum of two (2) years old. The grasses permitted for use in sod for landscaping lawns should be a blend that reflects current standards in the industry and has been demonstrated to prosper under local conditions.

Tree: A self-supporting woody, deciduous or evergreen plant with a well-defined central stem which normally grows to a mature height of fifteen (15) feet or more in Washtenaw County, Michigan. Types of trees are defined as follows:

Deciduous Tree: A variety of tree that has foliage that is shed at the end of the growing season.

Evergreen Tree: A variety of tree that has foliage that persists and remains green throughout the year.

Ornamental Tree: A deciduous tree which is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of about twenty-five (25) feet or less.

Shade Tree: For the purposes of this ordinance, a shade tree is a deciduous tree which has a mature crown spread of fifteen (15) feet or greater in Washtenaw County, Michigan, having a trunk with at least five (5) feet of clear stem at maturity.

Vine: A plant with a flexible stem supported by climbing, twining, or creeping along the surface, and which may require physical support to reach maturity.

Livestock: Horses, cattle, sheep, goats, pigs, and other domestic animals normally kept or raised on a farm.

Loading Space, Off-Street: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

Lot: A lot is a parcel of land, excluding any public or private street or other right-of-way and any other easement area, 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 herein required. Parcels two (2) acres or greater in area shall include rights-of-way or easements in determining lot area. Such lot shall have frontage on a public street or on a private street approved by the Township Board and may consist of:

- A.** A single lot of record;
- B.** A portion of a lot of record;
- C.** Any combination of complete and/or portion of lots of record if contiguous; and
- D.** 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 ordinance.

In addition to the land required to meet the regulations herein, 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: The lot area used to satisfy the minimum lot area requirement and lot coverage, and floor area ratio requirements.

Lot, Corner: A corner lot is a lot of which at least two adjacent sides abut for their full length upon a street.

Lot Coverage: That part or percentage of the lot occupied by buildings or structures, including accessory building or structures.

Lot, Double Frontage: Any interior lot having frontage on two streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

Lot, Interior: Any lot other than a corner lot with only one (1) lot line fronting on a street.

Lot Lines:

- A. Front Lot Line:** In the case of a lot not located on a corner, the line separating said lot from the street right-of-way. In the case of a corner lot or double frontage lot, the Front Lot Line shall be that line that separates said lot from that street which is designated as the front street on the plat, or which is designated as the front street on the site plan review application or requirement for a building permit.
- B. Rear Lot Line:** Ordinarily, that lot line which is opposite and most distant from the front lot line. In the case of lots that are pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet in length, lying farthest from the front lot line and wholly within the lot.
- C. Side Lot Line:** Any lot line other than the front or rear lot lines. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot Measurements:

- A. Depth:** The horizontal distance between the front lot line fronting on a public or private road and rear lot line, measured along the median between the side lot lines.
- B. Width:** The straight line distance between the side lot lines, measured at the two points where the front yard setback line intersects the side lot line (see illustration).

Lot Of Record: A parcel of land, the dimensions and configuration of which are shown on a subdivision plat recorded in the offices of the Washtenaw County Register of Deeds or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a land surveyor (registered and licensed in the State of Michigan) and likewise so recorded with the Washtenaw County Register of Deeds.

Lot Split And Consolidation: The dividing or uniting of Lots of Record by virtue of changes in deeds in the office of the Washtenaw County Register of Deeds.

Main Access Drive: Any private street designed to provide access from a public street or road to a mobile home park, apartment or condominium complex, or other private property development.

Main Use: The principal use to which the premises are devoted and the principal purpose for which the premises exist.

Major Thoroughfare: An arterial street which is intended to serve as a large volume traffic-way for both the immediate area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway or equivalent term to identify those streets comprising the basic structure of the street plan. Any street with a width, existing or proposed, of one hundred twenty (120) feet shall be considered a major thoroughfare.

Manufacturing: The process of making products by hand, by machinery, or by other agency, often with the provision of labor and the use of machinery.

Marginal Access Road: A service roadway parallel to a feeder road which provides access to abutting properties and protection from through traffic.

Mezzanine: An intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than one-third (1/3) of the floor area of the story in which the level or levels are located.

Mini-Warehouse: A building or group of buildings within, each of which consists of several individual storage units, each with a separate door and lock and which can be leased on an individual basis. Mini-warehouses are typically contained within a fenced, controlled-access compound.

Mobile Home: See **Dwelling, Mobile Home**.

Mobile Home Park: Any parcel of land intended and designed to accommodate more than one mobile home on a continual non-recreational basis and which is offered to the public for that purpose, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and subject to conditions set forth in the Mobile Home Commission Rules and Michigan public Act 96 of 1987, as amended.

Mobile Home Site: A plot of ground within a mobile home park designed for accommodation of a mobile home.

Mobile Home Stand: That part of a mobile home site designed for the placement of a mobile home, appurtenant structures, or additions, including expandable rooms, enclosed patios, garages or structural additions.

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

Natural Features: Natural features shall include soils, wetlands, floodplains, water bodies and channels, topography, trees and other types of vegetative cover, and geologic formations.

Non-Conforming Building, Structure: A structure, building, or portion thereof that was lawfully in existence at the effective date of this ordinance, or amendments thereto, and which does not now conform to the provisions of the ordinance in the zoning district in which it is located.

Non-Conforming Lot: A lot which was lawfully in existence at the effective date of this ordinance, or amendments thereto, and which does not now conform to the lot size, lot width, or other regulations pertaining to lots in the zoning district in which it is located.

Non-Conforming Use: A use which was lawfully in existence at the effective date of this ordinance, or amendments thereto, and which does not now conform to the use regulations of the zoning district in which it is now located.

Non-Domestic Animal Farm - A farm or land use activity involving a single or multiple species of animals which normally has not been brought under control by man and designated as common or domestic for farming purposes. Such animals may not have been improved by selection and/or breeding so that its products and services are of common use.

Nuisance: Any offensive, annoying, or disturbing practice or object, which prevents the free use of one's property, or which renders its ordinary use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts which give offense to the senses, violates the laws of decency, obstructs reasonable and comfortable use of property, or endangers life and health.

Nursery, Day Nursery, Nursery School: See **Day Care Facility**.

Nursery, Plant Material: A space, building, and/or structure, or combination thereof, where live trees, shrubs, and other plants used for gardening and landscaping are propagated, stored, and/or offered for sale on the premises.

Nursing Home, Convalescent Home, Or Rest Home: A home for the care of the aged, infirmed, or those suffering from bodily disorders, wherein two or more persons are housed or lodged and furnished with nursing care. Such facilities are licensed in accordance with Michigan Public Acts 139 of 1920, as amended.

Occupied: Used in any way at the time in question.

Office Park: A group of two or more buildings, on individual lots or one undivided parcel, with a common street or driveway system, developed according to an overall plan for the park, and identified by a name for the park.

Off-Street Parking Area: A land surface or facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) automobiles.

Open Air Business: Any business that is conducted primarily out-of-doors. Unless otherwise specified herein, open air business shall include:

- A. Retail sales of garden supplies and equipment, including but not limited to: trees, shrubbery, plants, flowers, seed, topsoil, trellises, and lawn furniture.
- B. Roadside stands for the sale of agricultural products, including fruits, vegetables, and Christmas trees.
- C. Various outdoor recreation uses, including but not limited to: tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, and children's amusement parks.
- D. Outdoor display and sale of garages, swimming pools, playground equipment, and similar uses.

Open Space, Common: Shall mean open space or recreational use set aside for the use of the owners of lots participating in a unit development of residential lots. Such space may include private recreational facilities such as golf courses or swimming pools, historic building sites, parks, parkway areas, ornamental parks, extensive areas with tree cover, low land along streams or areas of rough terrain which have natural features worthy of scenic preservation.

Outlot: A parcel of land which is designated as an "outlot" on the recorded plat, and which is usually not intended to be used for the same purposes as other lots in the plat.

Par-3 Golf Course: A golf course consisting of shortened fairways, typically no longer than two hundred (200) yards. Par-3, eighteen hole golf courses typically occupy fifty (50) to sixty (60) acres.

Parcel: See **Lot**.

Parking Lot, Off-Street: An area on private property which provides vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide safe and convenient access for entrance and exit and for parking of more than four (4) vehicles.

Parking Space: One unit of a parking area provided for the parking of one automobile. This space shall have an area of not less than two hundred (200) square feet, and shall be exclusive of curves, driveways, aisles or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.

Person: An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

Personal Fitness Center: A facility which provides indoor exercise facilities, such as exercise machines and weight-lifting equipment, usually in a structured physical activity program supervised by professional physical fitness instructors. As defined herein, “personal fitness center” shall not include court sports facilities or spectator seating for sports events. A personal fitness center may or may not be enclosed within a gym.

Pet: A domesticated dog, cat, bird, gerbil, hamster, guinea pig, turtle, fish, rabbit, or other animal that is commonly available and is kept for pleasure or companionship.

Planned Development: A planned development may include such concepts as, planned unit development, community unit development, planned community, planned residential development, and other terminology denoting special zoning requirement and review procedures. These requirements and procedures are intended to provide design and regulatory flexibility, so as to accomplish the objectives of this ordinance using innovative and effective planning approaches.

Planning Commission: See Township Planning Commission.

Planting Strip: A combination of “natural” plant materials such as ground cover, deciduous and/or evergreen shrubs, deciduous and/or evergreen trees, and/or deciduous small ornamental trees.

Pool or Billiard Hall: An establishment wherein the substantial or significant portion of all usable area is devoted to the use of pool or billiard tables.

Primary Highway: A highway, other than an Interstate Highway or freeway, officially designated as a part of the federal aid primary system as defined in Section 103 of title 23 of the United States Code, as amended by the Department of Transportation approved by the appropriate authority of the Federal government. (Act #106 of Public Acts of 1972.)

Principal Use: See **Use, Principal.**

Private Road: A street or road under private ownership which has been constructed to Township specifications and received Township Board approval for the purposes of providing access to adjoining property, and which is normally open to the public so that persons other than the occupants of adjoining property may travel thereon.

Property Line: The line separating a piece of property from the street right-of-way and the lines separating a parcel of property from the parcels next to it. See also **Lot Line.**

Public Services: The term “public services” shall mean public or quasi-public utilities or municipal departments or Township-certified companies providing underground, surface or overhead services, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, and welfare of the public. Public services shall not include storage yards, sales or business offices, or commercial buildings or activities.

Public Utility: Any person, firm, corporation, municipal department or board duly authorized to furnish under federal, state or municipal regulations, to the public; electricity, gas, steam, communications, telegraph, transportation, water, or sanitary sewage and storm water facilities.

Public Use: A use operated by a public body, said use having the purpose of serving the public health, safety, or general welfare and including uses such as public schools, parks, playgrounds, hospitals and administrative and service facilities.

Quarry: The term “Quarry shall mean any pit, excavation, or mining operation for the purpose of searching for or removing, for commercial use, any earth, sand, gravel, clay, stone, slate, marble, or other non-metallic mineral in excess of five hundred (500) cubic yards in any calendar year, but shall not include an oil well or excavation preparatory to the construction of a building or structure.

Recreational Land: Any public or privately owned lot or land that is utilized for recreation activities such as, but not limited to, camping, swimming, picnicking, hiking, nature trails, boating, and fishing.

Recreational Vehicle: “Recreational Vehicles: shall include the following:

- A. Travel Trailer:** A portable vehicle on a chassis, not exceeding thirty-six (36) feet in length or nine (9) feet in width, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a “travel trailer” by the manufacturer. Travel trailers generally contain sanitary, water, and electrical facilities.
- B. Pickup Camper:** A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.
- C. Motor home:** A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.
- D. Folding Tent Trailer:** A canvas folding structure mounted on wheels and designed for travel and vacation use.
- E. Boats and Boat Trailers:** “Boats” and “boat trailers” shall include boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.
- F. Other Recreational Equipment:** Other recreational equipment includes snowmobiles, all-terrain or special terrain vehicles, utility trailers, plus the normal equipment to transport them on the highway.

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

Roadside Stand: A temporary building or structure operated for the purpose of selling only produce raised or produced on the premises where situated, and its use shall not make a commercial district, nor shall its use be deemed a commercial activity.

Rooming House: A dwelling in which more than three (3) persons either individually or as families are housed or lodged for hire without meals.

Screen: A structure providing enclosure, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be a non-structure consisting of shrubs, or other growing materials.

Secondary Access Drive: Any private street that is generally parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.

Semi-Trailer: A trailer, which may be enclosed or not enclosed, exceeding eighteen (18) feet in length, having wheels generally only at the rear, and supported in front by a truck tractor or towing vehicle.

Service Truck: A pick-up truck or van that is used in conjunction with a repair or maintenance business, such as a plumbing, electrical, or carpentry business.

Setback: The distance between a front, side or rear lot line and the nearest supporting member of a permanent structure on the lot. The Minimum Required Setback is the minimum distance between a front, side, or rear lot line and the nearest supporting member of a structure in order to conform to the required yard setback provisions of this ordinance (see definition of **Yard**).

Shopping Center: A group of commercial establishments, primarily retail uses, that are compatible with each other and are mutually supportive, in one or more buildings, on a site that is planned, developed, and managed as one operating unit, with common driveways, parking areas, identification signs and other common facilities and services.

Sign: Any device designed to inform, or attract the attention of persons not on the premises on which the sign is located, provided however, that the following shall not be included in the application of the regulations herein:

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

Site Condominium: A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed. Following are definitions pertaining to site condominiums:

- A. Condominium Act:** Act 59 of 1978, as amended.
- B. Condominium Documents:** The master deed, recorded pursuant to the Condominium Act, 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.
- C. Condominium Lot:** The land in a condominium unit, together with the land in the adjacent and appurtenant limited common element, if there is such a limited common element.
- D. Condominium Subdivision Plan** - The drawings and information prepared in accordance with Section 66 of the Condominium Act.
- E. Condominium Unit:** The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
- F. Consolidating Master Deed:** 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.
- G. Contractible Condominium:** A condominium project from which any portion of the submitted land or buildings may be withdrawn in accordance with this Ordinance and the Condominium Act.
- H. Conversion Condominium:** 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.
- I. Expandable Condominium:** A condominium project to which additional land may be added in accordance with this Ordinance and the Condominium Act.
- J. Master Deed:** The condominium document 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.

- K. Notice Of Proposed Action:** The notice required by Section 71 of the Condominium Act, to be filed with Manchester Township and other agencies.

Site Plan: A plan showing all salient features of a proposed development, as required in ARTICLE 15.0, so that it may be evaluated to determine whether it meets the provisions of this ordinance.

Special Event: An occurrence or noteworthy happening of seasonal, civic, or church importance, which is organized and sponsored by a non-profit Manchester Township community group, organization, club or society, and which offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment. Special events typically run for a short period of time (less than two weeks) and are unlike the customary or usual activities generally associated with the property where the special event is to be located. All such special events shall be open to the public.

Special Land Use: See **Conditional Land Use**.

Stable, Private: An enclosed building intended for the keeping of horses or other large domestic animals, for the noncommercial use of the residents of the principal residential use on the site.

Stable, Public: An enclosed building for housing for the keeping of horses or other large domestic animals, in which any such animals are kept for remuneration, hire, or sale.

State Licensed Residential Facility: Any structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 287 of 1972, Public Act 116 of 1973, or Public Act 218 of 1979. These acts provide for the following types of residential structures:

- A. Adult Foster Care Facility:** A residential structure that is licensed to provide room, board and supervised care, but not continuous nursing care, for unrelated adults over the age of 17, in accordance with Public Act 218 of 1979, as amended, and the Adult Foster Care Administrative Rules as administered by the Michigan Department of Social Services. The following four (4) types of Adult Foster Care homes are provided for by these rules:

1. **Family Home:** Residence for six (6) or fewer adults. Licensee must live in the home, and local zoning approval is not required prior to issuance of a license.
2. **Adult Foster Care Small Group Home:** Residence for twelve (12) or fewer adults. Licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license only if seven (7) or more residents will live in the house.
3. **Adult Foster Care Large Group Home:** Residence for thirteen (13) to twenty (20) adults. Licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license.
4. **Congregate Facility:** Residence for more than twenty (20) adults.
5. **Foster Family Home:** A private residence that houses four (4) or fewer foster children, up to age 19, under constant care and supervision. Under public Act 116 of 1973, a Foster Family Home does not require local zoning approval before being licensed by the Department of Social Services.
6. **Foster Family Group Home:** A private residence that houses five (5) or six (6) foster children, up to age 19, under constant care and supervision. Under Public Act 116 of 1973, a Foster Family Group Home requires local zoning approval before being licensed by the Department of Social Services.

Story: That portion of a building, other than a basement or mezzanine as defined herein, included between the upper surface of any floor and the upper surface of the floor or roof next above it.

A mezzanine shall be deemed a full story when it covers more than one-third (1/3) of the area of the story underneath said mezzanine, or if the vertical distance from the floor directly below the mezzanine to the floor next above it is twenty-four (24) feet or more.

A basement shall be deemed a full story when the vertical distance from the average grade at the lot where the structure is located, to the floor below is less than the vertical distance from the average grade to the ceiling (see illustration for Basement). However, in the event that a basement does qualify as a story, only fifty percent (50%) of the floor area of this story may qualify in computing minimum floor area for a zoning district.

Story, Half: The uppermost story lying under a pitched roof, the usable floor area of which does not exceed two-thirds of the floor area of the uppermost full story. The usable floor area of a half story shall be at least 160 square feet with a minimum clear height of seven (7) feet six (6) inches.

Street: A public thoroughfare which affords the principal means of access to abutting property having a right-of-way not less than sixty-six (66) feet in width. Various types of streets are defined as follows:

- A. Arterial Street:** A major street that carries high volumes of traffic and serves as an avenue for circulation of traffic onto, out of, or around the Township.
- B. Collector Street:** A street whose principal function is to carry traffic between minor, local, and sub-collector streets and arterial streets but may also provide direct access to abutting properties.
- C. Cul-De-Sac:** A street that terminates in a vehicular turnaround.
- D. Local or Minor Street:** A street whose sole function is to provide access to abutting properties.
- E. Private Street or Road:** A street or road under private ownership which has been constructed to Township specifications and received Township Board approval for the purposes of providing access to adjoining property, and which is normally open to the public so that persons other than the occupants of adjoining property may travel thereon.
- F. Service Drive:** A roadway, normally adjacent to an existing primary roadway, designed to access principle land uses.

Street Line: The dividing line between the street right-of-way and the lot. When such right-of-way is not definable, a line shall be defined as thirty-three (33) feet on either side of the center of the street.

Structure: Anything constructed, erected or placed with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground.

Subdivision Plat: The division of a tract of land into two or more lots, building sites, or other divisions for the purpose of sale or building development, in accordance with the Subdivision Control Act, Michigan Public Act 288 of 1967, as amended, and the Manchester Township Subdivision Control Ordinance, as amended.

Temporary Building or Use: A building or use permitted to exist during periods of construction of the principal building or use, or for special events.

Theater: A building, room, or outdoor structure for the presentation of performances or motion pictures. For the purposes of this ordinance, the following distinctions between various types of theaters shall apply:

- A. Motion Picture Theater:** An enclosed building used for presenting motion pictures which are observed by paying patrons from seats situated within the building.

- B. Outdoor Theater:** A site on which a motion picture screen is constructed for presenting motion pictures which are observed by paying patrons from their own cars situated on the site.
- C. Live Theater:** The performance of dramatic literature by live actors or performers.

Tourist Homes: A dwelling in which overnight accommodations are provided or offered to transient guests for compensation. A tourist home shall not be considered or construed to be a multiple dwelling, motel, hotel, boarding or rooming house.

Township: The Township of Manchester, Washtenaw County, Michigan.

Township Board: The Board of Trustees of the Township of Manchester, Washtenaw County, Michigan.

Township Planning Commission: The Planning Commission of the Township of Manchester, Washtenaw County, Michigan, as established under Act 168 of the Public Acts of 1959, as amended.

Toxic or Hazardous Waste: Waste or a combination of waste and other discarded material including solid, liquid, semisolid, or contained gaseous material which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to the following if improperly treated, stored, transported, disposed of, or otherwise managed:

- A.** Increase in mortality, or
- B.** Increase in serious irreversible illness, or
- C.** Serious incapacitating, but reversible illness, or
- D.** Substantial present or potential hazard to human health or the environment.

Truck Terminal: A structure to which goods, except raw or unprocessed agricultural products, natural minerals, or other resources, are delivered for immediate distribution or to be amalgamated or divided for delivery in larger or smaller units to other points, or for distribution, amalgamation, or division involving transfer to other modes of transportation.

Use: The purpose for which land or premises or a building thereon is designed, arranged or intended, or for which it is occupied, maintained, let, or leased.

- A. Use, Permitted:** A use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and standards of such district.
- B. Use, Principal:** The main use of land and buildings and the main purpose for which land and buildings exist.
- C. Use, Accessory:** See **Accessory Use, Building, or Structure.**
- D. Use, Special Land:** See **Conditional Land Use.**

Utility Trailer: A small trailer that is designed to be pulled by an automobile, van, or pick-up truck.

Variance: A variance is a relaxation of the terms of the zoning ordinance 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 the action of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area and size of yards and open spaces and parking space; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning division or district or adjoining zoning division or districts.

Vehicle repair, Minor: Engine tune-ups electrical systems, suspension systems, brakes, exhaust systems, cooling systems and heating and air conditioning systems repair; rust proofing; tire replacement; wheel balancing and alignment and diagnostic services.

Vehicle Repair, Major: Engine overhauling or rebuilding, valve and piston repair, transmission repair, axle and universal joint repair, body repair, painting and refinishing.

Veterinary Hospital: See **Clinic, Veterinary.**

Warehouse: A building used for short and/or long term storage in connection with production and marketing or in connection with manufacturing, freight handling, and retailing. See also **Distribution Center.**

Yard: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise permitted in this ordinance. (See definition for Setback and illustration).

- A. Yard, Front:** An open space extending the full width of the lot, the depth of which is the minimum distance between the front lot line fronting on a public or private road and the nearest line of the permanent structure. Unless otherwise specified, on corner lots there shall be maintained a front yard along each street frontage.
- B. Yard, Rear:** An open space extending the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and the nearest line on the permanent structure. On corner lots, the rear yard may be opposite either street frontage, but there shall only be one rear yard.
- C. Yard, Side:** An open space between a permanent structure and the side lot line, extending from the front yard to the rear yard, the width of which shall be the horizontal distance from the nearest point of the side lot line to the nearest point of the permanent structure.

Zero Lot Line Development: A development approach in which a building is sited on one or more lot lines with no yard.

SECTION 2.04 Undefined Terms

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

**ARTICLE 3.0
GENERAL PROVISIONS**

SECTION 3.01 - ESTABLISHMENT OF DISTRICTS

The Township of Manchester, Washtenaw County, Michigan, is hereby divided into the following zoning districts as shown on the official zoning map, which together with all explanatory matter shown thereon, is hereby adopted by reference and declared to be a part of this ordinance.

- AR** - Rural Agricultural District
- LR** - Low Density Residential District
- UR** - Urban Residential District
- MHP** - Mobile Home Park District
- CC** - Community Commercial Center District
- CM** - Community Manufacturing
- PUD** - Planned Unit Development District

SECTION 3.02 - PROVISION FOR OFFICIAL ZONING MAP

For the purpose of this ordinance the zoning districts as provided in SECTION 3.01 of the ordinance are bounded and defined as shown on a map entitled "Official Zoning Map of Manchester Township," a copy of which accompanies this ordinance and which, with all explanatory matter thereon, is hereby made a part of this ordinance.

SECTION 3.03 - IDENTIFICATION OF OFFICIAL ZONING MAP

The official zoning map shall be identified by the 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 Manchester Township Official Zoning Map"***, a copy of which accompanies this Ordinance and which, with all explanatory matter thereon, is hereby made a part of this Ordinance.

SECTION 3.04 - CHANGES TO OFFICIAL ZONING MAP

If in accordance with the procedures of this ordinance and of Public Act 110 of 2006, as amended, a change is made in a zoning district boundary, such change shall be made by the Township Supervisor promptly 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 of the Township Board, the following (change) changes were made in the official zoning map: "(brief description of change)" which entry shall be signed by the Township Supervisor and certified by the Township Clerk. No change 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 conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided in SECTION 18.09. Any changes in corporate boundaries within the Township shall be recorded on the official zoning map by the Township Supervisor.

SECTION 3.05 - AUTHORITY OF OFFICIAL ZONING MAP

Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map shall be located in the Township Offices located in the Township Hall and shall be open to public inspection. Such 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.

SECTION 3.06 - REPLACEMENT OF OFFICIAL ZONING MAP

In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes made thereto, the Township Board may adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions on the prior official zoning map, but no such corrections shall have the effect of amending the zoning ordinance or the prior Official Zoning Map. The new official zoning map shall be identified by the 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 Manchester Township adopted on (date) which replaces and supersedes the Official Zoning Map which was adopted on (date).”***

Unless the prior official zoning map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved together with all available records pertaining to its adoption or amendment.

SECTION 3.07 - MINIMUM REQUIREMENTS

The regulations established by this ordinance shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare in Manchester Township.

SECTION 3.08 - RELATIONSHIP TO OTHER ORDINANCES OR AGREEMENTS

This ordinance is not intended to abrogate or annul any ordinance, rule, regulation, permit, easement, covenant, or other private agreement previously adopted, issued, or entered into and not in conflict with the provisions of this ordinance.

However, where the regulations of this ordinance are more restrictive or impose higher standards or requirements than other such ordinances, rules, regulations, permits, easements, covenants, or other private agreements, the requirements of this ordinance shall govern.

SECTION 3.09 - RULES FOR INTERPRETATION

Where, due to scale, lack of detail, or illegibility of the official zoning map, there is any uncertainty, contradiction, or conflict as to the intended location of any zoning district boundary as shown thereon, the Zoning Administrator shall interpret the map upon inquiries of any person. Any person aggrieved by such interpretation may appeal it to the Zoning Board of Appeals. The Zoning Administrator and the Zoning Board of Appeals, in interpreting the zoning map or deciding an appeal, shall apply the following standards.

- A.** A boundary indicated as approximately following the centerline of a highway, street, alley or easement shall be construed as following such centerline.
- B.** A boundary indicated as approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.
- C.** A boundary indicated as approximately following the corporate boundary line of a municipality shall be construed as following such line.
- D.** A boundary indicated as following a railroad line shall be construed as being midway between the main tracks.
- E.** A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.
- F.** A boundary indicated as following the centerline of a stream, river, canal, lake or other body of water shall be construed as following such centerline.
- G.** A boundary indicated as a parallel to or an extension of a feature indicated in paragraphs A through F above shall be so construed.
- H.** A distance not specifically indicated on the official zoning map shall be determined by the scale of the map.
- I.** 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 paragraphs A through H above, the Board of Appeals shall interpret the zoning district boundary.

- J. Where a district boundary line divides a lot which is in single ownership at the time of adoption of this ordinance, the Board of Appeals may permit as a conditional use, the extension of the regulations for either portion of the lot to the nearest lot line, but not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

If, after application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary line, the boundary line shall be determined in a reasonable manner, considering the history of uses of property and the history of zoning ordinances and amendments in Manchester Township as well as other relevant facts.

SECTION 3.10 - APPLICATION OF REGULATIONS

No structure shall be constructed, erected, placed or maintained and no use shall be commended or continued within Manchester Township except as specifically, or by necessary implication, authorized by this ordinance, in the zoning district in which said structure or use is to be located.

Conditional uses shall be allowed only if listed as a conditional use specifically, or by necessary implication, in the zoning district in which the use is to be located, and only after a conditional use permit has been approved by the Planning Commission, as provided in this ordinance. Any use lawfully existing at the effective date of adoption or amendment of this Ordinance and which is permitted as a conditional use in a district under the terms of this Ordinance shall be deemed a conforming use and shall, without further action, application, or review be considered a conforming use. Expansion of a conditional use or change of one conditional use to another conditional use shall be permitted in accordance with SECTION 12.10, herein.

Where a lot is devoted to a principal use, either permitted by right or as a conditional use, accessory uses and structures are authorized except as prohibited specifically or by necessary implication, provided such use or structure meets the definition of accessory use, building or structure in this ordinance.

SECTION 3.11 - ADMINISTRATIVE STANDARDS

Whenever, in the course of administration and enforcement of this ordinance, it is necessary or desirable to make any administrative decision, then, unless other standards are provided in this ordinance, the decision shall be made so that the result will not be contrary to the spirit and purpose of this ordinance or injurious to the surrounding neighborhood.

SECTION 3.12 - SCOPE OF PROVISIONS

Except as may otherwise be provided in ARTICLE 17.0 of this ordinance, every building and structure erected, every use of any lot, building or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of or addition to an existing use, building and structure occurring after the effective date of this ordinance shall be subject to all regulations of this ordinance which are applicable in the zoning district in which such use, building or structure shall be located. However, where a building permit for a building or structure, use of building or structure, or use of lot or parcel, has been issued in accordance with the law prior to effective date of this ordinance and provided that construction is begun within three hundred sixty-five (365) days of such effective date and diligently pursued to completion, said building or structure, use of building or structure, or use of lot or parcel, may be completed in accordance with the approved plans on the basis of which the building permit has been used, and further, may upon completion be occupied by the use for which originally designated, subject thereafter to the provisions of ARTICLE 17.0 of this ordinance.

No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

No yard or lot existing at the time of adoption of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

SECTION 3.13 - UNLAWFUL BUILDINGS, STRUCTURES, SITE DESIGNS, AND USES

A building, structure, or use which was not lawfully existing at the time of adoption of this ordinance shall not become or be made lawful solely by reason of the adoption of this ordinance. In case any building, or part thereof, is used, erected, occupied or altered contrary to law or the provisions of this ordinance, such building shall be deemed as unlawful structure and a nuisance and may be required to be vacated, torn down or abated by any legal means, and shall not be used or occupied until it has been made to conform to the provisions of this ordinance. Public expenditures toward abating any such nuisance shall become a lien upon the land.

SECTION 3.14 - CONTINUED CONFORMITY WITH YARD AND BULK REGULATIONS

The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, for as long as the building is in existence.

No portion of a lot used in complying with the provisions of this ordinance for yards, courts, lot area, lot coverage, in connection with an existing or planned building or structure, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.

SECTION 3.15 DIVISION AND CONSOLIDATION OF LAND

The division and consolidation of land shall be in accordance with the Subdivision Control Ordinance of Manchester Township. No zoning lot shall hereafter be divided into two or more lots and no portion of any lot shall be sold, unless all lots resulting from each such division or sale conform with all applicable regulations of the zoning district in which the property is located.

SECTION 3.16 - VOTING PLACE

Nothing in this ordinance shall interfere with the temporary use of any property as a voting place for any public election.

SECTION 3.17 - NUMBER OF BUILDINGS ON A LOT

Not more than one principal detached single-family dwelling unit shall be located on a lot, nor shall a principal detached single family dwelling unit be located on the same lot with any other principal building or structure, except as permitted under ARTICLE 11.0, Planned Unit Development District and SECTION 16.14 Residential Cluster Option of this Ordinance or on bonified farming operations for agricultural employees.

SECTION 3.18 - ACCESSORY BUILDINGS

Except for agricultural purposes, no accessory building shall be used prior to the principal building or use, except as a construction facility for the principal building.

SECTION 3.19 - TEMPORARY DWELLING STRUCTURES

A. Temporary Residential Dwelling:

1. A mobile home may be used as a temporary dwelling by a family while repairing, replacing or building a legal dwelling. Such temporary dwelling shall be permitted only in the AR, LR, and UR zoning districts. Only a mobile home may be used as a temporary dwelling; a camper, travel trailer, motor home, recreation vehicle, cabin, tent, basement, garage or similar unit shall not be used as a temporary dwelling in any zoning district.
2. A mobile home may be used as a temporary dwelling for a period of one (1) year when the construction of a permanent dwelling is being constructed on the premises.

- 3. On a parcel of land not less than forty (40) acres, the use of one (1) mobile home as an accessory dwelling to a permanent dwelling, provided the occupants of the accessory dwelling are immediate relatives of the occupants of the permanent dwelling. Immediate relatives shall be defined so as to include father, mother, son, daughter, brother, or sister, and/or their family.
- 4. On a parcel of land not less than sixty (60) acres in area, the use of one (1) mobile home as an accessory dwelling to a permanent dwelling for the purpose of housing an agricultural worker and his family, provided the occupants of the permanent dwelling operate a bonafide agricultural enterprise. An agricultural worker shall be defined as a person who earns fifty percent (50%) or more of his income from such an agricultural enterprise.

B. Non-Residential Temporary Structure: A non-residential temporary structure designed as a general sales office, a sales/rental office or financial institution may be used exclusively for such purposes during construction of a permanent structure designed for any such purpose. Such temporary structure shall be permitted only in a commercial or industrial zoning district, and only if such permanent structure and use is permitted in said zoning district.

A non-residential temporary structure, designed as a sales/rental office, may be used in a residential development exclusively for the purpose of selling, leasing or renting new dwelling units within said residential development.

C. Required Approval: A temporary structure shall not be occupied until a certificate of occupancy has been issued by the Township Building Inspector. The building inspector shall not issue a certificate of occupancy until all provisions of this Ordinance have been met, and a performance guarantee has been deposited as may be required herein.

D. Application: An application for such a permit shall be filed with the Township Clerk. The application shall include the following information:

- 1. Name and address of the applicant and property owner.
- 2. Accurate legal description of the lot which the temporary structure is to be located.
- 3. A preliminary site plan, including the location of all proposed permanent improvements on the site and the relationship of temporary improvements to said permanent improvement.
- 4. Information showing the necessity of use of the temporary structure in meeting the construction schedule of the permanent structure(s) on the lot.
- 5. Copies of all permits and certificates required in SECTION 3. F herein.
- 6. An estimate, with supporting information, of the reasonable cost of removal of the temporary structure and temporary site improvements, and of site cleanup, upon expiration of the permit.

E. Planning Commission Action: Upon determining that an application conforms to all regulations of this ordinance, and the requirements for a conditional use permit, the Planning Commission shall approve the conditional use permit. The Planning Commission may attach conditions to its approval which it deems necessary to protect the public health, safety and welfare and to insure compliance with this ordinance. The approved use shall be specifically stated on the conditional use permit.

F. Regulations

1. A temporary structure shall comply with all use, yard, and parking requirements of the zoning district in which located. A certificate of zoning compliance shall be obtained from the Zoning Administrator.
2. A temporary structure shall be connected to public water and sanitary sewer lines, where available. If public water and sanitary lines are not available to the lot, the temporary structure shall be connected to a well and septic tank, in which case the applicant shall obtain a permit therefor from the Washtenaw County Health Department.
3. A temporary structure shall be permitted only on the same lot as the permanent structure, except that a temporary sales/rental office in a residential development may be located within the boundary lines of said residential development.
4. The term of the permit shall not exceed one (1) year, provided that, in the discretion of the Planning Commission, the term may be extended for one (1) period not exceeding six (6) months. Extension shall only be made on written application filed twenty (20) days or more prior to such expiration, setting forth facts showing due diligence in construction of the permanent structure. An extension shall not be approved unless construction of the permanent building has commenced within one hundred eighty days (180) days of the date of approval of the conditional use permit, and diligently pursued.
5. The use of a temporary structure shall be a conditional use in the district in which said structure is to be located, provided that the use of a non-residential temporary structure shall not be other than a general sales office, a sales/rental office, or a financial institution.
6. An erosion control permit shall be obtained from the Washtenaw County Erosion Officer.
7. A driveway permit shall be obtained from the Washtenaw County Road Commission or the Michigan Department of State Highways and Transportation, whichever is applicable.
8. Driveway and parking areas shall be paved or constructed of compacted gravel or crushed limestone.
9. A performance guarantee in the form of cash or an irrevocable bank letter of credit shall be deposited with the Township Treasurer in the amount estimated by the Township Planning Commission to be sufficient to assure that, upon expiration of the term of the permit, the temporary structure and all temporary site improvements will be removed, and the site restored to a stable, safe and nuisance-free condition. The guarantee shall provide that, in breach thereof, the Township shall be entitled to enter upon the site and complete such removal and restoration, and defray the cost thereof out of said deposit.
10. The permittee shall cause the temporary structure to be removed within thirty (30) days of the date of issuance of a certificate of occupancy for the permanent structure, or of the date of expiration of the temporary structure permit, whichever is the earlier.
11. A temporary structure permit and the certificate of occupancy issued thereon shall not be transferable to any other person, company, use, structure or lot.

SECTION 3.20 - HOME OCCUPATION:

An occupation or profession carried on in the home by resident members of the family that are related by blood, marriage or adoption only, where such use is clearly incidental and secondary to the principal use of the dwelling as a residence.

The Planning Commission shall have the authority to determine whether or not a proposed use complies with the zoning ordinance and is within the spirit of the same to insure the compatibility of any use with the character of the zoning classification in which the same is located and that the health, safety, and general welfare of the neighborhood will not thereby be impaired. The following regulations apply to home occupations:

- A.** That such home occupation shall be carried on within the dwelling or within a building accessory thereto.
- B.** The total floor area used by the home occupation shall not exceed twenty (20) percent of the total floor area of the dwelling unit. The floor area of all accessory buildings used in the home occupation shall be included in the maximum floor area permitted for the home occupation.
- C.** That the character or appearance of the residence shall not change and that the home occupation shall not generate excessive traffic from cars or trucks than normally associated with a residential dwelling.
- D.** The home occupation shall not display or create outside the building any external evidence of the operation of the home occupation.
- E.** No separate entrance from the outside of the building shall be added to the residence for the sole use of the home occupation.
- F.** That no article shall be sold or offered for sale on the premises except such as is produced within the dwelling or accessory building or is provided incidental to the service or profession conducted within the dwelling or accessory building.
- G.** That there shall be no exterior storage of materials or equipment.
- H.** That no nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases, chemicals or matter at any time; and that no mechanical, electrical, or similar machinery or equipment, other than that used for normal domestic purpose, will be utilized in the home occupation.
- I.** That no hazard of fire, explosion or radioactivity shall exist at any time.
- J.** That there may be a sign, not to exceed two (2) square feet in area, as approved by the Zoning Administrator.
- K.** That parking for the home occupation shall not exceed two spaces. The spaces shall be provided on the premises, off street subject to ARTICLE 13.0, herein. Parking spaces shall not be located in the required front yard.
- L.** That the home occupation be conducted by the person or persons occupying the premises as their principal residence.
- M.** That not more than two (2) persons other than the family occupying the dwelling shall be employed in the home occupation.

SECTION 3.21 - PUBLIC SERVICES

It is the intent of this zoning ordinance to place essential services and property owned, leased or operated by public agencies, including local, State, Federal or any other public or governmental body or agency, under the provision of this ordinance, as follows:

- A.** Where such uses are specifically listed they shall be governed as indicated.
- B.** Where such uses are not specifically listed, they shall be permitted only in districts permitting private uses of a similar nature.

- C. Property owned, leased, or operated by the State of Michigan or the United States, shall be exempted from the provisions of this ordinance only to the extent that said property may not be constitutionally regulated by Manchester Township.
- D. Notwithstanding other provisions of this SECTION 3.27, mobile homes and vehicles (whether mounted or not on wheels and used for the purpose of a building) reasonably necessary for the furnishing of adequate service by Manchester Township and its departments and commissions for public health, or safety or general welfare shall be permitted in any use district, it being the intention hereof to exempt such use, maintenance, parking and occupancy or the same from the application of this ordinance.
- E. Although exempt from certain regulations, proposals for construction of public services shall still be subject to site plan review, it being the intention of the Township to achieve efficient use of the land and alleviate adverse impact on nearby uses or lands. Essential services shall comply with all applicable regulations that do not affect the basic design or nature of operation of said services.

SECTION 3.22 - PUBLIC UTILITIES

Lines, poles, and appurtenances for electricity, telephone, and cable television, and natural gas lines and appurtenances, for service to one principal building on a single lot, shall be exempt from the provisions of this ordinance. All other lines, structures, buildings, and uses or public utilities shall be permitted only as set forth in this ordinance.

SECTION 3.23 - WATER AND SEWAGE FACILITIES

Every building intended for human occupancy shall be connected to a water supply well and a sewage disposal system approved by the Washtenaw County Health Department and any other applicable entities, or a municipal sanitary sewer system, where available. The Health Department's approval shall be obtained before a building permit or a certificate of occupancy, whichever is applicable, may be issued. Community wastewater utility systems, as defined in Section 2.03 of this Ordinance, are permitted as a conditional use in the following zoning districts: AR, Rural Agriculture and LR, Low Density Residential.

SECTION 3.24 - MINIMUM WIDTH OF DWELLING UNITS

Each single-family dwelling unit shall have a minimum exterior width, as distinguished from length, prior to any additions or expansions, of twenty-four (24) feet for at least one side, as distinguished from front or rear.

SECTION 3.25 - MINIMUM RESIDENTIAL FLOOR AREA

No single family dwelling or any dwelling unit in a two family structure shall hereafter be erected or altered which shall have a total floor area of less than 1,000 square feet for dwelling units with two or less bedrooms, plus 200 square feet for each additional bedroom

SECTION 3.26 - ACCESS TO STREETS

A Streets

- 1. In any zoning district every use, building or structure established after February 21, 1998, shall be on a lot or parcel that adjoins a public road, private road, or multiple residence driveway that complies with Manchester Township Board standards for multiple residence driveways and residential private roads except as provided in Section 3.26 A. 3. below.
- 2. When a proposed building structure is not serviced by an approved driveway, multiple residence driveway, private road, or is not serviced by a dedicated public road, the Township Zoning Administrator shall not issue a Zoning Compliance Permit for the proposed structure.

3. Two (2) or more contiguous parcels of commercially zoned land that are developed as a shopping center, may share a driveway easement, said easement being a minimum of twenty-four (24) feet wide and paved with asphalt or cement concrete. When such driveway easements are shared, such easement shall be included in determining and computing lot width as such is defined herein.
4. Every building and structure constructed or relocated after the effective date of adoption of this Ordinance shall be so located on lots as to provide safe and convenient access for fire protection vehicles and required off street parking and loading zones.

B. Driveways

1. Any building constructed or relocated more than 60 feet from a public or private street shall first provide a driveway for vehicle access. Such driveway shall be constructed or installed prior to inspection of foundation footings and shall meet the following standards:
 - a. The entrance to the driveway shall be designated during construction or relocation of any building by two (2) white inch and one-quarter (1 ¼) wooden stakes driven into the ground not less than fifteen (15) feet or more than thirty (30) feet apart three (3) feet above ground level and located at or near the public road or access easement line as to be clearly visible therefrom.
 - b. The driveway shall be not less than fifteen (15) feet in width and shall have a vertical clearance of not less than twelve (12) feet and shall terminate not more than fifty (50) feet from the building or buildings served by the driveway.
 - c. The driveway shall be installed or constructed as to be well drained and free from standing surface water.
 - d. The driveway shall have a natural gravel or equivalent material base of not less than six (6) inches deep or constructed with gravel or equivalent material to provide a base not less than six (6) inches deep and shall be of sufficient depth to support vehicles of not less than fifteen (15) tons gross weight.
 - e. If the driveway shall be 200 feet or more in length an open space of sufficient size shall be provided at its terminus at the building site as to permit motor vehicles not less than thirty (30) feet in length to turn around and exit.
2. After construction or installation of a driveway as required hereunder it shall be unlawful for any person, firm or corporation in possession of the premises served by such driveway to permit the same to be obstructed as not to provide motor vehicle access over a width of not less than fifteen (15) feet with a vertical clearance of not less than twelve (12) feet.
3. Prior to inspection of foundation, the Manchester Township Zoning Administrator at the request of a person, firm or corporation requesting said inspection shall examine the driveway to determine if it has been constructed or installed to meet the requirements of this Ordinance and upon so determining shall issue to such person, firm or corporation a compliance certificate to be signed by said Inspector.

SECTION 3.27 - MOBILE HOMES

- A. **Purpose:** This SECTION of the zoning ordinance is designed to establish regulations under which mobile homes may be used as single family dwellings on lots outside mobile home parks. It is hereby 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 Manchester Township, on individual lots, in any zoning district in which single family dwellings are permitted, provided such units comply with the Township's codes and zoning requirements. This section intends to treat mobile homes in a similar fashion, while recognizing the unique feature of their construction. The regulations contained in this section are specifically designed to:

1. Insure compliance of mobile homes on individual lots with all zoning regulations applicable to all other single family dwellings permitted in Manchester Township.
2. Insure compliance with all Township codes, in addition to the zoning ordinance, for the protection of the public health, safety and welfare.
3. Be aesthetically compatible with other single family dwellings in the community.

B. Standards and Requirements: A mobile home may be used as a single family dwelling on a lot outside a mobile home park, if the following standards and requirements are met. These standards and requirements shall not apply to a mobile home located in a licensed mobile home park.

1. The lot shall be located in a zoning district which permits single family dwellings.
2. The lot and the mobile home shall comply with all regulations of the zoning district in which located.
3. The mobile home shall meet all requirements of the United States Department of housing and Urban Development Mobile Home Construction and Safety Standards (24CFR3280), as amended.
4. 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 which meets all State of Michigan requirements.
5. The wheels, tongue and hitch, or other towing appurtenances shall be removed before anchoring the mobile home to the premises.
6. The mobile home shall be connected to public water and sanitary sewer lines, where applicable, according to Manchester Township standards and specifications, or to a well and septic tank approved by the County Health Department.
7. The mobile home shall be aesthetically compatible in design and appearance with conventional on-site constructed housing. Compatibility shall be determined by the following standards:
 - a. The roof shall be finished with shingles or similar materials and shall have a minimum pitch of 3 on 12.
 - b. Exterior walls shall be finished with natural or simulated natural materials, common to single family dwellings such as, but not limited to, beveled siding, vertical siding, board and batten siding, or brick.
 - c. Front and rear or front and side exterior doors.
 - d. A roof drainage system which will collect, and concentrate the discharge of, roof drainage, and will avoid drainage along the sides of the dwelling.
8. 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 ARTICLE 18.0, herein and is in effect. The mobile home shall not be occupied until a certificate of occupancy has been issued as provided in ARTICLE 18.0, herein and is in effect. Any addition to a mobile home shall meet all requirements of the Manchester Township building code.

9. The mobile home, prior to any additions, shall have a minimum floor area of 1,000 square feet, a minimum exterior width of 24 feet for at least one side elevation, and a minimum floor-to-ceiling height of 7.5 feet.
10. 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 which another single family dwelling is located. A mobile home shall not be used as an accessory building in any residential district.
11. A mobile home shall not be removed from a foundation until a permit therefore has been issued by the building official, in accordance with the Manchester Township building code.

SECTION 3.28 - ENTRANCE STRUCTURES

- A. Entrance structures may be provided for residential areas, shopping centers, industrial parks, and similar developments. The structure(s) may consist of wall, columns, gates, and may be located within required yards. The location and design of an entrance structure shall not interfere with pedestrian, bicycle or vehicular traffic movement and shall not create a safety hazard.
- B. An entrance structure shall not be constructed until a building permit has been issued. The Planning Commission shall have approved the location, design, and maintenance provisions for an entrance structure before the building permit may be issued.
- C. All entrance structures shall be regularly maintained in good and safe condition. A mechanism shall be established for assuring the required maintenance.
- D. The application for approval shall provide the following information:
 1. Precise location of the structure.
 2. Plan and elevation drawings of the structure, including dimensions.
 3. Location of electrical wiring and fixtures, if applicable.
 4. Provisions to maintain the structure.
- E. An identification sign permitted in the district in which the entrance structure is to be located may be mounted on an entrance structure, or made a structural part thereof. Such signs shall conform to all sign regulations, except yard requirements. No sign containing advertising material shall be mounted on or made a structural part of an entrance structure.

SECTION 3.29 - PERFORMANCE GUARANTEE

- A. **Intent:** To incur compliance with the provisions of this ordinance and any conditions imposed thereunder, the Planning Commission or Township Board may require that a performance guarantee be deposited with the Township to insure faithful completion of improvements, in accordance with Public Act 110 of 2006, as amended.
- B. **General Requirements:** The performance guarantee shall meet the following requirements:
 1. The performance guarantee shall be in the form of a cash bond, irrevocable letter of credit, certified check, or similar instrument acceptable to the Building Inspector, which names the property owner as the obligor and the Township as the obligee.
 2. The performance guarantee shall be submitted at the time of issuance of the permit authorizing the activity or project. If appropriate based on the type of performance guarantee submitted, the Township shall deposit the funds in an interest-bearing account in a financial institution with which the Township regularly conducts business.

3. The amount of the performance guarantee shall be sufficient to cover the estimated cost of the improvements or portion thereof associated with a project for which site plan approval is being sought or has been obtained. In accordance with these guidelines, the exact amount of the performance guarantee shall be determined by the Building Inspector.
4. The entire performance guarantee, including interest accrued, shall be returned to the applicant upon satisfactory completion of the required improvements.
5. An amount not less than ten percent (10%) of the total performance guarantee may be retained for a period of at least one (1) year after installation of landscape materials to insure proper maintenance and replacement, if necessary. This amount shall be released to the applicant upon certification by the Building Inspector that all landscape materials are being maintained in good condition.

SECTION 3.30 - UNSATISFACTORY COMPLETION OF IMPROVEMENTS

Whenever required improvements are not installed or maintained within the time stipulated or in accordance with the standards set forth in this ordinance, the Township may complete the necessary improvements itself or by contract to an independent developer, and assess all costs of completing said improvements against the performance bond or other surety, including any interest accrued on said bond or surety. Prior to completing said improvements, the Township shall notify the owner, site plan review applicant, or other firm or individual responsible for completion of the required improvements.

ARTICLE 4.0
SCHEDULE OF DISTRICT REGULATIONS

SECTION 4.01 - ADOPTED

District regulations shall be as set forth in this Schedule of District Regulations.

SECTION 4.02 - APPLICATION OF DISTRICT REGULATIONS

The regulations set forth in this schedule shall apply to every lot, use, building, and structure.

SECTION 4.03 - USE REGULATIONS

- A.** Uses shall be permitted only if they are specifically listed herein, or are similar in nature to uses which are listed. Other uses shall not be permitted.
- B.** Accessory uses are permitted as listed in the various zoning districts or if similar to such listed uses, and only if such uses are clearly incidental and subordinate to the permitted principal uses or to permitted conditional uses.
- C.** Conditional uses shall be permitted as listed in each district, or if similar in nature to such listed uses, and if the requirements and procedures of ARTICLE 7.0, herein, are met.

SECTION 4.04 - DENSITY AND HEIGHT REGULATIONS

- A.** **Lot Area** - The lot area used to satisfy the minimum lot area requirement and lot coverage, and floor area ratio requirements.
- B.** **Transition Strip** - Where such a strip is required, it shall not be included as part of the required yards, and shall not be included in the area used in calculating lot coverage or floor area ratio.
- C.** **Yard Exemptions** - Notwithstanding yard regulations set forth in this Ordinance, the following plant materials and structures may be located anywhere on any lot: open and unroofed terraces, patios, steps, awnings, flag poles, hydrants; laundry-drying equipment, arbors, trellises, recreation equipment, outdoor cooking equipment; sidewalks; trees, plants, shrubs, and hedges; fences, screens or walls; and light poles. Anything to be constructed, placed, planted or allowed to grow shall conform to the provisions of SECTION 3.14, herein. Satellite dish antennae are not exempt by this section.
- D.** **Height Exemptions** - The height requirements established herein shall apply uniformly in each zoning district to every building and structure except that the following structures and appurtenances shall be exempt from the height requirements of this Ordinance: spires, belfries, penthouses and domes not used for human occupancy; 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 necessary mechanical appurtenances; provided their location shall conform where applicable to the requirements of Manchester Township; the Federal Communications Commission, Civil Aeronautics Administration, and other public authorities having jurisdiction.
- E.** **Accessory Buildings** - Portable storage sheds (small - 150 square feet or less) shall be limited to one, can be located three (3) feet from property line of side and rear of lot.
- F.** **Yard Measurements** - Yards shall be measured from the exterior faces of a structure to lot lines. Roof overhangs and cornices which project one (1) foot or less from the exterior face shall not be included in the yard measurements. Yards shall be measured from the outer edge of a roof overhang or cornice, if the roof overhang or cornice extends more than one (1) foot from the exterior face of the structure. Front and side yards on corner lots shall be measured from existing street right-of-way or easement lines. All required yards shall be located parallel and adjacent to property lines.

G. Lot Width Measurements - The minimum required width of any lot shall be measured in accordance with the following rules:

- 1. Lots with Parallel Side Lot Lines.** The required lot width shall be measured on a straight line, which is perpendicular to the side lot lines where the side lot lines intersect the right-of-way line of a public road, private road, or multiple residence driveway. See Diagram 1.
- 2. Lots with Non-Parallel Side Lot Lines.** The required lot width shall be measured on a straight line between the side lot lines, measured at the two (2) points where the side lot lines intersect the right-of-way line of a public road, private road, or multiple residence driveway. See Diagram 2.
- 3. Depth.** The horizontal distance between the front lot line fronting on a public road, private road, or multiple residence driveway and rear lot line, measure along the median between the side lot lines.

H. Land Division - Width to Depth Ratios

Any land partition or lot created less than 20 acres shall be at a width to depth ratio of no greater than one (1) to four (4).

I. Flag Lots - A flag lot is defined as a parcel of land that is situate generally behind a lot or lots fronting on the road or drive; has limited road or drive frontage, but does maintain road or drive frontage along the width of the access strip; and is accessible from the road or drive only over an access strip that is owned in fee simple. Flag lots situate behind flag lots are only permitted if access by a single multiple residence driveway.

- 1.** Flag lots contain a lot area at least equal to the minimum required lot area of the district in which the lot is located.
- 2.** No more than four (4) contiguous flag lot access strips shall be formed and are only permitted if accessed by a single multiple residence driveway.
- 3.** The front yard setback is to be measured from the point where the access strip or easement meets the bulk of the lot.
- 4.** Flag lot access strips shall meet Section 3.26 A., Streets and Section 4.04 G., Lot Width Measurements and applicable district regulations.

Diagram 1 – Lot Width and Depth

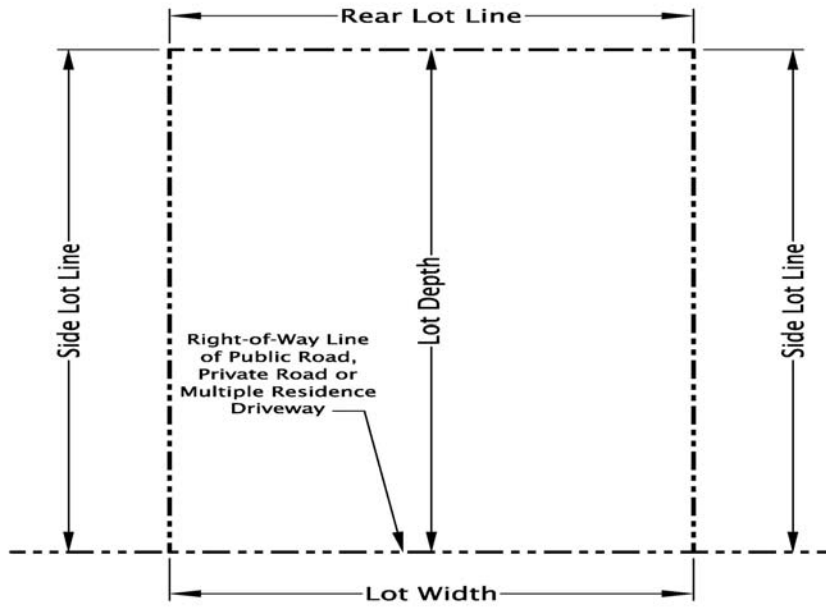
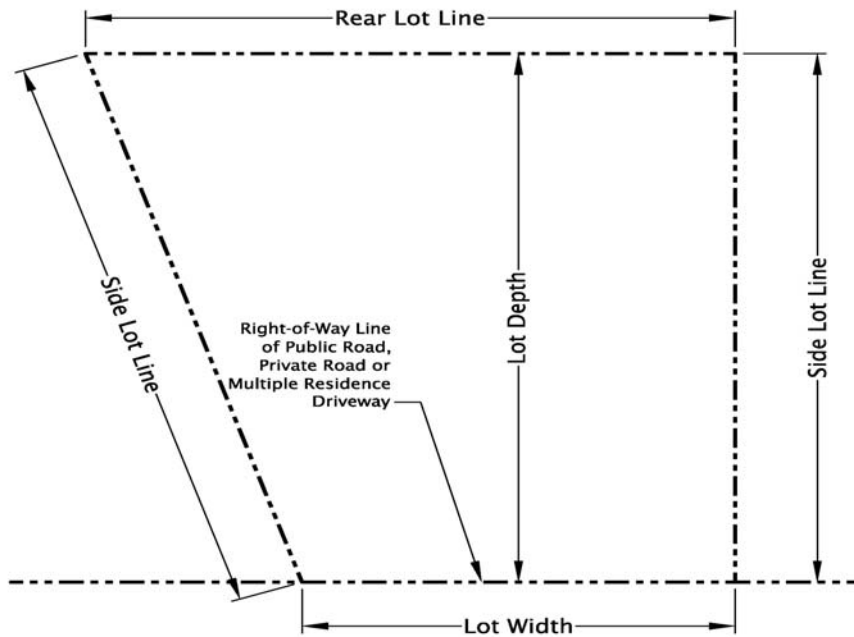
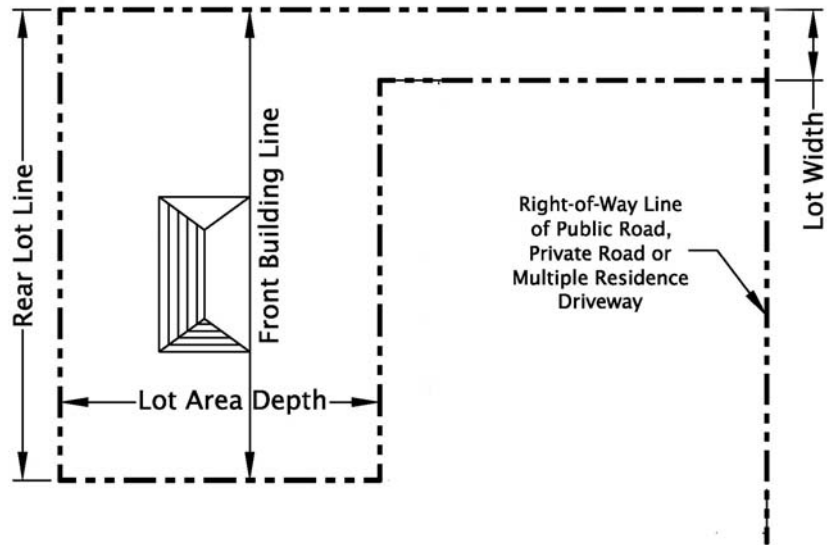


Diagram 2 – Lot Width and Depth



FLAG LOT DIAGRAM



Lot Area = Front Building Line Width x Lot Area Depth

SECTION 4.05 - SCOPE OF REGULATIONS

- A.** Except as otherwise may be provided in ARTICLE 20.0, herein, 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 occurring, and every addition to an existing use, building or structure occurring after the effective date of this Ordinance shall comply with all regulations which are applicable in the zoning district on which such use, building, or structure shall be located.
- B.** 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 Ordinance shall be included in the yard, open space, off-street parking or loading space similarly required for any other use, building, or structure.
- C.** No yard or lot existing on the date of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet the minimum requirements established herein. No off-street parking or loading areas shall be reduced below the required size or number of spaces.
- D.** Non-conforming lots of record may be utilized as set forth in SECTION 17.08, herein.

SECTION 4.06 THROUGH 4.09 - OPEN FOR FUTURE USE

ARTICLE 5.0
AR - RURAL AGRICULTURAL DISTRICT

SECTION 5.01 - PURPOSE

This district is composed of a mixture of prime agricultural land, other tilled land, woodland, wetland, pasture land, and scrubland with farmsteads and low density single family residences occurring along predominantly gravel roads. Its value to the community lies in its varied natural resources and the many options they afford our future. Care should be taken to develop ecological and historical perspectives and to minimize conflicting land uses. The primary goals of this district are the conservation of agricultural lands and operating farmsteads as well as the protection of natural resource areas and fragile lands. Our use and development of rural lands should follow a pattern that if sustained will preserve its essential elements and protect our future options.

SECTION 5.02 - PERMITTED USES

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district:

- A.** A single family dwelling.
- B.** A parcel may be used for general and specialized farming and agricultural activities including the raising or growing of crops, livestock, poultry and other farm animals, products and foodstuffs. Any building or structure may be located thereon and used for the day-to-day operation of such activities, as the quartering, storage or preservation of said crops, livestock, poultry, animals, products and foodstuffs until consumed on the premises or until moved to a place of collection, distribution or processing. The incidental sale of the crops, products and foodstuffs raised or grown on said lot or in said building or structure may be allowed. Any lot that is kept as idle cropland shall be so treated as to prevent soil erosion by wind or water and so treated as to prevent excessive growth of obnoxious weeds and shrubs.
- C.** A parcel may be used for the raising or growing of plants, trees, shrubs and nursery stock. Any building or structure located on a parcel used for such purpose shall be secondary and incidental for such raising or growing of such products and may be used only for the storage of equipment and materials necessary for such raising or growing on such site or on parcels under the same ownership used for the same purpose. No retail sales of products shall take place on the site. Landscape supply yards and/or contracting facilities, and storage yards shall not be allowed as part of such operation. Trucks, trailers or other equipment, not used for such on site operation shall not be allowed.
- D.** A parcel may be used, and a building or structure located thereon, for the raising or keeping of non-domestic farm animals whether for profit or pleasure. Such non-exotic/domestic animals refers to a single or multiple species of animals which normally have not been brought under control by man, may not have been improved by selection and/or breeding so that its products and services are of common use, or not normally used for domestic farming purposes. Such animals include llamas, deer, ostrich, elk, buffalo and similar non-domestic animals.
- E.** A parcel may be used and a building or structure located thereon for the raising or keeping of rabbits and other similar fur-bearing animals whether for profit or pleasure.
- F.** Private stable for the noncommercial use of the principal residential and/or agricultural use on the site.
- G.** Roadside stand, provided it is incidental to a permitted use and provided all of the nursery stock or other agricultural products are raised on the premises where situated. A roadside stand may be defined as a temporary building or structure operated for the purpose of selling only produce raised or produced on the premises where situated, and its use shall not make a commercial district, nor shall its use be deemed a commercial activity.

The following regulations shall apply to all Roadside Stands:

- 1) **Building Size** - Any building containing a roadside stand shall not be greater than two hundred fifty (250) square feet in size.
 - 2) **Trash Containers** - Suitable trash containers shall be placed on the premises for public use.
 - 3) **Building Setbacks** - Any building containing a roadside stand shall be located no closer than twenty-five (25) feet to the nearest edge of the paved surface of any paved public road, and no closer than twenty-five (25) feet to the improved gravel surface of any unpaved public road.
 - 4) **Parking** - Off-street parking may be provided in the required front yard setback area. Parking shall conform to the regulations in ARTICLE 13.0, herein, except that hard-surfacing shall not be required.
 - 5) **Sign** - Two signs not to exceed eight (8) square feet in total may announce such sales. Such signage shall not be located closer than twenty-five (25) feet to the nearest edge of the roadway adjacent to the roadside stand. Such sign shall be temporary in nature, non-illuminated and approved as to safety and stability by the building inspector.
- H.** Public and private recreation areas such as a forest preserve, wildlife sanctuary or similar low intensity use.
- I.** Public and private conservation area and structure for the development protection and conservation of open space watersheds, water, soil, forest, and wildlife resources.
- J.** A sign only in accordance with the regulations specified in ARTICLE 14.0, herein.
- K.** All buildings and structures accessory and incidental to permitted uses in this district.
- L.** Distribution lines and structures, not including buildings, of essential services, when located within an existing public or utility right-of-way, and repeater buildings of a telephone utility company when location is approved by the Township Planning Commission.
- M.** Single family residential cluster development.
- N.** Home Office

SECTION 5.03 - CONDITIONAL USES

- A.** The removal of soil, sand, gravel and other materials. (See also Manchester Township Mineral Extraction Ordinance.)
- B.** Public and private park, playground, camp ground, golf course, golf driving range, country club, archery and gun range, commercial hayrides, and, public botanical garden.
- C.** Exotic/non-domestic animals not covered in 5.02 D herein. Such animals may constitute a specific animal or breed of animal that has been introduced within an area that is not common or communal to existing species in an area and can be considered alien to animals normally adapted to an area. A determination shall be made by the Planning Commission as to the appropriateness of such animals within the Township and the manner in which they shall be kept. Animals that are deemed hazardous to human health are prohibited.
- D.** Commercial hunting enterprise which comprises the principal land use activity of the parcel where the primary purpose of the land use activity is to provide hunting activities for commercial gain.
- E.** Public Stable defined as a stable for the keeping, breeding, boarding, selling, training, or renting of domestic animals other than cats and dogs. Activities comprising a public stable are designed as commercial and are directed toward remuneration, hire, or sale.

- F.** Riding Academy which normally rents saddle horses, teaches the art of riding, and holds activities generally within an arena. Such facility may or may not incorporate buildings in its normal operation. A riding academy, which is designed as a commercial enterprise, constitutes a principal activity on a site, and whose nature is for commercial gain shall constitute a conditional use under the regulations of this ordinance.
- G.** Community and governmental buildings.
- H.** Country-club house, swimming pool, bath house and the sale of food, beverages and recreation equipment which is incidental and accessory to a recreation use.
- I.** Airport and private landing strip
- J.** Roadside stand, provided at least fifty (50) percent of the nursery stock or other agricultural products are raised on the premises where situated. A roadside stand shall meet the requirements of SECTION 5.02 H, 1-5 herein.
- K.** Landscape nurseries, greenhouses and landscaping businesses with retail facilities may be permitted where the business has direct access to paved roads, where the nature of the business will not negatively impact adjacent residential uses, and provided the business is in conformance with ARTICLE 16.0, Supplementary Regulations and Standards, SECTION 16.02, Performance Standards. Landscaping businesses may include operations necessary to install and maintain plant materials off-site, including storage of trucks for transportation of plants, soils, and other landscaping materials; equipment such as trucks not exceeding twelve (12) yards capacity, flatbed trailer only for hauling small equipment and necessary landscape products, and other necessary equipment such as tractors, skid loaders and small front end loaders; and tree moving equipment.

In addition, a landscaping/nursery operation may include other decorative man-made materials, such as wood chips, crushed stone, boulders, or mulch. Structural features such as fountains, garden pools, statues, and benches shall also be considered part of a landscaping operation, but only if provided in combination with live plant material. Artificial plant materials shall not be counted toward meeting the requirements for landscaping.

- 1)** The following setback requirements shall apply to any landscape nurseries and landscaping businesses in an AR District
 - a)** **Lot Area** - Not less than ten (10) acres in area.
 - b)** **Lot Width** - Not less than three hundred (300) feet in width.
 - c)** **Front Yard Setback** - Eighty-five (85) feet.
 - d)** **Side Yard Setback** - Least width of either yards shall not be less than fifty (50) feet, except in the case of a corner lot, where the side yard on the road or street side shall not be less than sixty (60) feet.
 - e)** **Rear Yard Setback** - Not less than fifty (50) feet.
- 2)** A permanent vegetative buffer, minimum width of twenty (20) feet, shall be established around the periphery of the landscaping operation. Such vegetative buffer shall be completed before the date of issuance of a certificate of occupancy and shall thereafter be maintained with permanent plant materials. See SECTION 16.07 - Greenbelt Buffer for planting materials.

- L.** Sanitary land fill site.
- M.** Public and private nursery schools, family day care.
- N.** A foster care group home.

- O.** A church, synagogue, cathedral mosque, temple or other building used for public worship, or a cemetery.
- P.** Veterinarian animal clinic, boarding kennel and breeding kennel.
- Q.** A public utility structure, radio and TV broadcast and receiving towers, commercial communication towers.
- R.** Temporary occupancy of a mobile home, subject to the regulations specified in SECTION 3.19, herein.
- S.** Sawmills.
- T.** Bed and Breakfast operation.
- U.** Home occupation.
- V.** Agricultural supplier and implement dealer.
- W.** Transmission lines and structures, not including buildings, of essential services, where located in right-of-ways not a part of public or utility right-of-ways existing at the time of adoption of this ordinance.
- X.** Public or quasi-public utilities or municipal departments or Township-certified companies providing underground, surface or overhead services, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, and welfare of the public. Public services shall not include storage yards, sales or business offices, or commercial buildings or activities. No storage of materials, equipment, vehicles, or supplies shall be located on the premises and no personnel shall be quartered or employed on the premises. Any structure(s) shall be designed, erected, and landscaped in such manner as to conform to the character of the surrounding area and this district.
- Y.** Housing for agricultural workers.
- Z.** Reserved.
- AA.** Concrete and asphalt plants subject to Section 16.21 herein.
- BB.** Community wastewater utility systems subject to the provisions of Section 16.22 herein.

SECTION 5.04 - REGULATIONS AND STANDARDS

The following regulations shall apply in all AR - Rural Agricultural Districts.

- A. LOT AREA** - The minimum lot area shall not be less than two (2) acres.
Up to two (2) animals on the first two (2) acres are allowed and an additional one (1) acre is required for each additional non-domestic animal. There shall be no limit on the number of animals on a lot having eleven (11) or more acres in area.
- B. LOT WIDTH** - The minimum lot width shall not be less than thirty-three (33) feet as measured at the two (2) points where the side lot lines intersection the right-of-way of a public road, private road, or multiple residence driveway. Such lot shall have a minimum of two hundred (200) feet in width as measured along the front building line. See Sections 3.26 A., and 4.04 G., herein.
- C. LOT COVERAGE** - The maximum lot coverage shall not exceed twenty (20) percent.
- D. FLOOR AREA RATIO** - The maximum floor area ratio shall not exceed 20 percent.
- E. SETBACK** - The following setback requirements shall apply in this district.

1. **Front Yard:** The minimum setback shall not be less than sixty (60) feet from the right-of-way line.
 2. **Side Yards:** The minimum width of either yard shall not be less than thirty (30) feet; except in the case of a corner lot where the side yard on the road or street side shall not be less than sixty (60) feet.
 3. **Rear Yard:** The minimum setback shall not be less than fifty (50) feet.
- F. HEIGHT** - The following height requirements shall apply in this district:
1. **Dwelling and Non-farm Buildings and Structures:** The maximum height shall not exceed three (3) stories or forty (40) feet.
 2. **General and Specialized Farm Buildings and Structures:** The maximum height shall not exceed one hundred (100) feet.
- G. REQUIRED OFF-STREET PARKING** - As required in ARTICLE 13.0.
- H. PERFORMANCE STANDARDS** As required in ARTICLE 16.0, SECTION 16.02.
- I. PRESERVATION OF ENVIRONMENTAL QUALITY** - As specified in ARTICLE 16.0, SECTION 16.07.

ARTICLE 6.0
LR - LOW DENSITY RESIDENTIAL DISTRICT

SECTION 6.01 - PURPOSE

This district is principally intended to provide for reasonably compact residential neighborhoods on one acre minimum lot size, in areas adjacent to the Village with approved on site water and septic systems. Its value to the community is in providing for residential growth while reducing the need for travel and the cost of residential services. In addition to the dwellings permitted in this zoning district certain residential and public uses which have been regulated to make them compatible with the principal use of this district are permitted.

SECTION 6.02 - PERMITTED USES

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district:

- A.** A single-family dwelling and any use, building or structure accessory thereto.
- B.** A sign, only in accordance with the regulations specified in ARTICLE 14.0.
- C.** Transmission and distribution lines and structures, other than cellular facilities, not including buildings, of essential services, when located within an existing public or utility right-of-way, and repeater buildings of a telephone utility company when location is approved by the Township Planning Commission.
- D.** A planned unit residential development, only in accordance with the procedure and regulations specified in ARTICLE 11.0.
- E.** Single family residential cluster development.
- F.** Home Office.

SECTION 6.03 - CONDITIONAL USES

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted subject to obtaining a conditional use permit as provided in ARTICLE 12.0.

- A.** Golf course, but not including golf driving range.
- B.** Country club, public swimming pool, and recreation club, public and private park, and playground.
- C.** Church and public building.
- D.** Public and private nursery school; family day care; primary and secondary school.
- E.** Public utility structure.
- F.** Home occupations.
- G.** Temporary occupancy of a mobile home. (See SECTION 3.19, herein).
- H.** Transmission lines and structures, not including buildings, of essential services, where located in right-of-ways not a part of public or utility right-of-ways existing at the time of adoption of this ordinance.
- I.** Commercial communications apparatus, if located on existing commercial communications or electrical towers, and subject to the provisions of Section 16.20 herein, in addition to the requirements of Article 12, ("Conditional Uses") herein.

- J.** Public or quasi-public utilities or municipal departments or Township-certified companies providing underground, surface or overhead services, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, and welfare of the public. Public services shall not include storage yards, sales or business offices, or commercial buildings or activities. No storage of materials, equipment, vehicles, or supplies shall be located on the premises and no personnel shall be quartered or employed on the premises. Any structure(s) shall be designed, erected, and landscaped in such manner as to conform to the character of the surrounding area and this district.
- K.** Community wastewater utility systems subject to the provisions of Section 16.22 herein.

SECTION 6.04 - REGULATIONS AND STANDARDS

The following regulations shall apply in all LR - Low-Density Residential Districts.

- A. LOT AREA** - The minimum lot area in this district shall not be less than one (1) acre for single-family dwellings and accessory structures thereto. The minimum lot area for all other buildings and structures shall not be less than three (3) acres.
- B. LOT WIDTH** - The minimum lot width shall not be less than thirty-three (33) feet as measured at the two (2) points where the side lot lines intersection the right-of-way of a public road, private road, or multiple residence driveway. Such lot shall have a minimum of one hundred fifty (150) feet in width as measured along the front building line. See Sections 3.26 A. 3.3 1., and 4.04 G., herein.
- C. LOT COVERAGE** - The maximum lot coverage shall not exceed twenty 20 percent.
- D. FLOOR AREA RATIO** - The maximum floor area ratio shall not exceed 20 percent.
- E. SETBACK** - The following setback requirements shall apply to every lot, building or structure in this district:
 - 1. Front Yard:** The minimum setback shall not be less than fifty (50) feet.
 - 2. Side Yards:** The minimum width of either yard shall not be less than twenty (20) feet, except in the case of a corner lot where the side yard on the road or street side shall not be less than fifty (50) feet.
 - 3. Rear Yard:** The minimum setback shall not be less than thirty-five (35) feet.
- F. HEIGHT** - The following height requirements shall apply in this district:
 - 1. Buildings and Structures:** The maximum height shall not exceed three (3) stories or forty (40) feet.
 - 2. Detached Accessory Buildings:** The maximum height shall not exceed twenty-five (25) feet.
- G. REQUIRED OFF-STREET PARKING** - As required in ARTICLE 13.0.
- H. PERFORMANCE STANDARDS** - As required in 16.0, SECTION 16.02.
- I. PRESERVATION OF ENVIRONMENTAL QUALITY** - As specified in ARTICLE 16.0, SECTION 16.07.

ARTICLE 7.0
UR - URBAN RESIDENTIAL DISTRICT

SECTION 7.01 - PURPOSE

This district is principally intended to provide for compact residential neighborhoods, on a 1/4 acre minimum lot size, in areas adjacent to the Village. Its value to the community is in providing for residential growth while reducing the need for travel and the cost of residential services. Greater densities are allowed in this zoning district because it is served by a central sewer and an approved water supply. In addition to the dwellings permitted in this zoning district, certain residential and public uses are permitted which are regulated to insure their compatibility with its principal use.

SECTION 7.02 - PERMITTED USES

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district:

- A.** Single-family dwelling and any use, building or structure accessory thereto.
- B.** Two-family dwelling and any use, building or structure accessory thereto.
- C.** A sign, only in accordance with the regulations specified in ARTICLE 14.0.
- D.** A planned unit residential development, only in accordance with the procedures and regulations specified in ARTICLE 11.0.
- E.** Single family residential cluster development.
- F.** Home Office.

SECTION 7.03 - CONDITIONAL USES

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted subject to obtaining a conditional use permit as provided in ARTICLE 12.0.

- A.** Golf course, but not including golf driving range.
- B.** Country club, public swimming pool, and recreation club, public and private parks and playgrounds.
- C.** Church and public buildings.
- D.** Public and private nursery schools; family day care; primary and secondary school.
- E.** Hospitals, nursing homes, and sanitariums.
- F.** Temporary occupancy of a mobile home. (See SECTION 3.19, herein).
- G.** A home occupation may be located on any lot with a dwelling.
- H.** Public or quasi-public utilities or municipal departments or Township-certified companies providing underground, surface or overhead services, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, and welfare of the public. Public services shall not include storage yards, sales or business offices, or commercial buildings or activities. No storage of materials, equipment, vehicles, or supplies shall be located on the premises and no personnel shall be quartered or employed on the premises. Any structure(s) shall be designed, erected, and landscaped in such manner as to conform to the character of the surrounding area and this district.

- I. Commercial communications apparatus, if located on existing commercial communications or electrical towers, and subject to the provisions of Section 16.20 herein, in addition to the requirements of Article 12, (“Conditional Uses”) herein.

SECTION 7.04 - REGULATIONS AND STANDARDS

The following regulations shall apply in all UR - Urban Residential Districts.

- A. **LOT AREA** - The minimum lot area for lots served with a central water supply system and a central sanitary sewerage system shall not be less than one-fourth (1/4) acre for each single-family dwelling unit and one-half (1/2) acre for each two-family dwelling unit
- B. **LOT WIDTH** - The minimum lot width for lots served with a central water supply system and a central sanitary sewerage system shall not be less than thirty-three (33) feet as measured at the two (2) points where the side lot lines intersect the right-of-way of a public road, private road, or multiple residence driveway. Such lot shall have a minimum of eighty (80) feet in width as measure along the front building line. Where a lot is not so served, the minimum lot width shall not be less than thirty-three (33) feet measured at the two (2) points where the side lot lines intersect the right-of-way of a public road, private road, or multiple residence driveway. Such lot shall have a minimum of one hundred fifty (150) feet in width as measured along the front building line. See SECTIONS 3.26 A., and 4.04 G., herein.
- C. **LOT COVERAGE** - The maximum lot coverage shall not exceed thirty (30) percent.
- D. **FLOOR AREA RATIO** - The maximum floor area ratio shall not exceed 30 percent.
- E. **SETBACK** - The following setback requirements shall apply in this district.
 - 1. **Front Yard:** The minimum setback shall not be less than forty (40) feet.
 - 2. **Side Yards:** The minimum width of either yard shall not be less than ten (10) feet, but the sum of the two side yards shall not be less than twenty-five (25) feet; except in the case where the side yard on the road or street side shall not be less than forty (40) feet.
 - 3. **Rear Yard:** The minimum setback shall not be less than twenty (20) feet.
- F. **HEIGHT** - The following height requirements shall apply in this district:
 - 1. **Buildings and Structures:** The maximum height shall not exceed two and one half (2 1/2) stories, or thirty-five (35) feet.
 - 2. **Detached Accessory Buildings:** The maximum height shall not exceed twenty-five (25) feet.
- G. **REQUIRED OFF-STREET PARKING** - As required in ARTICLE 13.0.
- H. **PERFORMANCE STANDARDS** - As required in ARTICLE 16.0, SECTION 16.02.
- I. **PRESERVATION OF ENVIRONMENTAL QUALITY** - As specified in ARTICLE 16.0, SECTION 16.07.

ARTICLE 8.0
MOBILE HOME PARK RESIDENTIAL DISTRICT

SECTION 8.01 - PURPOSE

The purpose of this district is to provide for the development of mobile home parks in accordance with the Mobile Home Commission Act, Act 96 of 1987, by regulating mobile homes with standards that are applicable to other types of housing. Therefore this district is based upon the following:

- A.** It is the intent of this ordinance that mobile homes be considered and regulated as urban dwelling units, to be located in the Township only in those areas which are designated for medium density urban residential use in the Township's adopted General Development Plan intended to promote mobile home parks with the character of a residential neighborhood.
- B.** It is the intent of this ordinance that mobile homes in mobile home parks deserve and require locations, services, and facilities similar to any other "single family and multiple family" dwelling units which are developed at urban densities.
- C.** To protect the health, safety and welfare of mobile home park residents and the surrounding community by insuring that mobile home park districts will be served adequately by essential public facilities and service such as highways, police and fire protection, public sanitary sewers, drainage structures, and refuse disposal.
- D.** To fit this legitimate use of land into development plans as they are considered, adopted and amended by the Township, which plans will harmonize this type of residential development with other existing and proposed land uses.

SECTION 8.02 - PERMITTED USES

The following buildings and structures, and uses of lots, buildings, and structures are permitted in this district.

- A.** Mobile home dwellings units.
- B.** Transmission lines and structures, other than cellular facilities, not including buildings when located within an existing public or utility right-of-way.
- C.** Sign, in accordance with ARTICLE 14.0, herein.
- D.** Accessory structures such as sheds and community buildings.

SECTION 8.03 - CONDITIONAL USES

The following buildings and structures, and uses of lots, buildings, and structures, are permitted subject to obtaining a conditional use permit as provided in ARTICLE 12.0, herein.

- A.** Church, fire station, police station, government office building, and similar government buildings.
- B.** Public or private nursery, primary, and secondary school, family day care, day care center.
- C.** Transmission lines and structures where located in right-of-ways not a part of public or utility right-of-ways existing at the time of adoption of this ordinance.
- D.** Public services, except as provided for elsewhere in this district, provided that no storage of materials, equipment, vehicles, or supplies shall be located on the premises; that no personnel shall be quartered or employed on the premises; and that the structure(s) shall be designed, erected, and landscaped in such manner as to conform to the character of the surrounding area and this district.

- E. Commercial communications apparatus, if located on existing commercial communications or electrical towers, and subject to the provisions of Section 16.20 herein, in addition to the requirements of Article 12, (“Conditional Uses”) herein.

SECTION 8.04 - REGULATIONS AND PERFORMANCE STANDARDS

The following regulations shall apply to all mobile home park residential districts.

- A. **Parcel** - The land area of a mobile home park shall not be less than forty (40) acres. The tract of land shall comprise a single parcel, except where the parcel is divided by public streets or where the total property includes parcels for necessary utility plants, maintenance or storage facilities and the like, with appropriate access from the mobile home park, provided that all lands involved shall be so dimensioned as to facilitate efficient design and management.

- B. **Site Width**

- 1. The minimum width of a site for a mobile home shall not be less than fifty (50) feet and shall be measured along any public street on which the mobile home site abuts. The minimum width of any other site, which contains dwellings and buildings open generally to occupants of the mobile home park, shall be two hundred (200) feet.
- 2. The minimum required width of any lot shall be measured in accordance with the following rules:
 - a. Lots with parallel side lot lines - The required width shall be measured on a straight line which is perpendicular to the side lot lines. No part of such measuring line shall be closer to the street line than the depth of the required front yard.
 - b. Lots with non-parallel side lot lines - The required lot width shall be measured on a straight line which shall be a measuring line, which is parallel to a straight line which connects the side lot lines where they intersect the street line. The measuring line shall be located at least the distance of the required front yard from the street line. If the measuring line has to be located behind the rear line of the required front yard, in order to obtain the minimum lot width, the measuring line shall be the front building lot. The minimum width for lots located on the turning circle of a cul-de-sac street shall not be required to be greater than one hundred fifty (150) feet.
- 3. The required minimum straight line distance between the side lot lines where they intersect the street lines shall be determined as follows:
 - a. For all lots not located on a turning circle of a cul-de-sac street, said distance shall not be less than eighty (80) percent of the required lot width.
 - b. For lots located on a turning circle of a cul-de-sac street, said distance shall be at least twenty (20) feet.

- C. **Maximum Permitted Density** - Each mobile home site shall have an area of at least five thousand (5,000) square feet.

The minimum site shall not include land area within rights-of-way of public streets; surface area of lakes, ponds or wetlands; land within a one hundred (100) year flood plain; or land within easements.

- D. **Yard Requirements**

- 1. **Buffer** - A buffer of trees and shrubs not less than twenty (20) feet in depth shall be located and maintained along all boundaries of such park except at established entrances and exits serving such park. When necessary for health, safety and welfare, a fence shall be required to separate park from an adjacent property.

2. Requirements for Principal Non-residential Buildings

- a. Front Yard** - A minimum setback of thirty (30) feet.
- b. Side Yard** - For interior side yards, the minimum setback shall be ten (10) feet. The side yard on a corner site, facing a street, shall have a minimum setback of thirty (30) feet.
- c. Rear Yard** - The minimum rear yard shall be twenty (20) feet.

H. A mobile home shall be in compliance with the following minimum distances:

- 1.** Twenty feet from any part of an attached or detached structure, which is used for living purposes, on an adjacent mobile home site.
- 2.** Ten feet from an attached or detached structure or accessory, which is not used for living purposes, of an adjacent mobile home.
- 3.** Ten feet from an on-site parking space of an adjacent site.
- 4.** Fifty feet from any permanent building.
- 5.** Ten feet from the edge of an internal street.
- 6.** Twenty feet from the right-of-way line of a dedicated public street within the mobile home park.
- 7.** Seven and one half feet from a parking bay.
- 8.** Seven feet from a common pedestrian walkway.

I. Height Requirements - Except as otherwise provided in SECTION 4.04 D, herein, no permanent building or structure shall exceed a height of 2-1/2 stories or 35 feet. No mobile home unit shall exceed one story in height.

The maximum height of accessory structures for individual mobile homes shall not exceed the lesser of 15 feet or the height of the mobile home.

J. A mobile home unit shall not be permitted to occupy a site either initially when brought into a park or upon addition thereto if it violates the yard requirements, minimum distances between units or the site coverage and floor area ratio regulations of this district.

SECTION 8.05 - PLANNING AND DEVELOPMENT REGULATIONS FOR MOBILE HOME PARKS

A. The business of selling new and/or used mobile homes as a commercial operation in connection with the operation of mobile home parks shall be prohibited. New or used mobile homes located on lots within the mobile home park to be used and occupied on that site may be sold by a licensed dealer or broker. This section shall not prohibit the sale of a used mobile home by a resident of the mobile home park.

B. Parking Requirements

- 1.** 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 2/3 the number required for such uses as set forth in ARTICLE 13.0, herein, as part of the conditional use permit approval.
- 2.** Additional parking facilities shall be provided as follows:
 - a.** for storage of maintenance vehicles.

- b. at the park office location for office visitors.
- c. for general visitor parking, at the ratio of one (1) parking space for every three mobile home sites in the park, in a convenient location for mobile home sites served thereby.

C. 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 in the mobile home park.
- 3. Two-way streets 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. 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 road shall terminate with an adequate turning area. A blunt-end road is prohibited. Parking shall not be permitted within the turning area. The adequacy of turning areas shall be determined by the Manchester Township Fire Chief.

D. 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 for use only by residents of the mobile home park. The location of such storage area shall be shown on the site plan required herein. No part of such storage area shall be located in any yard required on the perimeter of the mobile home park. Such storage area shall be screened from view from adjacent residential properties.

E. Site Constructed Buildings - All buildings constructed on site within a mobile home park must be constructed in compliance with adopted Manchester Township Building, Electrical, Plumbing, and Mechanical codes. Any addition to a mobile home unit that is not certified as meeting the standards of the US Department of Housing and Urban Development for mobile homes shall comply with the adopted Manchester Township Building, Electrical, Plumbing, and Mechanical Codes. Certificates and permits shall be required as provided in ARTICLE 18.0 herein. A final site plan shall be approved prior to construction of any principal structure, not including mobile home units, in accordance with ARTICLE 15.0, herein.

F. 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 a street or pedestrian walkway.

G. Site Plan Review Required - Construction of a mobile home park shall require prior approval of a site plan by the Township Planning Commission. For purposes of this section only, a site plan shall provide the following information.

- 1. The site plan shall be prepared on standard 24-inch by 36-inch sheets and shall be of a scale not greater than one inch equals 20 feet or less than one inch equals 200 feet, and of such accuracy that the Planning Commission can readily interpret the plan.
- 2. Scale, north arrow, name and date, plus date of any revisions.
- 3. Name and address of property owner and applicant; interest of applicant in the property; name and address of developer.

4. Name and address of designer. A site plan shall be prepared by a community planner, architect, landscape architect, engineer, or land surveyor registered in the State of Michigan.
5. A vicinity map; legal description of the property; dimensions and area; lot line dimensions and bearings. A metes and bounds description shall be based on a boundary survey prepared by a registered surveyor.
6. Existing topography, at minimum of 2 foot contour intervals; existing natural features such as trees, wooded areas, streams, and wetlands; natural features to remain or to be removed; 100 year flood hazard area.
7. Existing buildings, structures, and other improvements, including drives, utility poles and sewers, easements, pipelines, excavations, ditches, bridges, culverts; existing improvements to remain or to be removed; deed restrictions, if any.
8. Name and address of owners of adjacent properties; use and zoning of adjacent properties; location and outline of buildings, drives, parking lots, and other improvements on adjacent properties.
9. Locations and size of existing public utilities on or surrounding the property; location of existing fire hydrants; inverts of sanitary and storm sewers; location of existing manholes and catch basins; location of existing wells, septic tanks, and drainfields, if applicable.
10. Names and rights of way of existing streets on or adjacent to the property; surface type and width; spot elevations of street surface at intersections with streets and drives of the proposed development.
11. Zoning classification of the subject property; location of required yards; total property area; dwelling unit density; schedule of dwelling units, by type; phasing information.
12. Grading plan, at a minimum contour interval of 2 feet.
13. Location and exterior dimensions of proposed buildings and structures other than mobile home dwellings; height and finished floor elevations of such buildings and structures; location of mobile home and parking spaces on each mobile home site.
14. Location and alignment of all proposed streets and drives; rights of way, where applicable; surface type and width; typical street sections; location and details of curbs; curb radii.
15. Location and dimensions of all proposed parking areas; number of spaces in each; dimensions of spaces and aisles; typical cross section of parking surface.
16. Location, width, and surface of proposed sidewalks and pedestrian paths.
17. Location, use, size, and proposed improvements of open space and recreation areas.
18. Location and type of proposed screens and fences; height, typical elevations, and vertical section of screens, showing materials and dimensions.
19. Location, type, size, area, and height of proposed signs as required in SECTION 14.03, herein.
20. General proposed utility layout for sanitary sewer, water and storm water systems.
21. An overall map at a smaller scale showing how this property ties in with all other surrounding properties should be developed to include:
 - a. existing and proposed water mains, sanitary and storm sewers in the area including sanitary sewer service areas;

ARTICLE 9.0
CC - COMMUNITY COMMERCIAL CENTER DISTRICT

SECTION 9.01 - PURPOSE

This district has been located within the Township to serve the retail and office needs of Township residents and the motoring public. The district is intended to develop as compact commercial centers where uses are compatible with, and supportive of each other, in one or more buildings of a unified architectural character, and on a site that is planned, developed and managed as one operating unit. It is intended that each site be landscaped with a common unifying theme, and be provided with common drives, parking areas, and service areas. This district is intended to guarantee to the public that commercial uses will be provided in a shopping center environment and not in a miscellaneous, uncoordinated arrangement of uses on individual lots. It is intended that the district provide an attractive, comfortable, and convenient environment for patrons, and that the center be compatible with neighboring uses, especially residential uses.

SECTION 9.02 - LOCATION OF A COMMUNITY COMMERCIAL CENTER DISTRICT

A Community Commercial Center District shall be located in areas of Manchester Township that are designated as employment zones or of commercial designation in the Township's adopted General Development Plan.

SECTION 9.03 - PERMITTED USES

- A.** Food services including grocery, meat market, bakery, restaurant, delicatessen and fruit market, but not including any business of a drive-in type.
- B.** Clothing and apparel services, including laundry pickup, automatic laundry, dressmaking, millinery, tailor shop and shoe repair shop.
- C.** Personal services, including barber shop and beauty salon, music studios, banks and saving and loan associations, and other similar uses.
- D.** Hardware, home improvements, garden supplies, hobby supplies, records and tapes, books and stationery, pets and pet supplies, flowers, tobacco, drugs and cosmetics, greeting cards and gifts, photography supplies and services, and party supplies, including packaged beer, wine and liquor.
- E.** Medical and dental clinics, business and professional offices such as legal, engineering, accounting, financial services, and insurance.
- F.** Equipment services, including repair, radio and television electrical appliance shop, plumber, electrician, and other similar services and trades.
- G.** Motel, hotel, tourist homes and boarding and rooming houses
- H.** Police, fire, ambulance stations and governmental offices.
- I.** Hospitals, nursing homes, sanitariums; animal hospitals or clinics.
- J.** Funeral establishments, mortuary.
- K.** Restaurants serving alcoholic beverages.
- L.** Open air display area for the sale of manufactured products, such as or similar to garden furniture, earthenware, hardware items and nursery stock, or the rental of manufactured products or equipment, small tools, pneumatic-tired two- and four-wheeled utility trailers, pneumatic-transit cement mixers, wheelbarrows, rollers and similar products or equipment.
- M.** Showroom and sales of new automobiles, farm machinery, and other vehicle and equipment, and the display and sale of used cars, farm machinery, and other vehicles and equipment when in

conjunction with a showroom, and sales of new units thereof; and repair of same when in conjunction with a showroom and sales of new units thereof.

- N.** Gasoline service station, including minor repair services when provided on a lot with a minimum frontage on any street of 150 feet and when no more than two such stations shall exist at an intersection.
- O.** A sign, only in accordance with the regulations specified in ARTICLE 14.0.
- P.** An accessory use, building or structure.
- Q.** Public services, except as provided for elsewhere in this district, provided that no storage of materials, equipment, vehicles, or supplies shall be located on the premises; that no personnel shall be quartered or employed on the premises; and that the structure(s) shall be designed, erected, and landscaped in such manner as to conform to the character of the surrounding area and this district.

SECTION 9.04 - CONDITIONAL USES

- A.** Places of amusement, entertainment or recreation such as dance hall, bowling alley, miniature golf, commercial swimming pool.
- B.** Establishments serving alcoholic beverages.
- C.** Public utility structure located on the surface of the ground including but not limited to transformer substations, pumping stations, communication relay stations, gas and steam regulating valves and stations; provided that the structure shall be designed, erected, and landscaped in such a manner as to conform as much as possible with the character of the district.
- D.** Cultural center facilities, including theaters, orchestra halls and museums.
- E.** Drive-in facilities, including restaurants, and/or banks, provided that the conditions set forth in ARTICLE 14.0, herein, and the following conditions are met:
 - 1.** Adequate on-site stacking space for vehicles shall be provided for each drive-in window so that vehicles will not interfere with vehicular circulation or parking maneuvers on this site. Access to and egress from the site will not interfere with peak hour traffic flow on the street serving the property.
 - 2.** Projected peak hour traffic volumes which will be generated by the proposed drive-in service shall not cause undue congestion during the peak hour of the street serving the site.
 - 3.** On-site vehicle stacking for drive-in windows shall not interfere with access to, or egress from the site or cause standing of vehicles in a public right-of-way.
- F.** Outdoor seating and/or service when associated with a restaurant subject to the following requirements:
 - 1.** No such seating shall be located in a required yard.
 - 2.** Approval of the Washtenaw County Health Department as required.
 - 3.** A site plan shall be submitted indicating the area for and location of all outdoor seating.
 - 4.** The maximum allowable seating for an outdoor seating area shall be established as a part of the Conditional Use Permit.
 - 5.** Parking shall be provided as required under ARTICLE 14.0, herein.

- G.** Temporary outdoor sales when conducted by a permanent business established on-site provided that the locations and annual sales period for such sales shall be established by the Planning Commission.

Such sales shall be subject to the following requirements:

- 1.** No part of such sales operation shall be located within any required setback or transition strip.
 - 2.** The sales operation shall not impede or adversely affect vehicular and pedestrian traffic flow or parking maneuvers.
 - 3.** One sign not to exceed eight (8) square feet may announce such sales. Such sign shall not be located in a required yard or transition strip. Such a sign shall be temporary in nature, non-illuminated and approved as to safety and stability by the building inspector.
 - 4.** The sign, merchandise, and all equipment used in such sales, and all debris and waste resulting therefrom, shall be removed from the premises within three days of termination of the sale.
 - 5.** A cash bond of one hundred dollars (\$100.00) shall be provided to the Township prior to the start of an approved sale to guarantee site clean-up as required in paragraph 4, preceding.
 - 6.** A scaled site plan shall be provided with the application for Conditional Use Permit showing thereon the location and extent of such sales.
- H.** Controlled uses as regulated in SECTION 16.09, herein.
- I.** Sporting goods sales, souvenir and gift shops.
- J.** Commercial Kennels.
- K.** Mini Storage, provided the following conditions are met:
- 1.** A six (6) foot screening, fence, berm or other appropriate method of screening shall be constructed around the perimeter of the development, as approved by the Planning Commission.
 - 2.** Minimum distance between buildings shall be thirty (30) feet.
 - 3.** All off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of materials which will have a dust-free surface resistant to erosion. All areas intended for vehicle travel shall be paved with asphalt or concrete as approved by the Planning Commission.
 - 4.** Site development shall be compatible with surrounding area.
 - 5.** No outside storage permitted.
 - 6.** Lighting shall be down-shielded and approved by the Planning Commission.
- L.** Commercial communications towers, subject to the provisions of Section 16.20 herein, in addition to the requirements of Article 12 (“Conditional Uses”) herein.
- M.** Automobile vehicle repair garage.

SECTION 9.05 - DENSITY AND HEIGHT REGULATIONS

- A. Minimum Lot Area** - The minimum area for a parcel of land to be zoned CC shall be 20 acres. The minimum area for individual lots within a CC district shall be 2 acres. Any parcel of land, regardless of area, may be added to the initial land if contiguous thereto.
- B. Minimum Lot Width** - Nine Hundred (900) feet measured along the front yard where it intersects a public right-of-way line. See SECTIONS 3.26 A, and 4.04 G, herein.
- C. Maximum Ground Floor coverage** - Twenty (20) percent.
- D. Maximum floor Area ratio** - 20 percent.
- E. Minimum Required Yards**
 - 1. A yard fifty (50) feet wide shall be provided along any property line of a CC district that abuts a public or private road.
 - 2. A yard twenty five (25) feet shall be provided along any property line of an CC district that does not abut a public or private road, unless the adjacent property designated for residential use, in which case the yard shall be at least fifty (50) feet wide.
 - 3. Driveways may cross required yards but shall not occupy them. Parking spaces and service areas shall not be located in any required yard.
 - 4. All required yards shall be landscaped for purposes of creating an attractive setting, to filter views of the center from adjacent streets and properties, and to screen views of the center from adjacent residential areas. All landscaped areas shall be regularly maintained so as to retain, as a minimum, the landscape character and quality of the site.
- F. Maximum Height** - There shall be no height regulations in a CC district, provided that any building which exceeds a height of 3 stories or 35 feet shall be approved as to a specific height by the Township Board upon recommendation of the Planning Commission. Approval shall be based on findings regarding natural light, air circulation, views, and solar access rights for neighboring buildings and properties, airport flight patterns; and fire protection and safety. The height of each building shall be on the preliminary site plan.
- G. Outdoor Lighting** - All parking areas and access drives shall be lighted at night during business hours. The Planning Commission may require a minimum level of lighting be provided during non-business hours at night for public safety and policing purposes. All outside lighting shall be arranged and shielded to prevent glare or reflection, nuisance, inconvenience, or hazardous interference of any kind on adjoining roads or adjoining neighboring residential properties.
- H. Circulation and Access** - A Community Commercial Center district shall not have more than two (2) access points on any one road unless unusual conditions demonstrate the need for additional access points.
- I. Service Areas** - Service areas shall be provided in accordance with ARTICLE 13.0, herein, except that the following regulations shall apply, notwithstanding any provision of ARTICLE 13.0.
 - A.** No service area may be located in any required yard.
 - B.** All service areas shall be screened from view from any street right-of-way and from any adjacent residential property.
 - C.** Service areas shall be laid out so that, in the process of loading or unloading, no vehicle will block or extend into any other drive or public street.
- J. Outdoor Storage** - Outdoor storage of new or waste materials or products shall be prohibited in the CC district, unless such storage is located within an enclosed area. Such storage shall not be located in any required yard or in any drive, or parking area. An enclosure for a storage area

shall be finished with materials that match or are compatible with the exterior materials of the principal building(s) of the center. Displays for permitted outdoor uses shall be exempt from this regulation.

- K. Number of Buildings** - Permitted uses may be provided in one or more buildings. If separate buildings are provided, they shall be organized on the site in such a way that will create a cohesive grouping of buildings around malls, courtyards, or plazas, and shall be interconnected by sidewalks. Unified architectural and landscape treatment shall be provided in all parts of the commercial center.
- L. REQUIRED OFF-STREET PARKING** - As required in ARTICLE 13.0.
- M. REQUIRED SITE PLAN REVIEW** - As required in ARTICLE 15.0.
- N. PERFORMANCE STANDARDS** - As required in ARTICLE 16.0, SECTION 16.02.
- O. PRESERVATION OF ENVIRONMENTAL QUALITY** - As specified in ARTICLE 16.0, SECTION 16.07.

ARTICLE 10.0
CM - COMMUNITY MANUFACTURING

SECTION 10.01 - PURPOSE

This district is composed of those areas of the Township whose principal use is to provide an environment for related manufacturing activities which will encourage an increase in the productivity of business and industry. Uses shall be low density in a landscaped campus type environment and shall generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive and radioactive hazards, and other harmful or obnoxious matter. The district may develop in stages in a planned coordinated manner, according to an overall development plan. The provision of open space shall be encouraged within the CM district and natural features shall be preserved by incorporating them into the plan for the district. This district has been located within the Township and is designed to lessen congestion on public streets and highways.

SECTION 10.02 - LOCATION OF A CM DISTRICT

A CM district shall be located in areas of Manchester Township designated in the Township's adopted General Development Plan as suitable and desirable for Industrial and manufacturing uses.

SECTION 10.03 - PERMITTED USES

- A.** Research oriented and light industrial park uses including industrial, scientific, and business research, development, and testing laboratories, automated production equipment, such as robots, office, computing, and accounting machinery, measuring, analyzing, and controlling instruments; photographic (except chemicals and sensitized materials); medical and optical goods; watches and clocks.
- B.** Administrative, professional, and business offices.
- C.** Light manufacturing industrial use which by the nature of the materials, equipment and processes utilized are to a considerable extent clean, quiet and free from any objectionable or dangerous nuisance or hazard including any of the following goods or materials as bakery goods, candy, cosmetics, dairy products, food products, pharmaceutical drugs, perfumes, and pharmaceutical toiletries, frozen food lockers, jewelry; musical instruments; sporting goods; glass products; small household appliances; electronic products; printed matter; baked and dairy products; advertising displays; tents and awnings; brushes and brooms; cameras and photographic equipment and supplies; wearing apparel; leather products and luggage but not including tanning; products from such finished materials as plastic, bone, cork, feathers, felt, fiber, paper, glass, hair, horn, rubber, shell, or yarn.
- D.** Assembly of merchandise such as electrical appliances, electronic or precision instruments, and articles of similar nature.
- E.** Packaging of previously prepared materials, but not including the bailing of discards, old iron or other metal, wood, lumber, glass, paper, rags, cloth or other similar materials.
- F.** Printing publishing, lithography, blueprinting and similar uses.
- G.** Warehousing and material distribution centers, provided all products and materials are enclosed within a building.
- H.** Contractor's establishment.
- I.** Body and paint shops for autos and other vehicles.
- J.** Radio and TV broadcasting and receiving antennae and studios.
- K.** Uses such as fire, police, and ambulance stations; technical and business schools; indoor and outdoor recreation facilities, both indoor and outdoor post office.

- L.** Commercial, office, and service uses which are located, designed, and intended to support and complement permitted principal uses which are located in a CM district, such as the following: banks and other financial institutions; restaurants; transient lodging facilities; day care facilities; barber and beauty shops; pharmacies; sales of newspaper(s), magazines, and books; office supply sales; medical and dental offices; theaters, auditoriums and meeting facilities; dry cleaning (pick-up and delivery only); product display facilities; power plants; water treatment plants; automobile service stations and car washing facilities; gift and flower sales; data processing and computing centers; computer and office machine service and repair establishments; printing and copying services.

Such uses shall either be located in a building containing the permitted principal uses which will be served, or in service centers consisting of one or more buildings, designed with common drives, parking and loading areas, and landscaping. Such service centers shall be so located within the district as to clearly serve only the permitted principal uses within the district and not the surrounding area and communities.

- M.** Living quarters for security and maintenance personnel.
- N.** Communication facilities only for principal uses permitted and located in this district.
- O.** Public utility structure located on the surface of the ground including but not limited to transformer substations, pumping stations, communication relay stations, gas and steam regulating valves and stations; provided that the structure shall be designed, erected, and landscaped in such a manner as to conform as much as possible with the character of the district.
- P.** An accessory use building or structure.
- Q.** A sign, only in accordance with the regulations specified in ARTICLE 14.0.

SECTION 10.04 - CONDITIONAL USES

The following buildings and structures and uses of parcels, lots, buildings and structures are permitted subject to obtaining a conditional use permit as provided in ARTICLE 12.0.

- A.** Bus, truck, taxi and rail terminals.
- B.** Open air display areas for the sale of manufactured products, such as or similar to garden furniture, earthenware, hardware items and nursery stock, or the rental of manufactured products or equipment, small tools, pneumatic-tired two- and four-wheeled utility trailers, such as household equipment, pneumatic-transit cement mixers, wheelbarrows, rollers and similar products or equipment.
- C.** Collection centers for household waste material to be recycled.
- D.** Airport and private landing strips.
- E.** Outdoor storage of recreational vehicles.
- F.** Trucking and cartage facilities, truck and industrial equipment storage yards, repairing and washing equipment and yards.
- G.** Open industrial uses or industrial product or materials storage, provided that any activity in which products or materials being processed or stored are located, transported, or treated outside of a building and are not within enclosed apparatus vessels, or conduits, such use shall be provided with a solid permanently maintained wall or fence, no lower than the subject use or storage, and constructed to provide firm anchoring of fence posts to concrete set below the frost line; if a wall is provided, its foundations likewise shall extend below the frost line.

- H.** Wholesale businesses, including warehouse and storage, commercial laundries, dry cleaning establishments, ice and cold storage plants, lumber, fuel and feed yards, automobile repair garages, construction and farm equipment sales and contractor's equipment yards.
- I.** Public or private dumps, incinerators, and sanitary land fills; junk yards; inoperative vehicle storage.
- J.** Mini Storage, provided the following conditions are met:
 - 1.** Screening, fence, berm or other appropriate method of screening shall be constructed around the perimeter of the development, as approved by the Planning Commission.
 - 2.** Minimum distance between buildings shall be thirty (30) feet.
 - 3.** All off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of materials which will have a dust-free surface resistant to erosion.
 - 4.** Site development shall be compatible with surrounding area.
 - 5.** No outside storage permitted.
 - 6.** Lighting shall be down-shielded and approved by the Planning Commission.
- K.** Commercial communications towers, subject to the provisions of Section 16.20 herein, in addition to the requirements of Article 12 ("Conditional Uses") herein.
- L.** An accessory use, building or structure.
- M.** A sign, only in accordance with the regulations specified in ARTICLE 14.0, herein.
- N.** Controlled uses as regulated by General Ordinance Number 62.

SECTION 10.05 - REGULATIONS AND STANDARDS

The following regulations shall apply in all CM - Community Manufacturing Districts.

A. Density Regulations

- 1.** Ground floor coverage (GFC) shall not exceed 25 percent.
- 2.** The floor area ratio (FAR) shall not exceed 60 percent.
- 3.** The total developed area (TDA - the sum of the ground floor area of all buildings, and the area in parking spaces, drives, and loading spaces) of a lot shall not exceed 50 percent of the area of the lot.

B. Density calculations

- 1.** GFC, FAR, and TDA calculations shall be based on land areas designated for the various uses. The designated land areas shall include acreage for private drives, parking and loading areas, open spaces around structures, landscaped areas and similar areas, but not acreage in existing or future public street rights-of-way or major private streets.
- 2.** Land areas used in calculating ground floor coverages and floor area ratios shall be delineated on the preliminary site plan and final site plan so that the acreage and density computations can be confirmed.
- 3.** The surface area of lakes, streams, ponds (natural, man-made or storm water retention), marsh lands, or similar areas may be included in the acreage used for calculating ground

floor coverage and floor area ratios if such areas are part of lands devoted to parks and open space uses.

4. Land used to provide acreage to meet density regulations in a project within a CM district shall not be used to compute density in another project within the district, unless the GFC's and FAR's of the subject project and all previous projects are maintained at or less than the limits established in the preliminary site plan.
5. The Planning Commission may exclude wetlands and land with slopes of 15 percent or steeper from the area used for density calculations if such land is not usable for open space purposes or is not suitable for development.

C. Minimum Lot Area

The minimum area for a parcel of land to be zoned CM shall be 20 acres. The minimum area for individual lots within a CM district shall be one acre. At least thirty percent of all lots comprising a CM district shall be one acre in area. Any parcel of land, regardless of area, may be added to the initial land if contiguous thereto.

D. Required Yards

1. A landscaped yard at least 100 feet deep shall be provided along an existing or future public street right-of-way.
2. A yard at least 50 feet wide shall be provided along that part of the perimeter of a CM district which does not abut a public street, except where the adjacent property is designated by the Township's adopted General Development Plan for agricultural or residential uses, in which case the yard shall be a least 100 feet.
3. The following minimum yards shall be provided for each lot which is not subject to the yard requirements of subsection D1 and D2, preceding:

Front	50 feet
Side, interior	10 feet
Side, corner	50 feet
Rear	35 feet

Larger minimum yards may be required at the time of preliminary site plan approval, for a building exceeding 3 stories or 35 feet in height. The requirements shall be based on consideration of natural light, air circulation, and solar access.

4. Minimum yard requirements shall apply to all buildings and structures, drives, and parking and loading areas. Drives may cross required yards. Drives and parking spaces shall not be less than 10 feet from a property line where permitted in a side or rear yard. Loading areas shall not be permitted in any required yard.

All required yards shall be landscaped and permanently maintained. The yards required in SECTION 10.04 D herein, shall be landscaped and developed so as to function as a physical buffer and visual barrier between the CM district and adjacent properties.

5. The preceding yard requirements, except those in SECTION 10.04 D (1) and (2), herein, may be reduced as part of the approved preliminary site plan. The reduction shall be based on findings that topographic conditions, 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.

E. Distances Between Buildings

1. The location of buildings and uses, and distances between buildings as shown by dimensions, shall be shown on the preliminary site plan.
2. Distances between buildings shall be sufficient to meet fire regulations, and to provide for natural light, air circulation and solar access.
3. Minimum interior side yards may not be required when two or more buildings are part of a manufacturing center or other combined development facility. Side yard requirements shall apply to the perimeter of such developments.

F. Height

There shall be no height regulations in a CM district, provided that any building which exceeds a height of 3 stories or 35 feet shall be approved as to a specific height by the Township Board upon recommendation of the Planning Commission. Approval shall be based on findings regarding natural light, air circulation, views, and solar access rights for neighboring buildings and properties, airport flight patterns; and fire protection and safety. The height of each building shall be on the preliminary site plan.

G. Parking and Loading Requirements.

Parking and loading facilities shall be provided in accordance with ARTICLE 13.0, herein, except that the dimensions of individual parking spaces may be reduced to not less than 9 feet wide by 18 feet long, if approved as part of approval of the preliminary site plan. The Planning Commission may establish a maximum number of parking spaces permitted on a lot as part of its approval of a preliminary site plan.

Notwithstanding requirements of ARTICLE 13.0, herein, the number of parking spaces required for CM uses shall be based on the rate of one space for each 300 square feet of floor area. Loading/unloading operations shall occur only on the site involved, and shall not be located in the front or corner side yard. Loading/unloading areas shall be screened from view from streets and adjacent lots.

- H. Circulation and Access** - A Community Commercial Center district shall not have more than two (2) access points on any one road unless unusual conditions demonstrate the need for additional access points.

I. Outdoor Storage

Outdoor storage of vehicles, equipment, supplies, or products shall be prohibited. Trash and other waste materials shall be sorted as provided in SECTION 16.15 A, herein. Such areas shall be screened from view from a street or adjacent lots, and shall not be located in front or corner side yard.

J. Outdoor Operations

Outdoor storage of vehicles, equipment, supplies, or products: outdoor processing, assembly, repair, or other operations; or outdoor display of goods, materials, products, equipment, or processes shall be prohibited. No display shall be permitted in a window or in any other location visible from a street or an adjacent lot except in a service center, as provided, herein. Trash and other waste materials shall be stored as provided in SECTION 16.15, herein. Such areas shall be screened from view from a street or adjacent lots, and shall not be located in a front or corner side yard. Outdoor processing, assembly, repair, or other operations shall be prohibited.

K. Landscaping

Landscaping shall be provided in accordance with the approved final site plan for each lot in a CM district. All parts of each lot not developed with buildings, drives, parking and loading areas, and similar improvements, 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 such plantings, shall be live and shall be properly and regularly maintained.

L. Performance Standards

1. Atmosphere emissions, electromagnetic radiation and interference, and the handling and disposal of radioactive and chemical materials shall comply with all applicable State and Federal laws and regulations.
2. No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at, or any point beyond, the lines of the subject lot.
3. Noise emanating from a building in this district shall not exceed 60 decibels as measured 25 feet from the exterior surface of the exterior walls of that building.
4. All activities, and all storage areas for materials, shall be provided with adequate safety and fire fighting devices, and State codes regarding fire and explosion hazards.
5. No direct or sky-reflected glare, except that resulting from floodlighting, so as to be visible at the lot line, shall be permitted. No emission or transmission of heat or heated air so as to be discernible at the lot line shall be permitted.
6. There shall be no discharge of any liquid or solid materials into any public or private sewage disposal system, into any stream or body of water, onto the surface of the ground, or into the ground, except in accordance with Township, County, and State laws and regulations.
7. Odors from any use shall not be discernible at a lot line to a greater degree than odors from plants for the manufacture of electronic equipment.

M. Fencing

Security fencing shall not be permitted in any part of a yard forward of the rear wall of a building.

N. REQUIRED OFF-STREET PARKING - As required in ARTICLE 13.0.

O. REQUIRED SITE PLAN REVIEW - As required in ARTICLE 15.0.

P. PERFORMANCE STANDARDS - As required in ARTICLE 16.0, SECTION 16.02.

Q. PRESERVATION OF ENVIRONMENTAL QUALITY - As specified in ARTICLE 16.0, SECTION 16.07.

**ARTICLE 11
PLANNED UNIT DEVELOPMENT**

SECTION 11.01 - PURPOSE

A Planned Unit Development ("PUD") shall include such terms as cluster zoning, planned development, community unit plan, planned residential development and other terminology denoting zoning requirements which are designed to achieve the following objectives:

- A.** Provide flexibility in regulation of land development.
- B.** Provide for a compatible mix of land uses.
- C.** Encourage innovation in land use planning and development, especially in housing.
- D.** Encourage variety in the design and type of housing, and to improve the quality of residential environments.
- E.** Create more stable communities by providing a variety and balance of housing types and living environments.
- F.** Provide commercial, education, and recreational facilities and employment opportunities conveniently located in relation to housing.
- G.** Encourage provision of useful open space and protect and conserve natural features.
- H.** Promote efficiency and economy in the use of land and energy, in the development of land, and in the provision of public services and facilities.
- I.** Establish planning, review, and approval procedures which will properly relate the type, design, and layout of development to a particular site and its neighborhood.
- J.** Insure that the increased flexibility of regulations over land development is subject to proper standards and review procedures.
- K.** Encourage innovations in residential, office, and commercial development so that the growing 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 said buildings; so that greater opportunities for better housing, recreation and shops conveniently located to each other may extend to all citizens and residents of Manchester Township.
- L.** To reflect changes in the technology of land development so that resulting economies may benefit those who need homes.
- M.** To lessen the burden of traffic on streets and highways.

SECTION 11.02 - PERMITTED USES

- A.** Uses permitted in a PUD shall be compatible with the Township's adopted Master Plan.
- B.** All use of land and buildings in a PUD shall comply with the listing and location of uses shown on the approved area plan, approved preliminary site plan, approved final site plan, and/or approved plat, or condominium development, whichever is applicable. Uses and structures accessory to the listed uses shall be permitted. No other uses shall be permitted.
- C.** A residential area, designated on an area plan, preliminary site 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 orderly and reasonable platting of an area, if such area is to be platted, and subject to the approved area plan.

- D.** 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.
- E.** Home occupations shall not be permitted in any dwelling unit, including a mobile home unit, other than a single family detached unit, and shall be subject to the home occupation regulations set forth in the definition of home occupation in ARTICLE 2.0, herein.

SECTION 11.03 - ELIGIBILITY

A PUD shall comply with the Township’s Master Plan and shall be located in areas of Manchester Township identified in the adopted Master Plan as suitable and desirable for such development. An application for a PUD which is inconsistent with the then existing Master Plan, shall require the Township Planning Commission to amend the Master Plan in accordance with its recommendation on an application to establish a PUD. The Township Planning Commission may make the adoption of an amendment to the Master Plan contingent upon and effective on the date a PUD is duly established. In an application for a PUD is compatible with the Master Plan, the Township Planning Commission shall make that determination in its recommendation to the Township Board.

A. Qualifications for Consideration as PUD

The applicant for a planned unit development must demonstrate through the submission of both written documentation and site development plans that all of the following criteria are met:

- 1.** The intent of Section 11.03 is met.
- 2.** Approval of the planned unit development will result in one (1) or more of the following:
 - a.** A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or
 - b.** Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or
 - c.** A non-conforming use shall, to a material extent, be rendered more conforming to and compatible with the zoning district in which it is situated.
- 3.** The proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, roads, and utilities.
- 4.** The proposed development shall be consistent with the public health, safety, and welfare of the Township.
- 5.** The proposed development shall minimize any negative environmental impact on the subject site or surrounding land.
- 6.** The proposed development shall minimize any negative economic impact upon surrounding properties.
- 7.** The proposed development shall be consistent with the Goals and Policies of the Manchester Township Growth Management Plan.

SECTION 11.04 - APPLICATION REQUIREMENTS

A. Pre-Application Conferences

1. A potential applicant for a Planned Unit Development district classification shall request a pre-application conference with Township officials prior to filing said application. The request shall be made to the Planning Commission chair-person who shall set a date for the conference and shall inform the Township Board and other Planning Commission members of the conference and invite their attendance. The Planning Commission chair-person 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, and County Drain Commission.
2. The purpose of the conference is to inform 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.

B. Application Procedures

1. Application for PUD classification shall be for an amendment to the Official Zoning Map and approval of an area plan. An application for a PUD may be made by the owner(s) of record or by a person(s) authorized in writing to act on behalf of the owner(s) of record of the subject parcel. The applicant shall have a substantial interest in the subject property prior to filing for a PUD classification. The 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 district, such as legal title, or execution of a binding sales agreement, prior to approval of the application by the Township Board.
2. The application shall be filed with the Township Clerk who shall transmit copies of the application to the Planning Commission Secretary. The application shall be filed at least two (2) weeks prior to the Planning Commission meeting at which it is to be first considered. Fees shall be paid to the Township Treasurer; no transmittals shall be made to the Planning Commission Secretary unless the required fees have been paid in full.
3. Upon receipt of the application from the Clerk, the Planning Commission shall undertake a study of same. The Planning Commission shall advise the applicant in writing of any recommended changes in the application as are needed to conform to the regulations and standards of this Ordinance.
4. The Planning Commission shall, at its next regular meeting, establish a public hearing on the application. Said hearing to be held within thirty-one (31) days. The Planning Commission shall give notice of the public hearing as required in SECTION 19.03, herein.

In accordance with Section 19.03 D. of this Ordinance, the applicant(s) shall be responsible for posting a sign announcing the public hearing for the proposed PUD. Each sign shall state, "PROPERTY PROPOSED FOR A PLANNED UNIT DEVELOPMENT."

5. At the public hearing the petitioner shall present evidence regarding the following characteristics of the proposed development:
 - a. The general character and substance.
 - b. Objectives and purposes to be served.

- c. Compliance with all applicable Township ordinances, regulations, and standards.
- d. Scale and scope of development proposed.
- e. Development schedules.
- f. Compliance with the adopted Master Plan of Manchester Township.

The Planning Commission may also require that the petitioner provide information at the public hearing concerning economic feasibility of the proposed uses; community impact, in terms of streets and traffic, schools, recreation facilities, police, fire, and costs/revenues for the Township; and environmental impact.

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, other Township officials, and the general public.

- 6. The report to the Township Board shall state the Planning Commission's conclusions on the application for a PUD District, the basis for its decision, analysis with regard to its compatibility with the Master Plan, the decision and any conditions relating to an affirmative decision.
- 7. After making its recommendations the Planning Commission shall transmit a copy of the application and its report to the Washtenaw County Metropolitan Planning Commission for its review and comment to the Township Board.
- 8. The Township Board shall review the application, the reports of the Township Planning Commission, and the County Planning Commission reports thereon, and shall approve, deny or table for future consideration the application. Changes in the application desired by the Township Board shall be referred to the Township Planning Commission for review and recommendation prior to Township Board action thereon.
- 9. If the application is approved by the Township Board, the applicant shall review the application in its approved form. The applicant and all owner(s) of record of all property included within a PUD district or said owners' legal representatives shall then sign a statement that the approved application and area plan shall be binding upon the applicant and owner(s) of record and upon their heirs, successors and assigns. The application 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 said statement has been signed as required herein and has been received by the Township Clerk.
- 10. Within three (3) days of the official approval of the application by the Township Board, the Township Supervisor shall accurately note, and the Township Clerk shall certify, the Planned Unit Development district designation for the lot in question on the official zoning map, in accordance with SECTION 3.06, herein.
- 11. The approved area plan and signed agreement shall be recorded by the petitioner with the Washtenaw County Register of Deeds, within ten (10) days of the date of approval of the application and the area plan by the Township Board. The petitioner shall immediately provide a certified copy of the recorded documents to the Manchester Township Clerk.
- 12. 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.
- 13. 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 15.0 Site Plan Review, herein.

C. Information Required for the Area Plan

1. An area plan shall be submitted as part of an application for a Planned Unit Development district zoning change.
2. An area plan for a PUD consisting of eighty (80) acres or less shall contain all information required for preliminary site plans as set forth in SECTION 15.05, herein, and the following information:
 - a. Density of use for each use area of the site
 - b. Location, size and uses of open space.
 - c. General description of the organization to be utilized to own and maintain common areas and facilities.
 - d. General description of covenants or other restrictions; easements for public utilities.
 - e. Description of the petitioner's intentions regarding selling or leasing of land and dwelling units.
 - f. Description of all proposed uses.
 - g. General landscape concept showing tree masses to be preserved or added, buffer areas, and similar features.
 - h. Delineation of areas to be platted under the Subdivision Control Act, Act 288 of 1967, as amended, and Condominium Act, Act 59 of 1978, as amended.
 - i. Location and description of site; dimensions and areas.
 - j. General topography; soil information.
 - k. Scale, north arrow, date of plan.
 - l. Existing zoning of site; existing land use and zoning of adjacent parcels; location of adjacent buildings, drives, and streets.
 - m. General description of proposed water, sanitary sewer and storm drainage systems.
 - n. Existing natural and man-made features to be preserved or removed; location of existing structures, streets, and drives; location, width, and purpose of existing easements.
 - o. All adjacent property in which the petitioner and owners of land in the PUD have any ownership interest.
 - p. Proposed buildings/structures - location, outline, general dimensions, distances between, floor area, number of floors, height, number and type of dwelling units (where applicable).
 - q. Proposed streets/drives - general alignment, right-of-way, surface type and width.
 - r. Proposed parking - location and dimensions of lots, spaces, and aisles; angle of spaces; number of spaces; surface type.

- s. Delineation of required yards/setbacks; dwelling unit schedule, density, and lot area per dwelling unit, for residential projects; lot coverage (percent) and floor area ratio; location and size of required transition and landscape strips.
 - t. Delineation of areas of cutting and filling.
 - u. Location and area of development phases; building program for each phase, projected schedule of development, by phase.
3. An area plan for a PUD consisting of more than eighty (80) acres shall contain the information as required in SECTION 11.04 C2 (a) through (u), preceding, and the following information:
- a. Location, type, and land area of each proposed land use; dwelling unit density (dwelling units per acre).
 - b. General location, function, surface width, and right-of-way of proposed public streets; general location and surface width of major private streets/drives.
 - c. General location of proposed parking areas and approximate number of spaces to be provided in each area.
 - d. Location and area of each development phase; summary of land use information as required in SECTION 11.04 C2 (u) preceding, for each phase.
 - e. General topography; soil information.
 - f. Adjacent land uses.

D. Standards for Application Review

The Planning Commission shall determine, and shall provide evidence of its determinations in its report to the Township Board, that the application meets the following standards.

- 1. The proposed development shall conform to the adopted Master Plan, or represents land use policy which, in the Planning Commission's opinion, is a logical and acceptable change in the adopted Master Plan.
- 2. The proposed development shall conform to the intent and all regulations and standards of a PUD.
- 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 courses, 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 of a 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 surrounding lands.
- 5. The petitioner shall have made provision, satisfactory to the Board, to assure that public and common areas will be or have been irrevocable committed for that purpose. Provisions, satisfactory to the Board, shall be made for financing of improvements shown on the plan for open space and other common areas, and that proper maintenance of such improvements is assured.
- 6. 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 will not be hazardous

or inconvenient to the project 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.

7. The mix of housing unit types and densities, and the mix of residential and non-residential uses, shall be acceptable in terms of convenience, privacy, compatibility and similar measures.
8. 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 adjacent and neighboring lands and uses.
9. The proposed development shall create a minimum disturbance to natural features and land forms.
10. 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.
11. 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.

E. Effect of Approval of Application

Approval of the application by the Township Board shall have the following effects:

1. Approval shall confer a right to the applicant for a period of three (3) years for a Planned Unit Development district of eighty (80) acres or less in area, or for a period of five (5) years for a Planned Unit Development district of more than eighty (80) acres in area, from the date of approval, that existing zoning regulations as they apply to the land included in the application, 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.
2. Approval of an area plan shall indicate acceptance of uses, building locations, layout of streets, dwelling unit count and type, floor areas, densities, and all other elements of the area plan.
3. Approval of an application for a Planned Unit Development district eighty (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, provided phases are shown on the approved area plan. Final site plans shall not be required of any area which is to be platted for single-family detached residential use.
4. Approval of an application for a Planned Unit Development district of more than eighty (80) acres shall authorize the applicant to file a preliminary site plan for 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 herein, and only in accordance with SECTION 15.05, herein.
5. Approval of an area plan by the Township Board shall authorize the applicant to file an application for review of a preliminary plat for tentative approval in accordance with the Subdivision Control Act (Act 288, P.A. 1967) and the Township's subdivision control ordinance for all or part of the area within the PUD which is to be platted.

- 6. 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 Article.
- 7. Such approval shall also authorize construction to begin for site improvements such as streets and drives, parking lots, grading, installation of utilities, and building foundations, provided the Planning Commission gives permission for such construction, and provided that all required permits have been issued and are in effect. No other construction may commence until a final site plan has been approved by the Planning Commission.

Grading, tree removal and other changes in 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 be subject to change in the review of a final site plan or plat within the PUD.

SECTION 11.05 - GENERAL PROVISIONS

- A. **District Regulations** - All uses, structures, and properties shall comply with all regulations in ARTICLE 4.0, Schedule of District Regulations, herein, and with all other regulations and requirements of this Zoning Ordinance, except as provided in this Article.
- B. **Continuing Applicability of Regulations** - The location of all uses and structures, all uses and mixtures thereof, all yards and transition strips, and all other information regarding uses of properties as shown on or as part of 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 the zoning ordinance as though such regulations were specifically set forth in the zoning ordinance. Such regulations shall be the continuing obligation of any subsequent interests in the land in a PUD or parts thereof and shall not be changed except as approved through amendment or revision procedures as set forth in this Article. The approved plan(s) and any documents attached thereto shall control any subsequent planning or development at any particular stage in the process.

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.

- C. **Construction** - No construction, grading, tree removal, soil stripping, or other site improvements or changes shall commence, and no permits shall be issued therefore, on a lot zoned, or under zoning application for, a PUD District classification, until the requirements of this Article have been met.

SECTION 11.06 - ZONING BOARD OF APPEALS JURISDICTION

The Township’s Zoning Board of Appeals has no authority to hear an appeal on a PUD decision.

SECTION 11.07 - DENSITY REGULATIONS

- A. Density in a PUD shall be regulated as follows:
 - 1. The maximum permitted residential density for a PUD shall not exceed the average residential density for the area included in the PUD as shown on the Township’s adopted Master Plan.
 - 2. The maximum lot coverage (LC) shall not exceed twenty-five (25) percent.
 - 3. The maximum floor area ratio (FAR) shall not exceed 35 percent.
- B. Density calculations shall meet the following requirements:

1. Land areas to be used in calculating gross densities, lot coverages (LC) and floor area ratios (FAR) shall be delineated on the area plan, preliminary site (sketch) plan, where applicable, and final site plan so that the acreage and density computations can be confirmed.
2. Land area used for calculating gross residential density shall include the total residential land area designated on the area or preliminary site plan, where applicable, and final site plan, less any area within existing public street right-of-way.
3. The horizontal surface area of lakes, streams, ponds (natural, man-made, or storm water retention), marshlands, and similar areas may be included in the acreage used for calculating density if at least fifty (50) percent of the frontage of such areas are part of lands devoted to parks and open space used for and accessible to residents of the PUD.
4. LC and FAR calculations for residential structures shall be based upon the acreage designated for overall residential density. LC and FAR calculations for non-residential uses shall be based upon land areas designated for such use and shall include 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 right-of-way.
5. Land once used to provide acreage sufficient to meet density regulations in a project within a PUD shall not be used to compute density in another project within the PUD unless the overall and new densities, LC's and FAR's of the subject property, and all previous projects in the district are maintained at or less than the limits established in the approved area plan.
6. The LC and FAR shall include assumed ground floor area and total floor area for proposed single family detached dwelling units. Such assumed floor areas shall be listed in the required calculations.
7. The Planning Commission may exclude land with slopes of fifteen percent (15%) or steeper from the gross residential land area if such land is not usable for residential or recreation/open space purposes.

SECTION 11.08 - MINIMUM LOT AREA

There shall be no minimum lot area for a planned unit development, provided, however, that the Township Planning Commission shall find that the lot area for any proposed planned unit development is reasonable for a development of that nature. Such finding shall take account of the lot size required for similar developments in other districts.

SECTION 11.09 - REQUIRED YARDS AND SETBACKS

The following minimum yards/setbacks shall be provided in a PUD.

- A. A yard fifty (50) feet deep shall be provided along the perimeter of a PUD fronting on a public street.
- B. A yard twenty (20) feet deep shall be provided along the perimeter of a PUD 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 a yard, except that drives may cross such yards.
- C. A yard at least thirty-five (35) feet deep shall be provided along the right-of-way of a major public collector street proposed within a PUD and a yard fifty (50) feet deep shall be provided along the right-of-way of a public arterial street proposed within a PUD.
- D. A landscaped yard at least ten (10) feet deep shall be provided between a parking lot of five (5) or more spaces and a property line within a PUD. A yard at least twenty (20) feet deep shall be provided between a parking lot and a perimeter property line of a PUD, except when adjacent to a public street right-of-way line, in which case the preceding yard requirements shall apply.

- E.** A transition strip at least twenty (20) feet deep shall be required along a perimeter of a commercial, warehousing, or industrial office site when adjacent to a residential area, school site, park and similar areas within a PUD. Such strips shall be landscaped with trees, shrubs, ground cover, and other materials. Fencing may be required at the option of the Township Board at the time of area plan approval.

The preceding yard/setback requirements, except those in SECTION 11.09 (A) and (B), herein, may be reduced or waived when approved by the Township Board upon recommendation of the Planning Commission. The Planning Commission may permit a reduction in the yard required in SECTION 11.09 (A) herein, but the remaining yard shall not be less than thirty-five (35) feet. The reduction or waiver 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 shown on the approved area plan.

- F.** 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 herein.

SECTION 11.10 - DISTANCES BETWEEN BUILDINGS

- A.** A single family dwelling shall be located at least ten (10) feet from any other single family dwelling unless structurally attached thereto.
- B.** Distances between buildings shall be sufficient to meet fire protection requirements.
- C.** 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.

SECTION 11.11 - HEIGHT REGULATIONS

There are no height regulations in the PUD District, provided that any building exceeding a height of two and one-half (2 1/2) stories or thirty-five (35) feet shall be approved as to specific height by the Township Board upon recommendation by the Township Planning Commission. Approval shall be based upon findings regarding natural light, air circulation, views, fire protection, and airport flight patterns, where applicable. The height of each building shall be indicated on the area plan and all site plans approved subsequently thereto. Where the height exceeds two and one-half (2 1/2) stories or thirty-five (35) feet, the Township Board upon recommendation from the Planning Commission may require larger lot areas or set backs to preserve the integrity of open areas.

SECTION 11.12 - CIRCULATION AND ACCESS

- A.** Each lot or principal building shall have vehicular access from a public street or 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 shall have pedestrian access from a public or private sidewalk, where deemed necessary by the Planning Commission. All parts of a PUD shall be interconnected by a sidewalk system which will provide necessary, safe, and convenient movement of pedestrians. A bicycle path system may be required in a PUD and may be a part of a sidewalk system.
- C.** Public and private streets shall be designed and constructed according to established standards for public streets, except that such standards may be modified if adequate service will be provided. Right-of-way standards may be modified, especially where the area plan provides for adequate off-street parking facilities and for the separation of pedestrian and vehicular traffic. Any modification of proposed public streets shall meet the approval of the Washtenaw County Road Commission.
- D.** An individual dwelling unit in a single family or two family structure, or an individual townhouse building or mobile home, or similar residential structure, shall not have direct driveway access to a collector or arterial street. In such case, access shall be provided by a public or private street.

- E.** 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 sub-section C, preceding. If private streets in a PUD district are to be dedicated to a public agency in the future, 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.

SECTION 11.13 - UTILITIES

- A.** Each principal building shall be connected to public water and sanitary sewer lines, or to on-site facilities approved by the Township Board, after approval by the Washtenaw County Health Department and any other applicable entities.
- B.** Each site in a PUD district shall be provided with adequate storm drainage. Open drainage courses and storm water retention ponds may be permitted where shown on an approved area plan, site plan, or plat.
- C.** Electrical, telephone, and cable television lines shall be placed underground, provided, however, that distribution lines may be placed overhead if approved by the Township Board. Surface mounted equipment for underground wires shall be shown on final site plans, and shall be screened from view.
- D.** The Township Planning Commission may require that all structures within a PUD District which utilize metered utilities such as gas, electricity, water and sewer, shall have installed on the premises a meter reading device capable of determining usage amounts from a central location, which location shall be approved by the Township Board.
- E.** The Township Planning Commission may require the installation of street lighting on all or any portion of a public or private street, sidewalks and bike paths where such installation is deemed to be in the interest of public health, safety and welfare.
- F.** The Township Planning Commission may require the installation of an audio warning system at such locations as to adequately warn persons within the PUD of natural or man caused disasters.

SECTION 11.14 - 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, such as recreation areas and parks. Other buildings and improvements shall be prohibited therein.
- B.** Open space areas shall be conveniently located throughout the PUD in relation to the location of dwelling units and natural features.
- C.** Open space areas shall have minimum dimensions which are usable for the functions intended and which will permit proper maintenance.
- D.** The Township Board may require, upon recommendation of the Planning Commission, that natural amenities such as, but not limited to, 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.

SECTION 11.15 - PARKING AND LOADING REQUIREMENTS

The parking and loading requirements set forth in ARTICLE 13.0, herein, shall apply, except that the number of spaces required may be reduced. Width of parking spaces may be reduced to not less than nine (9) feet. The reductions shall be approved by the Township Board, upon recommendation of the Township Planning Commission, as a part of the area plan, and shall be based upon specific findings. The parking area saved by reducing the number of width of spaces shall be put into landscape/open space areas within the PUD.

SECTION 11.16 - 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 property tax revenues resulting from such development will generally balance the expenditures required by public agencies to properly service that development; so that over-loading 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 residential environment will be available upon completion of any one phase. The Township Planning Commission may require the petitioner to provide market analyses, traffic studies, and other information necessary for the Planning Commission to properly and adequately analyze a PUD application for recommendation to the Township Board with respect to this requirement.
- C.** The Planning Commission may require, as part of a final site plan review of a phase of a PUD, that land shown as open space on the approved area plan be held in reserve as part of the phase to be developed, in order to guarantee that density limits for the entire approved PUD will not be exceeded when the subject phase is completed. Such reserved land may be included in the development of subsequent phases if the density limits will not be exceeded upon completion of that phase or if other land is similarly held in reserve.
- D.** Development shall be started and shall be diligently pursued in the manner and sequence shown on the approved area plan.
- E.** Any phase containing commercial and/or office uses shall have a residential land area containing at least three (3) times the land area in the commercial/office use.
- F.** No building permits shall be issued for any commercial or office use in a PUD until building permits have been issued for at least one hundred (100) dwelling units or one-quarter of the total number of units in the approved area plan, whichever is less.

SECTION 11.17 - SITE PLANS

A. 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 for Planned Unit Development districts consisting of more than eighty (80) acres of land area. The preliminary site plan shall be submitted and reviewed in accordance with, and shall meet the requirements of, ARTICLE 15.0, herein, that apply to preliminary site plans. In addition to these provisions, preliminary site plans shall conform to the approved area plan.

B. Final Site Plan Requirements

A final site plan shall be approved for each phase of a Planned Unit Development district as delineated on the approved area plan. Each final site plan shall be submitted and reviewed in accordance with, and shall meet the requirements of, ARTICLE 15.0, herein, that apply to final site plans. The Planning Commission shall transmit the approved final site plan to the Township Board for its information. The applicant and all owner(s) of record or the owner(s) legal representative(s) shall sign the approved final site plan.

SECTION 11.18 - SUBDIVISION PLATS

- A.** A site plan shall not be required for any part of a PUD which is to be platted for single family detached residential development.
- B.** Plats shall conform to the approved area plan and all conditions attached thereto.

- C.** Subdivision plats shall meet all requirements of the Manchester Township Subdivision Ordinance.
- D.** 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.
- E.** Condominium projects shall meet all requirements of the Condominium Act of 1978, as amended.

SECTION 11.19 - COMMON AREAS AND FACILITIES

- A.** The location, extent, and purpose of all common areas and facilities shall be clearly identified on the area plan, on the preliminary site (sketch) plan where applicable, and on each final site plan. All such areas and facilities which are to be conveyed to any agency shall be clearly identified accordingly on the final site plan(s).
- 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 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 and a report on his/her findings issued to the Planning Commission 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. Said legal instrument shall become a part of the approved plat or final site plan, whichever is applicable.
- D.** Where a Home Owners 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, same to be filed with the zoning application. The provisions shall include, but shall not be limited to, the following:
 - 1.** The HOA shall be established before any dwellings in the PUD are sold.
 - 2.** Membership in the HOA shall be mandatory for each dwelling unit buyer and for any successive buyer and shall be so specified in the covenants.
 - 3.** Restrictions shall be permanent.
 - 4.** The HOA shall be made responsible for liability insurance, local taxes, and maintenance of common areas and facilities.
 - 5.** Dwelling unit owners shall pay their pro rata share of the costs and this requirement shall be so specified in the covenants. Assessments levied by the HOA may become a lien on the individual properties.
 - 6.** The HOA shall have authority to adjust the assessment to meet changed needs.
 - 7.** The Township Board shall review the proposed by-laws and articles of incorporation prior to approval of the area plan.
 - 8.** All open spaces and common facilities shall be assessed to the HOA and all taxes and special assessments thereon shall be paid by the HOA.
- E.** The permanence and integrity of common open space may be secured by conveyance of development rights of such areas to a public agency. Such rights shall not include those needed to improve the common open space areas in accordance with an approved application, an approved preliminary site plan, where applicable, and final site plan.

- F.** 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 may employ a professional manager. The trustee may be a home-owners association, a trust company, or similar organization.
- G.** Easements shall be given to each individual owner for the use of such areas and facilities.
- H.** Where facilities are to be constructed as part of the common area open space system, performance guarantees shall be provided as required herein.

SECTION 11.20 - 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 an approved area plan, or a change in an approved preliminary or final site plan which results in a major change, as defined in this section, in the approved area plan, shall require an amendment to the approved area plan. All amendments shall follow the procedures herein required for original submittal and review of an application for PUD zoning. A change which results in a minor change as defined in this section 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. Such reasons may be based upon considerations such as but not limited to changing social or economic conditions, potential improvements in layout or design features, unforeseen difficulties, technical causes, site conditions, state or federal projects and installations, and statutory revisions. The Planning Commission, upon finding such reasons and request reasonable and valid, shall so notify the applicant in writing. 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 immediately notify the Township Board.
- C.** The following changes shall be considered major, for which amendment is required:
 - 1. Change in concept of the development.
 - 2. Change in use or character of the development.
 - 3. Change in type of dwelling unit as identified on the approved area plan.
 - 4. Increase in the number of dwelling units (density).
 - 5. Increase in non-residential floor area of over five (5) percent.
 - 6. Increase in lot coverage or FAR of the entire PUD of more than one (1) percent.
 - 7. Rearrangement of lots, blocks, and 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(s).
 - 10. Increase in building height.
 - 11. A change in residential floor area plus or minus 10%.
- D.** A developer may request approval of minor changes, as defined in this section, 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 other applicable agencies of its approval of such minor changes. The revised drawings as approved shall each be signed by the applicant and the owner(s) or record or the legal representative(s) of said owner(s).

- E.** Minor changes, for which approved plans may be revised rather than amended, shall be at the discretion of the Planning Commission.
- 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.
- G.** After the completion of any development within an approved PUD, alterations to existing uses/structures shall be handled on a case by case basis. Applicable sections of the Zoning Ordinance shall apply. Changes shall be consistent with the intent and character of the original PUD as approved.

SECTION 11.21 - EXPIRATION OF PLAN APPROVALS

- A.** An area plan shall expire eighteen (18) months after approval by the Township Board unless a site plan for the first phase of the project, or for the entire property in the PUD if development is not to occur in phases, is submitted to the Planning Commission for review and approval. Thereafter the site plan for each subsequent phase shall be submitted to the Planning Commission for review and approval within two (2) years of the date of approval of the immediately preceding final site plan.
- B.** A final site plan for the entire property classified as a PUD, or all final site plans for all stages thereof, shall have received approval of the Planning Commission within three (3) years, in the case of a PUD of eighty (80) acres or less in area, or within five (5) years for a PUD of more than eighty (80) acres in area, of the date of Township Board approval of the area plan. All final plats in a PUD shall have been approved and recorded within the preceding time periods.
- C.** Expiration of an approved area plan, or preliminary site plan, where applicable, as set forth in SECTION 11.21 A, preceding, and failure to obtain approval of final site plans and final plats as provided in SECTION 11.21 A and B, preceding, shall authorize the Township Board to revoke the right to develop under the approved area plan, after a hearing and unless good cause can be shown for said expiration.

In such case, the Township Board may require that a new area plan be filed and reviewed in accordance with the requirement for original application. Expiration shall also authorize the Township Board to initiate a zoning amendment to place the subject property into one or more zoning districts deemed by the Township Board to be appropriate. 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 Administrator shall notify the Township of the expiration of an approved area plan.

- D.** Approval of a final site plan in a PUD shall expire and be of no effect one hundred eighty (180) days after the date of approval of the Planning Commission unless the Building Inspector shall have issued a building permit for the development authorized by said approved plan. A final site plan in a PUD shall expire and be of no effect five-hundred forty-five (545) days after the date of approval by the Planning Commission unless construction is begun and is diligently pursued in accordance with the approved final site plan. Expiration of an approved final site plan shall authorize the Planning Commission to require filing and review of a new final site plan in accordance with the provisions of this Article.
- E.** Development shall be diligently pursued to completion, and shall be completed within two (2) years of the date of approval of a final site plan. If said development is not so completed, the Planning Commission shall not review or approve final site plans for any subsequent phases of the PUD unless good cause can be shown for not completing same.
- F.** If an approved area plan or an approved site plan has expired as set forth in this Section, no permits for development or use of the property shall be issued until the applicable requirements of this section have been met.

SECTION 11.22 - EXTENSION OF TIME LIMITS

Time limits set forth in this Article may be extended upon showing of good cause, and by written agreement between the applicant and the Planning Commission and/or Township Board, whichever is applicable, in the case of area plans. In the case of preliminary and final site plans an agreement for time extensions shall be between the applicant and the Planning Commission.

SECTION 11.23 - MODIFICATIONS DURING CONSTRUCTION

All site improvements and building construction shall conform to all approved plans required in this Article 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/she shall do so at his/her own risk, without assurance that the Manchester 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, Zoning Administrator, Building Inspector or Township Engineer, whichever is applicable, may require the applicant to correct any changes made in the field without prior approval so as to conform to the approved plans.

SECTION 11.24 - AS-BUILT DRAWINGS

As-built drawings shall be provided in accordance with ARTICLE 15.0, herein.

SECTION 11.25 - 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 15.0 Site Plan Review, herein.

SECTION 11.26 - VIOLATIONS

- A.** A violation of an approved area plan, preliminary site plan, final site plan, and conditions of approval, shall be grounds for the Township Board to order that all construction be stopped and that building permits and certificates of occupancy be withheld until the violation is removed or adequate guarantee of such removal is provided to the Board.
- B.** Violations of any plan approved under this Article, or failure to comply with any requirement of this Article, including conditions attached to an approved plan, shall be considered a violation of this ordinance, as provided in ARTICLE 18.0, herein.

ARTICLE 12.0
CONDITIONAL USES

SECTION 12.01 - GENERAL

This ordinance is based upon the division of Manchester Township into districts in each of which certain specified, mutually compatible uses are permitted by right. In addition to such uses, however, there are certain other uses which are essential or desirable for the welfare of the community. Such uses are appropriate and not incompatible with the uses permitted by right in a zoning district, but not at every or any location therein, or without conditions being imposed because of special problems presented by the use or its particular location in relation to neighboring properties. These uses are identified herein as conditional uses. Conditional uses are hereby declared to be special land uses as provided in Public Act 110 of 2006, as amended.

This ordinance, therefore, requires approval of all uses listed in the several zoning districts as conditional uses and specifies in this Article the procedures and standards to be followed in approving permits for such uses. If compliance with the procedures and standards for conditional uses is found, then the right to a conditional use permit shall exist, subject to conditions as may be imposed. No conditional use shall commence until a conditional use permit is issued in accordance with this ordinance. Only those uses listed in each zoning district as conditional uses may be considered for conditional use permit review and approval.

SECTION 12.02 - AUTHORITY TO GRANT PERMITS

The Township Planning Commission shall have the authority to grant conditional use permits, subject to such conditions of design and operation, safeguards and time limitations as it may determine for all conditional uses specified in the various district provisions of this ordinance.

SECTION 12.03 - APPLICATION

Application for any conditional use permit permissible under the provisions of this ordinance shall be made to the Planning Commission by filling in the official conditional use permit application form, submitting required data, exhibits and information; and depositing the required fee with the Township Clerk. The Clerk shall promptly transmit copies of the application form and information to the Planning Commission.

SECTION 12.04 - FEE

The application and review fee for conditional use permits shall be set by resolution of the Manchester Township Board.

SECTION 12.05 - INFORMATION REQUIRED

An application for a conditional use permit shall contain the following information:

- A.** The names and addresses of all record and known owners and proof of ownership, applicant's name, address and telephone number and interest in the property; owner's signed consent for preliminary site plan approval application if the applicant is not the owner.
- B.** A detailed description of the proposed use.
- C.** Location, legal description of property, address, tax parcel number of the property, dimensions, and area.
- D.** A scaled and accurate survey drawing, depicting the location of the site and showing all existing buildings, drives and other improvements.
- E.** General topography and soil information.
- F.** Scale, north arrow, date of plan.

- G.** Proposed buildings/structures; location, outline, general dimensions, distances between floor area, number of floors, height, number and type of dwelling units (where applicable).
- H.** Location and size of open areas and recreation areas.
- I.** Proposed streets/drives; general alignment, right-of-way (where applicable), surface type and width.
- J.** Proposed parking; location and dimensions of lots; typical dimensions of spaces and aisles; angle of spaces, surface, type number of spaces.
- K.** Existing zoning classification of property; delineation of required yards; dwelling unit schedule, density of development, and lot area per dwelling unit for residential projects; lot coverage (percent) and floor area ratio; location and size of required transition and landscape strips, if applicable.
- L.** Area of intended filling and/or cutting; outline of existing buildings/structures and drives; existing natural and manmade features to be retained or removed.
- M.** Adjacent land uses and zoning; location of adjacent buildings, drives and streets.
- N.** Location and area of development phases; building program for each phase; projected schedule of development by phase.
- O.** Location and width of all easements on the site.
- P.** General description of proposed water, sanitary sewer, and storm drainage systems.
- Q.** All adjacent property owned or controlled by the applicant or owner of the subject property.
- R.** Any other information deemed necessary by the Planning Commission.

SECTION 12.06 - PUBLIC HEARING

- A. Establishing Date** - Upon receipt of the application and information from the Township Clerk, the Planning Commission shall set a date for a public hearing thereon, and shall notify the Township Clerk and applicant of the date.
- B. Notification Requirements** - The Planning Commission shall hold a public hearing on an application for a conditional use permit within sixty-five (65) days of the filing date. A notice of the public hearing shall be published once in a newspaper which circulates in the Township. A notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet regardless of whether the property or occupant is located within the Township. The notice shall be given not less than fifteen (15) days before the date of the public hearing. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

In accordance with Section 19.03 D. of this Ordinance, the applicant(s) shall be responsible for posting a sign announcing the public hearing for the proposed Conditional Use. Each sign shall state, "PROPERTY PROPOSED FOR A CONDITIONAL USE."

C. Contents of Notification - The notice of public hearing shall:

1. Describe the nature of the conditional use request.
2. Describe the property which is the subject of the conditional use request, including existing zoning. The notice shall include a listing of all existing street addresses within the property, if such addresses exist. If there are no street addresses, other means of identification may be used.
3. State date, time and place of the public hearing.
4. Indicate the time and place written comments will be received concerning the request.

SECTION 12.07 - PLANNING COMMISSION ACTION

The Planning Commission shall review the application and shall approve, approve with conditions, or deny a conditional use permit application. The Planning Commission's decision, the basis for the 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.

SECTION 12.08 - REQUIRED STANDARDS

The Planning Commission shall review the particular circumstances and facts of each proposed use and shall find and record adequate data, information and evidence showing that such a use on the proposed site meets all of the following standards:

- A. Will be harmonious, and in accordance, with the objectives and regulations of this ordinance.
- B. Will be compatible with the natural environment and existing and future land uses in the vicinity.
- C. That the proposed use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage ways, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- D. That the proposed use will not be detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property or the public welfare.
- E. That the proposed use will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.
- F. Will be compatible with the Township's adopted Land Use Plan and consistent with the intent of this ordinance and of the zoning district in which located.
- G. That the proposed use will meet all specific standards or regulations set forth in this ordinance.

SECTION 12.09 - CONDITIONS OF APPROVAL

In approving a conditional use permit, the Planning Commission may impose conditions it deems necessary to achieve the objectives and standards of this ordinance, the standards of Public Act 110 of 2006, as amended, and the public health, safety and welfare of Manchester Township. Failure to comply with any such conditions shall be a violation of this ordinance. An approved conditional use permit, including all attached conditions, shall run with the land in the approval and shall be binding upon all successors and assigns. The conditions shall remain unchanged except upon mutual consent of the Planning Commission and the landowner. Any such changes shall be entered into Township records and recorded in the minutes of the Planning Commission meeting at which the action occurred. A public hearing shall be held on any proposed changes, as required for original application.

SECTION 12.10 – CONTINUATION AND EXPANSION

- A. Continuation** – Any use lawfully existing on the date of adoption of this ordinance or an amendment thereof and that is permitted as a condition use under this ordinance or amendment shall be deemed a conforming use, and may continue without approvals require in this Article.
- B.** Expansion of a conditional use shall require a conditional use permit.

SECTION 12.11 – RE-APPLICATION

An application for a conditional use permit which has been denied wholly or in part by the Planning Commission shall not be resubmitted for a period of three hundred sixty-five (365) days from the date of such denial, except on grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid.

SECTION 12.12 – REVOCATION OF PERMIT

The Planning Commission may, after hearing and cause shown, revoke a conditional use permit in case of false statement or misrepresentation of fact on which the permit was approved, or in case of violations of this ordinance, or in case of lack of compliance with the approved site plan or any conditions of the permit.

SECTION 12.13 – VARIANCES

When a variance is required for the approval of a conditional use, the Zoning Board of Appeals may, in accordance with Article 20.0, approve the variance on the condition that the conditional use is approved by the Planning Commission. In the alternative, in the discretion of the Planning Commission, the Commission may approve a conditional use subject to the condition that variances be approved by the Zoning Board of Appeals. The Planning Commission may also postpone its decision regarding a conditional use to give an applicant an opportunity to obtain necessary variances from the Zoning Board of Appeals.

ARTICLE 13.0
OFF-STREET PARKING AND LOADING-UNLOADING REQUIREMENTS

SECTION 13.01 - OFF-STREET PARKING

In all districts, off-street parking spaces for automobiles with the requirements herein specified shall be provided at the time any building or structure is erected, enlarged or increased in capacity.

- A.** Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation shall be submitted to the Zoning Administrator 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 15.0, herein, in which case this requirement shall not apply. Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within three hundred (300) feet thereof except that this distance shall not exceed one hundred fifty (150) feet for single family and two family dwellings. This distance specified shall be measured from the nearest point to the parking facility to the nearest point of the lot occupied by the building or use that such facility is required to serve.
- B.** No parking area or parking space which exists at the time this ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this ordinance, unless additional parking area or space is provided sufficient for the purpose of complying with the provision of this ordinance within three hundred (300) feet of the proposed or existing uses for which such parking will be available.
- C.** Parking of motor vehicles, in residential zones, shall be limited to passenger vehicles, and not more than one commercial vehicle of the light delivery type, not to exceed three-fourths (3/4) ton shall be permitted per dwelling unit. The parking of any other type of commercial vehicle, or bus, except for those parked on school or church property is prohibited in a residential zone. Parking spaces for all types of uses may be provided either in garages or parking areas conforming with the provisions of this ordinance.
- D.** Each off-street parking space for automobiles shall not be less than two hundred (200) square feet in area, with a minimum width of ten (10) feet, exclusive of access drives or aisles, and shall be of usable shape and condition. There shall be provided a minimum access drive of ten (10) feet in width, and where a turning radius is necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles. Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of a parking space. The minimum width of such aisle shall be:

 - 1.** For ninety (90) degree or perpendicular parking the aisle shall not be less than twenty-two (22) feet in width.
 - 2.** For sixty (60) degree parking the aisle shall not be less than eighteen (18) feet in width.
 - 3.** For forty-five (45) degree parking the aisle shall not be less than thirteen (13) feet in width.
 - 4.** For parallel parking the aisle shall not be less than eleven (11) feet in width.
- E.** Off-street parking facilities required for churches may be reduced by fifty (50) percent where churches are located in non-residential districts and within three hundred (300) feet of usable public or private off-street parking areas. Off-street parking facilities for trucks at restaurants, service stations, and other similar and related uses shall be of sufficient size to adequately serve trucks and not interfere with other vehicles that use the same facilities. Such truck spaces shall not be less than ten (10) feet in width and fifty-five (55) feet in length.
- F.** Every parcel of land hereafter used as a public or private parking area shall be developed and maintained in accordance with the following requirements:

1. All off-street parking spaces shall not be closer than five (5) feet to any property line, except where a wall, screen, or compact planting strip exists as a parking barrier along the property line.
 2. No off-street parking spaces shall be located in the front yard setback or when the lot is a corner lot, the parking spaces shall not be located within the required setback of either street.
 3. All off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of materials which will have a dust-free surface resistant to erosion.
 4. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lot or institutional premises.
 5. Any off-street parking area providing space for five (5) or more vehicles shall be effectively screened on any side which adjoins or faces property adjoining a residential lot or institution by a wall, screen, or compact planting not less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
 6. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one or two family dwellings.
 7. 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 ordinance. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except churches.
- G.** For the purposes of determining off-street parking requirements the following units of measurement shall apply:
1. **FLOOR AREA** - In the case of uses where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that such floor area need not include any area used for parking within the principal building and need not include any area used for incidental service storage installations of mechanical equipment, penthouses housing ventilators and heating systems, and similar uses.
 2. **PLACES OF ASSEMBLY** - In stadiums, sport arenas, churches, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.
 3. **FRACTIONS** - When units of measurement determining the number of required parking spaces result in requirement of a fractional space, any fraction shall be counted as one additional space.
 4. The minimum required off-street parking spaces shall be set forth as follows:
 - Automobile or Machinery Sales and Service Garages:**

One (1) space for each two hundred (200) square feet of showroom floor area plus five (5) spaces for each service bay plus one (1) space for each two (2) employees.
 - Banks, Business and Professional offices:**

One (1) space for each two hundred (200) square feet of gross floor area.
 - Barber Shops and Beauty Parlors:**

One (1) space for each chair plus one (1) space for each employee.

Bowling Alleys:

Five (5) spaces for each alley.

Churches, auditoriums, stadiums, sport arenas, theaters, dance halls other than schools:

One (1) space for each (4) seats.

Dwellings (Single family):

Two (2) spaces for each family or dwelling unit.

Dwellings (two family and multiple family)

Two (2) spaces for each family or dwelling unit,

Funeral homes and mortuaries:

One (1) space for each fifty (50) square feet of floor area, plus one (1) space for each fleet vehicle.

Furniture and appliance stores, household equipment and furniture repair shops:

One (1) space for each one thousand (1,000) square feet of floor area.

Hospitals:

One (1) space for each bed excluding bassinets plus one (1) space for each two (2) employees.

Hotels, motels, lodging houses, tourist and boarding homes:

One (1) space for each living unit plus one (1) space for each two (2) employees.

Automobile, gasoline service stations:

One (1) space for each eight hundred (800) square feet of floor area plus one (1) space for each four (4) employees, plus five (5) spaces for each service bay.

Manufacturing, fabricating, processing and bottling plants, research and testing laboratories:

One (1) space for each one and one-half (1-1/2) employees on maximum shift.

Utility sub-stations:

One (1) space for each employee on maximum shift.

Medical and dental clinics:

One (1) space for each one hundred (100) square feet of floor area plus one (1) space for each employee.

Restaurants, beer parlors, taverns and night clubs:

One (1) space for each two (2) patrons of maximum seating capacity plus one (1) space for each two (2) employees.

Roadside stands:

Five (5) spaces for each attendant.

Self-service laundry or dry cleaning stores:

One (1) space for each two (2) washing and/or dry cleaning machines.

Schools - private or public elementary and junior high schools:

One (1) space for each employee normally engaged in or about the building or grounds plus one (1) space for each thirty (30) students enrolled.

Senior high schools and institutions of higher learning private or public:

One (1) space for each employee in or about the building or grounds plus one (1) space for each four (4) students.

Shopping Centers:

5.5 spaces per 1,000 square feet of gross leasable floor area.

Supermarket, self-service food and discount stores:

One (1) space for each two hundred (200) square feet of gross leasable floor area.

Wholesale sales:

One (1) space for each four hundred (400) square feet of floor area in wholesale sales, which area is not included in retail sales floor area.

Retail sales in wholesale establishments:

One (1) space for each two hundred (200) square feet of retail sales floor area.

Warehousing/storage:

One (1) space for each employee.

Material distribution center (truck terminal):

One (1) space for automobile parking for each person employed on the premises, including truck drivers; one (1) space for each truck stored on the premises.

Mini-warehouse (self-storage)/Outside Storage:

One (1) space for each twenty-five (25) storage units equally distributed throughout the site; two (2) spaces for the manager's residence. One (1) space for each twenty-five (25) storage units.

Pharmacy, retail sales of medical and dental supplies and medical/dental laboratories:

One (1) space for each four hundred (400) square feet of floor area in such use, plus the parking space required for other uses of the premises.

- 5. Where a use is not specifically mentioned the parking requirements of a similar or related use shall apply.

SECTION 13.02 - LOADING-UNLOADING REQUIREMENTS

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

- A.** Plans and specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted to the Zoning Administrator for review at the time of application for a building permit for the erection or enlargement of a use or a building or structure.
- B.** Each off-street loading-unloading space shall not be less than the following:
 - 1.** In any residential district a loading-unloading space shall not be less than ten (10) feet in width and twenty-five (25) feet in length and, if a roofed space, not less than fourteen (14) feet in height.
 - 2.** In any commercial or industrial district a loading-unloading space shall not be less than ten (10) feet in width and fifty-five (55) feet in length and, if a roofed space, not less than fifteen (15) feet in height.
- C.** Subject to the limitations of the next paragraph, a loading-unloading space may occupy part of any required side or rear yard; except the side yard along a side street in the case of a corner lot. In no event shall any part of a required front yard be occupied by such loading space.
- D.** Any loading-unloading space shall not be closer than fifty (50) feet to any other lot located in any residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, fence or compact planting not less than six (6) feet in height.
- E.** In the case of mixed uses on one lot or parcel the total requirements for off-street loading-unloading facilities shall be the sum of the various uses computed separately.
- F.** All off-street loading-unloading facilities that make it necessary to back out directly into a public road shall be prohibited. All maneuvering of trucks, autos and other vehicles shall take place on the site and not within a public right-of-way.
- G.** Off-street loading-unloading requirements for residential (excluding single family dwellings), hotel, hospital, mortuary, public assembly, office, retail, wholesale, industrial or other uses similarly involving the receipt of distribution by vehicles, the uses having over five thousand (5,000) square feet of gross floor area shall be provided with at least one (1) off-street loading-unloading space, and for every additional twenty thousand (20,000) square feet of gross floor space, or fraction thereof, one (1) additional loading-unloading space, the size of such loading unloading space subject to the provisions of this ordinance.
- H.** Where a use is not specifically mentioned, the requirements of a similar or related use shall apply.

ARTICLE 14.0
SIGN REGULATIONS

SECTION 14.01 - Purpose

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 Manchester Township, to protect health and safety, and to protect the public welfare.

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.

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.

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.

SECTION 14.02 - 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 Zoning Administrator 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.

SECTION 14.03 - SIGNS PERMITTED IN ALL ZONING DISTRICTS

Subject to the other conditions of this Ordinance, the following signs shall be permitted anywhere within Manchester Township:

- A.** 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 (6) square feet overall, with not more than a total of three (3) 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 fourteen (14) days of the issuance of a certificate of occupancy.
- B.** One temporary real estate "for sale" sign located on the property and not exceeding six (6) square feet in area shall be permitted for each lot. If the lot or parcel has multiple frontage, one additional sign not exceeding six (6) square feet in area shall be permitted on the property on each street frontage. Under no circumstances shall more than two (2) such signs be permitted on a lot. Such sign(s) shall be removed within seven (7) days following the sale.

- C. 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 fourteen (14) days prior to and seven (7) days after the public entertainment or event.
- D. 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 (3) square feet in area. The top of such sign shall not exceed eight (8) 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.

SECTION 14.04 - SIGNS PERMITTED IN AR - RURAL AGRICULTURAL DISTRICTS

- A. One incidental sign advertising the type of farm products grown on the farmstead premises is permitted. Such sign shall not exceed Eighteen (18) square feet in area.
- B. One sign for each public street frontage identifying a park, or school building, other authorized use, or a lawful non-conforming use, each sign not to exceed eighteen (18) square feet in area.
- C. One sign for each public street frontage advertising a development, each sign not to exceed eighteen (18) square feet in area. Such sign shall be removed within one year after the sale of ninety percent (90%) of all lots or units within said subdivision or development.

SECTION 14.05 - SIGNS PERMITTED IN RESIDENTIAL DISTRICTS

- A. One sign for each public street frontage advertising a development, each sign not to exceed eighteen (18) square feet in area. Such sign shall be removed within one year after the sale of ninety percent (90%) of all lots or units within said subdivision or development.
- B. One sign on each street frontage of a new multiple-family development advertising the new dwelling units for rent, not to exceed eighteen (18) square feet in area. Such sign shall be removed within sixty (60) days of the initial rental of ninety percent (90%) of the dwelling units within the development or within the first phase, whichever is applicable.
- C. One sign for each public street frontage identifying a multiple-family building, subdivision, or development, not having commercial connotations, each sign not to exceed eighteen (18) square feet in area.
- D. 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 (3) square feet in area and is incorporated into the identification sign permitted in SECTION 14.05C, preceding.
- E. One sign for each public street frontage identifying a school, church, public building, other authorized use or lawful non-conforming use, each sign not to exceed eighteen (18) square feet in area.

SECTION 14.06 - SIGNS PERMITTED IN CC – COMMERCIAL, AND CM - COMMUNITY MANUFACTURING DISTRICTS

- A. A sign, except outdoor advertising signs, which shall be regulated as set forth in SECTION 14.07 herein, 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 (2) square feet for each foot of length of the wall to which it is affixed. Wall signs shall not project more than one (1) 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 (2) feet.
 3. One free-standing identification sign may be erected for an individual lot, or group of lots developed as one lot, when not provided for by SECTIONS 14.06A-4 and A-5, following, and shall not exceed eighteen (18) square feet in area for offices and thirty-six (36) 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 (2) or more such signs, provided, however, that the maximum permitted sign area shall not be exceeded.
 4. One free-standing identification sign may be erected for a research park or office center, or combined research park/office center. Such sign shall not exceed thirty-six (36) square feet in area, nor be closer to the front, side or rear property line, than one-third (1/3) the distance of the required building setback. If the lot fronts on two or more collector or arterial streets, one such sign may be permitted for each such frontage.
 5. One (1) free-standing 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 (1) square foot per front foot of building, or buildings, for which it is erected; however, such sign shall not exceed two hundred (200) square feet in area. If the lot fronts on two or more collector or arterial streets, one (1) 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 (1) such sign for each entrance, provided that the area of each such sign shall not exceed four (4) 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 (1) identification sign per establishment, not exceeding four (4) 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 twenty-four (24) inches, but the bottom of a sign placed on a marquee shall be no less than eight (8) 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 CM - Community Manufacturing districts, a sign, except outdoor advertising signs, which shall be regulated as set forth in SECTION 14.07, herein, 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 (1) 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 (1) such sign, similarly affixed. Total sign area shall not exceed one (1) square foot for each foot in length of the wall to which it is affixed. A wall sign shall not project more than one (1) foot from the face of the wall, measured to the farthest face of the sign.
 2. One (1) free-standing 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 eighty (80) square feet, nor be closer to the front, side or rear property line, than one-third (1/3) the distance of the required building setback. If the lot fronts on two or more collector or arterial streets, one (1) sign may be permitted on each such frontage.
 3. Identification signs for rear or side entrances shall be permitted, at the rate of one (1) for each entrance, provided that the area of each such sign shall not exceed four (4) 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.

SECTION 14.07 - OUTDOOR ADVERTISING SIGNS

Outdoor advertising signs (Billboards) shall only be permitted in the CM - Community Manufacturing district and:

- A. Spacing:** Billboards shall be spaced no closer than $\frac{1}{4}$ mile from another billboard regardless of the fact that such billboards may be located on different sides of the subject street or highway. The linear mile measurement shall not be limited to the boundaries of Manchester Township where the particular street or highway extends beyond such boundaries.
- B. Linear Street and Highway Allotment:** Multi-faced billboard structures like back-to-back, tandem, tri-sided, V-shaped and stacked signs shall be considered separate billboards whose surface areas shall be considered separately toward the total linear street or highway allotment of billboards.
- C. Display Areas:** Any side of a bill board shall not have a surface display area exceeding three hundred (300) square feet. In the case of billboard structures with tandem or stacked billboard faces, the combined surface display area of all sign faces may not exceed this square footage limitation.
- D. Height:** The billboard shall not exceed 30 feet above the average grade of:
 1. the ground on which the billboard sits or
 2. the grade of the abutting roadway, whichever is higher.
- E. Placement. Roof:** Shall not be on top of, cantilevered, or otherwise suspended above the roof of any building.
- F. Proximity to Residential Structures and Uses:** Shall not be located within three-hundred (300) feet of a residential zone and/or existing residence.
- G. Lighting:** Billboards shall not be illuminated.
- H. Construction:** Billboards shall be constructed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness and continued readability of message.
- I. Proximity to the Road Right-of-Way:** Billboards shall be no closer to any right-of-way line than the front line of the nearest building within three hundred (300) feet.

SECTION 14.08 - SIGNS FOR AUTOMOBILE SERVICE STATIONS

Signs for automobile service stations shall be regulated as set forth in SECTION 14.06A, herein. In addition, the following regulations shall apply:

- A.** 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.
- B.** One (1) permanent sign for the purpose of advertising gasoline prices and similar announcements, when mounted on a free-standing 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 sign(s) shall not exceed six (6) 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.

SECTION 14.09 - EXEMPTIONS

The following types of signs are exempted from all the provisions of this Ordinance except for construction and safety regulations and the following standards:

- A.** Signs of a non-commercial 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.
- B.** 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 (10) feet from the property line. Maximum sign area shall be twenty-four (24) square feet. Such signs shall be allowed no more than fourteen (14) days prior to the event or function and must be removed within seven (7) 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 (6) feet above ground level.
- C.** 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.
- D.** Signs directing traffic movement onto a property or within a property, not exceeding eight (8) square feet in area for each sign. Horizontal directional signs on and flush with paved areas are exempt from these standards.
- E.** Temporary real estate directional signs, not exceeding three (3) square feet in area and four (4) 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 (3) feet in height.
- F.** Political campaign signs announcing candidates seeking public political office and other data pertinent thereto when removed within forty-eight (48) hours after the election day.
- G.** National, state, municipal, and university flags.
- H.** "No trespassing," "no hunting," and similar signs prohibiting invasion of private property, provided the area of such sign shall not exceed two (2) square feet.

SECTION 14.10 - PROHIBITED SIGNS

The following signs are prohibited anywhere within Manchester Township:

- A.** 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 14.09D, herein.
- B.** 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.
- C.** Signs which contain or consist of pennants, ribbons, streamers, spinners, strings of light bulbs, or other similar devices.
- D.** Signs which are placed on a street or other public right-of-way.
- E.** Signs which are pasted or attached to utility poles, trees, or other signs, except as provided in SECTION 14.09H.
- F.** Signs which move in any manner or have a major moving part or give an illusion of motion.

SECTION 14.11 - PERMIT AND FEES

- A.** Application for a permit to erect or replace a sign, shall be made by the owner of the property on which the sign is to be located, or his authorized agent to the Township Zoning Administrator, 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 said 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 Zoning Administrator for conformance to this Ordinance 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 adopted Electrical Codes 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 (6) 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 adopted building code of Manchester Township.

SECTION 14.12 - ILLUMINATION

- A.** The light from any illuminated sign or from any light source, including the interior of a building, 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 or reflect 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 Ordinance shall, however, be construed as preventing the 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.

SECTION 14.13 - COMPUTATION OF SURFACE AREA

- A.** 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 (2) or more faces, the area of all faces shall be included in determining the area of the sign.

SECTION 14.14 - REMOVAL

- A.** The Zoning Administrator shall order the removal of any sign erected or maintained in violation of this Ordinance. Thirty (30) 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 the Ordinance. 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 if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public or is not in conformance with SECTION 14.09, herein. 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 SECTION 14.14A, herein. 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 Ordinance 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 Ordinance.

SECTION 14.15 - NON-CONFORMING SIGNS

Copy may be changed on non-conforming signs, provided that the sign area is not increased, and provided that no structural changes are made in the sign.

SECTION 14.16 - RESPONSIBILITIES FOR SIGNS

All signs and components thereof shall be kept in good repair and in a safe, clean, neat, and attractive appearance. The following regulations apply to all signs, except those signs permitted in SECTIONS 14.03, 14.04, 14.05A, 14.05B, and 14.05D.

- A.** The advertiser is hereby made responsible for copy, structure, lighting, and all other parts of a sign.
- B.** All signs requiring permits shall display, in a conspicuous place, evidence of the permit and containing such data as might be required by the Zoning Administrator, including the name of the individual or company erecting the sign.

SECTION 14.17 - REGISTRY

The Zoning Administrator shall maintain an up-to-date registry of each sign, requiring a permit, erected in Manchester Township after the effective date of this Ordinance. 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.

**ARTICLE 15.0
SITE PLAN REVIEW**

SECTION 15.01 - PURPOSE

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

SECTION 15.02 - BUILDING, STRUCTURES AND USES REQUIRING SITE PLAN REVIEW

The building inspector shall not issue a building permit for the construction of the following buildings and structures unless a detailed site plan has been reviewed and approved by the Township Planning Commission and such approval is in effect.

- A.** A building containing two (2) or more dwelling units.
- B.** A mobile home park in accordance with the provisions as specified in ARTICLE 8.0.
- C.** A Planned Unit Development, in accordance with the provisions specified in ARTICLE 11.0.
- D.** Any building or structure or addition thereto in any commercial or industrial district with a floor area greater than five hundred (500) square feet.
- E.** A parking lot or addition thereto containing 5 or more parking spaces.
- F.** Any condominium development.
- G.** Any Conditional Use Permit provided, however, that the Planning Commission may waive this requirement upon finding that it is inapplicable to a given special use.
- H.** Public utility buildings and structures, but not including poles, towers, and telephone repeater buildings.

The Zoning Administrator shall not issue a Certificate of Zoning Compliance nor the Building Inspector issue a Building Permit for Construction of an addition to any one of the above listed buildings or structures until a final site plan has been approved by the Township Planning Commission and is in effect. A use, not involving a building or structure, as above listed, shall not be commenced, or expanded, nor shall the Building Inspector issue a Certificate of Occupancy for such use or the Zoning Administrator issue a Certificate of Zoning Compliance, until a final site plan has been approved and is in effect.

No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence for any development for which site plan approval is required until a final site plan is approved and is in effect, except as otherwise provided in this Article.

SECTION 15.03 - APPLICATION AND FEE FOR A PRELIMINARY SITE PLAN

Any person may file a request for a site plan review by the Township Planning Commission by filing with the Township Clerk the completed application upon the forms therefore furnished by the Clerk and payment of the preliminary fee as determined by resolution of the Manchester Township Board. As an integral part of said application, the applicant shall file at least Ten (10) copies of a preliminary site plan which shall conform to the following minimum requirements.

SECTION 15.04 - PLANNING COMMISSION REVIEW OF PRELIMINARY SITE PLAN

Upon receipt of such application and fee, the Clerk shall transmit the application and preliminary sketch plan drawing(s) to the Planning Commission prior to its next regularly scheduled meeting, and the Planning Commission shall undertake a study of the same and shall, within sixty-five (65) days, from the date of the first commission meeting at which the application is received from the Clerk, give its tentative approval or disapproval of the preliminary site plan, advising the applicant, in writing, of recommended changes or modifications in the proposed site plan as are needed to achieve conformity to the standards specified in this ordinance. This time limit may be extended upon a written request by the applicant and approval by the Planning Commission.

SECTION 15.05 - REQUIRED DATA FOR A PRELIMINARY SITE PLAN

Every preliminary site plan submitted to the Commission shall be in accordance with the requirements of this section.

- A.** The names and addresses of all record and known owners and proof of ownership, applicant's name address and telephone number and interest in the property; owner's signed consent for preliminary site plan approval application if the applicant is not the owner.
- B.** A detailed description of the proposed use.
- C.** Location, legal description of property, address, tax parcel number of the property, dimensions, and area.
- D.** A scaled and accurate survey drawing, depicting the location of the site and showing all existing buildings, drives and other improvements.
- E.** General topography and soil information.
- F.** Scale, north arrow, date of plan.
- G.** Proposed buildings/structures; location, outline, general dimensions, distances between floor area, number of floors, height, number and type of dwelling units (where applicable).
- H.** Location and size of open areas and recreation areas.
- I.** Proposed streets/drives; general alignment, right-of-way (where applicable), surface type and width.
- J.** Proposed parking; location and dimensions of lots; typical dimensions of spaces and aisles; angle of spaces, surface, type number of spaces.
- K.** Existing zoning classification of property; delineation of required yards; dwelling unit schedule, density of development, and lot area per dwelling unit for residential projects; lot coverage (percent) and floor area ratio; location and size of required transition and landscape strips, if applicable.
- L.** Area of intended filling and/or cutting; outline of existing buildings/structures and drives; existing natural and manmade features to be retained or removed.
- M.** Adjacent land uses and zoning; location of adjacent buildings, drives and streets.
- N.** Location and area of development phases; building program for each phase; projected schedule of development by phase.
- O.** Location and width of all easements on the site.
- P.** General description of proposed water, sanitary sewer, and storm drainage systems.
- Q.** All adjacent property owned or controlled by the applicant or owner of the subject property.
- R.** Any other information deemed necessary by the Planning Commission

SECTION 15.06 - STANDARDS FOR REVIEW

In reviewing a preliminary site plan, the Planning Commission shall consider the following standards:

- A.** That all required information has been provided.
- B.** That the proposed development conforms to all regulations of the zoning district in which it is located.
- C.** That the applicant may legally apply for site plan review.
- D.** That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.
- E.** That the proposed site plan will be harmonious with, and not harmful, injurious, or objectionable to existing and future uses in the immediate area.
- F.** That natural resources will be preserved to a maximum feasible extent.
- G.** That the proposed development respects natural topography to the maximum feasible extent, and minimizes the amount of cutting and filling required.
- H.** That organic, wet, or other soils which are not suitable for development, will be undisturbed, or will be modified in an acceptable manner.
- I.** That the proposed development properly respects floodways and flood plains on or in the vicinity of the subject property.
- J.** That phases of development are in logical sequence so that any phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.

SECTION 15.07 - EFFECT OF APPROVAL

Approval of a preliminary site plan by the Township Planning Commission shall indicate its acceptance of the proposed layout of buildings, streets, drives, parking areas, and other facilities and areas in accordance with the standards set forth in SECTION 15.06 herein. The Township Planning Commission may, at its discretion and risk of applicant and with appropriate conditions attached, authorize issuance of permits by the Building Inspector for grading and foundation work on the basis of an approved preliminary site plan. The conditions which may be attached to such permit for grading and foundation work shall include, but shall not be limited to, measures to control erosion, exemption of the Township from any liability if a final site plan is not approved, and provision of a bond for site restoration if work does not proceed to completion.

SECTION 15.08 - EXPIRATION OF APPROVAL

Approval of a preliminary site plan shall be valid for a period of one hundred eighty (180) days from the date of approval and shall expire and be of no effect 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. The Planning Commission Secretary shall, within ten (10) days of the date of approval of the preliminary site plan, transmit a written certification of such approval to the applicant. If a final site plan is submitted for only a part of the area included in the approved preliminary site plan, successive final site plans shall be filed at intervals no greater than two (2) years from the date of approval of the previously approved final site plan. If such period is exceeded, the Township Planning Commission may declare the approved preliminary site plan invalid with respect to the remaining parts of the site, unless good cause can be shown for the delay. In such case, the Township Planning Commission may require a new preliminary site plan be submitted.

SECTION 15.09 - APPLICATION AND FEE OF A FINAL SITE PLAN

Following approval of the preliminary site plan, the applicant shall submit to the Township Clerk, twelve (12) copies of the proposed final site plan as well as the other data, exhibits and information hereinafter required, and pay to the Clerk a review fee, the schedule of which shall be determined by resolution of the Manchester Township Board. The Clerk upon receipt of such detailed site plan drawings, other necessary data, and payment of the required fee, shall forthwith transmit the copies to the Planning Commission prior to its next regularly scheduled meeting and the Planning Commission shall undertake a study of same and shall, within sixty-five (65) days from the date of the commission meeting at which the application is received from the Clerk shall approve or deny the detailed site plan. This time limit may be extended upon mutual agreement between the applicant and the Planning Commission. The Commission may require changes in the proposed site plan as are needed to gain approval. The Planning Commission may attach reasonable conditions to its approval.

The Planning Commission shall include in its study of the site plan consultation with the Township Zoning Administrator, the Township Fire Chief, and the Township Engineer, or other consultants and other government officials and departments, including the Washtenaw County Drain Commission and Washtenaw County Road Commission, and public utility companies that might have an interest in or be affected by the proposed development. Written notice shall be sent to the applicant stating the time and place of review of the site plan by the Township Planning Commission.

SECTION 15.10 - REQUIRED DATA FOR A FINAL SITE PLAN

Every final site plan submitted to the commission shall be in accordance with the requirements of this section.

- A.** The site plan shall be of a scale not greater than one (1) inch equals two hundred (200) feet, and of such accuracy that the Planning Commission can readily interpret the plan. The information shall be presented on more than one (1) drawing, where required by the Planning Commission for purposes of clarity.
- B.** Scale, north arrow, name and date of plan; date of revisions thereto.
- C.** Name and address of property owner and applicant; interest of applicant in property; name and address of developer.
- D.** Name and address of designer. A final site plan shall be prepared by an architect, community planner, engineer, landscape architect, or land surveyor registered in the State of Michigan.
- E.** A vicinity map legal description of the property; dimensions and lot area. Where a metes and bounds description is used, lot line angles or bearings shall be indicated on the plan. Lot line dimensions and angles or bearings shall be based upon a boundary survey prepared by a registered surveyor and shall correlate with the legal description.
- F.** Existing topography shall be at a maximum contour interval of two (2) feet; existing natural features such as trees, wooded areas, streams, marshes, ponds, and other wetlands; clear indication of all natural features to remain and to be removed. Groups of trees shall be shown by an approximate outline of the total canopy; individual deciduous trees of six (6) inch diameter or larger and individual evergreen trees six (6) feet in height or higher, where not a part of a group of trees, shall be accurately located on the final site plan.
- G.** Existing buildings, structures, and other improvements, including drives, utility poles and towers, easements, pipelines, excavations, ditches (elevations and drainage directions), bridges, culverts; clear indication of all improvements to remain or to be removed.
- H.** General description of deed restrictions, if any.
- I.** Owner, use and zoning classification of adjacent properties; location and outline of buildings, drives, parking lots, and other improvements on adjacent properties.
- J.** Existing public utilities on or serving the property location and size of water lines and hydrants; location, size and inverts for sanitary sewer and storm sewer lines; location of manholes and catch basins; location and size of wells, septic tanks and drain fields.

- K.** Name and right-of-way of existing streets on or adjacent to the property; surface type and width; spot elevations of street surface, including elevations at intersections with streets and drives of the proposed development.
- L.** Zoning classifications of the subject property; location, of required yards; total ground floor area and lot coverage (percent); floor area ratio. In the case of residential units, the plan shall note dwelling unit density, lot area per dwelling unit, and a complete schedule of the number, size, and type of dwelling units.
- M.** Grading plan, showing finished contours at a maximum interval of two (2) feet, and correlated with existing contours so as to clearly indicate cut and fill required. All finished contour lines are to be connected to existing contour lines at or before the property lines.
- N.** Location and exterior dimensions of proposed buildings and structures, with the location to be referenced to property lines or to a common base point; distances between buildings; height in feet and stories; finished floor elevations and contact grade elevations.
- O.** Location and alignment of all proposed streets and drives; rights-of-way where applicable; surface type and width, and typical cross-section of same showing surface base and sub-base materials and dimensions; location and typical details of curbs; turning lanes, with details (where applicable); location, width, surface elevations and grades of all entries and exits; curve-radii.
- P.** Location and dimensions of proposed parking lots; numbers of spaces in each lot; dimensions of spaces and aisles; drainage pattern of lots; typical cross-section showing surface, base, and sub-base materials; angle of spaces.
- Q.** Location and size of proposed improvements of open spaces and recreation areas, and maintenance provisions for such areas.
- R.** Location, width, and surface or proposed sidewalks and pedestrian ways.
- S.** Location and type of proposed screens and fences; height, typical elevation, and vertical section of enclosures; showing materials and dimensions.
- T.** Location of proposed outdoor trash container enclosures; size, typical elevation, and vertical section of enclosures; showing materials and dimensions.
- U.** Location,-type, size, area, and height of proposed signs.
- V.** Layout, size of lines, inverts, hydrants, drainage flow patterns, location of manholes and catch basins for proposed sanitary sewer, water and storm drainage utilities; location and size of retention ponds and degrees of slope of sides of ponds; calculations for size of storm drainage facilities; location of electricity and telephone poles and wires; location and size of surface mounted equipment for electricity and telephone poles and wires; location and size of underground tanks where applicable; location and size of outdoor incinerators; location and size of wells, septic tanks, and drain fields where applicable. Final engineering drawings for all site improvements such as, but not limited to, water, sanitary sewer and storm sewer systems; streets, drives and parking lots; retention ponds and other ponds or lakes; retaining walls shall be submitted to and approved by the Township Engineer prior to Planning Commission approval of the final site plan. If on-site water and sewer facilities are to be used, a letter of approval of same, or a copy of the permit from the Washtenaw County Health Department shall be submitted to the Planning Commission Secretary prior to Planning Commission approval of the final site plan.
- W.** Landscape plan showing location and size of plant materials.
- X.** Description of measures to control soil erosion and sedimentation during grading and construction operations and until a permanent ground cover is established. Recommendations for such measures may be obtained from the County Soil Conservation Service.

- Y.** Location of proposed retaining walls; dimensions and materials of same; fill materials; typical vertical sections; restoration of adjacent properties, where applicable.
- Z.** Location, type, direction, and intensity of outside lighting.
- AA.** Right-of-way expansion where applicable; reservation or dedication of right-of-way to be clearly noted.
- BB.** Any other information deemed necessary by the planning commission.

SECTION 15.11 - TOWNSHIP APPROVAL OF A FINAL SITE PLAN

Upon the Township Planning Commission approval of a detailed site plan the applicant shall file with said Commission four (4) copies thereof. Within ten (10) days thereafter the secretary of said Commission shall transmit one copy each to the Township building inspector and Township Clerk with the secretary's certificate or that of his designated replacement affixed thereto, certifying that the site plan conforms to the provisions of this Article of the Manchester Township zoning ordinance as determined and approved by the Township Planning Commission. If the site plan is denied by the Township Planning Commission, explanation and notification of such denial shall be given to the applicant(s) within ten (10) days after such Commission action.

SECTION 15.12 - STANDARDS FOR SITE PLAN REVIEW

In reviewing the site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with all regulations of the Township zoning ordinance. Further, in consideration of each site plan, the Commission shall endeavor to assure the following:

- A.** That the final site plan conforms to the preliminary site plan as approved by the Township Planning Commission.
- B.** That all required information is provided.
- C.** That the plan meets the specifications of Manchester Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage, and other public facilities and services, and has been approved by the Township Fire Chief and the Township Engineer.
- D.** That the proposed development will not cause soil erosion or sedimentation problems.
- E.** That the drainage plan for the proposed development 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.
- F.** That the proposed development is coordinated with improvements serving the subject property and with the other developments in the general vicinity.
- G.** That outside lighting will not adversely affect adjacent or neighboring properties, or traffic on adjacent streets.
- H.** That outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.
- I.** That grading or filling will not destroy the character of the property or the surrounding area and will not adversely affect the adjacent or neighboring properties.
- J.** That parking layout will not adversely affect the flow of traffic within the site or to and from the adjacent streets.
- K.** That the plan meets the standards of other government agencies, where applicable, and that the approval of these agencies has been obtained or is assured.

- L.** That the plan provides for the proper expansion of existing public streets serving the site, where applicable.
- M.** That the movement of vehicular and pedestrian traffic within the site and in relation to access streets shall be safe and convenient.
- N.** That provisions are made so that the proposed development will not be harmful to the existing and future uses in the immediate area and the vicinity.
- O.** **Effect of Approval** - Approval of a final site plan authorizes issuance of a certificate of zoning compliance and issuance of a building permit, provided all other requirements for a building permit have been met. 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.
- P.** **Expiration of Approval** - Approval of a final site plan shall expire and be of no effect unless a building permit shall have been issued within one hundred eighty (180) days of the date of approval of the final site plan. Approval of a final site plan shall expire and be of no effect five hundred forty-five (545) days following the date of approval unless construction has begun on the property and is diligently pursued to completion in conformance with the approved final site plan.

SECTION 15.13 - COMBINING PRELIMINARY AND FINAL SITE PLANS

An applicant may, at the applicant’s discretion and risk, with approval of the Township Planning Commission, combine a preliminary and final site plan in an application for approval. The Planning Commission shall have the authority to require submittal of a preliminary site plan separate from a final site plan, where, in its opinion, the complexity and/or size of the proposed development so warrant. A preliminary and final site plan shall not be combined for any development consisting of two (2) or more phases.

SECTION 15.14 - AMENDMENT OF APPROVED SITE PLAN

A site plan may be amended upon application and in accordance with procedure and requirements provided in SECTION 15.03, herein, for a preliminary site plan and in SECTION 15.09, herein, for a final site plan. Minor changes in a preliminary site plan may be incorporated into a final site plan without an amendment to the approved preliminary 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 a revised preliminary and/or final site plan drawing be submitted showing such minor changes, in lieu of procedures set forth in SECTION 15.03 and 15.09, herein, for purposes of record. The Planning Commission shall have the authority to determine if a proposed change is minor or major and if such change requires an amendment to an approved preliminary or final site plan. The Planning Commission shall record its determinations and reasons therefor in the minutes of the meeting at which the action is taken.

SECTION 15.15 - MODIFICATION OF PLAN DURING CONSTRUCTION

All site improvements shall conform to the approved final site plan, including engineering drawings approved by the Manchester Township Engineer. If the applicant makes any changes during construction in the development in relation to the approved final site plan, such changes shall be made at the applicant’s risk without any assurances that the Planning Commission will approve the changes.

It shall be the responsibility of the applicant to notify the Zoning Administrator, the Building Inspector, and the Planning Commission of any such changes. The Zoning Administrator or the Planning Commission, whichever is applicable, may require the applicant to correct the changes so as to conform to the approved site plan.

SECTION 15.16 - AS-BUILT DRAWINGS

- A.** The applicant shall provide as-built drawings of all sanitary sewer, water, and storm sewer lines and all appurtenances which were installed on a site for which a final site plan was approved. The drawings shall be submitted to the Township Building Inspector, and shall be approved by

the Township Engineer prior to the release of any performance guarantee or part thereof covering such installation.

- B.** The as-built drawings shall show, but shall not be limited to, such information as 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 drawings shall show plan and profile views of all sanitary and storm sewer lines and plan views of all water lines.
- C.** The as-built drawings shall show all work as actually installed and as field verified by a professional engineer or a representative thereof. The drawings shall be identified as "As-Built Drawings" in the title block of each drawing and shall be signed and dated by the owner of the development or the owner's legal representative and shall bear the seal of a professional engineer.

SECTION 15.17 - PHASING OF DEVELOPMENT

The applicant may divide the proposed development into two or more phases. In such case the preliminary site plan shall cover the entire property involved and shall clearly indicate the location, size, and character of each phase. A final site plan shall be submitted for review and approval for each phase.

SECTION 15.18 - INSPECTION

The Zoning Administrator shall be responsible for inspecting all improvements for conformance with the approved final site plan. All sub-grade 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. The Zoning Administrator shall obtain inspection assistance from the Township Fire Chief, Building Inspector, and Engineer, where applicable. The Zoning Administrator shall notify the Township Board, the Planning Commission, and Building Inspector, in writing, of any development for which a final site plan was approved, which does not pass inspection with respect to the approved final site plan, and shall advise the Township Board, Planning Commission, and Building Inspector of steps taken to achieve compliance. In such case, the Zoning Administrator shall periodically notify the Township Board, Planning Commission, and Building Inspector of progress toward compliance with the approved final site plan and when compliance is achieved.

SECTION 15.19 - PERFORMANCE GUARANTEES

- A.** Performance bonds, irrevocable bank letters of credit, cash deposits, or other forms of security shall be provided by the applicant to the Township Clerk. The guarantee shall be provided after a final site plan is approved, but prior to issuance of a certificate of occupancy for any building covered by the site plan. The guarantee shall cover site improvements shown on the approved final site plan which will not be completed prior to issuance of the certificate of occupancy. Site improvements shall mean streets and drives, parking lots, sidewalks, grading, required landscaping, required streets, storm drainage, exterior lighting and utilities.
- B.** The applicant shall provide a cost estimate of the improvements to be covered by the guarantee and such estimate shall be verified as to amount by Manchester Township. The form of the guarantee shall be approved by the Township Attorney.
- C.** If the applicant shall fail to provide any site improvements according to the approved plans within the time period specified in the guarantee, the Township Board shall have the authority to have such work completed. The Township Board may reimburse the Township for cost of such work, including administrative costs, by appropriating funds from the deposited security, or may require performance by the bonding company.
- D.** If a cash deposit is used, the applicant and Township Board, based upon recommendation of the Zoning Administrator shall decide at the time of deposit on the means of rebating portions of the deposit in proportion to the amount of work completed on the covered improvements. All required inspections for improvements for which the cash deposit is to be rebated shall have been made before any rebate shall be made.
- E.** The Building Inspector may refuse to sign a certificate of occupancy in order to achieve compliance with the approved final site plan, and approved engineering plans related thereto. In such cases, a certificate of occupancy shall be signed by the Building Inspector upon compliance with the approved plans or upon provision of adequate security to guarantee compliance following occupancy.

SECTION 15.20 - 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.

SECTION 15.21 - VIOLATIONS

The approved final site plan shall become part of the record of approval and subsequent action relating to the site in question shall be consistent with the approved final site plan, unless the Planning Commission agrees to such changes as provide 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 this ordinance as provided in SECTION 18.09, herein, and shall be subject to all penalties therein.

SECTION 15.22 - EXPIRATION OF SITE PLAN CERTIFICATE

The site plan certificate shall expire, and be of no effect, one hundred eighty (180) days after the date of issuance thereof, unless within such time the Township building inspector has issued a building permit for any proposed work authorized under the said site certificate. The site plan certificate shall expire and be of no effect five hundred and forty-five (545) days after the date of its issuance, if construction has not begun on the property.

SECTION 15.23 - CERTIFICATION OF COMPLIANCE

An issuance of a zoning compliance permit as described in ARTICLE 18.0, herein shall be required prior to issuance of a certificate of occupancy.

SECTION 15.24 - AMENDMENT, REVISION OF SITE PLAN

A site plan, and site plan certificate issued thereon, may be amended by the Township Planning Commission so far as the Commission approved site plan is concerned, for which the Township building inspector has not issued a building permit, or the work authorized under an issued building permit has not been completed. Such amendment shall be made upon application and in accordance with the procedure provided under SECTION 15.04 of this ordinance. Fees paid in connection with such application may be waived or refunded at the discretion of the Township Planning Commission.

SECTION 15.25 - SITE COMPLETION GUARANTEE

- A.** Prior to issuance of a certificate of occupancy for any building or structure for which an approved site plan or special use permit is required, the applicant for same shall provide a deposit to the Manchester Township Clerk. The deposit shall guarantee completion of all site improvements shown on the approved detailed site plan or the approved special use permit which are not completed prior to the issuance of the certificate of occupancy. For the purpose of this section, completion shall mean inspection by the appropriate Township officials and approval for compliance with the approved detailed site plan or special use permit.
- B.** Site improvements shall mean, but shall not be limited to drives and streets, curbs and gutters, sidewalks, drainage facilities, final grading, retaining walls, landscaping, screening or fencing, and paving and stripping of parking lots.
- C.** The guarantee shall be in an amount sufficient to cover all expenses of completing the site improvements, including administrative and contingency expenses, as determined by the Township Board.
- D.** The Township Board shall have the authority to use the guarantee to complete the site improvements within a period of nine (9) months following the issuance of the certificate of occupancy unless good cause can be shown by the applicant for the delay in completion. The Township Board may agree, in writing to a specific extension of the nine (9) month period.
- E.** The guarantee shall be promptly released upon the inspection and approval of all improvements in compliance with the approved detailed site plan or special use permit and all applicable Township standards and specifications. Portions of the guarantee may be released, in not more than three (3) installments, provided:

The improvements for which the release is requested have been inspected and approved in accordance with the above standards, and the remaining improvements including administrative and contingency expenses. Unused funds shall be promptly returned to the applicant.
- F.** Types of Guarantees - The applicant may provide a guarantee in the form of a surety bond, letter of credit, cash depositor certified check, in a form and amount acceptable to the Township Board.

SECTION 15.26 - ACCURACY OF INFORMATION

The applicant for site plan approval shall be responsible for the accuracy and completeness of all information provided on the site plan.

SECTION 15.27 - REVOCATION OF SITE PLAN APPROVAL

The Planning Commission may, upon hearing, revoke approval of a site plan if the Commission determines that any information on the approved site plan is erroneous. Upon revocation, work on the affected part of the development, or on the entire development, as determined by the Planning Commission, shall cease. The Planning Commission may direct the Zoning Administrator to issue a stop work order to enforce its determination. Upon revocation, the Planning Commission may require the applicant to amend the site plan in a manner appropriate to reflect the corrected information. Any work so suspended shall not be resumed until an amended site plan is approved by the Planning Commission.

ARTICLE 16.0
SUPPLEMENTARY REGULATIONS AND STANDARDS

SECTION 16.01 - PURPOSE

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

SECTION 16.02 - PERFORMANCE STANDARDS

No parcel, lot, building or structure in any district shall be used or occupied 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 provided that any use permitted by this ordinance may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance requirements:

A. FIRE HAZARD

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire fighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

B. RADIOACTIVITY OR ELECTRICAL DISTURBANCE

No activity shall emit dangerous radioactivity at any point, or unreasonable electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

C. VIBRATION

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

D. SMOKE

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

E. ODORS

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

F. AIR POLLUTION

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

G. GLARE

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

H. WATER POLLUTION

Pollution of water shall be subject to such requirements and regulations as are established by the Michigan State Health Commission, the Michigan Water Resources Commission, Washtenaw County Drain Commission, and the Washtenaw County Health Department.

I. NOISE

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

SECTION 16.03 – PUBLIC SEWAGE TREATMENT AND DISPOSAL FACILITIES

In addition to the requirements established by the State of Michigan Department of Health, the following site development and use requirements shall apply:

- A.** All operations shall be completely enclosed by a fence not less than six (6) feet high.
- B.** All operations and structures shall be surrounded on all sides by a buffer strip of at least two hundred (200) feet in width within which grass, vegetation, and structural screens shall be placed to minimize the appearance of the installation and to help confine odors therein. The Township Board shall approve the treatment of all buffer strips.

SECTION 16.04 - VISIBILITY AT INTERSECTIONS

No fence, wall, hedge, screen, sign, structure, vegetation or planting shall be higher than three (3) feet on any corner lot or parcel in any zoning district requiring front and side yards within the triangular area formed by the intersecting street right-of-way lines and a straight line joining the two street lines at points which are thirty (30) feet distant from the point of intersection, measured along the street right-of-way lines. Trees may be planted in this triangular area, provided that the lowest foliage is ten (10) feet or higher from the ground.

SECTION 16.05 - BULK REGULATIONS

- A. CONTINUED CONFORMITY WITH BULK REGULATIONS** - The maintenance of setback, height, floor area ratio, coverage, open space, manufactured housing site, transition strip, lot area and lot area per dwelling unit required for one (1) use, lot, building or structure shall be a continuing obligation of the owner of such building or structure or of the lot on which such use, building or structure is in existence.
- B. DIVISION OF A LOT** - No one (1) lot, once designated and improved with a building or structure, shall be reduced in area or divided into two (2) or more lots, and no portion of one (1) lot, once designated and improved with a building or structure, shall be sold unless each lot resulting from each such reduction, division or sale, and designated and improved with a building or structure, shall conform with all of the bulk and yard regulations of the zoning district in which it is located.
- C. SETBACKS AND YARD REQUIREMENTS** - The setback and yard requirements established by this ordinance shall apply uniformly in each zoning district to every lot, building or structure except, notwithstanding any other provision of this ordinance, that any of the following structures may be located anywhere on any lot: open and unroofed terraces, patios, decks, porches and steps; awnings; flag poles; legal hydrants; laundry drying equipment; arbors; trellises; recreation equipment (not less than ten (10) feet from property line); outdoor cooking equipment; sidewalks; private driveways; trees, plants, shrubs, and hedges; solid fences, screens or walls less than four (4) feet in height; fences, screens or walls having at least fifty (50) percent of their surface area open when viewed from the perpendicular; and light poles; provided that on a corner lot nothing shall be constructed, erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of two and one half (2 1/2) feet and eight (8) feet above the center-line grades of the intersecting streets in an area bounded by the street right-of-way lines of such corner lot and a straight line joining points along said street right-of-way lines fifty (50) feet from the nearest point of intersection.

- D. HEIGHT** - The height requirements established by this ordinance shall apply uniformly in each zoning district to every building and structure except that the following structures and appurtenances shall be exempt from the height requirements of this ordinance; spires, belfries, penthouses and domes not used for human occupancy; chimneys; ventilators; skylights; water tanks, bulkheads; utility poles; power lines; radio and television broadcasting and receiving antennae, silos; parapets; and other necessary mechanical appurtenances; provided their location shall conform where applicable to the requirements of the Federal Communications Commission, the Civil Aeronautics Administration, and other public authorities having jurisdiction.

SECTION 16.06 - PRESERVATION OF ENVIRONMENTAL QUALITY

The following provisions shall apply:

- A.** In any zoning district no river, stream, water course 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 as provided in ARTICLE 15.0 of this ordinance, and submit to the Township Planning Commission a site plan and required data, exhibits and information as required.
- B.** No person shall alter, change, transform, or otherwise vary the edge, bank, or shore of any lake, river or stream except in conformance with the following:
- 1.** As provided in the Inland Lakes and Streams Act, Act 291 of the Public Acts of 1965.
 - 2.** If any edge, bank or shore of any lake, river or stream is proposed to be altered in any way by any person, such person shall submit to the Planning Commission a site plan and required data, exhibits and information as required in ARTICLE 15.0 of this ordinance.
- C.** 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 except in conformance with the following: if any marsh, swamp or wetland is proposed to be altered in any way by any person, such person shall submit to the Planning Commission a site plan and required data, exhibits and information as provided in ARTICLE 15.0 of this ordinance.

SECTION 16.07 - GREEN BELT BUFFER

Prior to the commencement of construction of any structure or building in a Commercial District or Manufacturing District where such property abuts, adjoins, or is adjacent to a residential zone, a greenbelt shall be established. However, where permitted elsewhere in this ordinance, a six (6) foot masonry wall may be built in lieu of a greenbelt.

A greenbelt, minimum width of twenty (20) feet, which shall be completed within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be maintained with permanent plant materials. Specifications for spacing and plant materials are shown below. Materials to be used are merely suggestions and shall not be limiting, provided their equal in characteristics is used.

SPACING

- A.** Plant materials shall not be placed closer than three (3) feet from the fence line or property line.
- B.** Where plant materials are planted in two or more rows, planting shall be staggered in rows.
- C.** Evergreen trees shall be planted not more than thirty (30) feet on centers.
- D.** Narrow evergreens shall be planted not more than three (3) feet on centers.
- E.** Deciduous trees shall be planted not more than thirty (30) feet on centers.
- F.** Tree-like shrubs shall be planted not more than ten (10) feet on centers.
- G.** Large deciduous shrubs shall be planted not more than four (4) feet on centers.

PLANT MATERIALS

Minimum Size (In height/feet)

- A) Evergreen Trees** Five (5)
 - 1. Juniper
 - 2. Red Cedar
 - 3. White Cedar
 - 4. Pines

- B) Narrow Evergreens** Three (3)
 - 1. Pyramidal Arbor Vitae
 - 2. Columnar Juniper
 - 3. Irish Juniper

PLANT MATERIALS

Minimum Size (In height/feet)

- C) Tree-like Shrubs** Four (4)
 - 1. Flowering Crabapple
 - 2. Russian Olive
 - 3. Mountain Ash
 - 4. Dogwood
 - 5. Redbud
 - 6. Rose of Sharon

- D) Large Deciduous Shrubs** Six (6)
 - 1. Honey Suckle
 - 2. Viburnum
 - 3. Mock Orange
 - 4. Forsythia
 - 5. Lilac
 - 6. Ninebak

- E) Large Deciduous Trees** Eight (8)
 - 1. Oak
 - 2. Hard Maple
 - 3. Ash
 - 4. Hackberry
 - 5. Sycamore
 - 6. New American Elm

TREES NOT PERMITTED

- 1) Box Elder
- 2) Soft Maple
- 3) Elms (American)
- 4) Poplar
- 5) Ailanthus (Tree of Heaven)
- 6) Willow

Performance bonds, irrevocable bank letters of credit, cash deposits, or other forms of security shall be provided by the applicant to the Township Clerk, as provided in SECTION 15.19, herein, until such time as the greenbelt is planted. In the event that weather or seasonal conditions prevent transplanting, the petitioner shall be granted six (6) months from the date of issuance of certificate of occupancy to install said greenbelt or the Township shall be authorized to use said funds to install said greenbelt.

In all cases, however, the Township shall be authorized to withhold ten (10) percent of bond or cash for a period of two (2) years from date of issuance to insure that dead or dying nursery stock shall be replaced.

Excess funds, if any, shall be returned to the depositor upon completion of the two (2) year period. It shall be the responsibility of the property owner to maintain the greenbelt for its original intent and purpose.

SECTION 16.08 - RESERVED

SECTION 16.09 - CONTROLLED USES

In the preparation and enactment of this Ordinance, it is recognized that there are some uses, which, because of their very nature, have operational characteristics that have a serious and deleterious impact upon residential, office and commercial areas. Regulation of the locations of these uses is necessary to ensure that the negative secondary impact, that such businesses have been documented to have will not cause or contribute to the blighting or downgrading of the Township's residential neighborhoods, community uses which support a residential environment, and commercial centers. The regulations in this section are for the purpose of locating these uses in areas where the adverse impact of their operations may be minimized by the separation of such uses from one (1) another and from residential neighborhoods and places of public congregation. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

A. Uses subject to these controls are as follows (hereinafter referred to as "Regulated Uses"):

1. Controlled Uses
2. Escort Services and/or Escort Agencies
3. Massage Parlors and/or Massage Establishments
4. Pawnbrokers and/or Pawnshops
5. Tattoo and/or Body-Piercing and/or Branding Studios

B. Location. The location of Controlled Uses within the Township shall be subject to the following conditions:

1. No Controlled Use shall be permitted within a one thousand (1,000) foot radius of an existing Regulated Use. Measurement of the one thousand (1,000) foot radius shall be made from the outermost boundaries of the lot or parcel upon which the respective uses are or would be situated.
2. No Controlled Use shall be permitted with within a one thousand (1,000) foot radius of a school, library, park, playground, license group daycare home or center, or church, convent, monastery, synagogue or similar place of worship. Measurement of the one thousand (1,000) foot radius shall be made from the outermost boundaries of the lot or parcel upon which the respective uses are or would be situated.
3. No Controlled Use shall be permitted within a five hundred (500) foot radius of any residential zone. Measurement of the five hundred (500) foot radius shall be made from the outermost boundaries of the lot or parcel upon which the respective uses/zones are or would be situated.

C. Miscellaneous Requirements.

1. No person shall reside in or permit any person to reside in the premises of a Regulated Use.
2. An adult-oriented commercial enterprise use is in violation of this section if:

- a. The merchandise or activities of the establishment are visible from any point outside the establishment.
 - b. The exterior portions of the establishment or signs have any words, lettering, photographs, silhouettes, drawings or pictorial representations of any specified anatomical area or sexually explicit activity as defined in this Ordinance.
3. The provision of this section regarding massage establishments shall not apply to hospitals, sanitariums, nursing homes, medical clinics or the offices of a physician, surgeon, chiropractor and osteopath licensed to practice their respective professions in the State of Michigan, or who are permitted to practice temporarily under the auspices of an associate who is duly licensed in the State of Michigan and is normally on the same premises.

SECTION 16.10 - BED & BREAKFAST OPERATION

A bed and breakfast operation shall comply with the following regulations.

- 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 all applicable State, County, and Township codes and regulations, and shall be regularly maintained so as to remain in compliance. The applicant for a conditional use permit shall provide written evidence of inspection and compliance with any applicable codes and regulations with an application for a conditional use permit.
- C.** A dwelling to be used for a bed and breakfast operation shall have a minimum floor area of 1,600 square feet, excluding basement and garage floor areas. Each sleeping room shall have a minimum floor area of 120 square feet and shall not have more than four occupants. The bed and breakfast room(s) shall occupy no more than a total of 16% of the dwelling unit floor area or seven (7) bedrooms whichever is lesser.
- 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 bathtub or shower shall be provided for each four residents.
- E.** Not more than two persons other than members of the resident family shall be employed in a bed and breakfast operation.
- 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.** Full breakfasts and/or continental breakfasts may be served to registered bed and breakfast guests only. No other meals shall be provided to such guests.
- H.** Sale of alcoholic beverages in a bed and breakfast operation shall be prohibited.
- I.** One sign, not more than three (3) square feet in area, shall be permitted for each bed and breakfast operation. Wording on the sign shall be restricted to the name of the establishment and the address. The sign shall meet all applicable regulations of SECTION 14.02, Sign Regulations, herein.
- J.** A single family detached dwelling unit containing a bed and breakfast operation shall have no outside appearance of the presence of the operation, except the sign permitted herein.
- K.** The maximum length of stay for any occupant of a bed and breakfast operation shall be 14 consecutive days.

- L.** One off-street parking space shall be provided for each room 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 the regulations of SECTION 13.01 Off Street Parking, herein.
- M.** A site plan shall be approved in accordance with SECTION 15.03, Preliminary Site Plan, herein, before a conditional use permit may be issued. A floor plan showing the layout of each floor in the dwelling unit and the rooms and bathrooms to be included in the bed and breakfast operation, and drawings or photographs of exterior elevations of the dwelling, shall be included with the site plan.
- N.** An approved conditional use permit for a bed and breakfast operation shall not become effective, and a bed and breakfast operation shall not be operated for business, until a certificate of occupancy therefor has been issued in accordance with the Manchester Township Regulations.
- O.** An approved conditional use permit, including all attached conditions by the Planning Commission, shall run with the parcel in the approval and shall remain unchanged except upon mutual consent of the Planning Commission and the landowner. Any violations of these conditions and/or required regulations by appropriate State agencies shall result in the conditional use permit being revoked.

SECTION 16.11 - KENNELS

A. Limited Use Kennel/Breeding Kennel (cats excluded).

- 1.** Except for bonified agricultural operations, kennels shall be considered a conditional use in the Rural Agriculture district and shall be on a parcel of land not less than ten (10) acres in area and six hundred and sixty (660) feet in width.
- 2.** One hundred fifty (150) feet setback required from all lot lines, including road right-of-way for all kennel structures including dog runs.
- 3.** Such kennel shall have a permanent confinement structure suitable for preventing egress of confined and/or ingress of unwanted (stray dogs) canine.
- 4.** Up to six (6) resident dogs and zero (0) to two (2) non-resident dogs shall be allowed.
- 5.** Boarding of dogs for compensation is not permitted.
- 6.** Such kennel shall be established and maintained in accordance with all applicable State, County, and health regulations.

B. Kennel, Commercial - A commercial enterprise that seeks to feed and lodge dogs for compensation or hire.

- 1.** A commercial kennel shall constitute a conditional use and be allowed only within a designated commercial district.
- 2.** No minimum lot size.
- 3.** One hundred fifty (150) feet setback required from all lot lines, including road right-of-way for all kennel structures including dog runs.
- 4.** Such kennel shall have a permanent confinement structure suitable for preventing egress of confined and/or ingress of unwanted (stray dogs) canine.
- 5.** Such kennel shall be established and maintained in accordance with all applicable State, County, and health regulations.

- C. For the purposes of this Section, a resident dog shall mean any dog older than six (6) months that resides at the kennel longer than six (6) months. A non-resident dog shall mean any dog older than six (6) months that resides at the kennel less than six (6) months.

SECTION 16.12 - PARCEL DIVISION

See Manchester Township Ordinance #41, Land Division Act.

SECTION 16.13 - JUNKYARDS

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

- A. The junkyard shall be located on a public arterial street, or equivalent major public street as defined in the adopted Land Use Development Plan.
- B. 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.
- C. A site plan shall be provided at the time of the conditional use permit application and shall meet all requirements of ARTICLE 15.0, "Site Plan Review," herein. 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.
- D. Junk materials shall be stored in organized rows with open intervals at least twenty (20) feet wide between rows for purposes of fire protection access and visitor safety.
- E. 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 or to threaten the safety of visitors.
- F. The junkyard shall be maintained in such a manner as to present the breeding or harboring of rats, insects, or other vermin.
- G. The junkyard, when established and located within one thousand (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.
- H. 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.
- I. All flammable liquids contained in automobiles and other vehicle 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.
- J. All drives, parking areas, and loading-unloading areas shall be paved, oiled, watered, or chemically treated so as to limit nuisances on neighboring properties and public roads caused by windborn dust.
- K. There shall be not more than one (1) entrance way from each public street which adjoins the junkyard.
- L. Fencing shall be required as follows:
 - 1. A solid, screen-type fence or wall at least seven (7) feet high as measured from grade at each post in the case of a fence, or at ten (10) 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.

2. Where the junkyard is adjacent to a rural or urban residence, commercial or manufacturing district, a solid, screen-type fence or wall, at least seven (7) feet high as measured in SECTION 16.13.L(l) preceding, shall be provided on any side or rear property line or portion thereof, adjoining such lots.
3. Where the junkyard is adjacent to a lot in the CM district, a chain-link fence six (6) 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.
4. Strips of metal, plastic, or other materials inserted into wire fences shall not fulfill the requirements of SECTION 16.13L (1) and (2) of this Ordinance.

M. Wrecking and processing operations are permitted in a junkyard but shall be described in the application for the conditional use permit.

SECTION 16.14 - RESIDENTIAL CLUSTER OPTION

The intent of this Section is to permit the development of one-family residential options which, through design innovation will provide an alternative means for development of single-family within the AR, LR and UR districts.

A. Purpose - The cluster development provision has the following purposes:

1. to preserve significant natural features such as wooded areas, streams, marshes, ponds, and similar amenities by permitting concentration of building lots and improvements in more readily developable portions of the parcel of land;
2. to preserve open space for the use of residents of the subdivision or to the Township at large, and to concentrate such open spaces in locations and of such size and shape as to be accessible, usable and maintainable;
3. to encourage creative approaches to the design and development of residential areas;
4. to permit economy of the required improvements;
5. to permit variety in the size and shape of residential lots;
6. to permit flexibility in the location and grouping of residential buildings; and
7. to permit flexibility in the layout of site condominiums and residential subdivisions.

This cluster option is to be applied to a parcel of land within an AR, LR and UR districts; it is not designed as a separate zoning district. The cluster development designation is offered as an alternative to conventional subdivision design under standard zoning district regulations.

B. Pre-Application Conferences

1. A potential applicant for a Residential Cluster Option shall request a pre-application conference with Township officials prior to filing said application. The request shall be made to the Planning Commission chair-person who shall set a date for the conference and shall inform the Township Board and other Planning Commission members of the conference and invite their attendance. The Planning Commission chair-person 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, and County Drain Commission.

2. The purpose of the conference is to inform 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.
- B. General Regulations** - Cluster development is permitted in the AR, LR and UR districts, subject to all regulations, except as specifically modified in this Section.
- C. Minimum Area** - The minimum parcel area for a cluster development shall be forty (40) acres in the AR, LR, and UR districts.
- D. Permitted Uses** - All permitted, accessory, and conditional uses as listed in the AR, LR and UR districts are permitted.
- E. Density of Development** - The minimum lot area in each of the residential districts may be reduced as permitted in this Section. However, the number of dwelling units in the cluster subdivision shall be no greater than the number permitted if the parcel were to be subdivided in the minimum lot areas as set forth in the zoning district involved.

The land area used in the residential density calculation shall include public and private road rights-of-way, existing and proposed, that are located within the proposed subdivision but shall not include any existing right-of-way of any boundary roads of the subdivision.

The horizontal surface area of lakes, streams, ponds (natural, man-made, or storm water retention), marshlands, and similar areas may be included in the acreage used for calculating density if at least fifty (50) percent of the frontage of such areas are part of lands devoted to parks and open space used for and accessible to residents of the residential development.

Land areas to be used in calculating gross residential densities shall be delineated on the preliminary site plan and final site plan so that the acreage and density computations can be confirmed.

F. Open Space Requirements

1. 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.
2. When completed, a development shall have at least fifty (50) percent of the gross acreage in the development devoted to open space, which shall remain in its natural state and/or be restricted for use for outdoor recreational purposes harmonious with peaceful uses in and surrounding the development; such open space shall not include the yard areas adjacent to buildings.
3. An additional density increase of ten (10) percent of dwelling units for residential uses may be allowed in the discretion of the Township Board based upon a demonstration by the applicant that not less than sixty (60) percent of the total area of the property shall be permanently reserved for open space (which may include outdoor recreational use), and that the set back from existing roads is at least one-hundred (100) feet.

G. Area, Placement and Height Regulations - The regulations for the AR, LR and UR districts as provided in SECTIONS 5.0, 6.0 and 7.0 may be modified as follows for single-family dwellings and their accessory structures only:

1. **Minimum lot area** - As approved by the Washtenaw County Health Department.

2. **Minimum lot width** - 25 feet at the existing or proposed street line.
3. **Maximum ground floor coverage** -Not applicable.
4. **Maximum floor area ratio** -Not applicable.
5. **Minimum yards:**

Side yards, adjacent dwelling structures shall be a minimum of twenty-five (25) feet apart. Perimeter property lines existing prior to Residential Cluster designation shall meet setback requirements of zoning district existing prior to Residential Cluster designation.

Rear yard, 15 feet.

- H. Common Open Spaces and Facilities** - Each square foot of excess land area resulting from the lot reductions provided in item E and F preceding, shall be dedicated to the common use of the owners and residents in the development. The manner of dedication shall be approved by the Township Planning Commission. The lands so dedicated shall be permanently retained as open space for parks, recreation and/or related uses.

These areas shall have a minimum area of four (4) acres and a minimum dimension of one hundred (100) feet. The location, size, and suitability for the intended uses of the dedicated open space lands, and shape of the dedicated areas shall be subject to approval by the Township Planning Commission. Such land areas shall not include as a part of the minimum acreage, bodies of water, swamps, or areas of excessive grades which make the land unusable for recreation; however, the area may be in a flood plain. The land areas shall be graded and developed so as to maintain natural drainage. If the open space area is to consist of two or more parcels, at least one parcel shall have the minimum area of four acres. The minimum dimension shall in all cases be one hundred (100) feet, and the location, size and shape of any parcel shall be subject to approval by the Township Planning Commission. A parcel divided by a drainage course, stream, or river shall be considered as one parcel. Access shall be provided to areas dedicated for the common use of lot owners of the subdivision for those lots not bordering on such dedicated areas by means of streets or pedestrian walkways.

The developer or subdivider shall dedicate all land areas to be used as common spaces in the subdivision as provided herein at the time of filing for final plat approval for the first phase of the subdivision and prior to final site plan review in a site condominium. Each common open space shall have a legal description, which shall include an accurate statement of land area, all of which shall be certified by a registered land surveyor.

- I. Sewer and Water Services** - Lots in cluster subdivision in the AR, LR and UR districts may each have an on-site well, septic tank, and drainfield, subject to issuance of permits therefore by the County Health Department. The Township Planning Commission may require that at least one side of each lot in the AR, LR and UR districts be adjacent to common open space, or may require such other lot layout pattern so as to permit inclusion of the common open space area as part of the land area needed for the drain field of each lot.
- J. Procedures With Zoning Amendment** - If the property included in the Cluster Development (hereafter referred to as CD designation) designation request must also be rezoned to the AR, LR, and UR districts; the application to change the zoning district classification shall accompany the application for tentative approval of the preliminary plat or preliminary site plan review. The application shall in this case include a waiver, signed by the applicant, that the time limit on review of a preliminary plat for tentative approval or review of a preliminary site plan may be extended to accommodate the time required to process the zoning amendment. The Township Board shall not give tentative approval to the preliminary plat until after it has approved the zoning amendment. With this exception the procedures set forth in item J, following, shall apply.
- K. Procedures Without Zoning Amendment** - The applicant for approval of a preliminary plat or preliminary site plan shall at the same time, apply for a Cluster Development designation if such

designation is desired. The application shall consist of a completed form, fees, and all information required for review of a preliminary plat submitted for tentative approval or the preliminary site plan. The Planning Commission shall review the preliminary plat as set forth in the Subdivision Ordinance or preliminary site plan, as set forth in the Zoning Ordinance. If the Township Planning Commission approves the CD designation, it shall indicate same in its tentative approval of the preliminary plat or in approval of the preliminary site plan. The Township Supervisor shall record, and the Township Clerk shall attest, the CD designation on the Official Zoning Map within three (3) days of the date of final approval of the final plat by the Township Board or final site plan by the Planning Commission whichever is applicable. The recording on the official zoning map shall consist of the CD notation, date of action, and an accurate outlining of the property included in the designation.

- L. Calculations** - All calculations and other information needed to review conformance of the plat or site condominium with the zoning Ordinance regulations shall be provided on the preliminary plat or site plan.
- M. Authority** - The Township Planning Commission shall have the authority to approve or deny a request for a CD designation. The Planning Commission shall also have the authority to require changes in the size and shape of lots; in lot and street layout; location, size and shape of open areas and in other features of the design and character of a CD subdivision as proposed in a preliminary plat or a site condominium. This authority may be exercised by the Planning Commission when it determines that the proposed CD subdivision does not meet the intent of this Section or does not otherwise result in good site planning.
- N. Improvements** - An irrevocable letter of credit may be required of the developer, at the discretion of the Planning Commission, for improvements regarding open space areas within the development. Agreement as to the required improvements for such open space areas shall be made by the developer and Township Board prior to the Board's tentative approval of the preliminary plat or developments requiring final site plan approval by the Planning Commission. Requirements for improvements may be modified as set forth in the Subdivision or Zoning Ordinance.

SECTION 16.15 - STORAGE OF MATERIALS

Except as otherwise provided in this Ordinance, the following regulations shall govern the storage of materials.

- A.** 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 SECTION 16.13, herein, shall apply.
 - 1.** On any lot or parcel in any AR (Rural Agricultural), LR (Low Density Residential), UR (Urban Residential), or CD (Commercial) 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.

Bonified farm operations of ten (10) acres or more shall not be subject to storing bonified farm equipment, including vehicles, within enclosed buildings when part of an on going farming operation.
 - 2.** On any lot or parcel in any industrial district the owner or tenant shall locate and store such materials:
 - a.** Within a completely enclosed building, where required; or
 - b.** Where outdoor storage is permitted, within an area surrounded by a solid, unpierced fence or wall at least seven (7) feet in height and not less in height than the materials located or stored therein, and not closer to the lot lines than the minimum yard requirements for said districts.

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

B. Garbage, trash, and similar refuse to be stored outside a building in a multiple residential, business, or industrial districts shall be stored within containers approved by the Washtenaw County Health Department and said 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 (3) 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 (4) inches thick.

C. Outdoor storage of products, materials, and equipment, except vehicles owned and operated by the principal business or in conjunction with a licensed vehicle sales lot, shall be subject to the following regulations:

1. Such storage shall not be located within the area between the front face of the building, as extended across the entire width of the lot, and the street right-of-way; in any required side or rear yard; or in any required transition strip.
2. Such storage shall not be located in any required parking or loading space.
3. Such storage shall be strictly and clearly incidental to the principal use and only products and materials owned or produced by the principal business, and equipment owned and operated by the principal use shall be permitted for storage under this subsection. Such storage shall not be permitted as a principal use of a lot.

Such storage areas which are visible to the general public shall be screened from view on all sides.

4. The area for such storage shall be screened from view on all sides. Screening shall be constructed of wood or masonry materials. Wire fences with inserted strips of metal, plastic and similar materials shall not be substituted for the required screening. The screen shall not be less than six (6) feet in height. Vegetative screening may be required for buffering purposes as required by the Planning Commission.
5. The location and size of areas for such storage, nature of items to be stored therein, and details of the enclosure, including description of materials, height, and typical elevation of the enclosure shall be provided as part of site plan review.

SECTION 16.16 - PARKING AND STORAGE OF VEHICLES

1. Operative or inoperative automotive vehicles or trailers of any kind or type which are unlicensed shall not be parked or stored in any AR, LR, UR zoning district other than in completely enclosed buildings.
2. Operative or inoperative automotive vehicles or trailers of any kind or type which are unlicensed shall be parked or stored in a CC or CM zoning district only in conjunction with an approved use and according to the regulations of SECTION 16.15C, herein, except for junkyards, which are regulated by SECTION 16.13, herein.
3. Parking or storage of semi-trailers, except semi-trailers owned and operated by the principal use of the lot, shall be prohibited on a lot in a commercial, office, or planned unit development zoning district, for a period of more than 24 hours in a month.
4. Storage of products, materials, or equipment in inoperative semi-trailers shall be prohibited in any zoning district.
5. Sales of products, merchandise, or other materials from semi-trailers shall be prohibited in any zoning district.

6. Operative or inoperative automotive vehicles of any kind or type which are licensed and operated by the principal use of the lot, shall be parked or stored in delineated storage areas which were delineated on the approved site plan for the use.
7. Operative or inoperative automotive vehicles of any kind or type which are licensed and being stored by the principal use of the lot shall be parked or stored only in conjunction with an approved use and according to the regulations of SECTION 16.15 C, herein.

SECTION 16.17 - STORAGE OF RECREATIONAL EQUIPMENT

Recreation 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 seventy-two (72) hours during loading or unloading. Such equipment shall not be used for living, sleeping, or housekeeping purposes when parked or stored 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 (6) foot high cyclone-type fence.

SECTION 16.18 - AUTOMOBILE SERVICE AND REPAIR STATIONS

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

- A.** 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.
- B.** The entire area used for vehicle service shall be paved.
- C.** Hydraulic hoist, service pits, lubricating, greasing, washing and repair equipment and operations shall be located within a completely enclosed structure.
- D.** The maximum widths of all driveways at the right-of-way lines shall be no more than thirty (30) feet.
- E.** The angle of a driveway intersection with the street from the curb line to lot line shall be not less than sixty (60) degrees.
- F.** The distance of any driveway from any property line shall be at least twenty (20) feet, measured at the tangent points of the drive edge and the street curb return.
- G.** The distance between curb cuts shall be no less than forty (40) feet, measured between the tangent points of the drive edges and the street curb returns.
- H.** Outdoor storage of trash, including new or discarded vehicle parts, shall be contained within a solid, unpierced enclosure.

SECTION 16.19 - SITE CONDOMINIUM REVIEW

- A. Approval Required** - Pursuant to authority conferred by SECTION 141 of the Condominium Act, preliminary and final site plans for all site condominiums shall be approved by the Planning Commission.
- B. General Requirements**
 - 1.** No permits for building construction, grading, or installation of public water or sanitary sewerage facilities shall be issued for property in a site condominium development until a final site plan has been approved by the Township 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 condominiums.
 - 2.** If a building, structure, or use to be placed on a condominium lot requires site plan approval under SECTION 15.02 herein, a site plan for that building, structure or use shall be approved in accordance with ARTICLE 15.0, herein, 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 15.0, herein, provided however, that preliminary and final site plans shall not be combined for the 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 Washtenaw 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 Ordinance, each condominium unit shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which 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 water and sanitary sewer facilities where available, or a community wastewater utility system subject to the provisions in Section 16.22, herein, 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 unit shall be located within that unit, as described in the master deed, except in a PUD district, in which case this requirement may be waived by the Township Board as part of its approval of the PUD district rezoning application.
8. Relocation of boundaries between adjoining condominium units, if permitted in the condominium documents, as provided in the Condominium Act, shall comply with all regulations of the zoning district in which located and shall be approved by the Zoning Administrator. These requirements shall be 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 the Condominium Act, shall comply with all regulations of the zoning district in which located, and shall be approved by the Zoning Administrator. These requirements shall be recorded as part of the master deed.
10. All information required by this Ordinance shall be updated and furnished to the Zoning Administrator until applicable certificates of zoning compliance have been issued, as provided in SECTION 18.03, herein.

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 15.03, herein, 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 the Condominium Act, and the master deed and bylaws. The final site plan shall also include all information required in

SECTION 15.04, herein, except in the case of a development that consists only of condominium lots rather than buildings or other structures at the time of plan review, the location and dimension of condominium lots rather than individual buildings or other structures and required yards, shall be shown on the 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 Michigan Department of Natural Resources. 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. Design and Development Standards

1. **General:** The standards set forth in this Section shall be considered minimum requirements. Where the adopted general development plan requires high standards, such higher standards shall apply. Variances from the standards set forth in this Section shall be considered according to the standards of ARTICLE 20.0, "Zoning Board of Appeals."

2. **Streets**

- a. **Street Layout:** Street layout shall conform to the adopted general development plan or portion thereof relating to streets. Public streets shall be developed to the approved standards of the Washtenaw County Road Commission. Private streets shall be developed to approved standards of Manchester Township as provided in General Ordinance #53, Multiple Residence Driveways and Residential Private Roads. The arrangement of streets in the development shall provide for the construction of streets in adjacent developments where such extension is not precluded by topographic or other existing conditions. The layout shall provide for proper projection of streets into adjoining properties not yet developed.

Local streets shall be laid out so as to discourage their use by through traffic.

Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets, and reasonable grades, both for the streets and for driveways intersecting therewith.

All street construction shall be centered in the street right-of-way. Section line and quarter line roads shall be centered on these lines unless the Township Engineer or County Road Commission approves an exception.

- b. **Drainage:** All streets shall be provided with facilities for adequate surface drainage. Storm drains shall be underground and only curb-type design shall be

permitted. Exceptions may be made for subdivisions in which each single-family dwelling lot is one acre or larger in area and has a minimum road frontage of 150 feet.

- c. **Alleys:** Alleys shall be prohibited, except in commercial and industrial developments. Where alleys are provided they shall be at least 30 feet wide. Dead-end alleys shall be prohibited. Alleys shall be provided in accordance with standards of the County Road Commission.
 - d. **Marginal Access Streets:** Where marginal access streets are required, the proprietor shall dedicate property for the purpose of marginal access streets to the County Road Commission and shall be responsible for improving said streets according to County Road Commission standards. A landscaped strip at least twenty (20) feet wide shall be provided between a marginal access street and the adjacent street.
 - e. **Other Required Streets:** Where a development borders or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require a street approximately parallel to and on one or both sides of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
 - f. **Special Treatment Along Major Streets:** When a development abuts or contains an existing or proposed arterial or collector street, the Planning Commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along with rear property line, or such other treatment as might be necessary for adequate protection of residential properties, to afford separation of through and local traffic, and to retain the traffic carrying capacity of the arterial or collector streets.
 - g. **Location for Utilities:** Utilities shall be located so as to best conform to the layout of existing facilities.
 - h. **Street Standards and Specifications:** Streets shall be provided in accordance with applicable standards and specifications and shall include turn, merge, and by-pass lanes as the Planning Commission deems necessary.
3. **Blocks:** Blocks generally shall not be less than 160 feet or more than 1320 feet in length as measured from the centerlines of streets. No block width shall be less than twice the normal lot depth except where lots back onto a major street, natural feature, or development boundary. In blocks exceeding 800 feet in length the Planning Commission may require reservation of an easement through the block to provide for the crossing of underground utilities and/or pedestrian traffic where needed or desirable, and may specify further, at its discretion, that a paved foot path be provided by the proprietor. Blocks intended for nonresidential uses shall be especially designed for such purposes, and in accordance with zoning ordinance provisions. In such cases the above dimensions do not apply.

4. Lots:

- a. Dimensions:** Lots shall conform to the requirements of the zoning ordinance except for outlots that are provided for an indicated and approved purpose.

Corner lots shall have extra width to permit appropriate building setback. Lots abutting a pedestrian mid-block crosswalk or other right-of-way shall be treated as corner lots.

Residential lots shall not open or face directly onto a freeway right-of-way, an arterial or collector street, shopping centers, industrial districts or parks, and other similar non-residential uses. In such situations, lots shall be laid out in one of the following ways:

- 1) Lots may back onto the above features, but shall be separate therefrom by a 20 foot wide landscaped strip along the rear property line. The 20 foot wide strip shall not be considered part of the lot's minimum length, width, or area, but shall be considered part of the contiguous lot.
- 2) The corner lots which abut the major street right-of-way or the non-residential area shall each have the landscape strip as required in SECTION 4(a)(1), preceding.
- 3) Lots may be grouped around cul-de-sac or loop streets which open onto the major street. In such situations the corner lots abutting the major street right-of-way shall each contain the landscaped strip required in SECTION 4(a) (1), preceding.

Any landscaped strip required above shall not be part of the normal road right-of-way or utility easement.

- b. Lot Frontage:** Lots extending through a block are generally prohibited except where they back onto a freeway right-of-way, an arterial or collector street, a shopping center, an industrial district, a park, or other similar non-residential area.

All lots shall abut, by their full frontage, on a public or private street.

- c. Lot Lines:** Side lot lines shall generally be perpendicular to the right-of-way lines or radial to curved streets. All side and rear lot lines should be straight lines unless natural features or street curvature so prevent. Variations in these provisions may be made when in the opinion of the Planning Commission such variation would result in a better arrangement of lots.

- d. Lots to be Buildable:** The lot arrangement shall be such that in constructing a building in compliance with the zoning ordinance, topography or other natural conditions will not create difficulties in locating the building and driveway and in providing adequate yard areas. Acute angles created by side lot lines, and odd shaped lots should be avoided.

The size, shape, and location of each lot shall have the following characteristics:

- 1) A suitable site for placing a house without excess grading;
- 2) A usable area for outdoor living and other outdoor activities;
- 3) Adequate surface drainage away from the house site and outdoor living areas;
- 4) Reasonable driveway grades; and

5) General site grading should be minimized with significant trees and other vegetation retained.

e. **Access:** Driveways and curb cuts shall conform to standards of the County Road Commission and the standards of all Township ordinances. The curb section of driveways and aprons shall be designed so that excessive breakover angle and vehicle dragging will be eliminated.

No lots or units shall be permitted driveway access from a road that is not an interior road of the condominium development.

f. **Reserve Strips:** Privately held reserve strips controlling access to streets shall be prohibited, except as provided in SECTION 2 i), herein.

g. **Non-Residential Lots:** Lots intended for uses other than residential shall be identified on the plan, and shall be specifically designed for such uses, in accordance with provisions of this ordinance and the zoning ordinance.

5. **Pedestrian Ways and Sidewalks:** Pedestrian ways, other than sidewalks in street rights-of-way, shall be at least 20 feet wide, when required. The Planning Commission may require a paved walkway to be provided by the proprietor. The pedestrian way shall be treated as an easement.

Sidewalks are required on both sides of a street, or one side of a street, depending upon the density of and location of the development, or, in very low density developments (one acre or larger lots) may be excepted entirely, according to the discretion of the Planning Commission. Street rights-of-way shall be sufficient to provide for sidewalks on both sides of the street, except in cluster subdivisions, or planned unit developments, where variations may be permitted. Streets leading directly to a school shall have sidewalks on both sides of the streets.

Sidewalks shall be developed and placed in compliance with M.D.O.T standards and the review of the Township Engineer.

6. **Natural Features:** The development shall, wherever possible, preserve natural features which add value to the proposed development and to the community at large, such as large trees or groves of trees, water courses, vistas, historic spots and features, wildlife habitats and ecological areas. The location, nature, and extent of such features shall be identified on the preliminary plat. The preservation and/or inclusion of such features may be made a condition of approval of the development.

7. **Uninhabitable Areas:** Lands subject to flooding, or otherwise deemed uninhabitable in their natural state shall not be developed for residential use, or for any other use that might create a danger to health, safety, or property, or which might increase the flood hazard within or outside the subdivision. Such lands shall be set aside for recreational use or shall be retained in their natural state as open space. Any areas of land within the proposed development which lie either wholly or partly within the flood plain of a river, stream, creek, or lake, or any other areas which are subject to flooding by storm water shall be clearly shown on the preliminary and final site plan.

8. **Utilities**

a. **Storm Drainage**

1) All developments shall adequately provide for storm water runoff. The storm water drainage system shall be separate and independent of any sanitary sewer system. A copy of design computations shall be submitted with drainage plans. All drainage improvements shall conform to the current standards of the Washtenaw County Drain Commissioner and Manchester Township.

- 2) Adequate provisions shall be made for proper drainage of storm water runoff from individual lots. Drainage easements may be required to assure proper drainage. The Township may require that catch basins be provided in said easements, and may require that drainage tile be provided for easement drainage. The depth, grade and outlet for said tile shall be subject to approval by the Township Engineer.
- 3) Where a development is traversed by a water course, drainage way, channel, or stream, a storm water easement or drainage right-of-way shall be provided, conforming substantially to the lines of such water course, and to the current standards of the Washtenaw County Drain Commissioner. Wherever possible, drainage should be provided by an open channel with landscape banks and adequate width for maximum potential flow. Existing drainage ways may be re-channeled but such re-channeling shall not increase the rate or level of flow, or cause impoundment of water within the proposed subdivision, or on properties upstream or downstream therefrom. Exceptions may be made if such changes conform to an overall drainage plan for the drainage district.
- 4) Where topography or other conditions make inclusion of drainage facilities within road rights-of-way impractical, perpetual unobstructed easements at least 20 feet in width for such drainage facilities shall be provided across property outside the road lines, and with satisfactory access to the road. Easements shall be indicated on the site plan. Drainage easements shall be carried from the road to a natural water course or to other drainage facilities. Such easements shall be placed so as not to interfere with the use of lots.

If a proposed drainage system will carry water across private land outside the development, appropriate drainage rights shall be secured.

- 5) Low-lying lands along water courses subject to flooding during storm periods, whether or not included in areas for dedication, shall be preserved and retained in a natural state as drainage ways. Such lands shall not be utilized in computing the area requirement of any lot.
- 6) All natural water drainage ways and impoundment areas shall be preserved at their natural gradient and shall not be filled or interfered with in any way, except as approved by the Washtenaw County Drain Commissioner. If, in the judgment of the Drain Commissioner, a natural water drainage way or impoundment area should be reserved, a storm drainage easement acceptable to the Drain Commissioner shall be provided.
- 7) The proprietor may be required to carry away any spring or surface water that might exist either previous to, or as a result of, the development, by pipe or open ditch, in appropriate easements.
- 8) A culvert or other drainage facility in a proposed subdivision shall be large enough to accommodate potential runoff from its entire upstream drainage area, whether that area is inside or outside the development. The design and size of the facility shall be reviewed and recommended for approval by the Township Engineer.
- 9) The effect of the subdivision on existing downstream drainage facilities outside the development shall be reviewed by the proprietor with the County Drain Commissioner. Where it is anticipated that the additional run-off resulting from development of the subdivision will overload an existing downstream drainage facility during a 10 year or larger storm, the Planning Commission shall not approve the development until

adequate provision has been made for resolving downstream drainage problems.

- 10) Storm water basins may be required in order to control the discharge of storm water from a proposed development. Design criteria and engineering plans for basins shall be subject to approval by the Township Engineer.

b. Water Supply Facilities: Water supply facilities shall be designed and located according to the specifications and procedural requirements of the Michigan Department of Public Health. On-site services and private water systems shall be designed according to requirements of the County Health Department.

c. Sanitary Sewerage Facilities:

- 1) Where public sanitary sewerage facilities are available, sewers shall be installed to serve each lot.
- 2) Each lot in a development which is served by public sanitary sewers shall be connected to a sanitary sewer line before occupancy of that lot shall be permitted.
- 3) If sanitary sewerage facilities are not available, minimum lot sizes shall conform to requirements of the County Health Department. In no case shall the minimum lot size be less than that required by the zoning district in which located. The individual disposal system shall be approved by the County Health Department.
- 4) Community wastewater utility systems are permitted as a conditional use in the AR and LR zoning districts only. Only residential structures may be connected to a community wastewater utility system and are subject to the provisions in Section 16.22, herein.

d. Gas, Wire, and Cable Utilities: All lines for telephone, electrical, television, and other services distributed by wire or cable shall be placed underground throughout the development. Overhead lines may be permitted upon approval by the Planning Commission at the time of preliminary site plan approval where it is determined that such lines will not impair the health, safety, general welfare, design, appearance, and character of the subdivision, and only where such overhead lines are brought to the perimeter of the subdivision. This Section shall not be construed to prohibit the construction above ground of surface equipment associated with an underground distribution system, such as, but not limited to, surface mounted transformers, power terminal pedestals, meters and meter boxes, concealed wires, street lights and street light poles.

All facilities, including those for gas distribution, shall be installed in accordance with standards and specifications of the Michigan Public Service Commission. The layout of such facilities shall be submitted to the utility companies having jurisdiction in the area for their review before filing for final approval of the plan. All said utilities placed in public rights-of-way shall not conflict with other underground lines. Easements shall be provided in accordance with 9, below.

9. **Easements:** All underground public utility installations which traverse privately owned property shall be protected by easements granted by the proprietor and approved by the public utility. Such easements shall be so located as to not interfere with the use of any lot or other part of the subdivision. The size of, and restriction pertaining to, such easements shall be in accordance with the standards and specifications of the agency having jurisdiction over the utility lines and the Land Division Act, and shall be indicated on the site plan submitted for preliminary approval.

- 10. Reservation of Public Use Areas:** Where a proposed park, playground, open spaces, public school, library or other public use area shown in the adopted general development plan, or in an adopted applicable part of such plan, is located in whole or in part in a proposed development, such area or areas shall be shown on the site plan. Such area or areas may be dedicated to the Township or other applicable public agency by the proprietor if the Township Board or other applicable public agency approves such dedication. Such areas, if not dedicated, shall be reserved by the proprietor for future purchase by the Township or other appropriate public agency.

The precise nature, location, and extent of the reservation shall be determined prior to final site plan approval by the Planning Commission. The reservation shall be valid for a period of one year from the date of final approval or such longer period as might be agreed to in writing by the proprietor. Unless during such one-year period or agreed longer period the Township or other public agency shall have entered into a contract to purchase the reserved area or instituted condemnation proceedings according to law to acquire the fee simple or a lesser interest in the reserved area, the right to develop the reserved area shall revert to the proprietor at the end of the one-year period or agreed longer period. The reservation shall freeze the price per acre of the reserved area for such one-year period at the average value per acre on the date when the plan was first filed with the Clerk. The plan shall include provisions for incorporating the reserved area into the overall development, if said reserved area reverts to the proprietor.

- 11. Mobile Home Subdivisions:** Where a mobile home development falls within the definition of mobile home condominium project as set forth in the Condominium Act, said development shall be developed in accordance with the Condominium Act and this ordinance. All provisions of this ordinance shall apply except for, or in addition to, the provisions of this Section. A mobile home condominium project may also be developed as a planned unit development.

All streets and driveways in the development shall conform to the standards set forth in SECTION G (2), herein. There shall be no residential lot access to a collector street within the development; all such access shall be provided by minor residential streets.

Collector street dimensions shall conform to County Road Commission specifications.

Each lot shall abut and have direct access to a public or private street. Lots should be laid out so as to provide a variety of shapes and sizes and to prevent a monotonous character.

Sidewalks and pedestrian ways shall be provided in accordance with SECTION G (5), herein, except that sidewalks along streets may not be required when pedestrian ways provide acceptable alternative means of pedestrian movement.

All lots shall be connected to sanitary sewer and water systems approved by the Township. Such facilities shall meet the requirements of this ordinance and all other applicable Township ordinance and regulations.

Fuel oil and/or gas storage tanks shall be located in an inconspicuous manner either by placing the tanks underground or by enclosing them with a screen of shrubbery. All fuel lines leading to the subdivision and to mobile home sites shall be underground and so designed as to conform with the Township Building Code and any State code that is applicable.

When a master television antenna is provided, all lines extended to individual lots shall be underground. Such master antenna shall be so placed as not to be a nuisance to subdivision residents or surrounding areas.

A buffer of trees and shrubs not less than 20 feet in width shall be located and maintained along all boundaries of such development, excepting at established entrances and exits serving the development. When necessary for health, safety and welfare, a fence shall be required to separate the subdivision from adjacent property.

- 12. Commercial and Industrial Subdivisions:** Commercial and industrial development which constitute condominium projects as defined in the Condominium Act, shall conform to the provisions of this ordinance, except for modifications provided in this Section.

All streets in a commercial development shall be paved, and be designed and constructed to adequately handle truck traffic. Curb side parking and loading shall not be provided for, nor permitted on, any side street. No backing or similar maneuvering of vehicles to enter or leave a parking or loading space shall be permitted or provided for; such movements shall be adequately provided for on each lot. Streets within a development, except major thoroughfares and collector streets shall be laid out so as to prohibit through traffic. Streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, where applicable, and the provision of truck loading and maneuvering areas, walks and parking area, so as to minimize conflict of movement between the various types of traffic, including pedestrian.

Entry drives for the development shall be located and designed so as not to create congestion or hazardous conditions on public streets serving the subdivision. Driveways from parking and/or loading areas shall intersect streets at a distance from intersections that is large enough to permit safe and convenient maneuvering of vehicles.

The block sizes set forth herein shall not apply. The blocks shall be designed to meet the needs of the uses that will occupy the subdivision. However, block sizes shall meet the requirements of fire protection, snow removal, and other service and emergency vehicles.

Lots shall have access from development or frontage streets, and shall not open directly onto arterial or collector streets.

Sidewalks and/or pedestrian ways shall be provided, except where the Planning Commission determines that such facilities are not required for the safety and convenience of pedestrians within or around the development.

Buffer strips shall be provided along the perimeter of a commercial or industrial development according to zoning ordinance requirements. The Planning Commission may require provision of a fence, wall or screen if it determines such is necessary to protect the adjacent areas from litter, trespass and other nuisances. Any intended future expansion of the development should be shown on the preliminary site plan.

- 13. Planned Unit Development:** Developments in a PUD zoning district may be granted certain variances from this ordinance. Such variances are intended to accommodate the site planning, financial, engineering, and other requirements of large, comprehensive developments with associated uses. Such variances may include, but are not limited to, time extensions, flexible schedules for installation of improvements, security requirements for improvements, reductions in minimum lot areas and dimensions, mixtures of residential densities and building types, mixtures of residential and nonresidential structures, and modifications in the design and development standards set forth in this Article.

- 14. Soil Erosion and Sedimentation Control:** The final site plan shall contain proposed erosion and sedimentation control measures. The measures shall be incorporated into the final construction drawings. Erosion and sedimentation control measures shall conform to adopted standards and specifications of the Washtenaw County Soil Erosion Ordinance.

- 15. Trees:** Trees shall be provided in the margins of both sides of all streets, and shall be placed at the minimum rate of two per single family residential lot or at a maximum distance apart of 60 feet. Trees may also be required to be installed according to the same distances in pedestrian ways. Trees to be installed in the street margins shall be of the large deciduous type — such as oak, maple, ash or sycamore. However, ornamental trees may be installed in the margin. Both kinds of trees may be provided in pedestrian

ways. These requirements may be relaxed by the Planning Commission if existing trees within the right-of-way or easement, or trees growing adjacent to the right-of-way or easement satisfy the intent of this ordinance.

The following trees are not permitted in the street margins, pedestrian ways, or any other landscaped area required by this ordinance: box elder, soft maple, American elm, poplar, ailanthus (tree of heaven) and willow.

All required trees shall be nursery grown and shall be sound and healthy at the time of planting. Root systems shall be balled and wrapped or shall be planted by means which will not disturb the root systems. Required trees shall be protected from damage by wind and other elements; guy wires and ropes, where provided, shall not damage bark or break branches. Trees shall be guaranteed by the proprietor for one full year after planting, with dead or otherwise unacceptable trees to be replaced by the proprietor, at the proprietor's expense, during the guarantee period.

Landscape plans shall be reviewed and recommended for approval by the Township consultant.

- 16. Street Lights:** Street lights, where provided, shall have underground wiring. Light standards shall meet the minimum specifications of the electric utility company serving that area of the proposed subdivision. Where lights are to be provided, they shall be installed prior to the occupancy of structures within the development. Street lights shall be provided in all developments except those of one acre or larger residential lots, and commercial and industrial subdivisions, where their installation shall be at the discretion of the Planning Commission.

H. Development Agreement

The Planning Commission may require, as a condition of approval, that the applicant enter into a development agreement with the Township, incorporating therein the terms and conditions of final site plan approval, and record the same in the office of the Register of Deeds for Washtenaw County.

- I.** 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 shall be set at all boundary corners and deflection points and at all road right of way intersections corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.

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 of Michigan 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 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.** All improvements in a site condominium shall comply with the design specifications as adopted by the Township Board and any amendments thereto.

SECTION 16.20 - COMMERCIAL COMMUNICATIONS TOWERS

A. Purpose

The intent of this Section is to permit the location of commercial communication towers, including wireless communications towers and antennas, within given geographic areas while protecting the safety and character of nearby residential areas and the Township. It is further the intent of this Section to require collocation of transmission and receiving apparatus on existing towers or structures, unless it can be demonstrated by the applicant that collocation is not technically feasible, and to require that new towers make provision for collocation of additional users wherever technically feasible. It is further the intent of this Section to require users of towers and antennae to configure them in a way that minimizes the adverse visual impacts of the towers and antennae through careful design, siting, landscape screening, and innovative camouflaging techniques.

B. Definitions

1. **Wireless Communication Facilities** – means and includes all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals including but not limited to radio towers, television towers, telephone devices and exchanges, micro-wave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Included in this definition are “Antennae”, “Towers”, and “Storage /buildings”, defined below. Not included in this definition are citizen band radio facilities, short wave 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.
2. **Wireless Communication Antenna or Antenna (e)** – 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 multi-point distribution services which are one meter (39”) or less in diameter and those which receive television broadcast signals.
3. **Wireless Communication Support Structure or Tower(s)** – means structures erected or modified to support Wireless Communication Antennae or Facilities. Support structures within this definition include, but are not limited to monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.
4. **Wireless Communication Equipment Storage Facilities or Storage Building** – means equipment used in the operation of the Facility other than Antennae or Towers and the structure within which the equipment is stored, maintained and serviced.
5. **Collocation** – means the location of two or more Wireless Communication Antenna on a common Tower or structure.
6. **Provider** – means entity, which is properly licensed by the Federal Communications Commission (FCC) and other appropriate governmental authorities to provide services through Wireless Communications Facilities.
7. **Attached Wireless Communications Facilities** – shall mean wireless communications facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.

C. Authorization

1. **As a Permitted Use**

In all Zoning Districts, a proposal to establish an attached wireless communication facility shall be deemed a permitted use in the following circumstances; subject to the standards set forth in subsections C. 3. and D. herein.

- a. An existing structure which will serve as an attached wireless communication facility within a nonresidential zoning district, where the existing structure is not, proposed to be either materially altered or changed in appearance.
- b. A proposed collocation upon an attached wireless communication facility, which has been approved by the Township for such collocation.
- c. An existing utility pole structure located within a right-of-way, which will also serve as an attached wireless communication facility where the existing pole is not proposed to be materially altered or changed in appearance.

2. As a Conditional Use

- a. Subject to the standards and conditions set forth in subsections C. 3. and D herein, wireless communication facilities shall be a conditional use in the following districts: LR, UR, MHP, CC, and CM.
- b. If it is demonstrated by an applicant that a wireless communication facility in order to operate, is required to be established outside of an area identified in either subsections C. 1. or C. 2. a, such wireless communication facilities may be considered elsewhere in the Township as a conditional use, subject to the following:
 - 1) At the time of the submittal, the applicant shall demonstrate that a location within the districts identified in subsections C. 1. or C. 2. a. above cannot reasonably meet the coverage and/or capacity needs of the applicant.
 - 2) Wireless communication facilities shall be of a design such as, without limitation, a steeple, bell tower, or the form, which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the Township.
 - 3) Locations outside of the areas identified in subsection C. 1. or C. 2. a. above shall be permitted on the following sites, subject to application of all other standards contained in this section:
 - a) Municipally owned site;
 - b) Other governmentally owned site;
 - c) Religious or other institutional site; or
 - d) Public or private school site.
 - 4) All other criteria and standards set forth in subsections C. 3. and D are met.

3. If new towers are proposed, all of the following apply:

- a. **Application Inventory** - Each applicant proposing to construct a new tower shall provide an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of Manchester Township or within one (1) mile of the border thereof, including specific information about the location, height, and design of each tower. Such

information may be shared with other applicants applying for approvals under this Section or other organizations seeking to locate towers or antennas within the jurisdiction of Manchester Township, provided, however, that the sharing of such information in no way constitutes a representation or warranty by the Township that such sites are available or suitable.

b. Information Required - In addition to any information required for applications for conditional use permits pursuant to Article 12.0 of the Zoning Ordinance, applicants for a conditional use permit for a new tower shall submit the following information:

- 1) A scaled site plan clearly indicating the location, type and height of the proposed tower; on-site land uses and zoning; adjacent land uses and zoning; Land Use Plan classification of the site and all properties within the applicable separation distances set forth above; adjacent roadways, proposed means of access; setbacks from property lines; elevation drawings of the proposed tower and any other structures, topography, parking, and any other information deemed by the Planning Commission to be necessary to assess compliance with this Section.
- 2) Legal description of the parent tract and leased parcel (if applicable).
- 3) The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
- 4) The separation distance from other towers described in the inventory of existing sites submitted pursuant to sub-paragraph a. above shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
- 5) A landscape plan showing specific landscape materials.
- 6) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
- 7) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennae for future users.
- 8) For wireless communication systems, identification of the entities providing the backhaul network (i.e., the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, and/or the public switched telephone network) for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the Township.
- 9) A description of the suitability of the use of existing towers, other structures, or alternative technology not requiring the use of towers or structures to provide the services through the use of the proposed new tower.
- 10) A description of the feasible location(s) of future towers or antennae within Manchester Township based on existing physical, engineering, technological, or geographical limitations in the event the proposed tower is erected.
- 11) An environmental impact statement disclosing any potential impact on local wetlands, flood plains, wilderness areas, wildlife preserves,

endangered species, historical sites, or other environmental considerations.

- c. **Conditions of Approval** - In granting a conditional use permit, the Planning Commission may impose conditions to the extent that the Planning Commission determines such conditions are necessary to minimize any adverse impact of the proposed tower on adjoining or nearby properties. Additional conditions are provided for in Article 12.0 (“Conditional Uses”) herein.

- d. **Factors to Consider in Granting a Conditional Use Permit** - In addition to any standards for consideration of conditional use permit applications contained in Article 12.0 (“Conditional Uses”) herein, the Planning Commission shall consider the following factors in determining whether to issue a conditional use permit:
 - 1) Height of the proposed tower.
 - 2) Proximity of the tower to residential structures and residential district boundaries.
 - 3) Nature of uses on adjacent and nearby properties.
 - 4) Surrounding topography.
 - 5) Surrounding tree coverage and foliage.
 - 6) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
 - 7) Proposed ingress and egress.
 - 8) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Paragraph e. below.

- e. **Availability of Suitable Existing Towers, Other Structures, or Alternative Technology** - No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure, or alternative technology that does not require the use of towers or structures can accommodate the applicant’s proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures, or alternative technology. Evidence submitted to demonstrate that no existing tower, structure, or alternative technology can accommodate the applicant’s proposed antenna may consist of any of the following:
 - 1) No existing towers or structures are located within the geographic area which meet applicant’s engineering requirements.
 - 2) Existing towers or structures are not of sufficient height to meet applicant’s engineering requirements.
 - 3) Existing towers or structures do not have sufficient structural strength to support applicant’s proposed antenna and related equipment.
 - 4) The applicant’s proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant’s proposed antenna.
 - 5) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or

structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

- 6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- 7) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

D. General Regulations

Commercial communication towers shall be subject to the following regulations:

1. **Collocation** - Evidence shall be submitted by the applicant that there are no reasonable and suitable alternatives for location of equipment on an existing communications tower within the service area of the proposed tower. The Township may employ specialized experts to review data submitted by the applicant. The applicant shall incur all costs associated with such review.
2. **Location of Towers**
 - a. No tower shall be located within three thousand (3,000) feet of another commercial communication tower.
 - b. No tower shall be located closer than eight hundred (800) feet from the boundary of any Residential, including any PUD District incorporating residential uses.
 - c. A tower shall have a minimum setback from all property boundaries equal to twice the height of the tower.
 - d. Guys and accessory buildings must satisfy the minimum zoning district regulations.
 - e. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located irrespective of municipal and county jurisdictional boundaries.
3. **Access** - Unobstructed access constructed in accordance with all provisions of this Ordinance shall be provided to the tower and apparatus building to ensure service by police, fire, and emergency vehicles.
4. **Structural Design and Installation**
 - a. The plans for the tower construction shall be certified by a registered structural engineer, and the applicant shall submit verification that the installation is in compliance with all applicable codes. All towers must meet all applicable standards of the Federal Aviation Administration and the Federal Communications Commission.
 - b. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Section shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into

compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

- c.** To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended. If, upon inspection, Manchester Township concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
 - d.** Antennae and metal towers shall be grounded for protection against a direct strike by lightning. The electrical wiring and connections on all towers shall comply with all applicable local, state, and federal statutes, regulations, and standards.
 - e.** Towers with antennae shall be designed to withstand a uniform wind loading as prescribed in the Building Code.
 - f.** Towers and structures shall be subject to any state and/or federal regulations concerning non-ionizing electromagnetic radiation. If more restrictive state and/or federal regulations are adopted in the future, the operator of the tower shall bring the antennae into conformance with such standards within sixty (60) days of its adoption, or the Conditional Use Permit shall be subject to revocation by the Township Board. The operator of the tower shall bear the costs for testing and verification of compliance.
 - g.** All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antennae and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.
 - h.** All communications towers shall be required to provide to the Township Zoning Administrator an annual report of total radiation output from all channels and all antennae on the tower.
- 5. Lighting** - Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- 6. Height** - Towers shall not exceed one hundred eighty (180) feet in height. Height shall be measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
- 7. Design**
- a.** Except as otherwise provided herein, all towers shall be of monopole design and shall be constructed of, or treated with, corrosive resistant material.
 - b.** Advertising, signs, and identification of any kind intended to be visible from the ground or other structures shall be prohibited, except as required for emergency purposes.
 - c.** The antennae shall be painted to match the exterior treatment of the tower. The paint scheme of the tower and antennae shall be designed to minimize off-site visibility of the antennae and tower.

- d. At a tower site, the design of the buildings and related structures shall, to the maximum extent possible, use materials, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
 - e. If an antenna is installed on a structure other than a tower (such as a clock tower, bell steeple, or light pole), the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
8. **Fencing and Landscaping** - The tower and appurtenant apparatus building shall be secured by fencing a minimum of six (6) feet in height. The fencing and apparatus building shall be screened with a landscape strip at least twenty (20) feet wide along each side of such fencing and/or building. Specifications for spacing and plant materials shall be as set forth in Section 16.07. The landscape strip shall be maintained in good condition at all times so as to continue its effectiveness. Existing mature on-site vegetation and natural landforms shall be preserved to the maximum extent feasible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may provide sufficient buffer, in which case the Planning Commission may waive the landscaping requirements of this Paragraph.
 9. **Employees** - No employees shall be located on the site on a permanent basis to service or maintain the antennae. Occasional or temporary repair and service activities are excluded from this restriction.
 10. **Site Plan Required** - The applicant shall submit a preliminary and final site plan in accordance with Article 15.0 ("Site Plan Review") herein, and including details of tower lighting required and approved by the Federal Aviation Administration.
 11. **Franchises** - Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system have been obtained and shall file a copy of all required franchises with Manchester Township.
 12. **Engineering Certification** - Any information of an engineering nature that the applicant submits, whether civil, mechanical, or structural, shall be certified by a licensed professional engineer.
 13. **Non Essential Services** - Towers and antennae shall be regulated and permitted pursuant to this Section and shall not be regulated or permitted as essential services, public utilities, or private utilities.
 14. **Cessation of Operation** - The Township shall condition approval of any new tower subject to the removal of said tower and all structural components above and below grade within twelve (12) months of cessation of operation. The Township reserves the right to request evidence of ongoing operation at any time after construction of an approved tower. Any antenna or tower, whether approved under this Section or existing at the time of adoption of this Ordinance, that is not operated for a continuous period of twelve (12) months shall be deemed abandoned. Failure to remove an abandoned antenna or tower within ninety (90) days of receipt of a notice from Manchester Township requesting such removal shall be grounds for Manchester Township to remove the tower or the antenna at the owner's expense. If there are two (2) or more users of a single tower, this provision shall not take effect until all users cease using the tower.

SECTION 16.21 – CONCRETE AND ASPHALT PLANTS

Concrete and asphalt plants may be permitted in certain districts, as specified in this ordinance, subject to the following:

- A.** The applicant shall demonstrate that the plant location is appropriate, based on the source of sand and aggregate materials for the plant. A market study shall be included which demonstrates the need for the specific facility proposed to serve the surrounding areas.
- B.** The application and site plan shall clearly demonstrate strict compliance with all requirements for air, groundwater, and surface water quality. In particular, the Performance Standards in Section 16.02 shall be strictly adhered to.
- C.** The anticipated life of the plant, in years, shall be specific and tied to the operator's anticipated local reserves of the sand and aggregate materials for the plant.
- D.** The site shall have direct access to a paved thoroughfare. The thoroughfare shall have a minimal designation of "Class A" as defined by the Washtenaw County Road Commission.
- E.** All plant equipment shall be setback a minimum two hundred fifty (250) feet from any district which permits residential uses and one hundred (100) feet from any property line.
- F.** The plant itself shall be screened on all property lines by a twenty-five (25) foot wide land form buffer, buffer strip, or screen wall / fence and adjacent greenbelt in conformance with Section s 16.06 and 16.07. The Planning Commission may require additional landscaping or screening where the Planning Commission determines that it is necessary to prevent negative impact on adjacent properties or rights-of-way.
- G.** The conditional use permit for a concrete or asphalt plant shall be reviewed by the Planning Commission every two (2) years at a minimum.
- H.** The conditional land use permit for a concrete or asphalt plant shall contain a restoration plan. The plan shall include:
 - 1.** A description of the methods and materials to be used in restoring the site;
 - 2.** Proposed ground cover and other plantings to stabilize the soil surface and to beautify the restored areas; and
 - 3.** Statement of the proposed use or uses of the restored site when restored.
- I.** Concrete or asphalt operation shall be permitted only between the hours of 7:00 A.M. and 5:00 P.M., Monday through Friday, and between 7:00 A.M. and 12:00 P.M. on Saturday. No transporting of aggregates or any materials from the site shall be permitted prior to 7:00 A.M. and after 5:00 P.M., Monday through Friday, and prior to 7:00 A.M. and after 12:00 P.M. on Saturday.
- J.** Temporary concreted or asphalt plants which are proposed in conjunction with a specified road improvement or other large scale public works project may be permitted by the Planning Commission in conformance with this Section subject to the following:
 - 1.** The proposed asphalt or concrete plant shall be clearly incidental and a required accessory use to the primary public works activity.
 - 2.** The facility shall be temporary and shall be utilized solely for production of materials used directly for the identified project.
 - 3.** The facility shall be removed at the completion of the identified project and the site shall be restored. The Planning Commission shall, as a condition of the conditional land use permit, require submission and conformance with a restoration plan for the site.
 - 4.** The temporary use of a site under the provisions of the Subsection shall not be construed as granting any vested right or nonconforming status for such use on a site.

SECTION 16.22 – COMMUNITY WASTEWATER UTILITY SYSTEMS

The Township recognizes that a community wastewater utility system may be in the best interests of the health, safety, and welfare of the Township and the residents in some limited circumstances. However, the Township requires assurance that, any community wastewater utility system will be designed, constructed, operated, maintained, repaired and/or replaced in a manner that best serves and protects the health, safety, and welfare of the Township and its residents.

This Ordinance is enacted under the authority of the Township's general police powers to protect the health, safety, and welfare of its residents and under the authority of Act No. 451 of the Public Acts of 1994, as amended.

A. Procedure - Community wastewater utility systems are reviewed and approved by the Township. The Township may request the Washtenaw County Drain Commissioner (WCDC) and/or the Washtenaw County Department of Public Health (WCDPH) to review and comment on the proposed community wastewater utility system. The Township's conditional use (Article 12) and site plan (Article 15) review processes may proceed concurrently. However, the final site plan shall not be approved by the Planning Commission until a conditional use permit, as required by this section, has been approved by the Planning Commission.

B. Application Requirements

1. The following items shall be submitted with the completed and signed application for a conditional use permit:
 - a. A general location map showing the proposed systems and the development in relationship to prominent geographical features such as roads, rivers, lakes, and residential development(s).
 - b. Legal description of the overall development and system site.
 - c. A description of how the placement of the system will minimize odor and noise dispersal to neighboring properties.
 - d. Describe the compatibility of the proposed development with Township. Provide a description of the development's impact on the Township's Growth Management Plan for sanitary sewer service relative to current conditions and projections for fifteen (15) years in the future.
 - e. Drawings prepared under the direction of a licensed Professional Surveyor and/or a certified Professional Engineer licensed to practice in the State of Michigan, accurate to a scale of no more than one hundred (100) feet to one (1) inch and showing the following information:
 - i. Elevations of the site mapped with a maximum contour interval of two (2) feet.
 - ii. All components of the proposed system, including but not limited to pump stations, tanks, treatment units, drainfields, and buildings.
 - iii. The location of soil borings or test pits. Soil boring logs shall also be attached along with a description of the general nature of the subsurface soils in the development and system, including the depth to groundwater, permeable strata, and confining layers.
 - iv. The means of vehicle access to the system.
 - v. The method of stormwater management with flow arrows showing the direction of stormwater runoff and the points of discharge from the development.
 - vi. The method of nearby wells, existing and future structures, drains, watermains, and other utilities in and adjacent to the subject property,

exclude a specified number of sites from connecting to the system and shall include specific reasons as to why these sites are not to be connected (i.e. MDEQ or WCDPH requirements).

7. The system shall be designed for a service life of at least twenty (20) years.
8. No construction or installation of a system shall be permitted between November 1 and April 15 without the written consent of the WCDC.
9. The reserve field associated with the system shall be fully prepared by the developer during the initial installation process.
10. If a utility building is to be provided as a part of the system, the minimum dimensions are to be twelve (12) by twelve (12) feet by eight (8) feet clear internal height.
11. A system should be restricted to a single development project and shall not provide service to other properties and/or development projects.
12. The area devoted to a system shall not be used to satisfy open space required by any other provisions of this Ordinance.

D. Locational Requirements

1. Community wastewater utility systems are permitted by conditional use permit in the AR and LR zoning districts.
2. Community wastewater utility systems shall not be allowed on unplatted or non site condominium land developments.
3. All above-ground and below-ground appurtenances associated with a system shall be located within the boundaries of the proposed development.
4. The point of discharge of a system shall be located a minimum of:
 - a. Fifteen hundred (1,500) feet from another approved system.
 - b. Two thousand (2,000) feet from an established public wellhead protection area.
 - c. Two hundred (200) feet from a wetland, or from the ordinary high water mark of any body of water.
5. The following minimum setbacks shall apply to the final disposal area for both active and reserve areas and to all above-ground appurtenances associated with a system:
 - a. Three hundred (300) feet from any residential dwelling or property line shared with an adjacent property.
 - b. Ten (10) feet from parking or pavement.

Note that the Planning Commission may increase any of the minimum distances noted in items 4 and 5 above should the Planning Commission find that there is reasonable potential that the system would become a nuisance to nearby residents or uses, as applicable.

6. The system shall be located on an area of land not encumbered by easements.
7. No system may be placed within a 100-year floodplain.
8. In so much as is possible, systems shall be located in an isolated area of the residential development.
9. Community wastewater utility systems shall not be located within any required greenbelt.

10. Community wastewater utility systems shall be strictly prohibited in areas served by municipal sewers unless it is determined, in the sole discretion of the Planning Commission, the proposed development to be served by the system provides a recognizable and material benefit to the community and/or provides long-term protection of natural resources and environmental features.

E. Site Requirements

1. Unless otherwise required in this Ordinance, the proposed system shall comply with all requirements for the particular district in which it is located and all other applicable Township requirements.

F. Buffering Requirements

1. The lot containing the collection portion of the system shall be landscaped with a combination of trees, grass, and shrubs. The spacing and type of plant materials shall be consistent with the provisions of Section 16.07. The Planning Commission may require additional landscaping to ensure that the character of the development and surrounding area is maintained.
2. Above-ground appurtenances associated with the system shall be screened using a combination of but not limited to the following, landscaping, berms, decorative or solid fence, or masonry wall. At its discretion, the Planning Commission may require additional landscaping to screen any above-ground structure.

G. Performance Standards

1. Service of the system shall occur during daylight hours.
2. In cases where immediate service is required, such service may occur at any time.
3. All vegetation and/or landscaping on the lot containing the system shall be maintained so as to preserve the character of the surrounding residential uses. This may include but is not limited to mowing and annual plantings.
4. All above-ground structures shall be tamper proof.
5. The density of a residential development utilizing a community wastewater utility system shall not be increased over what is otherwise permitted by the zoning district in which it is located.

H. Development Standards

1. All building and/or appurtenances associated with a system shall be harmonious in appearance with the surrounding structures in the development for which it is designed to service.
2. No adverse environmental conditions such as noise, air pollution, obnoxious odors, lighting or other nuisance shall be permitted.
3. Outdoor storage shall be expressly prohibited for any system.
4. Community wastewater utility systems shall provide adequate off-street parking for operators as well as adequate loading/unloading space for service vehicles.
5. A single paved drive with a minimum width of twelve (12) feet is required to provide access to the system and shall not be located from a road that is not an interior road of the development.

SECTION 16.23 - WIND ENERGY CONVERSION SYSTEMS

A. Purpose

Manchester Township promotes the effective and efficient use of Wind Energy Conversion Systems with the minimum regulations on the siting, design, and installation of conversion systems so that the public health, safety, and welfare of neighboring property owners or occupants will not be jeopardized. In no case shall the provision of this ordinance guarantee the wind rights or establish access to the wind.

B. Definitions

1. **Wind Energy Conversion System (WECS)** shall mean any device such as a wind charger, windmill, or wind turbine that converts wind energy to a form of usable energy.
 - a. **Agricultural WECS** shall mean any WECS that is accessory to a permitted farm or agricultural operation, and is designed and built to serve the needs of the farm or agricultural operation.
 - b. **Private WECS** shall mean any WECS that is accessory to a principal non-farm, non-agricultural use located on the same lot, and is designed and built to serve the needs of the principal use.
 - c. **Commercial WECS** shall mean any WECS that is designed and built to provide electricity to the electric utility's power grid.
2. **Manual and Automatic Controls** give protection to power grids and limit rotation of a WECS blades to below the designed limits of the conversion system.
3. An **Authorized Factory Representative** shall mean an individual with technical training of a WECS who has received factory installation instructions and is certified in writing by the manufacturer of the WECS.
4. A **Professional Engineer** shall mean any licensed engineer registered in the State of Michigan.
5. A **Utility Scale** wind farm shall mean all wind farms that produce greater than 50 kilowatts of energy.
6. **Facility Abandonment** shall mean out of production for a period of time not less than one (1) year.

C. Approval Required

Except where noted in this Section, it shall be unlawful to construct, erect, install, alter, or locate any WECS project within Manchester Township unless a conditional use permit has been obtained pursuant to this Ordinance.

1. Agricultural WECS projects accessory to permitted farm and agricultural operations shall be exempt from the requirements of this Section. Agricultural WECS projects shall conform to the regulations of the zoning district, including maximum height and minimum setback standards.
2. Application for conditional use permit required by this Ordinance shall be made on forms provided by Manchester Township and shall contain the following, in addition to Article 12.0:
 - a. Plot plan to show location of the WECS pole or tower, guy lines where required, guy line anchor bases, and their distance from all property lines;
 - b. Methods to screen the base of the WECS pole and/or other ground apparatus; and

- c. A permit fee for each WECS as set by Manchester Township Board must accompany the application.

D. General Standards

The following standards shall apply to all private and commercial wind energy conversion systems in Manchester Township:

1. Design Safety Certification

The safety of the design of all private and commercial WECS towers shall be certified by a Professional Engineer registered in the State of Michigan. The standard for certification shall be included with the permit application.

2. Controls and Brakes

All private and commercial WECS projects shall be equipped with manual and automatic controls to limit rotation of blades to a speed below the designed limits of the WECS. The Professional Engineer must certify that the rotor and over-speed 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.

3. Electrical Components

All electrical compartments, storage facilities, wire conduit, and interconnections with utility companies will conform to national and local electrical codes.

4. Compliance with Township Ordinances

All private and commercial WECS projects shall be in compliance with all Manchester zoning ordinance requirements and other applicable ordinances.

5. Setbacks

All private and commercial WECS projects must be setback from property lines at a distance equal to or greater than one hundred fifty percent (150%) of the height of the structure, measured from the base of the structure to the highest reach of its blade.

6. Height

Private WECS projects shall conform to the maximum height standards of the zoning district. Commercial WECS projects shall be exempt from the height requirements of this Ordinance, subject to the provisions of Conditional Uses, ARTICLE 12.0, and compliance with FAA regulations.

7. Installation Certification

The Professional Engineer shall certify that the construction and installation of the private or commercial WECS project meets or exceeds the manufacturer's construction and installation standards.

8. Climb Prevention

All private and commercial WECS project towers or poles must be un-climbable by design or protected by anti-climbing devices such as:

- a. Fences with locking portals at least six (6) feet high;

- b. Anti-climbing devices twelve (12) feet from base of pole; or
- c. Anchor points for guy wires supporting tower shall be enclosed by a six (6) foot high fence or shall be located within the confines of a yard that is completely fenced.

9. Interference

It shall be the responsibility of the person in charge of the private or commercial WECS to submit acceptable documentation as part of the conditional use permit to determine if the WECS project would in any way cause interference with microwave transmissions, residential television reception, or radio reception.

10. Fire Risk

All private and commercial WECS projects must adhere to all applicable electrical codes and standards, must remove fuel sources, such as vegetation, from the immediate vicinity of electrical gear and connections, and must utilize twistable cables on turbines.

11. Waste

All solid wastes, whether generated from supplies, equipment parts, packaging, operation, or maintenance of the WECS, including old parts and equipment, shall be removed from the site immediately and disposed of in an appropriate manner. All hazardous waste generated by the operation and maintenance of the WECS, including but not limited to lubricating materials, shall be removed from the site immediately and disposed of in a manner consistent with all local, state, and federal rules and regulations.

12. Noise Levels

The noise level measured at the property line of the property on which the private or commercial WECS project has been installed shall not exceed fifty-five (55) decibels.

13. Liability Insurance

The owner or operator of the private or commercial WECS project shall maintain a current insurance policy with a bond rating acceptable to the Township to cover installation and operation of the WECS project. The amount of the policy shall be established as a condition of conditional use permit approval. For a private WECS projects accessory to a principal residence, proof of homeowner's insurance with specific coverage for the WECS shall satisfy this requirement.

E. Additional Standards for Commercial WECS Projects

The following additional standards shall apply to all commercial wind energy conversion systems in Manchester Township:

1. Color

Towers and blades shall be painted any neutral color that is acceptable to Manchester Township or otherwise required by law.

2. Compliance with FAA

It shall be the responsibility of the person in charge of the commercial WECS project to complete the proper FAA applications and obtain the proper permits for the WECS project. It shall also be the responsibility of the person in charge of the commercial WECS project to obtain a determination of no significant impact to air navigation from the FAA.

3. Warnings

A visible warning sign of “High Voltage” may be required to be placed at the base of all commercial WECS projects. The sign must have at a minimum six-inch letters with ¾-inch stroke. Such signs shall be located a maximum of three hundred (300) feet apart and at all points of site ingress and egress.

4. Annual Inspection

Every commercial WECS project must be inspected annually by an Authorized Factory Representative or Professional Engineer to certify that it is in good working condition and not a hazard to the public. Such records shall be submitted to Manchester Township and considered a part of the continuing conditional use permit.

5. Compliance with additional Regulations

It shall be the responsibility of the person in charge of the commercial WECS project to contact the FCC and FAA regarding additional permits necessary or any other applicable Federal or State regulations for the installation, prior to the Manchester Township granting a conditional use permit.

6. Migratory Birds

The Township may require an avian study conducted by a qualified professional to determine any potential impacts the commercial WECS project may present to migratory birds. The study as part of the conditional use permit must provide assurances that the WECS project does not negatively affect the path of migratory birds.

7. Decommissioning Plan and Escrow

The commercial WECS project must contain a Decommissioning Plan to ensure it is properly decommissioned upon the end of the project life or facility abandonment.

Decommissioning shall include: removal of all structures (including transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within six (6) months of the end of project life or facility abandonment.

The decommissioning plan shall state how the facility will be decommissioned, the Professional Engineer’s estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The decommissioning plan shall also include an agreement between the applicant and the Township that:

- a. The financial resources for decommissioning shall be in the form of a surety bond, or shall be deposited in an escrow account with an escrow agent acceptable to Manchester Township.
- b. The Township shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within six (6) months of the end of project life or facility abandonment.
- c. The Township is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
- d. The Township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the Township’s right to seek reimbursement from applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant’s successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.

Financial provisions shall not be so onerous as to make wind power projects unfeasible.

**ARTICLE 17.0
NON-CONFORMITIES**

SECTION 17.01 - NON-CONFORMING USES OF LAND

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A.** No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- B.** No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
- C.** If any such non-conforming use of land is abandoned for a period of more than three hundred and sixty-five (365) days, such use shall be subject to Section 12.12 of this Ordinance. Any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

SECTION 17.02 - NON-CONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A.** No such structure may be enlarged or altered in a way which increases its nonconformity.
- B.** Should such structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance. Such repairs should be initiated within ninety (90) days.
- C.** Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

SECTION 17.03 - NON-CONFORMING USES OF STRUCTURES

If a lawful use of a structure, or of structure and premises in a combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district in which located under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A.** Any existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall not be altered, enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B.** Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- C.** When a non-conforming use of a structure, or structures and premises in combination, is discontinued for three hundred and sixty-five (365) days or for any five hundred and forty-eight (548) days during any three (3) year period, whichever occurs first, the structure or structures and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- D.** Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use shall not thereafter be resumed.

SECTION 17.04 - REPAIRS, ALTERATIONS AND IMPROVEMENTS

Any lawful non-conforming building or structure may be repaired, maintained, or reinforced during its life to correct deterioration, obsolescence, depreciation, and wear unless the subject building is changed by such repair to a conforming use, provided further that such repair, maintenance or reinforcement does not increase the height, area, bulk or use of the building or structure.

SECTION 17.05 - CHANGE OF TENANCY OR OWNERSHIP

There may be a change of tenancy, ownership or management of an existing non-conforming use or structure providing there is no change in the nature or character of such non-conforming use or structure.

SECTION 17.06 - EXTENSION AND SUBSTITUTION

A non-conforming use shall not be extended unless it fulfills the requirements of ARTICLE 17.0 of this Ordinance, nor shall one non-conforming use be substituted for another non-conforming use.

SECTION 17.07 - COMPLETION OF PENDING CONSTRUCTION

The adoption of this Ordinance shall not limit the construction of any building or structure for which a permit had been obtained prior to its adoption and upon which work had been commenced and carried on within thirty (30) days of obtaining such permit, even though such building or structure does not conform to the provisions of this Ordinance.

SECTION 17.08 - NON-CONFORMING LOTS OF RECORD

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership as of the date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the regulations for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other regulations, not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the effective date of adoption or amendment of this Ordinance and, if all or part of the lots do not meet the regulations for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area regulations established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with area or width less than the regulations stated in this Ordinance.

ARTICLE 18.0
ADMINISTRATION OF THE ORDINANCE

SECTION 18.01 - PURPOSE

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

SECTION 18.02 - ADMINISTRATION

Except where herein otherwise stated the provisions of this Ordinance shall be administered by the Zoning Administrator, or by such deputies of his/her office as the Township Board may designate to enforce the provisions of this Ordinance. The Zoning Administrator and the Building Inspector shall be appointed and may be dismissed by the Township Board. The same person may be appointed Zoning Administrator and Building Inspector.

SECTION 18.03 - DUTIES OF ZONING ADMINISTRATOR

- A.** The Zoning Administrator shall have the power to grant zoning compliance permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.
- B.** The Zoning Administrator shall require that all applications for zoning compliance permits shall be accompanied by plans and specifications including a plot plan in duplicate drawn to scale, showing the following:
 - 1.** The actual shape, location, and dimensions of the lot(s).
 - 2.** The shape, size and location of all buildings or other structures to be erected, altered or moved, and of any building or other structures already on the lot.
 - 3.** The existing and intended use of the lot and of all such structures upon it, including residential areas and the number of dwelling units the building is intended to accommodate.
 - 4.** Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

The Zoning Administrator shall retain a copy of the plot plan for his files. If a site plan has been required and is approved by the Township Planning Commission, it shall satisfy the requirements of the plot plan.
- C.** It shall be unlawful for the Zoning Administrator to approve plans or issue a permit of zoning compliance permit until he has inspected such plans and specifications in detail and found them to conform with this Ordinance.
- D.** The Zoning Administrator, under no circumstances, is permitted to make changes to this Ordinance, nor to vary the terms of this Ordinance, in carrying out his duties as Zoning Administrator.
- E.** The Zoning Administrator shall issue a certificate of zoning compliance, after an inspection which finds that the land or building or final use of a building or land complies with all the provisions of this Ordinance.
- F.** The Zoning Administrator shall record and file with the Planning Commission and Board of Appeals all non-conforming uses existing at the effective date of this Ordinance.
- G.** The Zoning Administrator shall submit reports monthly or as directed by the Township Board fully explaining the type and nature of uses permitted by right, the nature and extent of

violations of this Ordinance, and the type and nature of non-conforming uses, buildings and structures to the Planning Commission and the Township Board.

H. The Zoning Administrator shall report violations within thirty (30) days to the Township Board.

SECTION 18.04 - DUTIES OF BUILDING INSPECTOR

- A.** The Building Inspector shall have the power to issue building and occupancy permits after the zoning compliance permits are issued by the Zoning Administrator, and make inspections of the buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.
- B.** The Building Inspector shall require that all applications for building permits shall be accompanied by plans and specifications, including a plot plan in duplicate drawn to scale. The Building Inspector shall retain a copy for his files.
- C.** It shall be unlawful for the Building Inspector to approve plans or issue any permits or certificate of occupancy for any excavation, construction, moving or alteration until he has inspected such plans and specifications and found them to conform with this Ordinance.
- D.** The Building Inspector, under no circumstances, is permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Building Inspector.
- E.** The Building Inspector shall make necessary inspections of constructions when requested by the building permit holder in accordance with the provision of the Building Code in effect at that time.
- F.** The Building Inspector shall issue a certificate of occupancy, after final inspection which finds that compliance has been made with all the provisions of this Ordinance.
- G.** The Building Inspector shall submit to the Township Board quarterly reports fully explaining the type and nature of buildings permitted by right; the nature and extent of violations of this Ordinance; and the type and nature of non-conforming buildings and structures.

SECTION 18.05 - VOIDING OF ZONING COMPLIANCE PERMIT

Any zoning compliance permit granted under this Ordinance shall become null and void unless construction and/or use is commenced within one hundred eighty (180) days and completed within five hundred and forty-five (545) days of the date of issuance. An extension of this time limit may be granted upon showing of good cause.

SECTION 18.06 - ISSUANCE OF CERTIFICATE OF OCCUPANCY; FINAL INSPECTION

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

SECTION 18.07 - VOIDING OF CERTIFICATE OF OCCUPANCY

Any certificate of occupancy granted under this Ordinance shall become null and void if such use(s), buildings and/or structures for which- said certificate was issued are found by the Building Inspector to be in violation of this Ordinance. The Building Inspector upon finding such violation shall immediately notify the Township Board of said violation and voiding of the certificate of occupancy.

SECTION 18.08 - FEES, CHARGES, AND EXPENSES

The Township Board shall establish by appropriate resolution a schedule of fees as provided for in this Ordinance, charges and expenses, and a collection procedure, for building permits, certificates of occupancy, appeals, and other matters pertaining to the Ordinance. The schedule of fees shall be posted

in the Offices of the Zoning Administrator and Building Inspector, and may be altered or amended only by the Township Board. No permit, certificate, conditional use on approval, or variance shall be issued unless or until such costs, charges, fees or expenses listed in this Ordinance have been paid in full, nor shall any action be taken on proceedings before the Board of Appeals, unless or until preliminary charges and fees have been paid in full. All fees provided for shall forthwith be paid over to the general fund of the Township.

SECTION 18.09 - VIOLATIONS AND PENALTIES; NUISANCE PER SE; ABATEMENT

Any building or structure including tents, travel trailers, and mobile homes, which are erected, constructed, reconstructed, altered, converted, maintained or used, or any use of land or premise which is begun, maintained, or changed in violation of any provision of this Ordinance, are hereby declared to be a nuisance per se. Any person, firm, or corporation or the agent in charge of such building or land who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of any provision of this Ordinance or any amendment thereof, shall be fined upon conviction not more than five hundred (500) dollars, together with the costs of prosecution, or shall be punished by imprisonment in the county jail for not more than ninety (90) days for each offense, or may be both fined and imprisoned as provided herein. Each and every day during which any illegal construction, reconstruction, alteration, maintenance or use continues shall be deemed a separate offense. The Township Board, the Township Zoning Administrator, the Township Building Inspector, the Board of Appeals, the Attorney of the Township, or any owner or owners of real estate within the district in which such building, structure or land is situated may institute injunction, mandamus, abatement or any other appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate, or remove any said unlawful construction, maintenance or use. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

**ARTICLE 19.0
AMENDMENTS**

SECTION 19.01 - INITIATING AMENDMENTS

The Township Board may amend or supplement the district boundaries or the provisions and regulations of this ordinance. Amendments may be initiated by the Township Board, the Township Planning Commission, or by application of one or more of the property owners of Manchester Township, or by one or more persons acting on behalf of a property owner(s) of Manchester Township. All proposed amendments shall be referred to the Township Planning Commission for review and recommendation before action may be taken thereon by the Township Board.

SECTION 19.02 - FEES

The Township Board shall establish, by resolution, fees for zoning amendment applications. The fee shall be paid at the time of filing of the application and no part of such fee shall be returnable to the petitioner. Fees shall not be required for amendments requested by any government agency or body.

SECTION 19.03 - AMENDMENT PROCEDURE

- A.** The procedure for amending this ordinance shall be in accordance with Public Act 110 of 2006, as amended.

- B.** An application shall be filed with the Township Clerk. The Clerk shall transmit the application to the Township Planning Commission for review and report to the Township Board. The Planning Commission shall establish a date for a public hearing on the application. If an individual property or several adjacent properties are proposed for rezoning, the Planning Commission shall give a notice thereof to the applicant and owner(s) of the property in question, to all persons to whom any real property is assessed within three hundred (300) feet of the boundary of any proposed rezoning regardless of whether the property or occupant is located within the Township, and to the occupants of all structures within three hundred (300) feet of the property or by mail to the respective owners and tenants at the address given in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used. In addition, each electric, gas, pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport that registers its name and mailing address with the Planning Commission for the purpose of receiving such notice. If the notice is delivered by mail, an affidavit of mailing shall be filed with the Planning Commission prior to the hearing.

The notice shall be made not less than fifteen (15) days prior to the hearing and shall do all of the following:

1. Stating the time, place, date, and purpose of the hearing.
2. 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.
3. State when and where the public hearing will be considered.
4. Indicate when and where written comments will be received concerning the request.
5. Indicate the places and times at which the proposed text amendment or rezoning may be examined.

The Planning Commission shall also give notice of the public hearing by one (1) publication in a newspaper of general circulation in Manchester Township, not less than fifteen (15) days before the date of such hearing. The Planning Commission shall also, for any proposed amendment to the zoning map within three hundred (300) feet of the boundary of any adjacent municipality, send by mail a written notice of the public hearing to the zoning agencies of said municipalities

and to the School Board of the school district in which the subject property is located, in order that coordination with adjacent zoning ordinances may be promoted. Public hearing requirements shall also apply to amendments initiated by the Township Board, the Township Planning Commission and by any other governmental agency or body.

- C.** The Planning Commission shall report its findings and its recommendations for disposition of the application to the Township Board following the public hearing, but within one hundred twenty-five (125) days of the filing date. This time limit may be extended by agreement between the petitioner and the Planning Commission. If the Township Board shall deem advisable any changes as to the proposed amendment, it may refer same to the Planning Commission for a report thereon within a time specified by the Board. Thereafter the Board may act up application.

D. Signage

1. For any proposed amendment to the zoning map, the petitioner(s) or owner(s) of the property proposed to be rezoned shall place a four (4) by four (4) foot sign on each side of the affected property that abuts a street. Each sign shall have lettering easily readable from the abutting street. The sign shall not be erected in the road right-of-way or in a manner to obstruct vision of motorists or pedestrians.
2. If the property proposed for rezoning does not abut a street, the sign shall be placed on each side of any contiguous land owned by the petitioner(s) or owner(s) of such parcel which does abut such a street.
3. If no such contiguous property abutting a street is owned by the petitioner(s) or owner(s) of the property proposed for rezoning, the sign(s) shall be placed in such location(s) on the property that the Zoning Administrator deems will best inform the public of the proposed rezoning. If the Zoning Administrator determines that there is no location where a sign could be placed that would be visible to the public, the Zoning Administrator may waive the requirement of posting.
4. 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 (3) 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 (6) inch letters as, "PROPERTY PROPOSED FOR REZONING" and shall state in letters of no less than two (2) inches the street address or tax code parcel number(s), 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.
7. The petitioner shall post a bond in an amount not to exceed one hundred dollars (\$100) per sign to ensure the removal of the sign as heretofore provided.
8. The Zoning Administrator shall inspect the property to confirm compliance with this Section and shall submit an affidavit of such determination to the Planning Commission not less than seven (7) days prior to the public hearing on the petition.
9. Signs erected under this section are exempt from other provisions of this Ordinance regulating signs.
10. Failure to comply with any provision of this Section shall not constitute grounds for invalidating or setting aside the granting of a petition for rezoning, but shall constitute grounds for adjourning and rescheduling the public hearing.

SECTION 19.04 - INFORMATION REQUIRED

- A.** If an application involves an amendment to the official zoning map, the petitioner shall submit the following information:
1. A legal description of the property, including a street address and the tax code number(s).

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 record owner, the name and address of the record owner(s), and that owner(s) signed consent to the application.
 5. Signature(s) of petitioner(s) and owner(s), certifying the accuracy of the information.
 6. Identification of the zoning district requested and the existing zoning classification of property.
 7. A vicinity map showing the location of the property, and adjacent land use and zoning classifications.
- B.** If an application involves a change in the text of the Zoning Ordinance, the petitioner shall submit the following information:
1. A detailed statement of the application, clearly and completely setting forth all proposed provisions and regulations, including all changes in the Zoning Ordinance necessary to accommodate the proposed amendment.
 2. Name and address of the petitioner.
 3. Reasons for the proposed amendment.

SECTION 19.05 - FINDINGS REQUIRED

In reviewing any application for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the application. The Planning Commission shall report its findings in full, along with its recommendation for action on the application, to the Township Board. The facts to be considered by the Planning Commission shall include, but shall not be limited to, the following:

- A.** 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.
- B.** The precedents, and the possible effects of such precedents, which might result from approval or denial of the application.
- C.** The capacity of Manchester Township or any other government agencies to provide any services, facilities, and/or programs that might be required if the application were approved.
- D.** Effect of approval of the application on the condition and/or value of property in Manchester Township or in adjacent municipalities.
- E.** Relation of the application to the adopted General Development Plan of Manchester Township, and of other government units where applicable.

All findings of fact shall be made a part of the public records of the meetings of the Planning Commission.

SECTION 19.06 - PUBLICATION

Following Township Board approval of an application to amend the zoning ordinance, notice of the amendment shall be published within fifteen (15) days after adoption in a newspaper of general circulation within Manchester Township. The notice of adoption shall include the following information:

- A.** Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.

- B.** The effective date of the amendment.
- C.** The place and time where a copy of the ordinance may be purchased or inspected.

A copy of the notice shall also be mailed to the airport manager of any airport that received a notice as described herein.

SECTION 19.07 - REFERENDUM

Within thirty (30) days following the adoption of an amendment to the zoning ordinance, an application may be submitted, signed by a number of qualified and registered voters residing in the unincorporated portion of Manchester Township. The number of signatures shall be equal to not less than eight (8) percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected. The application may be filed with the Township Clerk requesting therein for the submission of the amendment to the electors residing in the unincorporated portion of Manchester Township for their approval.

SECTION 19.08 - CONFORMANCE TO COURT DECREE

Any amendment for the purpose of conforming to a provision of the Zoning Ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of amendment published without referring same to any other board or agency.

**ARTICLE 20.0
BOARD OF APPEALS**

SECTION 20.01 - BOARD OF APPEALS ESTABLISHED

There is hereby established a Board of Appeals, which shall perform its duties and exercise its powers as provided by Public Act 110 of 2006 as amended, in such way that the objectives of this Ordinance shall be enforced, the public health and safety secured, and substantial justice done.

SECTION 20.02 - MEMBERSHIP; TERMS OF OFFICE

- A.** The Board of Appeals shall consist of three (3) members appointed by the Township Board. The first member shall be a member of the Township Planning Commission. The remaining members, and any alternate members, shall be selected from the electors of the Township residing in the unincorporated area of the Township. One (1) regular member may be a member of the Township Board but shall not serve as chairperson of the Board of Appeals. The members selected shall be representative of the population distribution and of the various interests present in the Township. An elected officer of the Township shall not serve as chairman of the Board of Appeals. An employee or contractor of the Township Board may not serve as a member of the Board of Appeals.

The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Board of Appeals. An alternate member may be called as specified in the Zoning Ordinance to serve as a regular member of the Board of Appeals in absence of a regular member if the regular member is absent from or will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Board of Appeals.

- B.** Members of the Board of Appeals shall be removable by the Township Board for non-performance of duty or misconduct in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which he or she has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which he or she has a conflict of interest shall constitute misconduct in office.
- C.** The term of office of each member shall be three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of the Planning Commission or Township Board respectively, and the period stated in the resolution appointing them. A successor shall be appointed within one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term. The expiration of the terms of members appointed from the electorate shall be adjusted so that all do not expire at the same time. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

SECTION 20.03 - RULES OF PROCEDURE; MAJORITY VOTE

The Board shall adopt its own rules of procedure as may be necessary to properly conduct its meetings. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of an administrative official or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance.

SECTION 20.04 - MEETINGS

Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board in its rules of procedure may specify. The Zoning Board of Appeals shall not conduct business unless a majority of the regular members of the Zoning Board of Appeals are present.

SECTION 20.05 - PUBLIC MEETINGS AND MINUTES

All meetings of the Board of Appeals shall be open to the public and accurate minutes of the proceedings showing the action of the Board shall be kept, which record shall be filed in the office of the Township Clerk and shall be a public record.

SECTION 20.06 - POWERS AND DUTIES

The Board of Appeals shall have power to interpret the provisions of this Ordinance, and to grant variances from provisions of this ordinance.

A. Interpretation.

1. The Board shall hear and decide requests for interpretation of this Ordinance or the Zoning Map, taking into consideration the intent and purpose of the Ordinance.
2. In an interpretation of the Zoning Map, the Board shall be governed by the Rules for Interpretation set forth in Section 3.09.
3. A record shall be kept by the Board of all decision for interpretation of this Ordinance or Zoning Map and land uses, which are approved under the terms of this Section. The Board shall request the Planning Commission to review any ordinance amendment it deems necessary.

B. Variances. Where, owing to special conditions, a literal enforcement of the provisions of this ordinance would involve practical difficulties within the meaning of this Article, the Board of Appeals shall have power upon appeal in specific cases to authorize such variation or modification of the provisions of this ordinance with such conditions and safeguards as it may determine as may be in harmony with the spirit of this Article and so that public safety and welfare be secured and substantial justice done.

C. Limitation of Authority.

1. The Board shall not have the power to alter land use classifications of any property, or Zoning Ordinance text, or change zoning district boundaries, except where uncertainty exists as to the location of a boundary.

SECTION 20.07 - VARIANCE

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

A. A written application for a variance is submitted, demonstrating:

1. that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
2. that literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
3. that the special conditions and circumstances do not result from the actions of the applicant.

4. that granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
 5. that no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
- B.** The Board of Appeals shall make findings that the requirements of the Ordinance have been met by the applicant for a variance.
 - C.** The Board of Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
 - D.** The Board of Appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
 - E,** In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under SECTION 18.09 of this Ordinance.
 - F.** Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
 - G.** A public hearing is required for a variance application according to the procedures in Section 20.09 E. In accordance with Section 19.03 D. of this Ordinance, the applicant(s) seeking a variance shall be responsible for posting a sign, if applicable, announcing the public hearing for the proposed variance. Each sign shall state, "PROPERTY PROPOSED FOR A VARIANCE TO THE MANCHESTER TOWNSHIP ZONING ORDINANCE."
 1. The Zoning Administrator may waive signage requirements of Section 20.07 G. if the proposed variance(s) meets all of the following standards:
 - a. That the proposed variance(s) will not adversely affect the natural environment and existing and future land uses in the vicinity;
 - b. That the proposed variance(s) will not overburden essential public services;
 - c. That the proposed variance(s) will not be detrimental, hazardous, or disturbing to the existing or future neighboring uses, persons, property or the public welfare; and
 - d. That the proposed variance(s) will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.
 2. Should the Zoning Administrator find that all of the standards of Section 20.07 G. 1. are satisfied, the Zoning Administrator shall then submit in writing to the Chair of the Zoning Board of Appeals, the decision to waive the signage requirement of Section 20.07 G.

SECTION 20.08 - VOIDING OF AND REAPPLICATION FOR VARIANCE

The following provisions shall apply:

- A.** Each variance granted under the provisions of this Ordinance shall become null and void unless.

1. The construction authorized by such variance or permit has been commenced within one hundred and eighty (180) days after the granting of such variance and pursued diligently to completion; or
 2. The occupancy of land or buildings authorized by such variance has taken place within one hundred and eighty (180) days after the granting of such variance.
- B.** No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of three hundred and sixty-five (365) days from such denial, except on grounds of new evidence or proof of changed conditions found by the Board of Appeals to be valid.

SECTION 20.09 - APPEALS TO THE BOARD OF APPEALS

The following provisions shall apply:

- A. APPEALS, HOW TAKEN** - Appeals concerning administrative review may be made within such time as prescribed by the Board of Appeals by general rule, by filing with the Zoning Administrator and the Board of Appeals a notice of appeal specifying the grounds thereof. The Zoning Administrator shall transmit to the Board of Appeals copies of all papers constituting the record upon which the action appealed from was taken, within seven (7) days of the filing date. 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. WHO MAY APPEAL:** Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board, agency, or bureau of the Township, County, or State.
- C. FEE FOR APPEAL:** A fee, as determined by resolution of the Township Board, shall be paid at the time of filing the appeal.
- D. EFFECT OF APPEAL; RESTRAINING ORDER:** An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Township Board of Appeals, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.
- E. HEARING BY THE BOARD OF APPEALS; REQUEST; NOTICE; PUBLIC HEARING:** When a request for appeal has been filed in proper form the Township Clerk shall place the said request for appeal upon the calendar for public hearing, and cause notice, stating the time, place, date, and object of the public hearing to be served personally or by registered return receipt mail no less than fifteen (15) days before the public hearing, upon the party or parties making the request for appeal. If the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation requests and the time, date, and place of the public hearing on the interpretation request shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question and to all occupants of all structures within three hundred (300) feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used. All notice by regular mail shall be deemed to have been given when deposited in the United States Post Office, addressed to the respective property owners of record to the address shown on the last assessment roll of the Township.

In addition, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person requesting an interpretation of the Zoning Ordinance not less than fifteen (15) days before the public hearing.

- F. REPRESENTATION AT HEARING:** Upon the hearing, any party or parties may appear in person or by agent or by attorney.
- G. DECISIONS OF THE BOARD OF APPEALS AND APPEALS TO THE CIRCUIT COURT:** The Board of Appeals shall decide upon all matters appealed from within a reasonable time and may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Zoning Administrator or Township Board from whom the appeal is taken. The Board of Appeals' decision of such appeals shall be in the form of a resolution containing a full record of the findings and determination of the Board of Appeals in each particular case. Any party aggrieved by such resolution shall have the right to appeal to the Circuit Court on question of law and fact.

MANCHESTER TOWNSHIP
ORDINANCE NUMBER 43:

AN ORDINANCE TO ESTABLISH CHARGES FOR EMERGENCY SERVICES

The Township of Manchester ordains:

Section 1. **Purpose.** Pursuant to P.A. 33 of 1951, as amended (MCL 41.801 *et seq.*), this ordinance authorizes charges to the recipients of emergency services provided in connection with hazardous materials cleanup by the Township or its agents.

Section 2. **Charges.** Persons or firms receiving emergency services from Manchester Township or its agents for the cleanup of hazardous materials shall be charged for those services based on the actual cost to the Township of the hazardous materials cleanup. Payment shall be due within sixty days of the rendering of the services.

Section 3. **Collection.** Charges imposed under this ordinance shall be collectible by the Township or its agent through proceedings in a court of competent jurisdiction as a matured debt. Unpaid charges imposed for the protection or cleanup of real or personal property shall become a lien on the property. Such charges may be collected by adding them to tax rolls of the property.

Section 4. **Appeal.** Any person aggrieved by the charges imposed pursuant to this ordinance may appeal those charges to the Township Board. The appeal must be initiated by filing a protest letter with the Township Clerk within 30 days of the notification of the charges. The Township Board shall then conduct a due process hearing and make a decision within 60 days of the hearing.

Section 5. **Severability.** Should any provision or part of this ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, that shall not affect the validity or enforceability of the balance of this ordinance which shall remain in full force and effect.

Section 7. **Effective Date.** This ordinance shall take effect upon publication.

The original of the above ordinance may be inspected or a copy purchased at the Manchester Township Hall, 275 South Macomb Street, Manchester, Michigan, 48158, during regular office hours, which are Monday, Tuesday, Wednesday and Friday, from 8:30 a.m. to noon.

Kathleen M. Hakes, Clerk
December 14, 1998

I, Kathleen M. Hakes, Clerk of Manchester Township, Washtenaw County, Michigan, hereby certify as follows:

1. The preceding ordinance was adopted by the Manchester Township Board of Trustees at the regular meeting held on December 14, 1998, and that members Hakes, Mann, Turk, Widmayer and Macomber voted in favor of adoption, none voted against.
2. A true copy of the ordinance was published in the Manchester Enterprise on December 24, 1998.
3. The effective date of the ordinance is December 24, 1998

Kathleen M. Hakes, Clerk

ORDINANCE NUMBER 44
AN ORDINANCE TO AMEND THE MANCHESTER TOWNSHIP ZONING
ORDINANCE BY AMENDING THE OFFICIAL ZONING MAP
(KERNS REZONING)

MANCHESTER TOWNSHIP ORDAINS THAT THE MANCHESTER TOWNSHIP ZONING ORDINANCE BE AMENDED AS FOLLOWS:

Section One. That the Official Zoning Map of Manchester Township adopted pursuant to section 3.02 of the Zoning Ordinance is amended by changing the zoning designation of the following described parcel from AR-Rural Agricultural to CC-Community Commercial:

Tax Parcel #P 16-10-200-015. Commencing at the North 1/4 post of Section 10; thence South 0 degrees 38 minutes West 440.01 feet in North and South 1/4 line; thence North 84 degrees 42 minutes West 183.08 feet in center of highway for Place of Beginning; thence south 0 degrees 38 minutes West 94.08 feet; thence South 72 degrees 10 minutes 30 seconds West 303.24 feet; thence South 4 degrees 36 minutes West 302.93 feet; thence North 84 degrees 37 minutes 30 seconds West 254.02 feet; thence North 14 degrees 29 minutes East 334.65 feet; thence North 4 degrees 20 minutes East 184.98 feet; thence South 84 degrees 42 minutes East 471.02 feet along the centerline of Austin Road to Place of Beginning, being part of Northwest 1/4 of Section 10, Town 4 South Range 3 East, Manchester Township, Washtenaw County, Michigan.

Section Two. That this ordinance shall take effect thirty days after publication of the notice of adoption unless referendum procedures are initiated under MCL 125.282. If referendum procedures are initiated, the ordinance shall take effect in accordance with MCL 125.282.

The original of the above ordinance may be inspected or a copy purchased at the Manchester Township Hall, 275 South Macomb Street, Manchester, Michigan, 48158, during regular office hours, which are Monday, Tuesday, Wednesday and Friday, from 8:30 a.m. to noon.

Kathleen M. Hakes, Clerk
June 14, 1999

I, Kathleen M. Hakes, Clerk of Manchester Township, Washtenaw County, Michigan, hereby certify as follows:

1. The preceding ordinance was adopted by the Manchester Township Board of Trustees at the regular meeting held on June 14, 1999, and that members Turk, Widmayer, Macomber, Hakes and Mann voted in favor of adoption, none voted against.
2. A true copy of the ordinance was published on the Manchester Enterprise on June 24, 1999.
3. The effective date of the ordinance is June 24, 1999.

Kathleen M. Hakes, Clerk

ORDINANCE NUMBER 45
AN ORDINANCE TO AMEND THE MANCHESTER TOWNSHIP ZONING
ORDINANCE BY AMENDING THE OFFICIAL ZONING MAP
(LIMPert REZONING)

MANCHESTER TOWNSHIP ORDAINS THAT THE MANCHESTER TOWNSHIP ZONING ORDINANCE BE AMENDED AS FOLLOWS:

Section One. That the Official Zoning Map of Manchester Township adopted pursuant to section 3.02 of the Zoning Ordinance is amended by changing the zoning designation of the following described parcels from AR-Rural Agricultural to CM-Community Manufacturing:

Property in Section 12 of Manchester Township known as tax parcel #P 16-12-400-001 (10.02 acres) and tax parcel #P 16-12-400-012 (29.98 acres) except for the southerly 300 feet of said parcel (containing approximately 8.3 acres)

Section Two. That this ordinance shall take effect thirty days after publication of the notice of adoption unless referendum procedures are initiated under MCL 125.282. If referendum procedures are initiated, the ordinance shall take effect in accordance with MCL 125.282.

The original of the above ordinance may be inspected or a copy purchased at the Manchester Township Hall, 275 South Macomb Street, Manchester, Michigan, 48158, during regular office hours, which are Monday, Tuesday, Wednesday and Friday, from 8:30 a.m. to noon.

Kathleen M. Hakes, Clerk
June 14, 1999

I, Kathleen M. Hakes, Clerk of Manchester Township, Washtenaw County, Michigan, hereby certify as follows:

1. The preceding ordinance was adopted by the Manchester Township Board of Trustees at the regular meeting held on June 14, 1999, and that members Widmayer, Macomber, Hakes and Mann voted in favor of adoption, Macomber voted against.
2. A true copy of the ordinance was published on the Manchester Enterprise on June 24, 1999.
3. The effective date of the ordinance is June 24, 1999.

Kathleen M. Hakes, Clerk

ORDINANCE NUMBER 46
AN ORDINANCE TO AMEND THE MANCHESTER TOWNSHIP ZONING
ORDINANCE BY AMENDING SECTIONS 5.03 AND 16.20 AND BY ADDING A NEW
SECTION 12:13

MANCHESTER TOWNSHIP ORDAINS THAT THE MANCHESTER TOWNSHIP ZONING ORDINANCE BE AMENDED AS FOLLOWS:

Section One. That subsection Q of section 5:03 be amended to read as follows:

Q. A public utility structure, radio and TV broadcast and receiving towers, commercial communication towers ~~rights-of-way and easements.~~

Section two. That subsection Z of section 5:03 be deleted:

:

~~Z. Commercial communications apparatus, if located on existing commercial communications or electrical towers, and subject to the provisions of Section 16.20 herein, in addition to the requirements of Article 12, (“Conditional Uses”) herein.~~

Section Three. That subsection C of section 16.20 be amended to read as follows:

C. Conditional Use Permit

- 1. Permit Required** - A commercial communications tower shall require the issuance of a Conditional Use Permit in accordance with the provisions of Article 12, (“Conditional Uses”) herein.
- 2. Application Inventory** - Each applicant for an antenna and/or tower shall provide an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of Manchester Township or within one (1) mile of the border thereof, including specific information about the location, height, and design of each tower. Such information may be shared with other applicants applying for approvals under this Section or other organizations seeking to locate towers or antennas within the jurisdiction of Manchester Township, provided, however, that the sharing of such information in no way constitutes a representation or warrant by the Township that such sites are available or suitable.
- 3. Information Required** - In addition to any information required for applications for conditional use permits pursuant to Article 12.0 of the Zoning Ordinance, applicants for a conditional use permit for a tower shall submit the following information:

- a.** A scaled site plan clearly indicating the location, type and height of the proposed tower; on-site land uses and zoning; adjacent land uses and zoning; Land Use Plan classification of the site and all properties within the applicable separation distances set forth above; adjacent roadways, proposed means of access; setbacks from property lines; elevation drawings of the proposed tower and any other structures, topography, parking, and any other information deemed by the Planning Commission to be necessary to assess compliance with this Section.
- b.** Legal description of the parent tract and leased parcel (if applicable).
- c.** The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
- d.** The separation distance from other towers described in the inventory of existing sites submitted pursuant to Paragraph 2 above shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
- e.** A landscape plan showing specific landscape materials.
- f.** Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
- g.** A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennae for future users.
- h.** For wireless communication systems, identification of the entities providing the backhaul network (i.e., the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, and/or the public switched telephone network) for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the Township.
- i.** A description of the suitability of the use of existing towers, other structures, or alternative technology not requiring the use of towers or structures to provide the services through the use of the proposed new tower.

j. A description of the feasible location(s) of future towers or antennae within Manchester Township based on existing physical, engineering, technological, or geographical limitations in the event the proposed tower is erected.

k. An environmental impact statement disclosing any potential impact on local wetlands, flood plains, wilderness areas, wildlife preserves, endangered species, historical sites, or other environmental considerations.

4. Conditions of Approval - In granting a conditional use permit, the Planning Commission may impose conditions to the extent that the Planning Commission determines such conditions are necessary to minimize any adverse impact of the proposed tower and/or antenna on adjoining or nearby properties. Additional conditions are provided for in Article 12.0 (“Conditional Uses”) herein.

5. Factors to Consider in Granting a Conditional Use Permit - In addition to any standards for consideration of conditional use permit applications contained in Article 12.0 (“Conditional Uses”) herein, the Planning Commission shall consider the following factors in determining whether to issue a conditional use permit; ~~although the Planning Commission may waive or reduce one (1) or more of these criteria if the Planning Commission determines that the goals of this Section are better served thereby:~~

a. Height of the proposed tower.

b. Proximity of the tower to residential structures and residential district boundaries.

c. Nature of uses on adjacent and nearby properties.

d. Surrounding topography.

e. Surrounding tree coverage and foliage.

f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

g. Proposed ingress and egress.

h. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Paragraph 6 below.

6. Availability of Suitable Existing Towers, Other Structures, or Alternative Technology

- No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- a. No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
- b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- g. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

Section Four. That subsection D of section 16.20 be amended to read as follows

D. General Regulations

Commercial communication towers shall be subject to the following regulations:

1. Collocation - Evidence shall be submitted by the applicant that there are no reasonable and suitable alternatives for location of equipment on an existing communications tower within the service area of the proposed tower. The Township may employ specialized experts to review data submitted by the applicant. The applicant shall incur all costs associated with such review.

2. Location of Towers

a. No tower shall be located within three thousand (3,000) feet of another commercial communication tower. ~~This requirement may be waived in the sole discretion of the Township Board if one (1) of the following conditions are met:~~

~~1) Communications apparatus is located on an existing tower or other structure capable of accommodating such apparatus; or~~

~~2) The tower is of an exceptional design so as to create a positive architectural and/or environmental feature which is compatible with the character of the surrounding area and community.~~

b. No tower shall be located closer than eight hundred (800) feet from the boundary of any Residential ~~or Rural District~~, including any PUD District incorporating residential uses.

c. A tower shall have a minimum setback from all property boundaries equal to twice the height of the tower.

d. Guys and accessory buildings must satisfy the minimum zoning district regulations.

e. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located irrespective of municipal and county jurisdictional boundaries.

3. Access - Unobstructed access constructed in accordance with all provisions of this Ordinance shall be provided to the tower and apparatus building to ensure service by police, fire, and emergency vehicles.

4. Structural Design and Installation

a. The plans for the tower construction shall be certified by a registered structural engineer, and the applicant shall submit verification that the installation is

in compliance with all applicable codes. All towers must meet all applicable standards of the Federal Aviation Administration and the Federal Communications Commission.

- b.** All towers must meet or exceed current standards and regulations of the FAA, the FCC, and other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Section shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- c.** To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended. If, upon inspection, Manchester Township concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- d.** Antennae and metal towers shall be grounded for protection against a direct strike by lightning. The electrical wiring and connections on all towers shall comply with all applicable local, state, and federal statutes, regulations, and standards.
- e.** Towers with antennae shall be designed to withstand a uniform wind loading as prescribed in the Building Code.
- f.** Towers and structures shall be subject to any state and/or federal regulations concerning nonionizing electromagnetic radiation. If more restrictive state and/or federal regulations are adopted in the future, the operator of the tower shall bring the antennae into conformance with such standards within sixty (60) days of its adoption, or the Conditional Use Permit shall be subject to revocation by the Township Board. The operator of the tower shall bear the costs for testing and verification of compliance.

g. All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antennae and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.

h. All communications towers shall be required to provide to the Township Zoning Administrator an annual report of total radiation output from all channels and all antennae on the tower.

5. Lighting - Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

6. Height - Towers shall not exceed one hundred eighty (180) feet in height. Height shall be measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

7. Design

a. Except as otherwise provided herein, all towers shall be of monopole design and shall be constructed of, or treated with, corrosive resistant material.

b. Advertising, signs, and identification of any kind intended to be visible from the ground or other structures shall be prohibited, except as required for emergency purposes.

c. The antennae shall be painted to match the exterior treatment of the tower. The paint scheme of the tower and antennae shall be designed to minimize off-site visibility of the antennae and tower.

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

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

8. Fencing and Landscaping - The tower and appurtenant apparatus building shall be secured by fencing a minimum of six (6) feet in height. The fencing and

apparatus building shall be screened with a landscape strip at least twenty (20) feet wide along each side of such fencing and/or building. Specifications for spacing and plant materials shall be as set forth in Section 16.07. The landscape strip shall be maintained in good condition at all times so as to continue its effectiveness. Existing mature on-site vegetation and natural land forms shall be preserved to the maximum extent feasible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may provide sufficient buffer, in which case the Planning Commission may waive the landscaping requirements of this Paragraph.

9. Employees - No employees shall be located on the site on a permanent basis to service or maintain the antennae. Occasional or temporary repair and service activities are excluded from this restriction.

10. Site Plan Required - The applicant shall submit a preliminary and final site plan in accordance with Article 15.0 (“Site Plan Review”) herein, and including details of tower lighting required and approved by the Federal Aviation Administration.

11. Franchises - Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system have been obtained and shall file a copy of all required franchises with Manchester Township.

12. Engineering Certification - Any information of an engineering nature that the applicant submits, whether civil, mechanical, or structural, shall be certified by a licensed professional engineer.

13. Non Essential Services - Towers and antennae shall be regulated and permitted pursuant to this Section and shall not be regulated or permitted as essential services, public utilities, or private utilities.

14. Cessation of Operation - The Township shall condition approval of any new tower subject to the removal of said tower and all structural components above and below grade within twelve (12) months of cessation of operation. The Township reserves the right to request evidence of ongoing operation at any time after construction of an approved tower. Any antenna or tower, whether approved under this Section or existing at the time of adoption of this Ordinance, that is not operated for a continuous period of twelve (12) months shall be deemed abandoned. Failure to remove an abandoned antenna or tower within ninety (90) days of receipt of a notice from Manchester Township requesting such removal shall be grounds for Manchester Township to remove the tower or the antenna at the owner’s expense. If there are two (2) or more users of a single tower, this provision shall not take effect until all users cease using the tower.

Section Five. That Article 12 be amended by adding a new section 12.13 which shall read as follows

SECTION 12.13 - VARIANCES

When a variance is required for the approval of a conditional use, the Zoning Board of Appeals may, in accordance with Article 20.0, approve the variance on the condition that the conditional use is approved by the Planning Commission. In the alternative, in the discretion of the Planning Commission, the Commission may approve a conditional use subject to the condition that variances be approved by the Zoning Board of Appeals. The Planning Commission may also postpone a its decision regarding a conditional use to give an applicant an opportunity to obtain necessary variances from the Zoning Board of Appeals.

Section Six. That this ordinance shall take effect thirty days after publication of the notice of adoption unless referendum procedures are initiated under MCL 125.282. If referendum procedures are initiated, the ordinance shall take effect in accordance with MCL 125.282.

I, Kathleen M. Hakes, Clerk of Manchester Township, Washtenaw County, Michigan, hereby certify as follows:

1. The preceding ordinance was adopted by the Manchester Township Board of Trustees at the regular meeting held on January 10, 2000, and that members Widmayer, Macomber, Hakes, Mann and Turk voted in favor of adoption, none voted against.
2. A true copy of the ordinance, or a summary thereof was published in the Manchester Enterprise on
January 20, 2000.
3. The effective date of the ordinance is February 20, 2000.

Kathleen M. Hakes, Clerk

**ORDINANCE #47: AN ORDINANCE TO AMEND 9.04
OF THE MANCHESTER TOWNSHIP ZONING ORDINANCE**

The Township of Manchester Ordains:

Section One. That section 9.04 (CC district conditional uses) of the Manchester Township Zoning Ordinance is amended by adding subsection M which shall read as follows:

M. Automobile Vehicle Repair Garage.

Section Two. That this ordinance shall take effect thirty days after publication of the notice of adoption unless referendum procedures are initiated under MCL 125.282. If referendum procedures are initiated, the ordinance shall take effect in accordance with MCL 125.282.

The original of the above ordinance may be inspected or a copy purchased at the Manchester Township Hall, 275 South Macomb Street, Manchester, Michigan, 48158, during regular office hours, which are Monday, Tuesday, Wednesday and Friday, from 8:30 a.m. to noon.

Kathleen M. Hakes, Clerk
March 13, 2000

I, Kathleen M. Hakes, Clerk of Manchester Township, Washtenaw County, Michigan, hereby certify as follows:

1. The preceding ordinance was adopted by the Manchester Township Board of Trustees at the regular meeting held on March 13, 2000, and that members Hakes, Macomber, Turk and Mann, none voted against. Member Widmayer was absent.
2. A true copy of the ordinance was published on the Manchester Enterprise on March 23, 2000.
3. The effective date of the ordinance is April 22, 2000.

Kathleen M. Hakes, Clerk

**ORDINANCE #48: AN ORDINANCE TO AMEND SECTIONS 5.03, AND 9.04 AND
ARTICLE 16 OF THE MANCHESTER TOWNSHIP ZONING ORDINANCE**

The Township of Manchester Ordains:

Section One. That section 5.03 (AR district conditional uses) of the Manchester Township Zoning Ordinance is amended by adding subsection AA which shall read as follows:

AA. Concrete and asphalt plants subject to Section 16.21 herein.

Section Two. That article 16 (supplementary regulations) of the Manchester Township Zoning ordinance be amended by adding a new section 16.21 which shall read as follows:

SECTION 16.21 - CONCRETE AND ASPHALT PLANTS

Concrete and asphalt plants may be permitted in certain districts, as specified in this ordinance, subject to the following:

- A.** The applicant shall demonstrate that the plant location is appropriate, based on the source of sand and aggregate materials for the plant. A market study shall be included which demonstrates the need for the specific facility proposed to serve the surrounding area.
- B.** The application and site plan shall clearly demonstrate strict compliance with all requirements for air, groundwater, and surface water quality. In particular, the Performance Standards in Section 16.02 shall be strictly adhered to.
- C.** The anticipated life of the plant, in years, shall be specific and tied to the operator's anticipated local reserves of the sand and aggregate materials for the plant.
- D.** The site shall have direct access to a paved thoroughfare. The thoroughfare shall have a minimal designation of "Class A" as defined by the Washtenaw County Road Commission.
- E.** All plant equipment shall be setback a minimum two-hundred fifty (250) feet from any district which permits residential uses and one hundred (100) feet from any property line.
- F.** The plant itself shall be screened on all property lines by a twenty five (25) foot wide land form buffer, bufferstrip, or screen wall / fence and adjacent greenbelt in conformance with Sections 16.06 and 16.07. The Planning Commission may require additional landscaping or screening where the Planning Commission

determines that it is necessary to prevent negative impact on adjacent properties or rights of way.

- G.** The conditional land use permit for a concrete or asphalt plant shall be reviewed by the Planning Commission every two (2) years at a minimum.
- H.** The conditional land use permit for a concrete or asphalt plant shall contain a restoration plan. The plan shall include:
 - 1.** A description of the methods and materials to be used in restoring the site;
 - 2.** Proposed ground cover and other plantings to stabilize the soil surface and to beautify the restored areas; and
 - 3.** Statement of the proposed use or uses of the restored site when restored.
- I.** Concrete or asphalt operations shall be permitted only between the hours of 7:00 A.M. and 5:00 P.M., Monday through Friday, and between 7:00 A.M. and 12:00 p.m. on Saturday. No transporting of aggregates or any materials from the site shall be permitted prior to 7:00 A.M. and after 5:00 P.M., Monday through Friday, and prior to 7:00 A.M. and after 12:00 P.M. on Saturday.
- J.** Temporary concrete or asphalt plants which are proposed in conjunction with a specified road improvement or other large scale public works project may be permitted by the Planning Commission in conformance with this Section subject to the following:
 - 1.** The proposed asphalt or concrete plant shall be clearly incidental and a required accessory use to the primary public works activity.
 - 2.** The facility shall be temporary and shall be utilized solely for production of materials used directly for the identified project.
 - 3.** The facility shall be removed at the completion of the identified project and the site shall be restored. The Planning Commission shall, as a condition of the conditional land use permit, require submission and conformance with a restoration plan for the site.
 - 4.** The temporary use of a site under the provisions of this Subsection shall not be construed as granting any vested right or nonconforming status for such use on a site.

Section Four. That this ordinance shall take effect thirty days after publication of the notice of adoption unless referendum procedures are initiated under MCL 125.282. If referendum procedures are initiated, the ordinance shall take effect in accordance with MCL 125.282.

I, Kathleen M. Hakes, Clerk of Manchester Township, Washtenaw County, Michigan, hereby certify as follows:

1. The preceding ordinance was adopted by the Manchester Township Board of Trustees at a special meeting held May 15, 2000, and that members Widmayer, Turk and Hakes voted in favor of adoption, none voted against. Mann and Macomber were absent.
2. A true copy of the ordinance was published in the Manchester Enterprise on May 25, 2000.
3. The effective date of the ordinance is June 24, 2000.

Kathleen M. Hakes, Clerk

ORDINANCE NUMBER 49
AN ORDINANCE TO AMEND THE MANCHESTER TOWNSHIP ZONING ORDINANCE BY
AMENDING THE OFFICIAL ZONING MAP
(HANSEN REZONING)

MANCHESTER TOWNSHIP ORDAINS THAT THE MANCHESTER TOWNSHIP ZONING ORDINANCE BE AMENDED AS FOLLOWS:

Section One. That the Official Zoning Map of Manchester Township adopted pursuant to section 3.02 of the Zoning Ordinance is amended by changing the zoning designation of the following described parcels from AR-Rural Agricultural to MHP-Mobile Home Park

MA 1-2C (001) The N 3/4 of the NE 1/4 Sec. 1, Exc. Com. at the N 1/4 post of said Sec, TH S 00-30-00 E 1248 FT ALG N-S 1/4 LN for a P.O.B., TH N 89-30-00 E 594.50 FT, TH S 00-30-00 E 403 FT, TH S 89-30-00 W 594.50 FT, TH N 00-30-00 W 403 FT to P.O.B. Also Exc. Beg. at the N 1/4 Post Sec 1, TH S 00-30-00 E 1248 FT, TH N 89-30-00 E 594.50 FT, TH NELY to a point on the E/LN of Sec. 1, Said Point Being SLY Along said E Line a distance great enough to create 67 Ac. in the Parcel being described, TH N'LY Along the E Line of said Sec.to the NE Corner, TH W'LY Along the N Line of Sec. to P.O.B. T4S, R3E, 52 Acres M/L, Also known as Tax Parcel P 16-01-100-006

Section Two. That this ordinance shall take effect thirty days after publication of the notice of adoption unless referendum procedures are initiated under MCL 125.282. If referendum procedures are initiated, the ordinance shall take effect in accordance with MCL 125.282.

I, Kathleen M. Hakes, Clerk of Manchester Township, Washtenaw County, Michigan, hereby certify as follows:

1. The preceding ordinance was adopted by the Manchester Township Board of Trustees at a regular meeting held February 12, 2001, and that members Macomber, Widmayer, Turk, Mann and Hakes voted in favor of adoption, none voted against.
2. A true copy of the ordinance, or a summary thereof was published in the Manchester Enterprise on February 22, 2001.
3. The effective date of the ordinance is March 24, 2001.

Kathleen M. Hakes, Clerk

ORDINANCE NUMBER 50
AN ORDINANCE TO AMEND THE MANCHESTER TOWNSHIP ZONING ORDINANCE
(RESIDENTIAL CLUSTER OPTION)

MANCHESTER TOWNSHIP ORDAINS THAT THE MANCHESTER TOWNSHIP ZONING ORDINANCE BE AMENDED AS FOLLOWS:

Section One: That section 16.14 of the Manchester Township Zoning Ordinance be amended to read as follows:

SECTION 16.14 - Residential Cluster Option

The intent of this Section is to permit the development of one-family residential options which, through design innovation will provide an alternative means for development of single-family within the AR, LR and UR districts.

A. Purpose - The cluster development provision has the following purposes:

1. to preserve significant natural features such as wooded areas, streams, marshes, ponds, and similar amenities by permitting concentration of building lots and improvements in more readily developable portions of the parcel of land;
2. to preserve open space for the use of residents of the subdivision or to the Township at large, and to concentrate such open spaces in locations and of such size and shape as to be accessible, usable and maintainable;
3. to encourage creative approaches to the design and development of residential areas;
4. to permit economy of the required improvements;
5. to permit variety in the size and shape of residential lots;
6. to permit flexibility in the location and grouping of residential buildings; and
7. to permit flexibility in the layout of site condominiums and residential subdivisions.

This cluster option is to be applied to a parcel of land within an AR, LR and UR districts; it is not designed as a separate zoning district. The cluster development designation is offered as an alternative to conventional subdivision design under standard zoning district regulations.

B. Pre-Application Conferences

1. A potential applicant for a Residential Cluster Option shall request a pre-application conference with Township officials prior to filing said application. The request shall be made to the Planning Commission chair-person who shall set a date for the conference and shall inform the Township Board and other Planning Commission members of the conference and invite their attendance. The Planning Commission chair-person 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, and County Drain Commission.
2. The purpose of the conference is to inform 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.

B. General Regulations - Cluster development is permitted in the AR, LR and UR districts, subject to all regulations, except as specifically modified in this Section.

C. Minimum Area - The minimum parcel area for a cluster development shall be forty (40) acres in the AR, LR, and UR districts.

D. Permitted Uses - All permitted, accessory, and conditional uses as listed in the AR, LR and UR districts are permitted.

E. Density of Development - The minimum lot area in each of the residential districts may be reduced as permitted in this Section. However, the number of dwelling units in the cluster subdivision shall be no greater than the number permitted if the parcel were to be subdivided in the minimum lot areas as set forth in the zoning district involved.

The land area used in the residential density calculation shall include public and private road rights-of-way, existing and proposed, that are located within the proposed subdivision but shall not include any existing right-of-way of any boundary roads of the subdivision.

The horizontal surface area of lakes, streams, ponds (natural, man-made, or storm water retention), marshlands, and similar areas may be included in the acreage used for calculating density if at least fifty (50) percent of the frontage of such areas are part of lands devoted to parks and open space used for and accessible to residents of the residential development.

Land areas to be used in calculating gross residential densities shall be delineated on the preliminary site plan and final site plan so that the acreage and density computations can be confirmed.

F. Open Space Requirements

- 1.** 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.
- 2.** When completed, a development shall have at least fifty (50) percent of the gross acreage in the development devoted to open space, which shall remain in its natural state and/or be restricted for use for outdoor recreational purposes harmonious with peaceful uses in and surrounding the development; Such open space shall not include the yard areas adjacent to buildings.
- 3.** An additional density increase of ten (10) percent of dwelling units for residential uses may be allowed in the discretion of the Township Board based upon a demonstration by the applicant that not less than sixty (60) percent of the total area of the property shall be permanently reserved for open space (which may include outdoor recreational use), and that the set back from existing roads is at least one-hundred (100) feet.

FG. Area, Placement and Height Regulations - The regulations for the AR, LR and UR districts as provided in SECTIONS 5.0, 6.0 and 7.0 may be modified as follows for single-family dwellings and their accessory structures only:

- 1. Minimum lot area** - As approved by the Washtenaw County Health Department.
- 2. Minimum lot width** - 25 feet at the existing or proposed street line.
- 3. Maximum ground floor coverage** -Not applicable.
- 4. Maximum floor area ratio** -Not applicable.
- 5. Minimum yards:**

Side yards, Adjacent dwelling structures shall be a minimum of twenty-five (25) feet apart. Perimeter property lines existing prior to Residential Cluster designation shall meet setback requirements of zoning district existing prior to Residential Cluster designation.

Rear yard, 15 feet.

GH. Common Open Spaces and Facilities - Each square foot of excess land area resulting from the lot reductions provided in item E and F preceding, shall be dedicated to the common use of the owners and residents in the

development. The manner of dedication shall be approved by the Township Planning Commission. The lands so dedicated shall be permanently retained as open space for parks, recreation and/or related uses.

These areas shall have a minimum area of four (4) acres and a minimum dimension of one hundred (100) feet. The location, size, and suitability for the intended uses of the dedicated open space lands, and shape of the dedicated areas shall be subject to approval by the Township Planning Commission. Such land areas shall not include as a part of the minimum acreage, bodies of water, swamps, or areas of excessive grades which make the land unusable for recreation; however, the area may be in a flood plain. The land areas shall be graded and developed so as to maintain natural drainage. If the open space area is to consist of two or more parcels, at least one parcel shall have the minimum area of four acres. The minimum dimension shall in all cases be one hundred (100) feet, and the location, size and shape of any parcel shall be subject to approval by the Township Planning Commission. A parcel divided by a drainage course, stream, or river shall be considered as one parcel. Access shall be provided to areas dedicated for the common use of lot owners of the subdivision for those lots not bordering on such dedicated areas by means of streets or pedestrian walkways.

The developer or subdivider shall dedicate all land areas to be used as common spaces in the subdivision as provided herein at the time of filing for final plat approval for the first phase of the subdivision and prior to final site plan review in a site condominium. Each common open space shall have a legal description, which shall include an accurate statement of land area, all of which shall be certified by a registered land surveyor.

HJ. Sewer and Water Services - Lots in cluster subdivision in the AR, LR and UR districts may each have an on-site well, septic tank, and drainfield, subject to issuance of permits therefore by the County Health Department. The Township Planning Commission may require that at least one side of each lot in the AR, LR and UR districts be adjacent to common open space, or may require such other lot layout pattern so as to permit inclusion of the common open space area as part of the land area needed for the drain field of each lot.

IJ. Procedures With Zoning Amendment - If the property included in the Cluster Development (hereafter referred to as CD designation) designation request must also be rezoned to the AR, LR and UR districts, the application to change the zoning district classification shall accompany the application for tentative approval of the preliminary plat or preliminary site plan review. The application shall in this case include a waiver, signed by the applicant, that the time limit on review of a preliminary plat for tentative approval or review of a preliminary site plan may be extended to accommodate the time required to process the zoning amendment. The Township Board shall not give tentative approval to the preliminary plat until after it has approved the zoning amendment. With this exception the procedures set forth in item J, following, shall apply.

JK. Procedures Without Zoning Amendment - The applicant for approval of a preliminary plat or preliminary site plan shall at the same time, apply for a Cluster Development designation if such designation is desired. The application shall consist of a completed form, fees, and all information required for review of a preliminary plat submitted for tentative approval or the preliminary site plan. The Planning Commission shall review the preliminary plat as set forth in the Subdivision Ordinance or preliminary site plan, as set forth in the Zoning Ordinance. If the Township Planning Commission approves the CD designation, it shall indicate same in its tentative approval of the preliminary plat or in approval of the preliminary site plan. The Township Supervisor shall record, and the Township Clerk shall attest, the CD designation on the Official Zoning Map within three (3) days of the date of final approval of the final plat by the Township Board or final site plan by the Planning Commission whichever is applicable. The recording on the official zoning map shall consist of the CD notation, date of action, and an accurate outlining of the property included in the designation.

KL. Calculations - All calculations and other information needed to review conformance of the plat or site condominium with the zoning Ordinance regulations shall be provided on the preliminary plat or site plan.

LM. Authority - The Township Planning Commission shall have the authority to approve or deny a request for a CD designation. The Planning Commission shall also have the authority to require changes in the size and shape of lots; in lot and street layout; location, size and shape of open areas and in other features of the design and character of a CD subdivision as proposed in a preliminary plat or a site condominium. This authority may be exercised by the Planning Commission when it determines that the proposed CD subdivision does not meet the intent of this Section or does not otherwise result in good site planning.

MN. Improvements - An irrevocable letter of credit may be required of the developer, at the discretion of the Planning Commission, for improvements regarding open space areas within the development. Agreement as to the required improvements for such open space areas shall be made by the developer and Township Board prior to the Board's tentative approval of the preliminary plat or developments requiring final site plan approval by the Planning Commission. Requirements for improvements may be modified as set forth in the Subdivision or Zoning Ordinance.

Section Two That this ordinance shall take effect thirty days after publication of the notice of adoption unless referendum procedures are initiated under MCL 125.282. If referendum procedures are initiated, the ordinance shall take effect in accordance with MCL 125.282.

I, Kathleen M. Hakes, Clerk of Manchester Township, Washtenaw County, Michigan, hereby certify as follows:

1. The preceding ordinance was adopted by the Manchester Township Board of Trustees at the regular meeting held on November 11, 2002, and that members Macomber, Widmayer, Turk, Mann and Hakes voted in favor of adoption, none voted against.
2. A true copy of the ordinance was published in the Manchester Enterprise on November 21, 2002
3. The effective date of the ordinance is December 21, 2002.

Kathleen M. Hakes, Clerk

ORDINANCE NO. 51

AN ORDINANCE authorizing Manchester Township to acquire property development rights in real estate within the township and establishing the procedure for acquiring and financing the acquisition of the development rights.

THE MANCHESTER TOWNSHIP BOARD OF TRUSTEES ORDAINS:

SECTION 1: Findings and Declaration of Purpose

The Board of Trustees finds that:

(1) Manchester Township is a desirable place to live, work and visit in large part because of the availability of farmland and the relief that agricultural fields bring. Scenic views, agriculture, open spaces and wildlife habitat are all considered invaluable natural and aesthetic resources and should be protected.

(2) The climate, variety of soils and terrain make the Township well suited to the production of a great number of row crops, specialty crops and livestock, including many foods available for direct human consumption. These resources include several thousand acres of land currently in agricultural production, and other woodland, wetland and open lands adjacent to these farmlands. Such lands provide unique, aesthetic and economic benefits to the citizens of the Township and are an important part of the Township's natural and agricultural heritage.

(3) Manchester Township is experiencing substantial residential development, however, because of its location to the highly urbanized areas of southeast Michigan, its attractive landscapes and its excellent public schools. The same characteristics which have made this area so desirable for agricultural production and recreation also make it attractive for residential sites.

(4) The agricultural industry in Manchester Township provides the opportunity to harvest locally grown foods to sell at roadside stands, farmer's markets, local retail food stores and other local outlets in the area. Land suitable for farming is an irreplaceable natural resource with soil and topographic characteristics that have been enhanced by generations of agricultural use. When such land is converted to residential or other more developed uses, which do not require those special characteristics, a critical community resource is permanently lost to the citizens of Manchester Township.

(5) It is the policy of the State of Michigan and Manchester Township to protect, preserve and enhance agricultural lands as evidenced by the Township General Development Plan, the Township Zoning Act, MCLA 125.271 *et seq.* and other state and local statutes and policies. Ordinances regulating land use by zoning and subdivision control enacted by the Township also serve these purposes. These measures by themselves, however, have not been effective in providing long-term protection of farmland under the pressure of increasing residential development.

(6) Agriculture in Manchester Township produces a notable array of products, from corn and soybeans to vegetables and fruit to cattle. The Township's agricultural acreage contributes tens of thousands of dollars to the local economy in direct sales of agricultural products at the farm gate.

(7) Generally, farmlands, which are close to urban centers, have a greater market value for future residential development than their market value for farming or open space. Prime agricultural land often has the same features (such as perkable soils) that are components

of desirable residential areas. This fact encourages the speculative purchase of these lands at high prices for future residential development, regardless of the current zoning of such lands. Farmland which has a market value greater than its agricultural value does not attract sustained agricultural investment and eventually this land is sold by farmers and removed from agricultural uses.

(8) The permanent acquisition of voluntarily offered interests in farmland within the Township, as provided in this Ordinance and as authorized by the Constitution and statutes of the State of Michigan, will permit these lands to remain in agricultural use near developing urban areas and provide long-term protection for the public interests which are served by farmland in the Township.

(9) Properties on which the Township has purchased the development rights should remain substantially undeveloped in order to promote their agricultural use.

(10) The acquisition of interests in farmland as provided in this Ordinance is a public purpose of Manchester Township as provided in this Ordinance and financing such acquisition requires that the Township enter into purchases or installment purchases not to exceed statutory limits.

(11) This ordinance is authorized by Sections 31 to 33 of the Township Zoning Act, MCL 125.301 B 125.303.

SECTION 2: Definitions

(1) "Supervisor" means the Manchester Township Supervisor.

(2) "Agricultural Rights" means an interest in and the right to use and possess land for purposes and activities related to open space, natural habitat, and horticultural and other agricultural uses.

(3) "Agricultural Use" means substantially undeveloped land devoted to the production of plants and animals useful to humans, including fruits, nuts, vegetables, greenhouse plants, Christmas trees and lumber, forages and sod crops, grains and feed crops, dairy and dairy products, livestock (including breeding and grazing), poultry and other similar uses and activities.

(4) "Appendix A" of this Ordinance means the maps which describe types and locations of farmland for purposes of priority of acquisition as provided in this Ordinance. Official large-scale maps describing such areas in detail are available through the Township and are incorporated herein by this reference. Smaller scale maps generally illustrating such areas are appended to this Ordinance for more readily accessible public reference.

(5) "Chairperson" means the member of the Farmland Preservation Board who is elected Chairperson by the Preservation Board.

(6) "Board of Trustees" means the Manchester Township Board of Trustees.

(7) "Development" means an activity which materially alters or affects the existing conditions or use of any land.

(8) "Development Rights" means an interest in and the right to use and subdivide land for any and all residential, commercial and industrial purposes and activities which are not incident to agriculture and open space.

(9) "Development Rights Easement" means a grant by an instrument whereby the owner relinquishes to the public in perpetuity the right to develop the land as may be expressly reserved in the instrument, and which contains a covenant running with the land not to develop, except as this right is expressly reserved in the instrument.

(10) "Eligible Land" means farmland for which the purchase of "development rights easements" with tax funds and other monetary sources are authorized pursuant to this Ordinance.

(11) "Farmland and Open Space Land" means those lands shown in the Township Master Plan as being zoned for agricultural uses, as adopted and amended from time to time by the Township Planning Commission.

(12) "Farmland and Open Space Preservation Board" means the board formed pursuant to Section 6 of this Ordinance to advise the Board of Trustees in the selection of Eligible Lands for easement purchases.

(13) "Full Ownership" means fee simple ownership.

(14) "Governmental Agency" means the United States or any agency thereof, the State of Michigan or any agency thereof or any Township, City or municipal corporation.

(15) "Owner" means the party or parties having the fee simple interest in land.

(16) "Parcel" means all property under a single ownership that is included in the application.

(17) "Permitted Use" means any use contained within a development rights easement essential to the farming.

(18) "Residential Development Rights" means the right to sell portions of a property, or to construct houses on a property, for residential uses not related to the agricultural use of the property.

(19) "Substantially Undeveloped Land" means land on which there is no more than one residential dwelling unit (exclusive of housing units directly associated with the farming operation) for each 40 acres of land.

(20) "Value of Development Rights" means the difference between the fair market value of full ownership of the land (excluding the buildings thereon) and the fair market value of the agricultural rights plus any residential development rights to be retained by the owner.

SECTION 3: Authorization

(1) The Board of Trustees is hereby authorized to expend revenues to acquire property interests in the farmland described and prioritized in Section 5 of this Ordinance. The property interest acquired may either be the development rights, or any lesser interest, easement, covenant or other contractual right. Such acquisition may be accomplished by purchase, gift, grant, bequest, devise, covenant or contract but only at a price which is equal to or less than the appraised value determined as provided in this Ordinance. The revenues shall be used to acquire such property interests only upon application of the Owner and in a strictly voluntary manner.

(2) The Township is authorized to enter into cash purchase and/or installment purchase contracts, and agreements for the receipt of tax-deductible donations of easements, consistent with applicable law. When installment purchases are made, the Township is authorized to pay interest on the declining unpaid principal balance at a legal rate of interest consistent with prevailing market conditions at the time of execution of the installment contract for the tax-exempt status of such interest.

(3) The Board of Trustees is further authorized to contract with recognized and legally established nonprofit land trusts (for example, American Farmland Trust and Washtenaw Land Trust) or other experienced and qualified nonprofit groups to participate jointly in the acquisition of interests in eligible lands.

(4) The Township may contract with recognized and legally established nonprofit land trusts or other experienced and qualified nonprofit groups that would share in the process of negotiating easements and establishing both the baseline studies and the procedures for monitoring of any conservation easements acquired under this Ordinance and would be done in accordance with "The Standards and Practices Guidebook" issued in 1989 by the Land Trust Alliance.

SECTION 4: Retained Residential Development Rights

(1) To promote "agricultural use" of properties on which the Township has purchased the Development Rights, it has been determined that such properties should remain substantially undeveloped.

(2) It may be in the best interest of property owners and of the program to purchase development rights that property owners retain some residential development rights so long as the land remains substantially undeveloped. When property owners retain some development rights their land value remains higher than it would be if they sold all their development rights and the value of the development rights to be purchased is correspondingly reduced.

(3) Applications for the sale of development rights may include a provision to retain the right to build residential dwellings (residential development rights), provided that no retained residential development rights would result in more than one dwelling unit per forty (40) acres of land (exclusive of housing units directly associated with the farming operation). This is not to preclude the sale of all the remaining dwelling units in excess of one dwelling unit per forty acres of land.

(4) The building locations for retained residential development rights may be restricted in the negotiated "conservation easement" in order to protect other important features of the property. Building locations and lot sizes must also conform to existing zoning in the Township where the property is located.

SECTION 5: Eligible Lands and Priority of Acquisition

Revenues shall be used to purchase property interests in the following lands in the following order of their priority subject to the provisions of Section 7.

Primary Criteria that all properties must meet:

Voluntary application by the property owner and those lands shown in the Township Master Plan as being zoned for agricultural uses, or as rural residential where agriculture is practiced on larger parcels, as adopted and amended from time to time by the Township Planning Commission.

Criteria for Selection:

The following criteria shall be used in determining the order in which applications will be prioritized in any Selection Round to purchase development rights on all eligible lands for which complete applications have been received by the Township. This numerical ranking system has been developed to prioritize farm sites for the purchase of conservation easements. After an initial screening (for hazardous waste and agricultural zoning, e.g.), sites will be evaluated using this system. It is the intention of the users of this system to direct efforts toward high quality farmland and open space in areas of the Township where its preservation is most appropriate.

Appropriateness is determined by favorable natural conditions and location factors which make farming a viable undertaking both currently and in the future. Areas targeted for preservation are those lands shown in the Township General Development Plans as being zoned for agricultural uses, as adopted and amended from time to time by the Township Planning Commission.

DESCRIPTION OF THE SYSTEM. The farmland ranking system consists of four sections as follows. The maximum point value is 100, with some additional points possible in the event of a tie.

PART	TOTAL POINTS
I – Characteristics of the Farmland	34
II – Stewardship of the Land	22
III – Pressure for Conversion to Nonfarm Use	12
IV – Long-range Planning Considerations	32
V – Tiebreakers	10

PRIORITIES. The point value arrived at through the use of this system will be used to prioritize farm sites for purchase of conservation easements. Higher point values indicate higher priority for purchase. In the case of a tie using the 100 point scale, the tiebreaking categories may be used. All property in a single ownership may be included in one application. Contiguous properties under the same ownership will be treated as a single entity.

Note: An explanation of terms and parameters used in the system appears in Appendix B.

PART I

CHARACTERISTICS OF THE FARMLAND MAXIMUM POINTS = 34

A. Type of Agricultural Land (See Appendix for explanation of terms)

Category	Score
Essential	15
Secondary	7
Reserve	3

B. Size of Parcel Offered for Development Rights Purchase (See Appendix)

Acreage	Score
---------	-------

80 acres or more	8
40 to 79.9 acres	5
20 to 39.9 acres	2

C. Proximity to Protected Land (See Appendix)

Distance	Score
----------	-------

Adjacent or within one mile	7
Between one and two miles	4
More than two miles	1

D. Farm Buildings

Buildings	Score
-----------	-------

Usable, functional farm buildings on site	4
Usable, functional farm buildings within two miles	2

PART II

STEWARDSHIP OF THE LAND MAXIMUM POINTS = 22

A. Conservation Plans (See Appendix)

Extent of Conservation Plan	Score
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Conservation plan fully implemented or conservation practices used to the fullest extent necessary	8
Conservation plan partially implemented or some practices used	4

B. Livelihood

Dependence on Farm Income	Score
---------------------------	-------

Farming contributes 50% or more of owner's gross annual income	4
--	---

Farming contributes less than 50% of owner's gross annual income	2
--	---

C. Commitment to Farming (See Appendix)

Enrollment in P.A. 116 or Duration of Ownership	Score
---	-------

Farm is enrolled in P.A. 116 <u>and</u> land has been in the same ownership for at least 50 years	10
---	----

Farm is enrolled in P.A. 116 <u>or</u> has been in the same ownership for at least 50 years	6
---	---

PART III

PRESSURE FOR CONVERSION TO NONFARM USE

(OR SITE DEVELOPMENT CAPABILITIES AND LIMITATIONS) MAX. POINTS = 12

A. Amount of Road Frontage

Frontage	Score
----------	-------

1,000 feet or more	4
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501 to 999 feet	2
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B. Percentage of Site Containing Steep Slopes (See Appendix)

Steep Slopes	Score
--------------	-------

0 to 9.9%	4
-----------	---

10 to 19.9%	2
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C. Amount of Wetlands and/or Floodplain

Wetlands/Floodplain	Score
---------------------	-------

0 to 9.9%	4
10 to 39.9%	2

PART IV
LONG-RANGE PLANNING CONSIDERATIONS - MAXIMUM POINTS = 32

A. Current Adjacent Zoning Classification

Percent of Perimeter in Agricultural Zoning	Score
90% or more	5
75-89%	3
50-74%	2
25-49%	1

B. Current Adjacent Land Use

Percent of Perimeter in Agricultural Use	Score
90% or more	5
75-89%	3
50-74%	2
25-49%	1

C. Current Adjacent Enrollment in P.A. 116 (See Appendix)

Percent of Perimeter in P.A. 116	Score
90% or more	5
75-89%	3
50-74%	2

25-49% 1

D. Proximity to Water and/or Sewer Lines

Distance Score

One-half mile to two miles 5

Two miles to five miles 2

E. Scenic, Historical or Architectural Features (See Appendix)

Features Score

Farm site provides a vista or has unique historical or architectural structures 4

Farm site provides an accent 2

F. Natural Features

Features Score

Stream corridors, woodlots or rare species present 4

G. Groundwater Recharge Area

Percent of Property Serving as Groundwater Recharge Score

50 to 100% 4

10 to 49% 2

PART V
TIEBREAKERS - MAXIMUM POINTS = 10

A. Ability to Attract Matching Funds (See Appendix)

Funds Availability	Score
Matching funds are available	5

B. Owner Willingness to Accept Less Than Market Value (See Appendix)

Owner Willingness	Score
Owner willing to accept below-market offer	5

SECTION 6: Farmland Preservation Board

(1) A five-member Farmland Preservation Board (the "Preservation Board") shall be appointed by the Board of Trustees. The Board of Trustees shall seek the names of nominees for the Preservation Board by the means usually employed for other boards and commissions. The Preservation Board shall determine the selection of eligible lands on which development rights are offered for acquisition by their owners. Selection of eligible lands shall be made by a majority of Preservation Board members.

(2) The Preservation Board shall consist of residents of the Township. The Preservation Board shall include a representative of the Township Board of Trustees, a natural resources professional, a citizen and two representatives who own agricultural land or operate agricultural businesses. The Board of Trustees may appoint ex-officio members.

(3) The Preservation Board may consult experts as it may desire and the Board of Trustees may appropriate funds for that purpose.

(4) Members shall serve two-year terms, except that the initial term of two members shall be one year and terms of three members shall be two years. Members shall not be compensated for their services but shall be reimbursed for expenses actually incurred in the performance of their duties as approved by the Board of Trustees. Members may be reappointed to successive terms but the Preservation Board shall be terminated two years following the expenditure of all proceeds for farmland and open space development rights acquisition.

(5) No member shall vote on the selection of individual parcels in which they have an interest or on individual parcels adjacent to property in which they have an interest.

(6) The Board of Trustees may participate in a multi-jurisdictional Preservation Board with adjoining townships. Such board shall include representatives as listed in subsection (2) above, have terms as described in subsection (4) and feature at least one member from each participating township. The Boards of Trustees of the participating townships must all approve recommendations of this Preservation Board, or may delegate approval to a regional governmental unit if that unit has been granted such authority.

SECTION 7: Selection

The Farmland Preservation Board shall conduct a voluntary property selection process (herein called the "Selection Round") generally as follows:

(1) In each selection round the development rights on all eligible land properties shall be eligible for purchase. In all selection rounds, properties of higher priority shall be purchased with available funds before properties of lower priority are purchased, provided:

(a) The Preservation Board may negotiate for a lower price and/or seek outside funding for the purchase of development rights on any parcel offered.

(b) In the interest of protecting a significant amount of agricultural land, the Preservation Board may determine not to buy all of any of the development rights on a particular parcel if the Preservation Board makes a finding that it is in the best interest of the program to protect a larger number of acres rather than a smaller number of acres of higher valued development rights.

(c) The Preservation Board may receive and act on appeals of any factual nature by affected property owners.

(2) The Preservation Board shall begin each selection round by giving notice in one newspaper of general circulation in Manchester Township. The notice shall describe the properties eligible for purchase in the selection round; the general procedure to be followed in the selection process (including an estimated time schedule for the steps in the process); and shall invite the owners of such properties to make application for purchase of development rights by the Township and to describe the property interest which the owner is willing to sell, including any residential development rights to be retained by the owner. Applications shall be submitted to a location to be specified by the Preservation Board and stamped with the date of receipt.

(3) Upon closing of the application period, the Preservation Board shall review each application which has been received to determine the eligibility and priority classification of each property interest and to verify ownership by tax records.

(4) For those properties which meet the requirements of Section 5, the Preservation Board shall cause an appraisal of the applicant's property interest to be made. A "before and after" appraisal shall be made to determine the value of development rights. One appraisal shall determine the fair market value of full ownership of the land (excluding buildings thereon) and one shall determine the fair market value of the agricultural rights plus any specifically retained residential development rights.

(5) Appraisals shall be made by State certified appraisers selected by the Preservation Board. The selected appraiser shall not have a property interest, personal interest or financial interest in eligible lands. The same appraiser shall conduct the before and after appraisals.

(6) Appraisals shall be in writing and shall be furnished to the respective owners for review. Errors of fact in any appraisal may be called to the attention of the appraiser by the Preservation Board or by owners of the property appraised, but corrections of the appraisal may be made only by the appraiser. If an owner of property believes it has not been adequately appraised, such owner may, within the time allowed on the selection schedule, have a review appraisal be made at the owner's expense by a State certified appraiser. The appraisal shall then be filed with the Preservation Board. The Preservation Board shall use both appraisals to reach an agreement as to the appropriate value of the development rights.

(7) Terms and conditions of sale and information on the effect of the sale may be discussed by the entire Preservation Board with owners prior to the submission of written applications.

(8) Written applications by owners who desire to have their development rights purchased by the Township shall be submitted on forms provided by the Preservation Board. These written offers shall include any development options desired to be retained by the owners.

(9) Upon receiving the recommendations of the Preservation Board, the Board of Trustees shall take final action on such recommendations.

(10) Once action to select properties for the purchase of development rights has been taken by the Board of Trustees, the Preservation Board shall draft a baseline documentation report describing through photographic, pictorial and narrative means the condition of the property at the time of the grant and a development rights easement. The baseline report shall contain a signature page where the Owner and the Supervisor sign to state that the report is an accurate description of the property at the time of grant. The easement shall similarly feature a page where the signatures of the Owner and the Supervisor are notarized, following which the easement shall be recorded with the county register of deeds so that it is effective on all current and future owners.

(11) Upon the completion of a purchase of development rights transaction, the Township assessor will be notified of the development rights purchase.

SECTION 8: Duration of Acquired Interests

(1) Development rights acquired pursuant to this Ordinance shall be held in trust by the Township for the benefit of its citizens in perpetuity. After 25 years have passed, however, the owner may make application to the Preservation Board that farmland and open space land described in this Ordinance can no longer reasonably be used for agriculture. The Preservation Board shall review such application by virtue of a stringent procedure that shall be developed by the Preservation Board, and determine whether those development rights may be returned to the owner, subject to conditions set forth in Subsection (6). Upon receiving the recommendations of the Preservation Board, the Board of Trustees shall take final action on such recommendations.

(2) Those properties for which the Board of Trustees approves the return of development rights as specified in Subsection (1), the Preservation Board shall cause an appraisal of the applicant's property interest to be made at the owner's expense. Payment for this appraisal shall be made by the owner in advance. A "before and after" appraisal shall be made to determine the value of development rights. One appraisal shall determine the fair market value of full ownership of the land (excluding buildings thereon) and one shall determine the fair market value of the agricultural rights plus any specifically retained residential development rights.

(3) Appraisals shall be made by State certified appraisers selected by the Preservation Board. The selected appraiser shall not have a property interest, personal interest or financial interest in eligible lands. The same appraiser shall conduct the before and after appraisals.

(4) Appraisals shall be in writing and shall be furnished to the respective owners for review. Errors of fact in any appraisal may be called to the attention of the appraiser by the Preservation Board or by owners of the property appraised, but corrections of the appraisal may be made only by the appraiser. If an owner of property believes it has not been adequately

appraised, such owner may, within 60 days of being notified of the appraisal, have a review appraisal made at the owner's expense by a State certified appraiser. The appraisal shall then be filed with the Preservation Board. The Preservation Board shall use both appraisals to reach an agreement as to the appropriate value of the development rights.

(5) At any time in this process, the owner may choose to withdraw the request for the return of development rights without penalty, while still being responsible for the Township's appraisal of the property as specified in Subsection (2).

(6) If the Preservation Board approves a request that farmland and open space land described in this Ordinance can no longer reasonably be used for agriculture, the Township shall have a right of first refusal to purchase the remaining rights at the fair market value of the agricultural rights plus any retained development rights, as determined by a State certified appraiser, for the purposes of a Township park or other publicly-accessible property. Upon receiving the recommendations of the Preservation Board, the Board of Trustees shall take final action on such recommendations. If the Board of Trustees chooses to exercise this right of first refusal, an offer to purchase the remaining rights at the appraised value shall be submitted. Acquisition of lands for public purposes shall be made with funds designated for such purchases and not with funds authorized for development rights acquisition pursuant to this Ordinance. The owner may at that time choose to not sell the remaining rights and instead retain ownership of the property. If the Board of Trustees approves the sale of development rights back to the owner, proceeds from that sale shall be placed in the Development Rights Acquisition Fund as specified in Section 12 of this Ordinance.

(7) The Township may convey development rights acquired pursuant to this Ordinance to a conservation, open space preservation, historic preservation or similar organization under terms ensuring that the public benefits for which the Township purchased the development rights will be maintained.

SECTION 9: Related Costs

The costs of appraisal, engineering, surveying, planning, financial, legal and other services lawfully incurred incident to the acquisition of interests in eligible lands by the Township may be paid by the Township. The Township shall not be responsible for expenses incurred by the owner incident to this transaction.

SECTION 10: Supplemental Funds

Supplemental or matching funds from other governmental agencies or private sources may become available to pay a portion of the cost of acquiring development rights, or some lesser interest in eligible lands or to supplement or enlarge such acquisition. The Township Board is hereby authorized to utilize such funds to purchase interests in eligible lands or to otherwise supplement Township funds in the manner provided by this Ordinance and in accordance with the applicable laws or terms governing such grant.

SECTION 11: Purpose

The Board of Trustees finds and declares that the use of Township funds for the purpose of paying in whole or in part the cost of acquisition of interests in eligible lands as set forth herein, including any costs necessarily incident to such acquisition, and the monitoring and enforcement of development rights easements, or to participation with any party for such

purposes will promote the public health, safety and general welfare of the people of Manchester Township.

SECTION 12: Development Rights Funding Sources and Acquisition Fund

(1) Funding for purchasing development rights may come from one or more of the following sources:

- (a) General appropriations by the township.
- (b) Proceeds from the sale of development rights by the township subject to Section 8 (6) of this Ordinance.
- (c) Grants.
- (d) Donations.
- (e) Bonds or notes issued under subsections (2) to (6).
- (f) General fund revenue.
- (g) Special assessments under subsection (7).
- (h) Other sources approved by the township board and permitted by law.

(2) The township board may borrow money and issue bonds or notes under the municipal finance act, Act No. 202 of the Public Acts of 1943, being sections 131.1 to 139.3 of the Michigan Compiled Laws, subject to the general debt limit applicable to the township. The bonds or notes may be revenue bonds or notes; general obligation limited tax bonds or notes; subject to section 6 of article IX of the state constitution of 1963, general obligation unlimited tax bonds or notes; or bonds or notes to refund in advance bonds or notes issued under this section.

(3) The township board may secure bonds or notes issued under this section by mortgage, assignment, or pledge of property including, but not limited to, anticipated tax collections, revenue sharing payments, or special assessment revenues. A pledge made by the township board is valid and binding from the time the pledge is made. The pledge immediately shall be subject to the lien of the pledge without a filing or further act. The lien of the pledge shall be valid and binding as against parties having claims in tort, contract, or otherwise against the township, irrespective of whether the parties have notice of the lien. Filing of the resolution, the trust agreement, or another instrument by which a pledge is created is not required.

(4) Bonds or notes issued under this section are exempt from all taxation in this state except inheritance and transfer taxes, and the interest on the bonds or notes is exempt from all taxation in this state, notwithstanding that the interest may be subject to federal income tax.

(5) The bonds and notes issued under this section may be invested in by the state Treasurer and all other public officers, state agencies and political subdivisions, insurance companies, banks, savings and loan associations, investment companies, and fiduciaries and trustees, and may be deposited with and received by the state treasurer and all other public officers and the agencies and political subdivisions of this state for all purposes for which the deposit of bonds or notes is authorized. The authority granted by this section is in addition to all other authority granted by law.

(6) The township board may borrow money and issue bonds or notes for refunding all or part of existing bond or note indebtedness only if the net present value of the principal and interest to be paid on the refunding bonds or notes, excluding the cost of issuance, will be less than the net present value of the principal and interest to be paid on the bonds or notes being refunded, as calculated using a method approved by the department of treasury.

(8) The township board may finance the purchase of development rights by special assessments. A special assessment district may be established if both of the following requirements are met:

(a) A petition is filed with the township board containing all of the following:

- (i) A description of the development rights to be purchased, including a legal description of the land from which the purchase is to be made.
- (ii) A description of the proposed special assessment district.
- (iii) The signatures of the owners of at least 66% of the land area in the proposed special assessment district.
- (iv) The amount and duration of the proposed special assessments.

(b) The township board specifies how the proposed purchase of development rights will specially benefit the land in the proposed special assessment district.

(9) All revenues for purchasing development rights on farmland and open space land shall be placed in a designated Development Rights Acquisition Fund to be hereafter created in the office of the Treasurer of Manchester Township (here and after "Acquisition Fund"). Money in such acquisition fund may be temporarily deposited in such institutions or invested in such obligations as may be lawful for the investment of Township money.

(10) The revenues and any interest received from the deposit or investment of such revenues shall be applied and used solely for the purposes set forth in this Ordinance.

SECTION 13: Severability.

In the event any provision of this Ordinance shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provisions hereof.

APPENDIX B

PART I – CHARACTERISTICS OF THE FARMLAND

Type of Agricultural Land. In 1981, the Washtenaw County Metropolitan Planning Commission developed a system of ranking agricultural land. The delineation utilized both physical and cultural factors to avoid having good soil characteristics become the sole criterion for determining the distribution of prime agricultural lands. In the study of Washtenaw County agriculture, land within the townships but outside the year 2000 sanitary sewer service area was divided into quarter sections (160 acres). This was deemed most appropriate for a study at a countywide scale. Public lands and other major areas committed to present use (e.g., the Chrysler Proving Grounds) were deleted from consideration of potential agricultural land.

Three categories of agricultural lands were utilized: essential, secondary and reserve. Six factors were used to select these agricultural lands. Three physical factors are related to soil characteristics and were derived from the Natural Resources Conservation Service (NRCS) Soil Survey of Washtenaw County. The remaining three factors have a cultural origin, which can change rapidly.

The three physical criteria included soils capable of producing 100 bushels of corn or more per acre where farmers practice good management techniques, soils with a Class II agricultural capability as determined by the NRCS and prime agricultural areas depicted on the 1980 NRCS map of Washtenaw County.

The three cultural criteria included existing farms that are well operated and viable as determined by personnel of the Michigan State University Extension Service and later supplemented by input from the county Agricultural Lands Committee, parcels of land that exceed 80 acres in size and farmlands whose owners have applied to enroll in the Michigan Farmland and Open Space Preservation Act program (P.A. 116).

Essential Agricultural Lands include all those with one of three physical criteria and which contain an existing farm that is well operated and viable.

Secondary Agricultural Lands also must contain one of the three physical criteria or contain a well-operated farm plus have parcels of 80 acres or more or be enrolled in P.A. 116.

Reserve Agricultural Lands must also contain one of the three physical criteria or contain a well-operated farm.

Where more than 50 percent of a quarter section could be designated under one of these three agricultural land divisions, the entire 160 acres was given a particular classification.

Before the final map was completed, quarter sections that were designated in one of the three categories, but in which more than 50 percent of the land was in parcels smaller than 10 acres, were deleted. This comprised only a few cases, but the decision was based on the premise that viability of farms is limited where land ownership is highly fragmented.

While certainly much has changed in the 20 years since this process was completed, it still serves as a basis for making determinations on targets for agricultural land preservation today.

Qualification for a particular type of agricultural land will be determined by having a majority of the parcel offered for development rights purchase in that designation.

Size of Parcel. According to the 1997 U.S. Census of Agriculture, the average size of all farms in Washtenaw County was 175 acres.

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.

PART II – STEWARDSHIP OF THE LAND

Conservation Plans. In the absence of NRCS plans, the Farmland Preservation Board will determine the extent of conservation practices by consulting with experts in the field and other appropriate means.

Enrollment in P.A. 116. Michigan's Farmland and Open Space Preservation Act (P.A. 116 of 1974) enables a landowner to enter into a development rights agreement (for farmland) or a development rights easement (for open space) with the state. These agreements and easements are designed to ensure that the land remains in a particular use or uses 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.

PART III – LIKELIHOOD OF CONVERSION TO NONFARM USE

Percentage of Farm Containing Steep Slopes. Steep slopes are defined as those of greater than 12 percent.

PART IV – LONG RANGE PLANNING CONSIDERATIONS

Scenic, Historical or Architectural Features.

- a) Vista: 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.
- b) Accent: An attractive view but narrower in scope and weaker in impact than a vista.
- c) No contribution: hidden or screened by man-made or natural features.

PART V – TIEBREAKERS

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.

Market Value. Refers to an owner's willingness to accept an offer for development rights at a percentage lower than the full market value.

I, Kathleen M. Hakes, Clerk of Manchester Township, Washtenaw County, Michigan, hereby certify as follows:

1. The preceding ordinance was adopted by the Manchester Township Board of Trustees at their regular meeting held on December 9, 2002, and that members Turk, Widmayer, Macomber, Hakes and Mann voter in favor of adoption, none voted against.
2. A summary of the ordinance was published in the *Manchester Enterprise* on January 2, 2003.
3. The effective date of the ordinance is January 3, 2003.



Kathleen M. Hakes, Clerk

ORDINANCE NUMBER 52

DISPLAY OF FIREWORKS.

The Township of Manchester ordains:

Section 1. **Purpose.** MCL 750.243b authorizes a township board to issue a permit for the display of fireworks. However, the Township Board and the Township employees have no expertise in fireworks and are not qualified to rule on the competency of operators of persons desiring to display fireworks. Therefore, this ordinance establishes the Township policy not to issue permits for the use or display of fireworks.

Section 2. **Definition.** "Fireworks" in shall have the meaning described in MCL 750.243a.

Section 3. **Permits.** The Township Board will not issue a permit for the use or display of fireworks.

Section 4. **Effective Date.** This ordinance shall take effect upon publication.

I, Ann M. Becktel, Clerk of Manchester Township, Washtenaw County, Michigan hereby certify as follows:

1. The preceding ordinance was adopted by the Manchester Township Board of Trustees at
The regular meeting held on May 12, 2003, and that members, Becktel, Mann, Widnayer, Macomber and Huber voted in favor of adoption, none voted against.
2. A true copy of the ordinance was published in the Manchester Enterprise on May 22, 2003.
3. The effective date of the ordinance is May 22, 2003.

Ann M. Becktel,
Clerk
May 12, 2003

The Original of the above ordinance may be inspected or a copy purchased at the Manchester Township Hall, 275 S. Macomb Street, Manchester, MI 48158 during regular business hours, which are Monday, Tuesday, Wednesday and Friday 8:30 a.m. to noon.

MULTIPLE RESIDENCE DRIVEWAYS
AND
RESIDENTIAL PRIVATE ROADS
GENERAL LAW ORDINANCE

Ord. No. 53
Adopted: October 14, 2003

THE TOWNSHIP OF MANCHESTER HEREBY ORDAINS:

An Ordinance under the provisions of Public Act 246 of 1945, MCLA 41.181 et seq., to regulate the construction, maintenance and use of private roads and multiple residence driveways (MRD) within Manchester Township, the use thereof by traffic, the parking of vehicles thereon, the administration and enforcement thereof, fees to defray the administrative and enforcement costs incident thereto, and to insure that residences and buildings within the Township of Manchester may be accessible to police and fire protection, and for other purposes, as follows:

Section 1. Private Road Regulations.

A. Intent.

The Manchester Township Board hereby finds that unobstructed, safe, and continuous access to lots is necessary to promote and protect the health, safety, and welfare of the public through police and fire protection, and ambulance service. Such access is necessary to insure that such services can safely and quickly enter and exit private property at all times. Roadway access within Manchester Township should meet minimum standards and specifications to permit the subsequent upgrading and dedication of such access rights-of-way to the Washtenaw County Board of Road Commissioners or other municipal corporations, when public dedication is desirable or required, and to minimize the number of road cuts and help maintain rural character. The procedures, standards and specifications hereinafter set forth are determined to be the minimum procedures, standards and specifications necessary to meet the intention of this Ordinance.

B. Definitions and Use Criteria.

1. **Private Driveways** - A private driveway may serve no more than one (1) parcel and shall not be considered a Multiple Residence Driveway or Residential Private Road. If at any time, two (2) or more parcels are to have access using the existing private driveway, it shall be brought into compliance with standards contained in this Ordinance.
2. **Multiple Residence Driveways (MRD)** - A Multiple Residence Driveway, herein defined, may be used for purposes of access to parcels created for single-family dwellings based upon the following conditions:

- a) Such multiple residential driveways shall not be named and shall not serve more than four (4) residential parcels.
 - b) Any parcel having access onto the MRD shall meet all regulations and standards regarding yard and setback requirements according to the zoning district in which it is located.
 - c) All parcels receiving access from a MRD shall have their individual addresses posted on each property and also posted together at the entrance of the MRD where it intersects with the public or private roadway.
 - d) Such MRD shall have a recorded easement of at least sixty-six (66) feet. A complete statement shall be submitted of all the terms and conditions of the proposed rights-of-way including copies of all agreements or intended agreements regarding the maintenance and improvements of the rights-of-way and roadway.
3. **Residential Private Roads** – Residential private roads are all roads built in the Township that are not MRD's or public roads and that meets one (1) or more of the following criteria:
- a) Serves more than four (4) single-family residential lots.
 - b) Has a length of more than twelve hundred (1,200) feet, measured on the roadway centerline of the public road to the centerline of the other intersection road, or the center of the turnaround.

C. General Access and Permit Requirements.

1. Every lot, unit or parcel in Manchester Township that is improved with a building shall:
 - a) Abut public road, a residential private road, or multiple residence driveway (MRD) which meets the requirements of this Ordinance.
 - b) Have access for ingress and egress for all vehicular traffic including fire, police, and ambulance services and vehicles by means of such public road, residential private road, or multiple residence driveway.
2. Lots or units not served by a public road shall not be improved with a building subsequent to the date of adoption of this Ordinance, unless a residential private road permit or multiple residence driveway permit in accordance with this Ordinance has been issued.
3. No person shall construct, alter, or extend a residential private road or multiple residence driveway without compliance with this Ordinance and obtaining a permit as hereinafter provided.

4. All lots or units which have been improved with a building prior to the date of adoption of this Ordinance shall comply with the provisions of this Ordinance, if the Township Board, by resolution, determines that such compliance is necessary to protect and promote the public health, safety and welfare in accordance with the purposes set forth within this Ordinance.

D. Specifications for Multiple Residence Driveway (MRD) and Residential Private Roads.

All multiple residential driveways and residential private roads shall meet the following minimum requirements and specifications:

1. A pre-application meeting with the Zoning Administrator is required.
2. A complete legal description including related utility and drainage easements of the land on which the road is to be built and the names and addresses of the owners is required.
3. A drawing on an aerial map showing the proposed road is required. Proposed improvements (including but not limited to roads, storm sewers and ditches) shown in plan and profile form indicating all materials, grades, dimensions and bearings in compliance with the standards set forth in this Ordinance.
4. The roadway surface and turnaround area is required to be centered in the right-of-way.
5. The connection between the right-of-way and the public road shall conform to the standards and specifications of the Washtenaw County Road Commission. The applicant shall obtain a road permit issued by the Washtenaw County Road Commission prior to approval of any rights-of-way by the Township Board.
6. The rights-of-way and roadway shall be adequately drained so as to prevent flooding or erosion of the roadway. Ditches shall be located within the rights-of-way. Roadway drainage shall be constructed so that the runoff water shall be conveyed to existing water courses or water bodies. The discharged water shall not be cast upon the land of another property owner unless the water is following an established water course. Connection to County drains shall be approved by the Washtenaw County Drain Commissioner prior to the issuance of a permit. Connection to roadside ditches within public road rights-of-way shall be approved by the Washtenaw County Road Commission prior to the issuance of a permit.
7. The rights-of-way shall provide for ingress, egress, drainage, and installation and maintenance of public and private utilities.
8. Any extension of a private road or MRD shall meet ordinance standards and shall require Township approval.

9. Private roads and MRD's shall be designated with the word "private". Private roads shall be named by the applicant subject to review and approval by the Washtenaw County Road Commission. Private road names shall not conflict with any public road names. The applicant shall be responsible for the erection and maintenance of all street signs and traffic signs required by the Township, the County and the State.
10. All areas disturbed by construction must be top soiled, seeded and mulched. Steep ditch slopes may require sod, riprap, or other stabilizers to minimize soil erosion. Temporary erosion control measures must be utilized.
11. A fee shall be paid as established by the Township Board to defray the costs of inspection, plan review, administration, and enforcement of this Ordinance.
12. The application shall be signed by the applicant or agent thereof. If signed by an agent it shall be accompanied by a duly executed and notarized Power of Attorney, and shall represent that the applicant is making the application on behalf of all persons having an interest in the rights-of-way or the abutting lots and shall be made under penalties of perjury.

Residential Private Roads and Multiple Residence Driveway's shall also meet their respective minimum requirements and specifications as set forth in Table 1, herein.

TABLE 1

**MINIMUM REQUIREMENTS AND SPECIFICATIONS
FOR PRIVATE RESIDENTIAL ROADS AND MULTIPLE RESIDENCE DRIVEWAYS**

	<u>Private Residential Roads</u>	<u>Multiple Residence Driveways</u>
Width of rights-of-way	Sixty-six (66) feet	Sixty-six (66) feet
Road Length	Not Applicable	Not to exceed 1,200 feet
Road Width	Eighteen (18) foot driving surface With adequate drainage six (6) foot shoulders	Fifteen (15) foot driving surface With adequate drainage
Road Identification	Road Name and stop sign at entrance	Stop sign but road name prohibited
Sub-base	Remove all organic or unstable material and replace with a minimum six (6) inches of compacted sand	Remove all organic or unstable material and replace with a minimum six (6) inches of compacted sand
Driving Surface	Six (6) inches of crushed limestone, or processed road gravel	Six (6) inches of crushed limestone, or processed road gravel

For paved surface	Optional and at builders discretion. Twenty (20) foot with gravel shoulders	Optional and at builders discretion Fifteen (15) foot
Turnaround Area/Cul-de-Sac	Seventy-five (75) foot radius right-of-way with fifty (50) foot radius roadway surface	Seventy-five (75) foot radius right-of-way with fifty (50) foot radius roadway surface
Ditches	Ditches shall be of width, depth, and grades to provide for adequate and positive drainage	Ditches shall be of width, depth, and grades to provide for adequate and positive drainage
Maintenance Agreement	Required	Required
Engineering Certification	Required	Not Required

E. Permit Approval Procedure.

1. Prior to submitting an application, any potential applicant shall review zoning and other applicable regulations with the Zoning Administrator to ensure completeness of an application.
2. Upon receipt of an application and payment of applicable fees, the Township Clerk shall forward the application to the Zoning Administrator who shall review the application for compliance to regulations contained within this Ordinance. The Township Clerk shall also forward the application to the Township Fire Marshall and Land Division Officer for applicable review.
3. For private roads, the Township Zoning Administrator shall require a written report and a stamped and dated letter from a State of Michigan Certified Civil Engineer indicating that the private road has been built and conforms to the standards set forth in this Ordinance.
4. The Township Zoning Administrator shall consider the application and all relevant information including Fire Marshall approval and Land Division Officer approval and, if the application is complete, shall grant the permit.
5. Upon completion of road construction and inspections, the Zoning Administrator and Fire Marshall shall make recommendation to the Township Board for final approval

F. Expiration of Approval of Permits.

A permit shall be valid for a period of one year from the date of issuance. The Township Board may extend the permit for up to six (6) months. If the required improvements have not been completed upon the expiration of the permit, then the permit shall be void and all deposits shall be forfeited to Manchester Township.

G. Recording of Rights-of-Way.

The rights-of-way, including all agreements shall be recorded in the office of the Register of Deeds for Washtenaw County prior to the issuance of any zoning permit. Proof of recording shall be provided to the Township Clerk before final approval is granted.

H. Zoning Permits.

No zoning permit will be issued for any lot accessed by a residential private road or MRD subject to the provisions of this Ordinance until the Township Board has issued a final approval of the road.

I. Maintenance Agreement.

A maintenance agreement received by the Township Attorney and approved by the Township Board shall be filed with the Township Clerk and recorded with the Washtenaw County Register of Deeds for any maintenance for the residential private road or MRD. All parcels accessing the residential private road or the MRD shall be part of the agreement. Proof of recording shall be provided to the Township Clerk before final approval is granted. The agreement will specifically address the liability and responsibility of the parties to the agreement to maintain the private road or MRD pursuant to the specifications provided for in this and other applicable Ordinances, including but not limited to the responsibility of removing snow from said private road or MRD and maintaining clear road width for ingress and egress of emergency vehicles.

J. Variances.

When there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance, such as topographical, other physical characteristics of a parcel, or when a variation of construction standards is requested, the Township Board shall have the power to vary or modify the application of the provisions of this Ordinance so that the intent and purpose of the Ordinance shall be observed, public safety secured and substantial justice done. The Township Board may request inspection, review, and recommendation by the Township Engineer. Cost of such inspections, review, and recommendation from Township Engineer shall be the responsibility of the applicant.

K. Violations.

Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor and shall be subject to a fine not exceeding FIVE HUNDRED (\$500.00) DOLLARS and/or by imprisonment not to exceed ninety (90) days. Any access which is used in violation of the terms of this Ordinance shall be and the same is hereby declared to be a nuisance per se, and such use may be abated, restrained, enjoined, and prohibited, upon the commencement of an appropriate action in the Circuit Court.

Road Maintenance Agreement Example
(NOT PART OF ORDINANCE)

This agreement made this _____ day of _____ of the year 20 _____, between _____, and the owners of the following parcels:

EXHIBITS

Parcel #1: Legal Description for Tax # _____
Name(s): _____
Address: _____

(Legal Description)

Parcel #2: Legal Description for Tax # _____
Name(s): _____
Address: _____

(Legal Description)

Maintenance Responsibility: Maintenance of all private roads shown on the survey map shall be the responsibility of the owners of the lots thereon. The association when formed shall direct the maintenance of roadways and expend such funds as may be necessary to meet the maintenance standards as described below. Prior to the formation of the lot owners association each lot shall have an equal responsibility in the maintenance of said roads.

Maintenance Standards: Maintenance of the roads shall include but not be limited to the filling of pot holes, snow removal, re-grading of roadways, ditching, and the placement of gravel or asphalt as necessary to enable the lot owners to use the roads and ingress and egress to the lots for emergency vehicles.

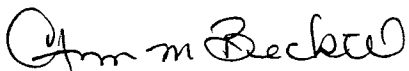
Maintenance Fee: Each lot owner shall be liable for an equal prorated portion of the costs necessary to maintain the roadways. Said maintenance fee shall be established by the association, or if said association has not been formed, said fee shall be established as the equal prorated portion of actual costs of maintenance work performed.

Liability: The applicant for a private road or MRD approval, all owners of the private road or MRD and lots or units thereon, all those who utilize the private road or MRD, and all persons securing a building permit to construct a building served by the private road or MRD all agree that, by applying for and securing a permit for a building that utilizes the private road or MRD and by utilizing the private road or MRD, they shall indemnify and will save and hold the Township (as well as its officers, agents, and employees) harmless for, from, and against any and all claims, causes of action, costs, and damages for personal injury and/or property damage arising out of the use of the private road or MRD or the failure to properly construct, maintain, repair, and/or install the private road or MRD or any appurtenances thereto. This shall run with the land and shall bind all purchasers of properties benefited by the private road or MRD.

Termination: The lot owners' responsibility and liability for road maintenance shall cease for those roads or portions thereof which are dedicated or conveyed for public use and have been accepted by Washtenaw County for said purpose.

I, Ann M. Becketl, Clerk of Manchester Township, Washtenaw County, Michigan, hereby certify as follows:

1. The preceding ordinance was adopted by the Manchester Township Board of Trustees at their regular meeting held October 14, 2003, and that members Macomber, Huber, Widmayer, Becketl and Mann voted in favor of adoption, none voted against.
2. A summary of the ordinance was published in the *Manchester Enterprise* on October 23, 2003.
3. The effective date of the ordinance is November 23, 2003.



Ann M. Becketl, Clerk

ORDINANCE 54

AN ORDINANCE TO AMEND SECTIONS 3.26, 4.04, 5.04, 6.04, AND 7.04 OF THE MANCHESTER TOWNSHIP ZONING ORDINANCE

Manchester Township ordains that the Manchester Township Zoning Ordinance be amended as follows:

Section one: That subsection 3.26A be amended to read as follows:

A. Streets.

1. In any zoning district every use, building or structure established after February 21, 1998, shall be on a lot or parcel that adjoins a public road, private road, or multiple residence driveway that complies with Manchester Township Board standards for multiple residence driveways and residential private roads except as provided in Section 3.26A.3 below.
2. When a proposed building structure is not serviced by an approved driveway, multiple residence driveway, private road, or is not serviced by a dedicated public road, the Township Zoning Administrator shall not issue a Zoning Compliance Permit for the proposed structure.
3. Two (2) or more contiguous parcels of commercially zoned land that are developed as a shopping center, may share a driveway easement, said easement being a minimum of twenty-four (24) feet wide and paved with asphalt or cement concrete. When such driveway easements are shared, such easement shall be included in determining and computing lot width as such is defined herein.
4. Every building and structure constructed or relocated after the effective date of adoption of this Ordinance shall be so located on lots as to provide safe and convenient access for fire protection vehicles and required off street parking and loading zones.

Section 2. That subsection 4.04G be amended to read as follows:

G. Lot Width and Depth Measurements. The minimum required width of any lot shall be measured in accordance with the following rules:

1. **Lots with Parallel Side Lot Lines.** The required lot width shall be measured on a straight line which is perpendicular to the side lot lines where the side lot lines intersect the right-of-way line of a public road, private road, or multiple residence driveway. See Diagram 1.

2. **Lots with Non-Parallel Side Lot Lines.** The required lot width shall be measured on a straight line between the side lot lines, measured at the two (2) points where the side lot lines intersect the right-of-way line of a public road, private road, or multiple residence driveway. See Diagram 2.
3. **Depth.** The horizontal distance between the front lot line fronting on a public road, private road, or multiple residential driveway and rear lot line, measured along the median between the side lot lines.

Diagram 1

Lot Width and Depth

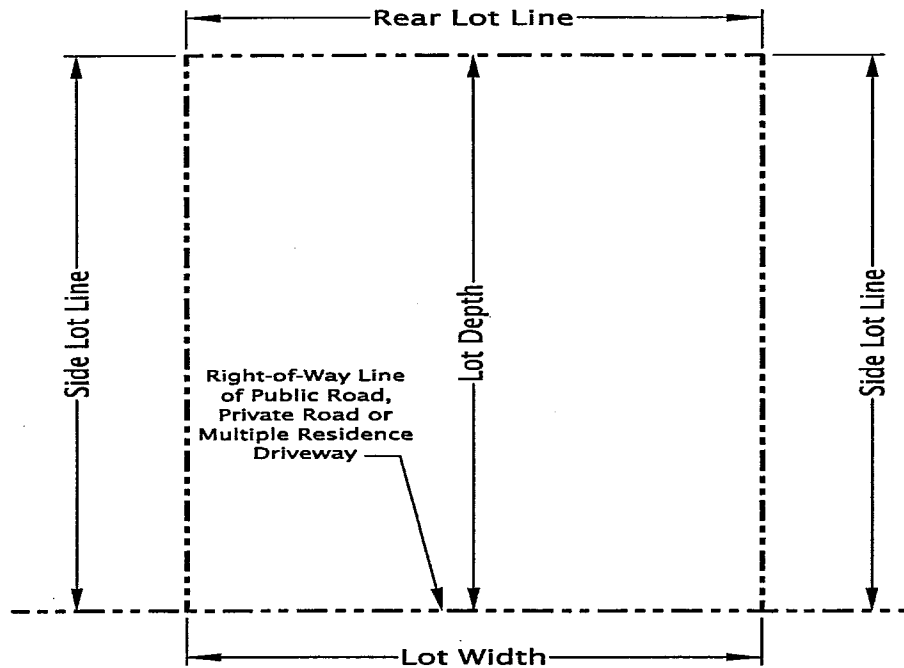
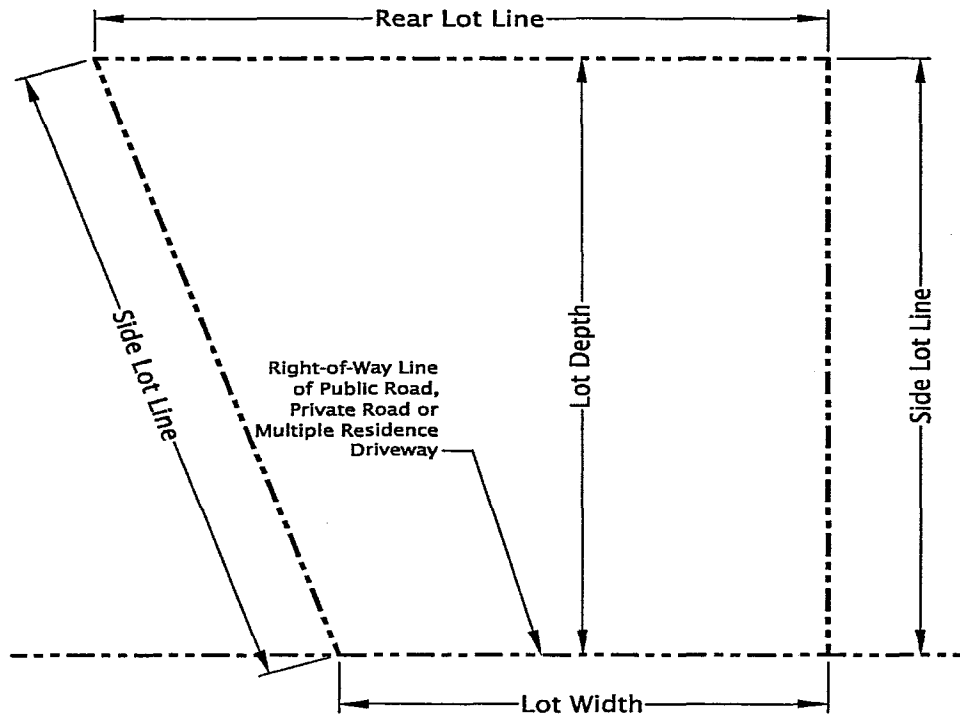


Diagram 2

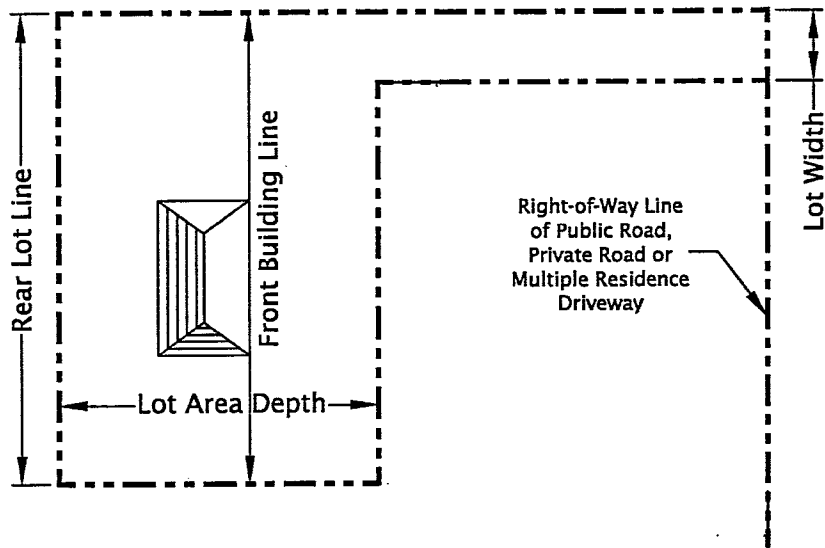
Lot Width and Depth



Section 3: That section 4.04 be amended by adding a new subsection I which shall read as follows:

- I. **Flag Lots** - A flag lot is defined as a parcel of land that is situated generally behind a lot or lots fronting on the road or drive; has limited road or drive frontage, but does maintain road or drive frontage along the width of the access strip; and is accessible from the road or drive only over an access strip that is owned in fee simple. Flag lots situated behind flag lots are only permitted if accessed by a single multiple residence driveway.
1. Flag lots shall contain a lot area at least equal to the minimum required lot area of the district in which the lot is located.
 2. No more than four (4) contiguous flag lot access strips shall be formed and are only permitted if accessed by a single multiple residence driveway..
 3. The front yard setback is to be measured from the point where the access strip or easement meets the bulk of the lot.
 4. Flag lot access strips shall meet Section 3.26.A, Streets and Section 4.04.G, Lot Width Measurements and applicable district regulations.

FLAG LOT DIAGRAM



$$\text{Lot Area} = \text{Front Building Line Width} \times \text{Lot Area Depth}$$

Section 4. That subsection 5.04B be amended to read as follows:

- B. LOT WIDTH.** The minimum lot width shall not be less than thirty-three (33) feet as measured at the two (2) points where the side lot lines intersect the right-of-way of a public road, private road, or multiple residence driveway. Such lot shall have a minimum of two hundred (200) feet in width as measured along the front building line. See Sections 3.26 A, and 4.04 G, herein.

Section 5. That subsection 6.04B be amended to read as follows:

- B. LOT WIDTH.** The minimum lot width shall not be less than thirty-three (33) feet as measured at the two (2) points where the side lot lines intersect the right-of-way of a public road, private road, or multiple residence driveway. Such lot shall have a minimum of one hundred and fifty (150) feet in width as measured along the front building line. See Sections 3.26 A, 3.3 1, and 4.04 G, herein.

Section 46. That subsection 7.04B be amended to read as follows:

B. LOT WIDTH. The minimum lot width for lots served with a central water supply system and a central sanitary sewerage system shall not be less than thirty-three (33) feet as measured at the two (2) points where the side lot lines intersect the right-of-way of a public road, private road, or multiple residence driveway. Such lot shall have a minimum of eighty (80) feet in width as measured along the front building line. Where a lot is not so served, the minimum lot width shall not be less than thirty-three (33) feet measured at the two (2) points where the side lot lines intersect the right-of-way of a public road, private road, or multiple residence driveway. Such lot shall have a minimum of one hundred and fifty (150) feet in width as measured along the front building line. See Sections 3.26 A, and 4.04 G, herein.

Section 7. That this ordinance shall take effect seven days after publication of the notice of adoption unless referendum procedures are initiated under MCL 125.282. If referendum procedures are initiated, the ordinance shall take effect in accordance with MCL 125.282.

I, Ann M. Becketl, Clerk of Manchester Township, Washtenaw County, Michigan, hereby certify as follows:

1. The preceding ordinance was adopted by the Manchester Township Board of Trustees at their regular meeting held October 14, 2003 and that members Widmayer, Macomber, Becketl, Huber and Mann voted in favor of adoption, none voted against.
2. A summary of the ordinance was published in the *Manchester Enterprise* on October 23, 2003
3. The effective date of the ordinance is October 24, 2003.

Ann M. Becketl, Clerk

MANCHESTER TOWNSHIP
ORDINANCE NO. 55
SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE

AN ORDINANCE TO DESIGNATE THE TOWNSHIP OF MANCHESTER AS THE ENFORCING AGENCY UNDER THE PROVISIONS OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, ACT NO. 451 OF THE PUBLIC ACTS OF 1994, AS AMENDED PART 91, SOIL EROSION AND SEDIMENTATION CONTROL AND TO REPEAL ALL INCONSISTENT ORDINANCES.

THE TOWNSHIP OF MANCHESTER, WASHTENAW COUNTY, MICHIGAN
HEREBY ORDAINS

Section 1. TITLE

This ordinance shall be known and cited as the Township of Manchester Soil Erosion and Sedimentation Control Ordinance.

Section 2. ENFORCEMENT AND AGENCY DESIGNATION

Pursuant to the provision of the Part 91 Soil Erosion and Sedimentation Control of the Natural Resources and Environmental Protection Act, 1994 PA 451, AS AMENDED (Part 91), the Building Department of the Township of Manchester is hereby designated as the enforcing agency to discharge the responsibility of the Township of Manchester under Part 91 and all the rules promulgated thereunder. All such rules are incorporated by reference. The Township of Manchester assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

Section 3 REPEALS

All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 4 EFFECTIVE DATE

This ordinance shall become effective thirty (30) days after adoption and legal publication in accordance with the provisions of the Act governing the same.

I, Ann M. Becketl, Clerk of Manchester Township, Washtenaw County, Michigan, hereby certify as follows:

1. The preceding ordinance was adopted by the Manchester Township Board of Trustees at their regular meeting held on September 14, 2004, and that members _____ voted in favor of adoption, none voted against.
2. The ordinance was published in the *Manchester Enterprise* on
3. The effective date of the ordinance is

Ann M. Becketl, Clerk

MANCHESTER TOWNSHIP
ORDINANCE NO. 56
SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE

AN ORDINANCE TO DESIGNATE THE TOWNSHIP OF MANCHESTER AS THE ENFORCING AGENCY UNDER THE PROVISIONS OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, ACT NO. 451 OF THE PUBLIC ACTS OF 1994, AS AMENDED (PART 91, SOIL EROSION AND SEDIMENTATION CONTROL) AND TO REPEAL ALL INCONSISTENT ORDINANCES.

THE TOWNSHIP OF MANCHESTER, WASHTENAW COUNTY, MICHIGAN
HEREBY ORDAINS

Section 1. TITLE

This ordinance shall be known and cited as the Township of Manchester Soil Erosion and Sedimentation Control Ordinance.

Section 2. ENFORCEMENT AND AGENCY DESIGNATION

Pursuant to the provision of the Part 91 Soil Erosion and Sedimentation Control of the Natural Resources and Environmental Protection Act, 1994 PA 451, AS AMENDED (Part 91), the Building Department of the Township of Manchester is hereby designated as the enforcing agency to discharge the responsibility of the Township of Manchester under Part 91 and all the rules promulgated thereunder. All such rules are incorporated by reference. The Township of Manchester assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

Section 3 REPEALS

All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 4 EFFECTIVE DATE

This ordinance shall become effective thirty (30) days after adoption and legal publication in accordance with the provisions of the Act governing the same.

I, Ann M. Bechtel, Clerk of Manchester Township, Washtenaw County, Michigan, hereby certify as follows:

1. The preceding ordinance was adopted by the Manchester Township Board of Trustees at their regular meeting held on September 14, 2004, and that members Macomber, Huber, Bechtel and Mann voted in favor of adoption, none voted against.
2. The ordinance was published in the *Manchester Enterprise* on 10/23/2004.
3. The effective date of the ordinance is 11/23/2004.

Ann M. Bechtel, Clerk

ORDINANCE NUMBER _____
AN ORDINANCE TO AMEND THE MANCHESTER TOWNSHIP ZONING ORDINANCE BY
AMENDING THE OFFICIAL ZONING MAP
(DOAN REZONING)

MANCHESTER TOWNSHIP ORDAINS THAT THE MANCHESTER TOWNSHIP ZONING ORDINANCE BE AMENDED AS FOLLOWS:

Section One. That the Official Zoning Map of Manchester Township adopted pursuant to section 3.02 of the Zoning Ordinance is amended by changing the zoning designation of the following described parcel from AR-R1 Agricultural to CM-Community Manufacturing:

A 67 acre parcel of land in NE 1/4 of Section 9, Town 4 South, Range 3 East, Manchester Township, Washtenaw County Michigan, described as:

Beginning at the north corner of section one thence south 00° 30'00" east 1248.0 feet along the north-south 1/4 line, thence north 89° 30'00" 594.50 feet, thence northeasterly, to a point on the east section line, said point being southerly along said line a distance great enough to create a 67 acre parcel, thence north along said east line to the northeast corner of section one, thence westerly along the north line of section one to the north 1/4 post of said section to the point of beginning.

Tax identification number: P-16-01-100-004

Section Two. That this ordinance shall take effect thirty days after publication of the notice of adoption unless referendum procedures are initiated under MCL 125.282. If referendum procedures are initiated, the ordinance shall take effect in accordance with MCL 125.282.

ORDINANCE NUMBER 58

AN ORDINANCE TO AMEND THE MANCHESTER TOWNSHIP ZONING ORDINANCE BY
AMENDING THE OFFICIAL ZONING MAP
(BENEDICT REZONING)

MANCHESTER TOWNSHIP ORDAINS THAT THE MANCHESTER TOWNSHIP
ZONING ORDINANCE BE AMENDED AS FOLLOWS:

Section One. That the Official Zoning Map of Manchester Township adopted pursuant to section 3.02 of the Zoning Ordinance is amended by changing the zoning designation of the following described 2 parcels from AR-Rural Agricultural to CC-Community Commercial Center District.

1. The South ½ (1 acre) of property in Section 10 of Manchester Township known as tax parcel #P 16-10-100-037 (2 acres)

And

2. The South ½ of property in Section 10 of Manchester Township known as tax parcel #P 16-10-100-038 (2 acres).

Section Two. That this ordinance shall take effect thirty days after publication of the notice of adoption unless referendum procedures are initiated under MCL 125.282. If referendum procedures are initiated, the ordinance shall take effect in accordance with MCL 125.282.

Resolution of adoption by Macomber seconded by Schmitt

Roll call vote - Mann Aye, Becketl Aye, Huber Aye,

Macomber Aye, Widmayer Aye, Kolon, Aye, Schmitt Aye

Resolution declared - **Adopted.**

I, Ann M. Becketl, Clerk of Manchester Township, Washtenaw County, Michigan, hereby certify as follows:

1. The preceding ordinance was adopted by the Manchester Township Board of Trustees at their regular meeting held on July 10, 2006, and that members Mann, Becketl, Huber, Macomber, Widmayer, Schmitt & Kolon voted for the Ordinance. None voted against.

2. A summary of the ordinance was published in the Manchester Enterprise on 7/20/2006.

3. The effective date of the ordinance is, 8/19,2006.

Ann M. Becketl, Clerk

ORDINANCE NUMBER 59

Amendments to the Manchester Township Zoning Ordinance

MANCHESTER TOWNSHIP ORDAINS THAT THE MANCHESTER TOWNSHIP ZONING ORDINANCE BE AMENDED AS FOLLOWS:

SECTION 16.19 – SITE CONDOMINIUM REVIEW

A. Approval Required – Pursuant to authority conferred by SECTION 141 of the Condominium Act, preliminary and final site plans for all site condominiums shall be approved by the Planning Commission.

B. General Requirements

1. No permits for building construction, grading, or installation of public water or sanitary sewerage facilities shall be issued for property in a site condominium development until a final site plan has been approved by the Township 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 condominiums.
2. If a building, structure, or use to be placed on a condominium lot requires site plan approval under SECTION 15.02 herein, a site plan for that building, structure or use shall be approved in accordance with ARTICLE 15.0, herein, 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 15.0, herein, provided however, that preliminary and final site plans shall not be combined for the 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 Washtenaw 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 Ordinance, each condominium unit shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which 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 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 unit shall be located within that unit, as described in the master deed, except in a PUD district, in which case this requirement may be waived by the Township Board as part of its approval of the PUD district rezoning application.
8. Relocation of boundaries between adjoining condominium units, if permitted in the condominium documents, as provided in the Condominium Act, shall comply with all regulations of the zoning district in which located and shall be approved by the Zoning Administrator. These requirements shall be 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 the Condominium Act, shall comply with all regulations of the zoning district in which located, and shall be approved by the Zoning Administrator. These requirements shall be recorded as part of the master deed.
10. All information required by this Ordinance shall be updated and furnished to the Zoning Administrator until applicable certificates of zoning compliance have been issued, as provided in SECTION 18.03, herein.

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 15.03, herein, 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 the Condominium Act, and the master deed and bylaws. The final site plan shall also include all information required in SECTION 15.04, herein, except in the case of a development that consists only of condominium lots rather than buildings or other structures at the time of plan review, the location and dimension of condominium lots rather than individual buildings or other structures and required yards, shall be shown on the 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 Michigan Department of Natural Resources. 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. Design and Development Standards

1. General: The standards set forth in this Section shall be considered minimum requirements. Where the adopted general development plan requires high standards, such higher standards shall apply. Variances from the

standards set forth in this Section shall be considered according to the standards of ARTICLE 20.0, "Zoning Board of Appeals."

2. Streets

- a. Street Layout: Street layout shall conform to the adopted general development plan or portion thereof relating to streets. Public streets shall be developed to the approved standards of the Washtenaw County Road Commission. Private streets shall be developed to approved standards of Manchester Township as provided in General Ordinance #53, Multiple Residence Driveways and Residential Private Roads. The arrangement of streets in the development shall provide for the construction of streets in adjacent developments where such extension is not precluded by topographic or other existing conditions. The layout shall provide for proper projection of streets into adjoining properties not yet developed.

Local streets shall be laid out so as to discourage their use by through traffic.

Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets, and reasonable grades, both for the streets and for driveways intersecting therewith.

All street construction shall be centered in the street right-of-way. Section line and quarter line roads shall be centered on these lines unless the Township Engineer or County Road Commission approves an exception.

- b. Drainage: All streets shall be provided with facilities for adequate surface drainage. Storm drains shall be underground and only curb-type design shall be permitted. Exceptions may be made for subdivisions in which each single-family dwelling lot is one acre or larger in area and has a minimum road frontage of 150 feet.
- c. Alleys: Alleys shall be prohibited, except in commercial and industrial developments. Where alleys are provided they shall be at least 30 feet wide. Dead-end alleys shall be prohibited. Alleys shall be provided in accordance with standards of the County Road Commission.
- d. Marginal Access Streets: Where marginal access streets are required, the proprietor shall dedicate property for the purpose of marginal access streets to the County Road Commission and shall be responsible for improving said streets according to County Road Commission standards. A landscaped strip at least twenty (20) feet wide shall be provided between a marginal access street and the adjacent street.

- e. Other Required Streets: Where a development borders or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require a street approximately parallel to and on one or both sides of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
 - f. Special Treatment Along Major Streets: When a development abuts or contains an existing or proposed arterial or collector street, the Planning Commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along with rear property line, or such other treatment as might be necessary for adequate protection of residential properties, to afford separation of through and local traffic, and to retain the traffic carrying capacity of the arterial or collector streets.
 - g. Location for Utilities: Utilities shall be located so as to best conform to the layout of existing facilities.
 - h. Street Standards and Specifications: Streets shall be provided in accordance with applicable standards and specifications and shall include turn, merge, and by-pass lanes as the Planning Commission deems necessary.
3. Blocks: Blocks generally shall not be less than 160 feet or more than 1320 feet in length as measured from the centerlines of streets. No block width shall be less than twice the normal lot depth except where lots back onto a major street, natural feature, or development boundary. In blocks exceeding 800 feet in length the Planning Commission may require reservation of an easement through the block to provide for the crossing of underground utilities and/or pedestrian traffic where needed or desirable, and may specify further, at its discretion, that a paved foot path be provided by the proprietor. Blocks intended for nonresidential uses shall be especially designed for such purposes, and in accordance with zoning ordinance provisions. In such cases the above dimensions do not apply.
4. Lots:
- a. Dimensions: Lots shall conform to the requirements of the zoning ordinance except for outlots that are provided for an indicated and approved purpose.
- Corner lots shall have extra width to permit appropriate building setback. Lots abutting a pedestrian mid-block crosswalk or other right-of-way shall be treated as corner lots.

Residential lots shall not open or face directly onto a freeway right-of-way, an arterial or collector street, shopping centers, industrial districts or parks, and other similar non-residential uses. In such situations, lots shall be laid out in one of the following ways:

- 1) Lots may back onto the above features, but shall be separate therefrom by a 20 foot wide landscaped strip along the rear property line. The 20 foot wide strip shall not be considered part of the lot's minimum length, width, or area, but shall be considered part of the contiguous lot.
- 2) ~~Lots may face onto a marginal access street.~~
- 23) ~~Lots may face onto intersecting local streets with driveways opening onto the intersecting local streets.~~The corner lots which abut the major street right-of-way or the non-residential area shall each have the landscape strip as required in SECTION 4(a)(1), preceding.
- 34) Lots may be grouped around cul-de-sac or loop streets which open onto the major street. In such situations the corner lots abutting the major street right-of-way shall each contain the landscaped strip required in SECTION 4(a)(1), preceding.

Any landscaped strip required above shall not be part of the normal road right-of-way or utility easement.

- b. Lot Frontage: Lots extending through a block are generally prohibited except where they back onto a freeway right-of-way, an arterial or collector street, a shopping center, an industrial district, a park, or other similar non-residential area.

All lots shall abut, by their full frontage, on a public or private street.

- c. Lot Lines: Side lot lines shall generally be perpendicular to the right-of-way lines or radial to curved streets. All side and rear lot lines should be straight lines unless natural features or street curvature so prevent. Variations in these provisions may be made when in the opinion of the Planning Commission such variation would result in a better arrangement of lots.
- d. Lots to be Buildable: The lot arrangement shall be such that in constructing a building in compliance with the zoning ordinance, topography or other natural conditions will not create difficulties in locating the building and driveway and in providing adequate yard

areas. Acute angles created by side lot lines, and odd shaped lots should be avoided.

The size, shape, and location of each lot shall have the following characteristics:

- 1) A suitable site for placing a house without excess grading;
- 2) A usable area for outdoor living and other outdoor activities;
- 3) Adequate surface drainage away from the house site and outdoor living areas;
- 4) Reasonable driveway grades; and
- 5) General site grading should be minimized with significant trees and other vegetation retained.

e. Access: Driveways and curb cuts shall conform to standards of the County Road Commission and the standards of all Township ordinances. The curb section of driveways and aprons shall be designed so that excessive breakover angle and vehicle dragging will be eliminated.

No lots or units shall be permitted driveway access from a road that is not an interior road of the condominium development.

f. Reserve Strips: Privately held reserve strips controlling access to streets shall be prohibited, except as provided in SECTION 2 i), herein.

g. Non-Residential Lots: Lots intended for uses other than residential shall be identified on the plan, and shall be specifically designed for such uses, in accordance with provisions of this ordinance and the zoning ordinance.

5. Pedestrian Ways and Sidewalks: Pedestrian ways, other than sidewalks in street rights-of-way, shall be at least 20 feet wide, when required. The Planning Commission may require a paved walkway to be provided by the proprietor. The pedestrian way shall be treated as an easement.

Sidewalks are required on both sides of a street, or one side of a street, depending upon the density of and location of the development, or, in very low density developments (one acre or larger lots) may be excepted entirely, according to the discretion of the Planning Commission. Street rights-of-way shall be sufficient to provide for sidewalks on both sides of the street, except in cluster subdivisions, or planned unit developments, where variations may be permitted. Streets leading directly to a school shall have sidewalks on both sides of the streets.

Sidewalks shall be developed and placed in compliance with M.D.O.T standards and the review of the Township Engineer.

6. Natural Features: The development shall, wherever possible, preserve natural features which add value to the proposed development and to the community at large, such as large trees or groves of trees, water courses, vistas, historic spots and features, wildlife habitats and ecological areas. The location, nature, and extent of such features shall be identified on the preliminary plat. The preservation and/or inclusion of such features may be made a condition of approval of the development.

7. Uninhabitable Areas: Lands subject to flooding, or otherwise deemed uninhabitable in their natural state shall not be developed for residential use, or for any other use that might create a danger to health, safety, or property, or which might increase the flood hazard within or outside the subdivision. Such lands shall be set aside for recreational use or shall be retained in their natural state as open space. Any areas of land within the proposed development which lie either wholly or partly within the flood plain of a river, stream, creek, or lake, or any other areas which are subject to flooding by storm water shall be clearly shown on the preliminary and final site plan.

8. Utilities

a. Storm Drainage

1) All developments shall adequately provide for storm water runoff. The storm water drainage system shall be separate and independent of any sanitary sewer system. A copy of design computations shall be submitted with drainage plans. All drainage improvements shall conform to the current standards of the Washtenaw County Drain Commissioner and Manchester Township.

2) Adequate provisions shall be made for proper drainage of storm water runoff from individual lots. Drainage easements may be required to assure proper drainage. The Township may require that catch basins be provided in said easements, and may require that drainage tile be provided for easement drainage. The depth, grade and outlet for said tile shall be subject to approval by the Township Engineer.

3) Where a development is traversed by a water course, drainage way, channel, or stream, a storm water easement or drainage right-of-way shall be provided, conforming substantially to the lines of such water course, and to the current standards of the Washtenaw County Drain Commissioner. Wherever possible, drainage should be

provided by an open channel with landscape banks and adequate width for maximum potential flow. Existing drainage ways may be rechanneled but such rechanneling shall not increase the rate or level of flow, or cause impoundment of water within the proposed subdivision, or on properties upstream or downstream therefrom. Exceptions may be made if such changes conform to an overall drainage plan for the drainage district.

- 4) Where topography or other conditions make inclusion of drainage facilities within road rights-of-way impractical, perpetual unobstructed easements at least 20 feet in width for such drainage facilities shall be provided across property outside the road lines, and with satisfactory access to the road. Easements shall be indicated on the site plan. Drainage easements shall be carried from the road to a natural water course or to other drainage facilities. Such easements shall be placed so as not to interfere with the use of lots.

If a proposed drainage system will carry water across private land outside the development, appropriate drainage rights shall be secured.

- 5) Low-lying lands along water courses subject to flooding during storm periods, whether or not included in areas for dedication, shall be preserved and retained in a natural state as drainage ways. Such lands shall not be utilized in computing the area requirement of any lot.
- 6) All natural water drainage ways and impoundment areas shall be preserved at their natural gradient and shall not be filled or interfered with in any way, except as approved by the Washtenaw County Drain Commissioner. If, in the judgment of the Drain Commissioner, a natural water drainage way or impoundment area should be reserved, a storm drainage easement acceptable to the Drain Commissioner shall be provided.
- 7) The proprietor may be required to carry away any spring or surface water that might exist either previous to, or as a result of, the development, by pipe or open ditch, in appropriate easements.
- 8) A culvert or other drainage facility in a proposed subdivision shall be large enough to accommodate potential runoff from its entire upstream drainage area, whether that area is inside or outside the development. The design and size of

the facility shall be reviewed and recommended for approval by the Township Engineer.

9) The effect of the subdivision on existing downstream drainage facilities outside the development shall be reviewed by the proprietor with the County Drain Commissioner. Where it is anticipated that the additional run-off resulting from development of the subdivision will overload an existing downstream drainage facility during a 10 year or larger storm, the Planning Commission shall not approve the development until adequate provision has been made for resolving downstream drainage problems.

10) Storm water basins may be required in order to control the discharge of storm water from a proposed development. Design criteria and engineering plans for basins shall be subject to approval by the Township Engineer.

b. Water Supply Facilities: Water supply facilities shall be designed and located according to the specifications and procedural requirements of the Michigan Department of Public Health. On-site services and private water systems shall be designed according to requirements of the County Health Department.

c. Sanitary Sewerage Facilities:

1) Where public sanitary sewerage facilities are available, sewers shall be installed to serve each lot.

2) Each lot in a development which is served by public sanitary sewers shall be connected to a sanitary sewer line before occupancy of that lot shall be permitted.

3) If sanitary sewerage facilities are not available, minimum lot sizes shall conform to requirements of the County Health Department. In no case shall the minimum lot size be less than that required by the zoning district in which located. The individual disposal system shall be approved by the County Health Department.

d. Gas, Wire, and Cable Utilities: All lines for telephone, electrical, television, and other services distributed by wire or cable shall be placed underground throughout the development. Overhead lines may be permitted upon approval by the Planning Commission at the time of preliminary site plan approval where it is determined that such lines will not impair the health, safety, general welfare, design, appearance, and character of the subdivision, and only where such overhead lines are brought to the perimeter of the subdivision. This Section shall not be construed to prohibit the

construction above ground of surface equipment associated with an underground distribution system, such as, but not limited to, surface mounted transformers, power terminal pedestals, meters and meter boxes, concealed wires, street lights and street light poles.

All facilities, including those for gas distribution, shall be installed in accordance with standards and specifications of the Michigan Public Service Commission. The layout of such facilities shall be submitted to the utility companies having jurisdiction in the area for their review before filing for final approval of the plan. All said utilities placed in public rights-of-way shall not conflict with other underground lines. Easements shall be provided in accordance with 9, below.

9. Easements: All underground public utility installations which traverse privately owned property shall be protected by easements granted by the proprietor and approved by the public utility. Such easements shall be so located as to not interfere with the use of any lot or other part of the subdivision. The size of, and restriction pertaining to, such easements shall be in accordance with the standards and specifications of the agency having jurisdiction over the utility lines and the Land Division Act, and shall be indicated on the site plan submitted for preliminary approval.
10. Reservation of Public Use Areas: Where a proposed park, playground, open spaces, public school, library or other public use area shown in the adopted general development plan, or in an adopted applicable part of such plan, is located in whole or in part in a proposed development, such area or areas shall be shown on the site plan. Such area or areas may be dedicated to the Township or other applicable public agency by the proprietor if the Township Board or other applicable public agency approves such dedication. Such areas, if not dedicated, shall be reserved by the proprietor for future purchase by the Township or other appropriate public agency.

The precise nature, location, and extent of the reservation shall be determined prior to final site plan approval by the Planning Commission. The reservation shall be valid for a period of one year from the date of final approval or such longer period as might be agreed to in writing by the proprietor. Unless during such one-year period or agreed longer period the Township or other public agency shall have entered into a contract to purchase the reserved area or instituted condemnation proceedings according to law to acquire the fee simple or a lesser interest in the reserved area, the right to develop the reserved area shall revert to the proprietor at the end of the one-year period or agreed longer period. The reservation shall freeze the price per acre of the reserved area for such one-year period at the average value per acre on the date when the plan was first filed with the Clerk. The plan shall

include provisions for incorporating the reserved area into the overall development, if said reserved area reverts to the proprietor.

11. Mobile Home Subdivisions: Where a mobile home development falls within the definition of mobile home condominium project as set forth in the Condominium Act, said development shall be developed in accordance with the Condominium Act and this ordinance. All provisions of this ordinance shall apply except for, or in addition to, the provisions of this Section. A mobile home condominium project may also be developed as a planned unit development.

All streets and driveways in the development shall conform to the standards set forth in SECTION G(2), herein. There shall be no residential lot access to a collector street within the development; all such access shall be provided by minor residential streets.

Collector street dimensions shall conform to County Road Commission specifications.

Each lot shall abut and have direct access to a public or private street. Lots should be laid out so as to provide a variety of shapes and sizes and to prevent a monotonous character.

Sidewalks and pedestrian ways shall be provided in accordance with SECTION G(5), herein, except that sidewalks along streets may not be required when pedestrian ways provide acceptable alternative means of pedestrian movement.

All lots shall be connected to sanitary sewer and water systems approved by the Township. Such facilities shall meet the requirements of this ordinance and all other applicable Township ordinance and regulations.

Fuel oil and/or gas storage tanks shall be located in an inconspicuous manner either by placing the tanks underground or by enclosing them with a screen of shrubbery. All fuel lines leading to the subdivision and to mobile home sites shall be underground and so designed as to conform with the Township Building Code and any State code that is applicable.

When a master television antenna is provided, all lines extended to individual lots shall be underground. Such master antenna shall be so placed as not to be a nuisance to subdivision residents or surrounding areas.

A buffer of trees and shrubs not less than 20 feet in width shall be located and maintained along all boundaries of such development, excepting at established entrances and exits serving the development. When necessary for health, safety and welfare, a fence shall be required to separate the subdivision from adjacent property.

12. Commercial and Industrial Subdivisions: Commercial and industrial development which constitute condominium projects as defined in the Condominium Act, shall conform to the provisions of this ordinance, except for modifications provided in this Section.

All streets in a commercial development shall be paved, and be designed and constructed to adequately handle truck traffic. Curb side parking and loading shall not be provided for, nor permitted on, any side street. No backing or similar maneuvering of vehicles to enter or leave a parking or loading space shall be permitted or provided for; such movements shall be adequately provided for on each lot. Streets within a development, except major thoroughfares and collector streets, shall be laid out so as to prohibit through traffic. Streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, where applicable, and the provision of truck loading and maneuvering areas, walks and parking area, so as to minimize conflict of movement between the various types of traffic, including pedestrian.

Entry drives for the development shall be located and designed so as not to create congestion or hazardous conditions on public streets serving the subdivision. Driveways from parking and/or loading areas shall intersect streets at a distance from intersections that is large enough to permit safe and convenient maneuvering of vehicles.

The block sizes set forth herein shall not apply. The blocks shall be designed to meet the needs of the uses that will occupy the subdivision. However, block sizes shall meet the requirements of fire protection, snow removal, and other service and emergency vehicles.

Lots shall have access from development or frontage streets, and shall not open directly onto arterial or collector streets.

Sidewalks and/or pedestrian ways shall be provided, except where the Planning Commission determines that such facilities are not required for the safety and convenience of pedestrians within or around the development.

Buffer strips shall be provided along the perimeter of a commercial or industrial development according to zoning ordinance requirements. The Planning Commission may require provision of a fence, wall or screen if it determines such is necessary to protect the adjacent areas from litter, trespass and other nuisances. Any intended future expansion of the development should be shown on the preliminary site plan.

13. Planned Unit Development: Developments in a PUD zoning district may be granted certain variances from this ordinance. Such variances are intended to accommodate the site planning, financial, engineering, and other requirements of large, comprehensive developments with

associated uses. Such variances may include, but are not limited to, time extensions, flexible schedules for installation of improvements, security requirements for improvements, reductions in minimum lot areas and dimensions, mixtures of residential densities and building types, mixtures of residential and nonresidential structures, and modifications in the design and development standards set forth in this Article.

14. Soil Erosion and Sedimentation Control: The final site plan shall contain proposed erosion and sedimentation control measures. The measures shall be incorporated into the final construction drawings. Erosion and sedimentation control measures shall conform to adopted standards and specifications of the Washtenaw County Soil Erosion Ordinance.
15. Trees: Trees shall be provided in the margins of both sides of all streets, and shall be placed at the minimum rate of two per single family residential lot or at a maximum distance apart of 60 feet. Trees may also be required to be installed according to the same distances in pedestrian ways. Trees to be installed in the street margins shall be of the large deciduous type — such as oak, maple, ash or sycamore. However, ornamental trees may be installed in the margin. Both kinds of trees may be provided in pedestrian ways. These requirements may be relaxed by the Planning Commission if existing trees within the right-of-way or easement, or trees growing adjacent to the right-of-way or easement satisfy the intent of this ordinance.

The following trees are not permitted in the street margins, pedestrian ways, or any other landscaped area required by this ordinance: box elder, soft maple, American elm, poplar, ailanthus (tree of heaven) and willow.

All required trees shall be nursery grown and shall be sound and healthy at the time of planting. Root systems shall be balled and wrapped or shall be planted by means which will not disturb the root systems. Required trees shall be protected from damage by wind and other elements; guy wires and ropes, where provided, shall not damage bark or break branches. Trees shall be guaranteed by the proprietor for one full year after planting, with dead or otherwise unacceptable trees to be replaced by the proprietor, at the proprietor's expense, during the guarantee period.

Landscape plans shall be reviewed and recommended for approval by the Township consultant.

16. Street Lights: Street lights, where provided, shall have underground wiring. Light standards shall meet the minimum specifications of the electric utility company serving that area of the proposed subdivision. Where lights are to be provided, they shall be installed prior to the occupancy of structures within the development. Street lights shall be provided in all developments except those of one acre or larger residential lots, and

commercial and industrial subdivisions, where their installation shall be at the discretion of the Planning Commission.

H. Development Agreement

The Planning Commission may require, as a condition of approval, that the applicant enter into a development agreement with the Township, incorporating therein the terms and conditions of final site plan approval, and record the same in the office of the Register of Deeds for Washtenaw County.

I. 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 shall be set at all boundary corners and deflection points and at all road right of way intersections corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.

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 of Michigan 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 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. All improvements in a site condominium shall comply with the design specifications as adopted by the Township Board and any amendments thereto.

Motion Widmayer, seconded Huber to approve changes to *Site Condominium Review*, Section 16.19 requested by Manchester Township Planning Commission as presented. Roll call vote:

Ayes: Huber, Widmayer, Schmitt, Kolon, Bechtel and Mann. **ADOPTED.**

I, Ann M. Bechtel, Clerk of Manchester Township, Washtenaw County, Michigan, hereby certify as follows:

1. The preceding ordinance was adopted by the Manchester Township Board of Trustees at their regular meeting held on January 9, 2007, and that members Widmayer, Bechtel, Huber, Schmitt, Kolon and Mann voted in favor of adoption, none voted against. Absent: Macomber.
2. A summary of the ordinance was published in the *Manchester Enterprise* on January 25, 2007.
3. The effective date of the ordinance is February 1, 2007.

Ann M. Bechtel, Clerk

ORDINANCE NUMBER 60

Adoption of an amendment text for General Ordinance #53, *Multiple Residence Driveways and Residential Private Roads* was approved by the Manchester Township Board:

I. Maintenance Agreement.

A maintenance agreement received by the Township Attorney and approved by the Township Board shall be filed with the Township Clerk and recorded with the Washtenaw County Register of Deeds for any maintenance for the residential private road or MRD. All parcels accessing the residential private road or the MRD shall be part of the agreement. Proof of recording shall be provided to the Township Clerk before final approval is granted. The agreement will specifically address the liability and responsibility of the parties to the agreement to maintain the private road or MRD pursuant to the specifications provided for in this and other applicable Ordinances, including but not limited to the responsibility of removing snow from said private road or MRD and maintaining clear road width for ingress and egress of emergency vehicles.

In coordination with the Township, the maintenance agreement shall establish a special assessment district that includes all parcels that abut the proposed private road or that enjoy access to the proposed private road. The maintenance agreement shall include provisions that requires the special assessment district to be redrawn if the number of parcels included in the original special assessment district or if the number of parcels that enjoy access to the private road is increased. This shall be conducted on a yearly basis, if necessary. If an owner or owners of parcels that are included in the special assessment district request that improvements be made to the private road, in accordance with Public Act 139 of 1972 (Maintenance of Private Roads), as amended, the Township Board shall then determine the costs of the improvement and update the special assessment district, if necessary. Note that the Township Board may initiate improvements or maintenance to a private road in accordance with Public Act 188 of 1954 (Public Improvements), as amended.

I, Ann M. Becketl, Clerk of Manchester Township, Washtenaw County, Michigan, hereby certify as follows:

1. The preceding ordinance was adopted by the Manchester Township Board of Trustees at their regular meeting held on February 13, 2007 and that members Widmayer, Kolon, Macomber, Mann, Becketl and Huber voted in favor of adoption, none voted against. Absent: Schmitt.
2. A summary of the ordinance was published in the *Manchester Enterprise* on February 22, 2007.
3. The effective date of the ordinance is March 1, 2007.

Ann M. Becketl, Clerk

ORDINANCE NUMBER 61

Adoption of amended text for Section 9.04 of the Manchester Township Zoning Ordinance *Adult –Oriented Businesses* was approved by the Township Board:

SECTION 9.04 – CONDITIONAL USES

- A. Places of amusement, entertainment or recreation such as dance hall, bowling alley, miniature golf, commercial swimming pool.
- B. Establishments serving alcoholic beverages.
- C. Public utility structure located on the surface of the ground including but not limited to transformer substations, pumping stations, communication relay stations, gas and steam regulating valves and stations; provided that the structure shall be designed, erected, and landscaped in such a manner as to conform as much as possible with the character of the district.
- D. Cultural center facilities, including theaters, orchestra halls and museums.
- E. Drive-in facilities, including restaurants, and/or banks, provided that the conditions set forth in ARTICLE 14.0, herein, and the following conditions are met:
 - 1. Adequate on-site stacking space for vehicles shall be provided for each drive-in window so that vehicles will not interfere with vehicular circulation or parking maneuvers on this site. Access to and egress from the site will not interfere with peak hour traffic flow on the street serving the property.
 - 2. Projected peak hour traffic volumes which will be generated by the proposed drive-in service shall not cause undue congestion during the peak hour of the street serving the site.
 - 3. On-site vehicle stacking for drive-in windows shall not interfere with access to, or egress from the site or cause standing of vehicles in a public right-of-way.
- F. Outdoor seating and/or service when associated with a restaurant subject to the following requirements:
 - 1. No such seating shall be located in a required yard.
 - 2. Approval of the Washtenaw County Health Department as required.
 - 3. A site plan shall be submitted indicating the area for and location of all outdoor seating.

4. The maximum allowable seating for an outdoor seating area shall be established as a part of the Conditional Use Permit.
 5. Parking shall be provided as required under ARTICLE 14.0, herein.
- G. Temporary outdoor sales when conducted by a permanent business established on-site provided that the locations and annual sales period for such sales shall be established by the Planning Commission.

Such sales shall be subject to the following requirements:

1. No part of such sales operation shall be located within any required setback or transition strip.
 2. The sales operation shall not impede or adversely affect vehicular and pedestrian traffic flow or parking maneuvers.
 3. One sign not to exceed eight (8) square feet may announce such sales. Such sign shall not be located in a required yard or transition strip. Such a sign shall be temporary in nature, non-illuminated and approved as to safety and stability by the building inspector.
 4. The sign, merchandise, and all equipment used in such sales, and all debris and waste resulting there from, shall be removed from the premises within three days of termination of the sale.
 5. A cash bond of one hundred dollars (\$100.00) shall be provided to the Township prior to the start of an approved sale to guarantee site clean-up as required in paragraph 4, preceding.
 6. A scaled site plan shall be provided with the application for Conditional Use Permit showing thereon the location and extent of such sales.
- H. Reserved.
- I. Sporting goods sales, souvenir and gift shops.
- J. Commercial Kennels.
- K. Mini Storage, provided the following conditions are met:
1. A six (6) foot screening, fence, berm or other appropriate method of screening shall be constructed around the perimeter of the development, as approved by the Planning Commission.
 2. Minimum distance between buildings shall be thirty (30) feet.

3. All off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of materials which will have a dust-free surface resistant to erosion. All areas intended for vehicle travel shall be paved with asphalt or concrete as approved by the Planning Commission.
 4. Site development shall be compatible with surrounding area.
 5. No outside storage permitted.
 6. Lighting shall be down-shielded and approved by the Planning Commission.
- L. Commercial communications towers, subject to the provisions of Section 16.20 herein, in addition to the requirements of Article 12 (“Conditional Uses”) herein.
- M. Automotive Vehicle Repair Garage.

The following amended text for Section 10.04 of the Manchester Township Zoning Ordinance was approved by the Township Board:

SECTION 10.04 – CONDITIONAL USES

The following buildings and structures and uses of parcels, lots, buildings and structures are permitted subject to obtaining a conditional use permit as provided in ARTICLE 12.0.

- A. Bus, truck, taxi and rail terminals.
- B. Open air display areas for the sale of manufactured products, such as or similar to garden furniture, earthenware, hardware items and nursery stock, or the rental of manufactured products or equipment, small tools, pneumatic-tired two- and four-wheeled utility trailers, such as household equipment, pneumatic-transit cement mixers, wheelbarrows, rollers and similar products or equipment.
- C. Collection centers for household waste material to be recycled.
- D. Airport and private landing strips.
- E. Outdoor storage of recreational vehicles.
- F. Trucking and cartage facilities, truck and industrial equipment storage yards, repairing and washing equipment and yards.

- G. Open industrial uses or industrial product or materials storage, provided that any activity in which products or materials being processed or stored are located, transported, or treated outside of a building and are not within enclosed apparatus vessels, or conduits, such use shall be provided with a solid permanently maintained wall or fence, no lower than the subject use or storage, and constructed to provide firm anchoring of fence posts to concrete set below the frost line; if a wall is provided, its foundations likewise shall extend below the frost line.
- H. Wholesale businesses, including warehouse and storage, commercial laundries, dry cleaning establishments, ice and cold storage plants, lumber, fuel and feed yards, automobile repair garages, construction and farm equipment sales and contractor's equipment yards.
- I. Public or private dumps, incinerators, and sanitary land fills; junk yards; inoperative vehicle storage.
- J. Mini Storage, provided the following conditions are met:
 - 1. Screening, fence, berm or other appropriate method of screening shall be constructed around the perimeter of the development, as approved by the Planning Commission.
 - 2. Minimum distance between buildings shall be thirty (30) feet.
 - 3. All off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of materials which will have a dust-free surface resistant to erosion.
 - 4. Site development shall be compatible with surrounding area.
 - 5. No outside storage permitted.
 - 6. Lighting shall be down-shielded and approved by the Planning Commission.
- K. Commercial communications towers, subject to the provisions of Section 16.20 herein, in addition to the requirements of Article 12 ("Conditional Uses") herein.
- L. An accessory use, building or structure.
- M. A sign, only in accordance with the regulations specified in ARTICLE 14.0, herein.
- N. Controlled uses as regulated by General Ordinance Number 62.

The following amended text for Section 16.09 of the Manchester Township Zoning Ordinance was approved by the Township Board:

SECTION 16.09 - RESERVED

I, Ann M. Becketl, Clerk of Manchester Township, Washtenaw County, Michigan, hereby certify as follows:

1. The preceding ordinance was adopted by the Manchester Township Board of Trustees at their regular meeting held on February 13, 2007, and that members Widmayer, Macomber, Kolon, Becketl, Huber and Mann voted in favor of adoption, none voted against. Absent: Schmitt.
2. A summary of the ordinance was published in the *Manchester Enterprise* on February 22, 2007.
3. The effective date of the ordinance is March 1, 2007.

Ann M. Becketl, Clerk

ORDINANCE NUMBER 62

Adoption of new law general ordinance, *Controlled Uses*, was approved by the Manchester Township Board:

CONTROLLED USES

MANCHESTER TOWNSHIP, MICHIGAN

An ordinance regulating adult-oriented businesses, hereinafter referred to as Controlled Uses.

The Township of Manchester, Washtenaw County, Michigan ordains:

Section 1. Title

This ordinance shall hereinafter be known and cited as the Manchester Township Controlled Uses Ordinance.

Section 2. Purpose

Manchester Township recognizes that there are some uses, which, because of their very nature, have operational characteristics that have a serious and deleterious impact upon residential, office and commercial areas. Regulation of the locations of these uses is necessary to ensure that the negative secondary impact, that such businesses have been documented to have will not cause or contribute to the blighting or downgrading of the Township's residential neighborhoods, community uses which support a residential environment, and commercial centers. The regulations in this section are for the purpose of locating these uses in areas where the adverse impact of their operations may be minimized by the separation of such uses from one (1) another and from residential neighborhoods and places of public congregation. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

Section 3. Definitions

Controlled Uses: An establishment which draws its customers from one (1) or more segments of the public including but not limited to the following:

- A. **Adult Book Store.** An establishment which has a substantial or significant portion of its stock in trade sexually explicit verbal material. Sexually explicit verbal material is defined as a book, pamphlet, magazine, video, movie, printed matter reproduced in any manner, or sound recording that contains an explicit and detailed verbal description or narrative account of sexually explicit activity.
- B. **Adult Cabaret.** An establishment whose principal activity is the conducting or presenting of any sexually explicit performance. Sexually explicit performance is defined as a motion picture, video, digital presentation, exhibition, show, representation, or other presentation that, in whole or in part, depicts sexually explicit activity.
- C. **Adult Video/Motion Picture Theater.** An establishment, which, as its principal activity, presents or offers for sale or rents, any sexually explicit visual material. Sexually explicit visual material is defined as a picture, photograph, drawing, sculpture, motion picture film, or similar visual representation that depicts sexually explicit activity, or a book, magazine, or pamphlet that contains such a visual representation. An undeveloped photograph, mold or similar visual material may be sexually explicit material notwithstanding that processing or other acts may be required to make its sexually explicit content apparent.
- D. **Adult Retail Store.** An establishment which has a substantial or significant portion of its stock in trade in items used or advertised as sexually explicit entertainment gimmicks, novelties, paraphernalia, any sexually explicit matter or any combination thereof. Sexually explicit matter is defined as any sexual explicit verbal material, sexually explicit visual material, or sexually explicit performance.
- E. **Body Painting or Nude Modeling Studio.** Any building, structure, premise or part thereof used primarily as a place which offers as its principal activity the providing of models to exhibit, display or perform any sexually explicit performance for a fee, or which provides the services of body painting of the human body in conjunction with any sexually explicit activity.
- F. **Sexually Explicit Activity.** Sexually explicit activity is defined as any presentation, exhibition, narrative, show, representation, depiction, or other description of any of the following:
1. **Erotic Fondling.** The touching of a person's clothed or unclothed genitals, pubic area, buttocks or, if the person is female, breasts, for the purpose of sexual gratification or stimulation.
 2. **Nudity.** The showing of the male or female genitals, pubic area, vulva, anus, the showing of the female breast with less than a fully opaque covering of any part of

the nipple, the showing of the covered male genitals in a discernibly turgid state or any lewd display of the human male or female genitals or pubic area.

3. **Sadomasochistic Abuse.** Means either of the following: (1) Flagellation, or torture, for sexual stimulation or gratification, by or upon a person who is nude or clad only in undergarments or in a revealing costume, or (2) the condition of being fettered, bound, or otherwise physically restrained for sexual stimulation or gratification, of a person who is nude or clad only in undergarments or in a revealing costume.
 4. **Sexual Excitement.** The condition of human male or female genitals when in a state of sexual stimulation or arousal.
 5. **Sexual Intercourse.** Intercourse, real or simulated, whether genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between a human and an animal; or any intrusion, however slight, into the genital or anal openings of another's body.
- G. **Escort.** A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- H. **Escort Agency.** A person or business association that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.
- I. **Pawnbrokers and Pawnshops.** The term "pawnbroker" as used herein is defined as any person, corporation or member or members of a co-partnership or firm, who loans money on deposit, or pledge of personal property, or other valuable things, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back again at a stipulated price. The term "pawnshop" is defined as any location where a pawnbroker conducts business.
- J. **Tattoo/Body-Piercing Branding Parlor.** An establishment which provides external body modification, through the application of a tattoo, body-piercing, or branding.
- K. **Body-Piercing.** The perforation of human tissue other than an ear for a non-medical purpose.
- L. **Branding.** A permanent mark made on human tissue by burning with a hot iron or other instrument.

M. **Tattoo.** An indelible mark made upon the body of another individual by the insertion of a pigment under the skin or an indelible design made upon the body of another by production of scars other than by branding.

N. **Massage Parlor or Massage Establishment.** A place where manipulated massage or manipulated exercises are practiced for pay upon the human body by anyone using mechanical, therapeutic, or bathing devices or techniques, other than the following: a duly licensed physician, osteopath, or chiropractor; a registered or practical nurse operating under a physician's directions; or, registered physical or occupational therapists or speech pathologists who treat patients referred by a licensed physician and operate only under such physician's direction. A massage establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, turkish bathhouses, and steam baths. Massage establishments, as defined herein, shall not include properly-licensed hospitals, medical clinics, or nursing homes, or beauty salons or barber shops in which massages are administered only to the scalp, the face, the neck or the shoulders.

Section 4.0 Applicability

All Controlled Uses are subject to the regulations contained in this ordinance and any other applicable statutes, ordinances, rules, and regulations.

A. **Location.** The location of Controlled Uses within the Township shall be subject to the following conditions:

1. No Controlled Use shall be permitted within a one thousand (1,000) foot radius of an existing Regulated Use. Measurement of the one thousand (1,000) foot radius shall be made from the outermost boundaries of the lot or parcel upon which the respective uses are or would be situated.
2. No Controlled Use shall be permitted with within a one thousand (1,000) foot radius of a school, library, park, playground, license group daycare home or center, or church, convent, monastery, synagogue or similar place of worship. Measurement of the one thousand (1,000) foot radius shall be made from the outermost boundaries of the lot or parcel upon which the respective uses are or would be situated.
3. No Controlled Use shall be permitted within a five hundred (500) foot radius of any residential zone. Measurement of the five hundred (500) foot radius shall be made from the outermost boundaries of the lot or parcel upon which the respective uses/zones are or would be situated.

B. **Miscellaneous Requirements.**

1. No person shall reside in or permit any person to reside in the premises of a Controlled Use.
2. An adult-oriented commercial enterprise use is in violation of this section if:
 - a. The merchandise or activities of the establishment are visible from any point outside the establishment.
 - b. The exterior portions of the establishment or signs have any words, lettering, photographs, silhouettes, drawings or pictorial representations of any specified anatomical area or sexually explicit activity as defined in this Ordinance.
3. The provision of this section regarding massage establishments shall not apply to hospitals, sanitariums, nursing homes, medical clinics or the offices of a physician, surgeon, chiropractor and osteopath licensed to practice their respective professions in the State of Michigan, or who are permitted to practice temporarily under the auspices of an associate who is duly licensed in the State of Michigan and is normally on the same premises.

This Ordinance shall take full force and effect upon March 31, 2007 following final publication of said ordinance.

1. The preceding ordinance was adopted by the Manchester Township Board of Trustees at their regular meeting held on February 13, 2007, and that members Widmayer, Macomber, Becktel, Huber, Kolon and Mann voted in favor of adoption, none voted against. Absent: Schmitt
2. A summary of the ordinance was published in the *Manchester Enterprise* on March 1, 2007.
3. The effective date of the ordinance is March 31, 2007.

Ann M. Becktel

ORDINANCE NUMBER 63

Adoption of new general ordinance, *Community Wastewater Utility Systems*, was approved by the Manchester Township Board:

COMMUNITY WASTEWATER UTILITY SYSTEMS

MANCHESTER TOWNSHIP, MICHIGAN

The Township of Manchester, Washtenaw County, Michigan, ordains:

SECTION I - GENERAL

Section 1.1 – Intent and Purpose.

A significant amount of the land area of Manchester Township relies on individual on-site wastewater disposal systems. Although the Township provides public wastewater disposal within designated sewer service areas, it is unlikely that the land area served by the public sewer system will be expanded in any significant manner, if at all, in the foreseeable future.

Pursuant to Act No. 451 of the Public Acts of 1994 (MCL 324.4108), as amended, the Michigan Department of Environmental Quality ("MDEQ") is authorized to issue permits for on-site sewage disposal systems that service more than one property (referred to herein as a "community wastewater utility system"). The Township recognizes that a community wastewater utility system may be in the best interests of the health, safety, and welfare of the Township and the residents in some limited circumstances. However, the Township requires assurance that, any community wastewater utility system will be designed, constructed, operated, maintained, repaired and/or replaced in a manner that best serves and protects the health, safety, and welfare of the Township and its residents. Furthermore, the Township requires that it shall be indemnified by the owner and operator of the community wastewater system from any costs or liability in connection with the design, construction, operation, maintenance, repair and/or replacement of that system.

The Township also recognizes that should the operation of a community wastewater system fail or otherwise not properly function or if the owner or operator of the community wastewater utility system fails or is unable to continue to operate the system, the extension of public sewers will be severely limited based on the location of a development in proximity to designated sewer system areas. In certain circumstances, the Township may be required to take over the operation of the community wastewater utility system in order to protect the health, welfare, and safety of residents of the Township. To this effect, this division is intended to regulate community wastewater utility systems to provide those assurances.

This Ordinance is enacted under the authority of the Township's general police powers to protect the health, safety, and welfare of its residents and under the authority of Act No. 451 of the Public Acts of 1994, as amended.

SECTION II - DEFINITIONS

Section 2.1 – Definitions

- A. **ACT 451** means Act. No. **451** of the Michigan Public Acts of **1994**, as amended.
- B. **ASSOCIATION**, for a condominium development, shall have the same meaning as “association of co-owners” found in Act No. 59 of the Michigan Public Acts of 1978, as amended. For a subdivision or other development, it shall mean an association of homeowners or property owners organized pursuant to deed restrictions and/or restrictive covenants in a particular development.
- C. **COMMUNITY WASTEWATER UTILITY SYSTEM OR SYSTEMS (“CWUS”)** means a facility which is owned by a non-governmental entity and is designed, constructed, operated, and maintained to transport, collect, process, and treat sanitary sewage from more than one (1) dwelling unit. The system shall include any individual septic tanks, pumps, lines, and appurtenances serving each dwelling unit in addition to facilities, sewers, and appurtenances that serve more than one (1) dwelling unit except the lead from a dwelling unit or structure to the septic tank or other pumping system.
- D. **CWUS OPERATOR** means a legal entity of perpetual duration that is responsible for the day-to-day operation and maintenance of the Community Wastewater Utility System.
- D. **DEVELOPMENT** shall include a subdivision as defined by Act No. 288 of the Public Acts of 1967, as amended, a condominium pursuant to the provisions of Act No. 59 of the Public Acts of 1978, as amended, or any group of dwellings or structures which are proposed to be serviced by a community wastewater utility system.
- E. **DEVELOPMENT DOCUMENTS** means (a) for a condominium project, the master deed and bylaws provided by Act No. 59 of the Public Acts of 1978, as amended; and (b) with regard to subdivisions or other developments, deed restrictions and/or restrictive covenants, including deed restrictions required by this Ordinance and (c) the articles of incorporation and bylaws of the Association.

F. **EXPANSION** shall mean any activity whereby additional structures or users shall be added to an existing system.

G. **PUBLIC SANITARY SEWER SYSTEM** means a publicly-owned sanitary sewer system.

H. **MDEQ** means the Michigan Department of Environmental Quality, or its successors.

I. **OWNER** shall mean the owner of property which is serviced or is proposed to be serviced by a community wastewater utility system. Ownership may include fee simple interest, land contract purchase, or a unit in a condominium.

J. **TOWNSHIP** means the Township of Manchester, Washtenaw County, Michigan, acting through its duly elected Township Board.

SECTION III – REGULATIONS

Section 3.1 – Regulations

- A. Except as provided in this Ordinance, it shall be unlawful to construct, install, or operate a community wastewater utility system within the Township.
- B. Community wastewater utility systems shall require a special use permit from the Planning Commission in accordance with the procedures and standards set forth in Article 12, *Conditional Uses* and Section 16.22 *Community Wastewater Utility Systems* of the Zoning Ordinance.
- C. Pursuant to the terms of Section 3.6 of this Ordinance, the Township Board shall review and approve or deny the Permit Application only after a special use permit has been conditionally approved and the Board determines that the applicant has met all the standards contained in this Ordinance.

Section 3.2 – Requirements for approval

- A. The design, construction, and operation of the proposed community wastewater utility system shall comply with the terms of this Ordinance, and any federal, state, and local laws and regulations.
- B. No new community wastewater utility system or an expansion of an existing system shall be constructed, installed, or operated within the Township unless the plans for the construction, installation and operation of the system design have been approved by the Township, and all other governmental authorities having jurisdiction over the construction and maintenance of community wastewater

utility systems, including but not limited to the MDEQ, and the Michigan Public Service Commission.

- C. The applicant shall provide the following to the Township before approval for a community wastewater utility system may be granted:
1. A certification from the system design engineer indicating that the system as designed and constructed will adequately process wastewater as required by applicable laws and regulations of the, State of Michigan and/ or Washtenaw County and the Township. The Township engineer shall review and make a recommendation regarding the adequacy of such certification.
 2. An executed agreement between the applicant, owner, and/or association, and the applicable Department of Washtenaw County or another properly certified operator possessing the required ability to operate and manage the system. The agreement shall contain provisions for: (i) operation, maintenance, repair, and replacement of the system; (ii) collection of charges for connection to, and use, operation, maintenance, repair, and replacement of the system; (iii) compliance with all applicable governmental laws, ordinances, regulations, and agreements regarding the system. The agreement shall provide that it may not be terminated without Township approval. The Township attorney and Township engineer shall review and make a recommendation regarding the adequacy of such an agreement.
 3. An executed Development Agreement between the applicant, owner, and/ or association, and the Township in a form acceptable to the Township. The agreement shall:
 - a. Provide that the applicant, owner, and/or association are jointly and severally responsible who shall be responsible for operation, inspection maintenance, repair and replacement of the system.
 - b. Identify the operator is responsible for such operation maintenance, repair and replacement on behalf of the applicant, owner, and/or association. The Applicant will provide the proposed standards to the Township for review and approval and such standards shall be included in the Development Documents.
 - c. Specify standards for inspection, monitoring operation, maintenance, repair and/or replacement of the system in accordance with the guidelines recommended by the system

manufacturer and the certified operator and the requirements of the State of Michigan and/or Washtenaw County.

- d. Require indemnification of the Township, including a duty to defend by the applicant, owner, and/or association, jointly and severally, from any and all costs and liability incurred by the Township with respect to the community wastewater treatment utility system, including but not limited to the operation, maintenance, repair and replacement of the system.
- e. The applicant, owner and/or association shall provide a policy of casualty insurance for the replacement value of the insurable components of the system, comprehensive general liability insurance and pollution legal liability insurance with limits acceptable to the Township, naming the Township as an additional insured. All insurance policies shall be issued by an insurer registered/licensed in Michigan and with an A.M. Best Rating acceptable to the Township. No policy of such insurance shall be cancelled or permitted to lapse without 30 days advance written notice to the Township and without securing similar coverage.
- f. Grant the Township authority at its sole discretion, require that the community sewer system be abandoned and all properties in the development be connected to any publicly-owned community sewer system which may be constructed in the future the development.
- g. A statement acknowledging the special assessment district to be established as described below.
- h. Granting the Township the right, but not the obligation, to take over ownership and operation of the CWUS in the event that the CWUS Owner (i) becomes insolvent or goes into bankruptcy or receivership, (ii) fails to maintain the required operating, maintenance, and capital reserves required by this Ordinance within 6 months after written notice from the Township that the reserves do not meet Ordinance requirements, (iii) is unable, unwilling or fails for any reason to operate the CWUS in full compliance with Applicable Sewer Laws where failure to meet such requirements in 6 successive months or in more than 8 months in a 12-month period shall be conclusively determined to be an inability to comply with Applicable Sewer Laws. In the event that the Township assumes ownership of the CWUS, the Township

shall hold and operate the CWUS for the benefit of the Association and Residential Owners. The Township may transfer the facilities, assets, and reserves of the CWUS to a new CWUS Owner on the condition that such facilities, assets, or reserves be used solely for providing sewer services to the Residential Owners.

- i. Grants the Township the right to inspect any part of the community wastewater utility system for compliance with the Development Agreement and all Applicable Sewer Laws, consenting to personal jurisdiction and venue in Washtenaw County or U.S. District Court for the Eastern District of Michigan agreeing that money damages cannot make the Township whole for damages cannot make the Township whole for damages arising out of the breach of the Development Agreement, and agreeing to injunctive remedies in any action brought by the Township to enforce the Development Agreement or enforce compliance with Applicable Sewer Laws.
4. The provisions of the Development Agreement referenced in Section 3.2.C.3 shall also be included in a separate document, in form approved by the Township attorney, and included within the Development documents that run with the land, including but not limited to condominium disclosure documents for a condominium project, or in a separate recordable document for other developments, and delivered to the prospective purchaser prior to the execution of a purchase agreement for property proposed to be serviced by a community wastewater utility system.
5. A permanent and irrevocable easement, in recordable form, shall be granted by the applicant, owner and/or association to the Township and its employees, agents, and assigns authorizing them to enter on the property upon which the system is located for the purpose of inspections. The property on which the system is located shall be maintained so it is accessible at all times, prohibiting any structures or landscaping within such area that would unreasonably interfere with such access.
6. Each community wastewater utility system shall be a general common element of a condominium in which it is located, or part of common areas of any other Development. The system shall be inspected, monitored, operated, maintained, repaired and replaced by the CWUS Owner or Association with the right of the CWUS Owner or Association to assess the Residential Owners for all such costs.

7. Each CWUS Owner shall maintain an escrow account sufficient for five (5) years of monitoring, inspection, operation, maintenance, and repair of the system and an adequate equipment replacement reserves in the amounts equal to _____% of the annual operating budget unless a larger amount is required under federal, state, and local laws and regulations.
 8. A copy of the Articles of Incorporation and Bylaws of the Association and a copy of the form of the restrictive covenant/deed restrictions/or master deed imposing upon residential owners the obligation to pay for all capital and operating costs and reserves associated with the community wastewater utility systems.
 9. Evidence satisfactory to the Township Board that the CWUS Operator employs one or more individuals who have all qualifications and certifications required under Applicable Sewer Laws to operate the system.
- D. No building permit shall be used for any structure or development proposed to be serviced by a community sewer system until the Township Board has approved such system in accordance with terms and provision of this Ordinance.
- E. Anything in this Ordinance to contrary notwithstanding, the Township shall not be responsible or obligated to perform any needed or desired repairs, maintenance, improvement, and/or replacement of the system or any portion thereof.
- F. The operator and/or association shall furnish quarterly operating and maintenance reports in accordance with the maintenance requirements and schedule. Any such requirements shall be made a part of the Development documents.
- G. After the Township's approval, the Development documents referenced in section 3.2.c.4 and Development Agreement referenced in section 3.2.c.3 shall be recorded at the office of the Washtenaw County Register of Deeds. After approval by the Township, the Development Documents, as they pertain to the system, shall not be changed without Township Board approval. The documents shall display language to that effect.
- H. Prior to recording the Development Documents and sale of any unit, lot or parcel served by a community wastewater utility system, applicant and owner shall establish a special assessment district for the development, the purpose of which shall be to provide for assessment of the units, lots or parcels in each development by the Township for the costs of inspection, monitoring, maintenance, repair, operation or replacement of the community wastewater utility system in the even

the association shall fail to properly perform such work or in the event the Township takes control of the community wastewater utility system.

- I. The association, individual owners and/or users of the system shall be jointly and severally responsible for all costs involved in the installation, operation, maintenance, repair, replacement and liability associated with the system. The Township may, at its option, elect to collect all costs it may incur in connection with the system pursuant to the other provisions of this division, or by direct court action against the association, owners, and/or users of the system.

SECTION IV – FEES, PENALTIES AND ENFORCEMENT

Section 4.1 – Fees

Applications for community wastewater utility systems approval under this Ordinance shall be accompanied by a non-refundable administrative application fee in an amount specified from time to time by resolution of the Township Board. In addition, an applicant shall pay an additional escrow fee in an amount determined by resolution of the Township Board for the estimated cost of outside consultant(s) who may be retained by the Township in connection with the review of the application. In the event the cost of the services of the consultant(s) is less than the escrow fee, the applicant shall be refunded the balance. In the event the cost of the services of the consultant(s) exceeds the amount of the escrow fee, the applicant shall pay the deficiency to the Township prior to the issuance of a permit. A denial of an application for a permit shall not affect the applicant's obligation to pay the escrow fee provided for in this Section.

Section 4.2 – Penalties and Enforcement

- A. **Enforcement.** The Enforcement Officer or his/her agent, officer or employee shall have authority under this Ordinance to enter upon privately owned land for the purpose of performing the Township's duties under this ordinance and may take or cause to be made such examinations, surveys or samplings as are deemed necessary.
- B. *Civil remedies.* The provisions of this division shall be enforceable through any and all remedies at law or in equity in any court of competent jurisdiction. Any violation of this division is deemed to be nuisance per se.
 1. **Injunction.** Any activity conducted in violation of this Section is declared to be a nuisance per se, and the Township may commence a civil suit in any court of competent jurisdiction for an order abating or enjoining the violation, and/or requiring restoration of the property as nearly as possible to its condition before the violation.

2. Stop-Work Order. The Township may also issue a stop-work order or withhold issuance of a Certificate of Occupancy, permits or inspection until the provisions of this Ordinance, including any conditions attached to a permit, have been fully met. Failure to obey a stop-work order shall constitute a violation of this Ordinance.
3. Appearance Tickets. In all arrests and prosecutions for violation of this Ordinance, appearance tickets and the appropriate procedures set forth in Act 147, Michigan Public Acts of 1968, as amended, may be used.
 - a. *Criminal remedies.* Any person convicted of a violation of this division, or any person who knowingly makes any false statements, representations or certifications in any application, records, report, plan or other document, filed or required to be maintained pursuant to this division, shall, upon conviction be punished by a fine of not more than \$500.00 or imprisonment in the county jail for a period of time not to exceed 90 days, or both such fine and imprisonment, in the discretion of the court, together with costs of prosecution.

SECTION V – ORDINANCE CONFLICT

Nothing in this Ordinance shall be interpreted to conflict with present or future state statutes in the same subject matter; conflicting provisions of this Ordinance shall be abrogated to, but only to, the extent of the conflict. Moreover, the provisions of this Ordinance shall be construed, if possible, to be consistent with relevant state regulations and statutes. If any part of this Ordinance 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 Ordinance 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 this Ordinance are not affected or abated by this Ordinance.

SECTION VI – EFFECTIVE DATE

This Ordinance shall take full force and effect upon March 31, 2007 following final publication of said ordinance.

1. The preceding ordinance was adopted by the Manchester Township Board of Trustees at their regular meeting held on February 13, 2007, and that members Widmayer, Macomber, Bechtel, Huber, Kolon and Mann voted in favor of adoption, none voted against. Absent: Schmitt

2. A summary of the ordinance was published in the *Manchester Enterprise* on March 1, 2007.
3. The effective date of the ordinance is March 31, 2007.

SECTION VII – CERTIFICATION

I, Ann M. Bechtel, Clerk of the Township of Manchester, do hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the Manchester Township Board at a regular meeting on February 13, 2007.

Ann M. Bechtel, Clerk

ORDINANCE NUMBER 64

Adoption of new text for Section 2.03 of the Manchester Township Zoning Ordinance was approved by the Township Board:

Community Wastewater Utility System or Systems (“CWUS”): A facility which is owned by a non-governmental entity and is designed, constructed, operated, and maintained to transport, collect, process, and treat sanitary sewage from more than one (1) dwelling unit. The system shall include any individual septic tanks, pumps, lines, and appurtenances serving each dwelling unit in addition to facilities, sewers, and appurtenances that serve more than one (1) dwelling unit.

The following amended text for Section 3.23 of the Manchester Township Zoning Ordinance was approved by the Township Board:

SECTION 3.23 – WATER AND SEWAGE FACILITIES

Every building intended for human occupancy shall be connected to a water supply well and a sewage disposal system approved by the Washtenaw County Health Department and any other applicable entities, or a municipal sanitary sewer system, where available. The Health Department’s approval shall be obtained before a building permit or a certificate of occupancy, whichever is applicable, may be issued. Community wastewater utility systems, as defined in Section 2.03 of this Ordinance, are permitted as a conditional use in the following zoning districts: AR, Rural Agriculture and LR, Low Density Residential.

The following amended text for Section 5.03 of the Manchester Township Zoning Ordinance was approved by the Township Board:

SECTION 5.03 – CONDITIONAL USES

- A. The removal of soil, sand, gravel and other materials. (See also Manchester Township Mineral Extraction Ordinance.)
- B. Public and private park, playground, camp ground, golf course, golf driving range, country club, archery and gun range, commercial hayrides, and, public botanical garden.
- C. Exotic/non-domestic animals, not covered in 5.02 D herein. Such animals may constitute a specific animal or breed of animal that has been introduced within an area that is not common or communal to existing species in an area and can be considered alien to animals normally

adapted to an area. A determination shall be made by the Planning Commission as to the appropriateness of such animals within the Township and the manner in which they shall be kept. Animals that are deemed hazardous to human health are prohibited.

- D. Commercial hunting enterprise which comprises the principal land use activity of the parcel where the primary purpose of the land use activity is to provide hunting activities for commercial gain.
- E. Public Stable defined as a stable for the keeping, breeding, boarding, selling, training, or renting of domestic animals other than cats and dogs, activities comprising a public stable are designed as commercial and are directed toward remuneration, hire, or sale.
- F. Riding Academy which normally rents saddle horses, teaches the art of riding, and holds activities generally within an arena. Such facility may or may not incorporate buildings in its normal operation. A riding academy which is designed as a commercial enterprise, constitutes a principal activity on a site, and whose nature is for commercial gain shall constitute a conditional use under the regulations of this ordinance.
- G. Community and governmental buildings.
- H. Country-club house, swimming pool, bath house and the sale of food, beverages and recreation equipment which is incidental and accessory to a recreation use.
- I. Airport and private landing strip
- J. Roadside stand, provided at least fifty (50) percent of the nursery stock or other agricultural products are raised on the premises where situated. A roadside stand shall meet the requirements of SECTION 5.02 H, 1-5 herein.
- K. Landscape nurseries, greenhouses and landscaping businesses with retail facilities may be permitted where the business has direct access to paved roads, where the nature of the business will not negatively impact adjacent residential uses, and provided the business is in conformance with ARTICLE 16.0, Supplementary Regulations And Standards, SECTION 16.02, Performance Standards. Landscaping businesses may include operations necessary to install and maintain plant materials off-site, including storage of trucks for transportation of plants, soils, and other landscaping materials; equipment such as trucks not exceeding twelve (12) yards capacity, flatbed trailer only for hauling small equipment and necessary landscape products, and other necessary equipment such as tractors, skid loaders and small front end loaders; and tree moving equipment.

In addition, a landscaping/nursery operation may include other decorative man-made materials, such as wood chips, crushed stone, boulders, or mulch. Structural features such as fountains, garden pools, statues, and benches shall also be considered part of a landscaping operation, but only if provided in combination with live plant material. Artificial plant materials shall not be counted toward meeting the requirements for landscaping.

- 1) The following setback requirements shall apply to any landscape nurseries and landscaping businesses in an AR District
 - a) Lot Area – Not less than ten (10) acres in area.
 - b) Lot Width – Not less than three hundred (300) feet in width.
 - c) Front Yard Setback – Eighty-five (85) feet.
 - d) Side Yard Setback – Least width of either yards shall not be less than fifty (50) feet, except in the case of a corner lot, where the side yard on the road or street side shall not be less than sixty (60) feet.
 - e) Rear Yard Setback – Not less than fifty (50) feet.
- 2) A permanent vegetative buffer, minimum width of twenty (20) feet, shall be established around the periphery of the landscaping operation. Such vegetative buffer shall be completed before the date of issuance of a certificate of occupancy and shall thereafter be maintained with permanent plant materials. See SECTION 16.07 – Greenbelt Buffer for planting materials.

L. Sanitary land fill site.

M. Public and private nursery schools, family day care.

N. A foster care group home.

O. A church, synagogue, cathedral mosque, temple or other building used for public worship, or a cemetery.

P. Veterinarian animal clinic, boarding kennel and breeding kennel.

Q. A public utility structure, radio and TV broadcast and receiving towers, rights-of-way and easements.

R. Temporary occupancy of a mobile home, subject to the regulations specified in SECTION 3.19, herein.

S. Sawmills.

- T. Bed and Breakfast operation.
- U. Home occupation.
- V. Agricultural supplier and implement dealer.
- W. Transmission lines and structures, not including buildings, of essential services, where located in right-of-ways not a part of public or utility right-of-ways existing at the time of adoption of this ordinance.
- X. Public or quasi-public utilities or municipal departments or Township-certified companies providing underground, surface or overhead services, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, and welfare of the public. Public services shall not include storage yards, sales or business offices, or commercial buildings or activities. No storage of materials, equipment, vehicles, or supplies shall be located on the premises and no personnel shall be quartered or employed on the premises. Any structure(s) shall be designed, erected, and landscaped in such manner as to conform to the character of the surrounding area and this district.
- Y. Housing for agricultural workers.
- Z. Reserved.
- AA. Concrete and asphalt plants subject to Section 16.21 herein – See Ordinance #48.
- BB. Community wastewater utility systems subject to the provisions of Section 16.22 herein.

The following amended text for Section 6.03 of the Manchester Township Zoning Ordinance was approved by the Township Board:

SECTION 6.03 – CONDITIONAL USES

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted subject to obtaining a conditional use permit as provided in ARTICLE 12.0.

- A. Golf course, but not including golf driving range.
- B. Country club, public swimming pool, and recreation club, public and private park, and playground.

- C. Church and public building.
- D. Public and private nursery school; family day care; primary and secondary school.
- E. Public utility structure.
- F. Home occupations.
- G. Temporary occupancy of a mobile home. (See SECTION 3.19, herein).
- H. Transmission lines and structures, not including buildings, of essential services, where located in right-of-ways not a part of public or utility right-of-ways existing at the time of adoption of this ordinance.
- I. Commercial communications apparatus, if located on existing commercial communications or electrical towers, and subject to the provisions of Section 16.20 herein, in addition to the requirements of Article 12, (“Conditional Uses”) herein.
- J. Public or quasi-public utilities or municipal departments or Township-certified companies providing underground, surface or overhead services, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, and welfare of the public. Public services shall not include storage yards, sales or business offices, or commercial buildings or activities. No storage of materials, equipment, vehicles, or supplies shall be located on the premises and no personnel shall be quartered or employed on the premises. Any structure(s) shall be designed, erected, and landscaped in such manner as to conform to the character of the surrounding area and this district.
- K. Community wastewater utility systems subject to the provisions of Section 16.22 herein.

The following amended text for Section 11.13 of the Manchester Township Zoning Ordinance was approved by the Township Board:

SECTION 11.13 – UTILITIES

- A. Each principal building shall be connected to public water and sanitary sewer lines, or to on-site facilities approved by the Township Board, after approval by the Washtenaw County Health Department and any other applicable entities.

- B. Each site in a PUD district shall be provided with adequate storm drainage. Open drainage courses and storm water retention ponds may be permitted where shown on an approved area plan, site plan, or plat.
- C. Electrical, telephone, and cable television lines shall be placed underground, provided, however, that distribution lines may be placed overhead if approved by the Township Board. Surface mounted equipment for underground wires shall be shown on final site plans, and shall be screened from view.
- D. The Township Planning Commission may require that all structures within a PUD District which utilize metered utilities such as gas, electricity, water and sewer, shall have installed on the premises a meter reading device capable of determining usage amounts from a central location, which location shall be approved by the Township Board.
- E. The Township Planning Commission may require the installation of street lighting on all or any portion of a public or private street, sidewalks and bike paths where such installation is deemed to be in the interest of public health, safety and welfare.
- F. The Township Planning Commission may require the installation of an audio warning system at such locations as to adequately warn persons within the PUD of natural or man caused disasters.

The following amended text for Section 16.03 of the Manchester Township Zoning Ordinance was approved by the Township Board:

SECTION 16.03 - PUBLIC SEWAGE TREATMENT AND DISPOSAL FACILITIES

In addition to the requirements established by the State of Michigan Department of Health, the following site development and use requirements shall apply:

- A. All operations shall be completely enclosed by a fence not less than six (6) feet high.
- B. All operations and structures shall be surrounded on all sides by a buffer strip of at least two hundred (200) feet in width within which grass, vegetation, and structural screens shall be placed to minimize the appearance of the installation and to help confine odors therein. The Township Board shall approve the treatment of all buffer strips.

The following amended text for Section 16.08 of the Manchester Township Zoning Ordinance was approved by the Township Board:

SECTION 16.08 – RESERVED

The following amended text for Section 16.19 B. 7. of the Manchester Township Zoning Ordinance was approved by the Township Board:

7. Each condominium unit shall be connected to water and sanitary sewer facilities where available, or a community wastewater utility system subject to the provisions in Section 16.22, herein, 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 unit shall be located within that unit, as described in the master deed, except in a PUD district, in which case this requirement may be waived by the Township Board as part of its approval of the PUD district rezoning application.

The following amended text for Section 16.19 G. 8. c. of the Manchester Township Zoning Ordinance was approved by the Township Board:

c. Sanitary Sewerage Facilities:

- 1) Where public sanitary sewerage facilities are available, sewers shall be installed to serve each lot.
- 2) Each lot in a development which is served by public sanitary sewers shall be connected to a sanitary sewer line before occupancy of that lot shall be permitted.
- 3) If sanitary sewerage facilities are not available, minimum lot sizes shall conform to requirements of the County Health Department. In no case shall the minimum lot size be less than that required by the zoning district in which located. The individual disposal system shall be approved by the County Health Department.
- 4) Community wastewater utility systems are permitted as a conditional use in the AR and LR zoning districts only. Only residential structures may be connected to a community wastewater utility system and are subject to the provisions in Section 16.22, herein.

The following new Section, 16.22, of the Manchester Township Zoning Ordinance was approved by the Township Board:

SECTION 16.22 – COMMUNITY WASTEWATER UTILITY SYSTEMS

The Township recognizes that a community wastewater utility system may be in the best interests of the health, safety, and welfare of the Township and the residents in some limited circumstances. However, the Township requires assurance that, any community wastewater utility system will be designed, constructed, operated, maintained, repaired and/or replaced in a manner that best serves and protects the health, safety, and welfare of the Township and its residents.

This Ordinance is enacted under the authority of the Township's general police powers to protect the health, safety, and welfare of its residents and under the authority of Act No. 451 of the Public Acts of 1994, as amended.

A. Procedure – Community wastewater utility systems are reviewed and approved by the Township. The Township may request the Washtenaw County Drain Commissioner (WCDC) and/or the Washtenaw County Department of Public Health (WCDPH) to review and comment on the proposed community wastewater utility system. The Township's conditional use (Article 12) and site plan (Article 15) review processes may proceed concurrently. However, the final site plan shall not be approved by the Planning Commission until a conditional use permit, as required by this section, has been approved by the Planning Commission.

B. Application Requirements

1. The following items shall be submitted with the completed and signed application for a conditional use permit:
 - a. A general location map showing the proposed systems and the development in relationship to prominent geographical features such as roads, rivers, lakes, and residential development(s).
 - b. Legal description of the overall development and system site.
 - c. A description of how the placement of the system will minimize odor and noise dispersal to neighboring properties.
 - d. Describe the compatibility of the proposed development with Township. Provide a description of the development's impact on the Township's Growth Management Plan for sanitary sewer service relative to current conditions and projections for fifteen (15) years in the future.
 - e. Drawings prepared under the direction of a licensed Professional Surveyor and/or a certified Professional Engineer licensed to practice in the State of Michigan, accurate to a scale of no more than one hundred (100) feet to one (1) inch and showing the following information:

- i. Elevations of the site mapped with a maximum contour interval of two (2) feet.
 - ii. All components of the proposed system, including but not limited to pump stations, tanks, treatment units, drainfields, and buildings.
 - iii. The location of soil borings or test pits. Soil boring logs shall also be attached along with a description of the general nature of the subsurface soils in the development and system, including the depth to groundwater, permeable strata, and confining layers.
 - iv. The means of vehicle access to the system.
 - v. The method of stormwater management with flow arrows showing the direction of stormwater runoff and the points of discharge from the development.
 - vi. The method of nearby wells, existing and future structures, drains, watermains, and other utilities in and adjacent to the subject property, including the nearest municipal sanitary sewer within five (5) miles of the proposed development.
 - vii. The location of nearby surface water, wetlands, and floodplains.
 - viii. Any proposed screening, buffering, or landscaping.
 - ix. Adjacent land uses and zoning designations.
 - x. The source of water supply and its isolation from the proposed treatment and disposal system, along with the general direction of groundwater flow.
 - xi. The location of all existing water supplies within five hundred (500) feet of the project boundary along with the direction of groundwater flow.
 - f. Other information deemed necessary by the Township to make the determination required by this Ordinance.
2. The applicant shall provide the following documents and any supporting information before a conditional use permit is issued and the final site plan approved:

- a. Information required by Section ___ of the Township's General Code, Ordinance ___, Community Wastewater Utility Systems.
- b. Washtenaw County Department of Public Health (WCDPH): Permit for the final disposal system and/or treatment systems, as applicable.
- c. Michigan Department of Environmental Quality, Water Division (MDEQ): Part 41 Construction Permit.
- d. MDEQ, Water Division, < 10,000 gallons/day: Part 22 Notification (R323.2211 a).
- e. MDEQ, Water Division, 10,000 - 20,000 gallons/day: Part 22 Discharge Permit (R323.2216).
- f. Washtenaw County Drain Commissioner: Soil Erosion Permit.
- g. A list of all conditions placed on the subject community wastewater utility system as noted by the agencies listed in items a–e above.

C. General Requirements

1. Community wastewater utility systems shall serve only residential uses.
2. Community wastewater utility systems proposed as part of a planned unit development (PUD) shall not serve non-residential uses.
3. The minimum number of dwellings connected to a system shall be twenty (20).
4. The design of a system shall be limited to a maximum of ten thousand (10,000) gallons per day. Larger systems may be considered at the discretion of the Township and the WCDC, if applicable.
5. The system shall be designed to permit the ultimate connection to a municipal sanitary sewer. Measures to accomplish this may include blind tees, plugs, stubs, and sleeves placed strategically to allow for future connection to a municipal system.
6. The system shall be designed so that all developable sites within the proposed development are connected to the system. The design engineer may submit a request to exclude a specified number of sites from connecting to the system and shall include specific reasons as to why these sites are not to be connected (i.e. MDEQ or WCDPH requirements).

7. The system shall be designed for a service life of at least twenty (20) years.
8. No construction or installation of a system shall be permitted between November 1 and April 15 without the written consent of the WCDC.
9. The reserve field associated with the system shall be fully prepared by the developer during the initial installation process.
10. If a utility building is to be provided as a part of the system, the minimum dimensions are to be twelve (12) by twelve (12) feet by eight (8) feet clear internal height.
11. A system should be restricted to a single development project and shall not provide service to other properties and/or development projects.
12. The area devoted to a system shall not be used to satisfy open space required by any other provisions of this Ordinance.

D. Locational Requirements

1. Community wastewater utility systems are permitted by conditional use permit in the AR and LR zoning districts.
2. Community wastewater utility systems shall not be allowed on unplatted or non site condominium land developments.
3. All above-ground and below-ground appurtenances associated with a system shall be located within the boundaries of the proposed development.
4. The point of discharge of a system shall be located a minimum of:
 - a. Fifteen hundred (1,500) feet from another approved system.
 - b. Two thousand (2,000) feet from an established public wellhead protection area.
 - c. Two hundred (200) feet from a wetland, or from the ordinary high water mark of any body of water.
5. The following minimum setbacks shall apply to the final disposal area for both active and reserve areas and to all above-ground appurtenances associated with a system:

a. Three hundred (300) feet from any residential dwelling or property line shared with an adjacent property.

b. Ten (10) feet from parking or pavement.

Note that the Planning Commission may increase any of the minimum distances noted in items 4 and 5 above should the Planning Commission find that there is reasonable potential that the system would become a nuisance to nearby residents or uses, as applicable.

6. The system shall be located on an area of land not encumbered by easements.

7. No system may be placed within a 100-year floodplain.

8. In so much as is possible, systems shall be located in an isolated area of the residential development.

9. Community wastewater utility systems shall not be located within any required greenbelt.

10. Community wastewater utility systems shall be strictly prohibited in areas served by municipal sewers unless it is determined, in the sole discretion of the Planning Commission, the proposed development to be served by the system provides a recognizable and material benefit to the community and/or provides long-term protection of natural resources and environmental features.

E. Site Requirements

1. Unless otherwise required in this Ordinance, the proposed system shall comply with all requirements for the particular district in which it is located and all other applicable Township requirements.

F. Buffering Requirements

1. The lot containing the collection portion of the system shall be landscaped with a combination of trees, grass, and shrubs. The spacing and type of plant materials shall be consistent with the provisions of Section 16.07. The Planning Commission may require additional landscaping to ensure that the character of the development and surrounding area is maintained.

2. Above-ground appurtenances associated with the system shall be screened using a combination of but not limited to the following, landscaping, berms, decorative or solid fence, or masonry wall. At its discretion, the Planning Commission may require additional landscaping to screen any above-ground structure.

G. Performance Standards

1. Service of the system shall occur during daylight hours.
2. In cases where immediate service is required, such service may occur at any time.
3. All vegetation and/or landscaping on the lot containing the system shall be maintained so as to preserve the character of the surrounding residential uses. This may include but is not limited to mowing and annual plantings.
4. All above-ground structures shall be tamper proof.
5. The density of a residential development utilizing a community wastewater utility system shall not be increased over what is otherwise permitted by the zoning district in which it is located.

H. Development Standards

1. All building and/or appurtenances associated with a system shall be harmonious in appearance with the surrounding structures in the development for which it is designed to service.
2. No adverse environmental conditions such as noise, air pollution, obnoxious odors, lighting or other nuisance shall be permitted.
3. Outdoor storage shall be expressly prohibited for any system.
4. Community wastewater utility systems shall provide adequate off-street parking for operators as well as adequate loading/unloading space for service vehicles.
5. A single paved drive with a minimum width of twelve (12) feet is required to provide access to the system and shall not be located from a road that is not an interior road of the development.

I, Ann M. Bechtel, Clerk of Manchester Township, Washtenaw County, Michigan, hereby certify as follows:

1. The preceding ordinance was adopted by the Manchester Township Board of Trustees at their regular meeting held on February 13, 2007 and that members Widmayer,

Kolon, Macomber, Becketl, Huber and Mann voted in favor of adoption, none voted against. Absent: Schmitt.

2. A summary of the ordinance was published in the *Manchester Enterprise* on February 22, 2007.
3. The effective date of the ordinance is March 1, 2007.

Ann M. Becketl, Clerk

ORDINANCE NUMBER 65

The following amended text for Section 16.19 of the Manchester Township Zoning Ordinance was approved by the Township Board:

SECTION 16.19 – SITE CONDOMINIUM REVIEW

A. Approval Required – Pursuant to authority conferred by SECTION 141 of the Condominium Act, preliminary and final site plans for all site condominiums shall be approved by the Planning Commission.

B. General Requirements

1. No permits for building construction, grading, or installation of public water or sanitary sewerage facilities shall be issued for property in a site condominium development until a final site plan has been approved by the Township 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 condominiums.
2. If a building, structure, or use to be placed on a condominium lot requires site plan approval under SECTION 15.02 herein, a site plan for that building, structure or use shall be approved in accordance with ARTICLE 15.0, herein, 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 15.0, herein, provided however, that preliminary and final site plans shall not be combined for the 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 Washtenaw 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 Ordinance, each condominium unit shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which 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 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 unit shall be located within that unit, as described in the master deed, except in a PUD district, in which case this requirement may be waived by the Township Board as part of its approval of the PUD district rezoning application.
8. Relocation of boundaries between adjoining condominium units, if permitted in the condominium documents, as provided in the Condominium Act, shall comply with all regulations of the zoning district in which located and shall be approved by the Zoning Administrator. These requirements shall be 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 the Condominium Act, shall comply with all regulations of the zoning district in which located, and shall be approved by the Zoning Administrator. These requirements shall be recorded as part of the master deed.
10. All information required by this Ordinance shall be updated and furnished to the Zoning Administrator until applicable certificates of zoning compliance have been issued, as provided in SECTION 18.03, herein.

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 15.03, herein, 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 the Condominium Act, and the master deed and bylaws. The final site plan shall also include all information required in SECTION 15.04, herein, except in the case of a development that consists only of condominium lots rather than buildings or other structures at the time of plan review, the location and dimension of condominium lots rather than individual buildings or other structures and required yards, shall be shown on the 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 Michigan Department of Natural Resources. 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. Design and Development Standards

1. General: The standards set forth in this Section shall be considered minimum requirements. Where the adopted general development plan requires high standards, such higher standards shall apply. Variances from the standards set forth in this Section shall be considered according to the standards of ARTICLE 20.0, "Zoning Board of Appeals."

2. Streets

- a. **Street Layout:** Street layout shall conform to the adopted general development plan or portion thereof relating to streets. Public streets shall be developed to the approved standards of the Washtenaw County Road Commission. Private streets shall be developed to approved standards of Manchester Township as provided in General Ordinance #53, Multiple Residence Driveways and Residential Private Roads. The arrangement of streets in the development shall provide for the construction of streets in adjacent developments where such extension is not precluded by topographic or other existing conditions. The layout shall provide for proper projection of streets into adjoining properties not yet developed.

Local streets shall be laid out so as to discourage their use by through traffic.

Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets, and reasonable grades, both for the streets and for driveways intersecting therewith.

All street construction shall be centered in the street right-of-way. Section line and quarter line roads shall be centered on these lines unless the Township Engineer or County Road Commission approves an exception.

- b. **Drainage:** All streets shall be provided with facilities for adequate surface drainage. Storm drains shall be underground and only curb-type design shall be permitted. Exceptions may be made for subdivisions in which each single-family dwelling lot is one acre or larger in area and has a minimum road frontage of 150 feet.
- c. **Alleys:** Alleys shall be prohibited, except in commercial and industrial developments. Where alleys are provided they shall be at least 30 feet wide. Dead-end alleys shall be prohibited. Alleys shall be provided in accordance with standards of the County Road Commission.
- d. **Marginal Access Streets:** Where marginal access streets are required, the proprietor shall dedicate property for the purpose of marginal access streets to the County Road Commission and shall be responsible for improving said streets according to County Road Commission standards. A landscaped strip at least twenty (20) feet wide shall be provided between a marginal access street and the adjacent street.
- e. **Other Required Streets:** Where a development borders or contains a railroad right-of-way or limited access highway right-of-way, the

Planning Commission may require a street approximately parallel to and on one or both sides of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

- f. Special Treatment Along Major Streets: When a development abuts or contains an existing or proposed arterial or collector street, the Planning Commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along with rear property line, or such other treatment as might be necessary for adequate protection of residential properties, to afford separation of through and local traffic, and to retain the traffic carrying capacity of the arterial or collector streets.
 - g. Location for Utilities: Utilities shall be located so as to best conform to the layout of existing facilities.
 - h. Street Standards and Specifications: Streets shall be provided in accordance with applicable standards and specifications and shall include turn, merge, and by-pass lanes as the Planning Commission deems necessary.
3. Blocks: Blocks generally shall not be less than 160 feet or more than 1320 feet in length as measured from the centerlines of streets. No block width shall be less than twice the normal lot depth except where lots back onto a major street, natural feature, or development boundary. In blocks exceeding 800 feet in length the Planning Commission may require reservation of an easement through the block to provide for the crossing of underground utilities and/or pedestrian traffic where needed or desirable, and may specify further, at its discretion, that a paved foot path be provided by the proprietor. Blocks intended for nonresidential uses shall be especially designed for such purposes, and in accordance with zoning ordinance provisions. In such cases the above dimensions do not apply.

4. Lots:

- a. Dimensions: Lots shall conform to the requirements of the zoning ordinance except for outlots that are provided for an indicated and approved purpose.

Corner lots shall have extra width to permit appropriate building setback. Lots abutting a pedestrian mid-block crosswalk or other right-of-way shall be treated as corner lots.

Residential lots shall not open or face directly onto a freeway right-of-way, an arterial or collector street, shopping centers,

industrial districts or parks, and other similar non-residential uses. In such situations, lots shall be laid out in one of the following ways:

- 1) Lots may back onto the above features, but shall be separate therefrom by a 20 foot wide landscaped strip along the rear property line. The 20 foot wide strip shall not be considered part of the lot's minimum length, width, or area, but shall be considered part of the contiguous lot.
- 2) The corner lots which abut the major street right-of-way or the non-residential area shall each have the landscape strip as required in SECTION 4(a)(1), preceding.
- 3) Lots may be grouped around cul-de-sac or loop streets which open onto the major street. In such situations the corner lots abutting the major street right-of-way shall each contain the landscaped strip required in SECTION 4(a)(1), preceding.

Any landscaped strip required above shall not be part of the normal road right-of-way or utility easement.

- b. Lot Frontage: Lots extending through a block are generally prohibited except where they back onto a freeway right-of-way, an arterial or collector street, a shopping center, an industrial district, a park, or other similar non-residential area.

All lots shall abut, by their full frontage, on a public or private street.

- c. Lot Lines: Side lot lines shall generally be perpendicular to the right-of-way lines or radial to curved streets. All side and rear lot lines should be straight lines unless natural features or street curvature so prevent. Variations in these provisions may be made when in the opinion of the Planning Commission such variation would result in a better arrangement of lots.

- d. Lots to be Buildable: The lot arrangement shall be such that in constructing a building in compliance with the zoning ordinance, topography or other natural conditions will not create difficulties in locating the building and driveway and in providing adequate yard areas. Acute angles created by side lot lines, and odd shaped lots should be avoided.

The size, shape, and location of each lot shall have the following characteristics:

- 1) A suitable site for placing a house without excess grading;

- 2) A usable area for outdoor living and other outdoor activities;
- 3) Adequate surface drainage away from the house site and outdoor living areas;
- 4) Reasonable driveway grades; and
- 5) General site grading should be minimized with significant trees and other vegetation retained.

e. Access: Driveways and curb cuts shall conform to standards of the County Road Commission and the standards of all Township ordinances. The curb section of driveways and aprons shall be designed so that excessive breakover angle and vehicle dragging will be eliminated.

No lots or units shall be permitted driveway access from a road that is not an interior road of the condominium development.

f. Reserve Strips: Privately held reserve strips controlling access to streets shall be prohibited, except as provided in SECTION 2 i), herein.

g. Non-Residential Lots: Lots intended for uses other than residential shall be identified on the plan, and shall be specifically designed for such uses, in accordance with provisions of this ordinance and the zoning ordinance.

5. Pedestrian Ways and Sidewalks: Pedestrian ways, other than sidewalks in street rights-of-way, shall be at least 20 feet wide, when required. The Planning Commission may require a paved walkway to be provided by the proprietor. The pedestrian way shall be treated as an easement.

Sidewalks are required on both sides of a street, or one side of a street, depending upon the density of and location of the development, or, in very low density developments (one acre or larger lots) may be excepted entirely, according to the discretion of the Planning Commission. Street rights-of-way shall be sufficient to provide for sidewalks on both sides of the street, except in cluster subdivisions, or planned unit developments, where variations may be permitted. Streets leading directly to a school shall have sidewalks on both sides of the streets.

Sidewalks shall be developed and placed in compliance with M.D.O.T standards and the review of the Township Engineer.

6. Natural Features: The development shall, wherever possible, preserve natural features which add value to the proposed development and to the community at large, such as large trees or groves of trees, water courses,

vistas, historic spots and features, wildlife habitats and ecological areas. The location, nature, and extent of such features shall be identified on the preliminary plat. The preservation and/or inclusion of such features may be made a condition of approval of the development.

7. Uninhabitable Areas: Lands subject to flooding, or otherwise deemed uninhabitable in their natural state shall not be developed for residential use, or for any other use that might create a danger to health, safety, or property, or which might increase the flood hazard within or outside the subdivision. Such lands shall be set aside for recreational use or shall be retained in their natural state as open space. Any areas of land within the proposed development which lie either wholly or partly within the flood plain of a river, stream, creek, or lake, or any other areas which are subject to flooding by storm water shall be clearly shown on the preliminary and final site plan.

8. Utilities

a. Storm Drainage

- 1) All developments shall adequately provide for storm water runoff. The storm water drainage system shall be separate and independent of any sanitary sewer system. A copy of design computations shall be submitted with drainage plans. All drainage improvements shall conform to the current standards of the Washtenaw County Drain Commissioner and Manchester Township.
- 2) Adequate provisions shall be made for proper drainage of storm water runoff from individual lots. Drainage easements may be required to assure proper drainage. The Township may require that catch basins be provided in said easements, and may require that drainage tile be provided for easement drainage. The depth, grade and outlet for said tile shall be subject to approval by the Township Engineer.
- 3) Where a development is traversed by a water course, drainage way, channel, or stream, a storm water easement or drainage right-of-way shall be provided, conforming substantially to the lines of such water course, and to the current standards of the Washtenaw County Drain Commissioner. Wherever possible, drainage should be provided by an open channel with landscape banks and adequate width for maximum potential flow. Existing drainage ways may be rechanneled but such rechanneling shall not increase the rate or level of flow, or cause impoundment of water within the proposed subdivision, or on properties upstream or downstream therefrom.

Exceptions may be made if such changes conform to an overall drainage plan for the drainage district.

- 4) Where topography or other conditions make inclusion of drainage facilities within road rights-of-way impractical, perpetual unobstructed easements at least 20 feet in width for such drainage facilities shall be provided across property outside the road lines, and with satisfactory access to the road. Easements shall be indicated on the site plan. Drainage easements shall be carried from the road to a natural water course or to other drainage facilities. Such easements shall be placed so as not to interfere with the use of lots.

If a proposed drainage system will carry water across private land outside the development, appropriate drainage rights shall be secured.

- 5) Low-lying lands along water courses subject to flooding during storm periods, whether or not included in areas for dedication, shall be preserved and retained in a natural state as drainage ways. Such lands shall not be utilized in computing the area requirement of any lot.
- 6) All natural water drainage ways and impoundment areas shall be preserved at their natural gradient and shall not be filled or interfered with in any way, except as approved by the Washtenaw County Drain Commissioner. If, in the judgment of the Drain Commissioner, a natural water drainage way or impoundment area should be reserved, a storm drainage easement acceptable to the Drain Commissioner shall be provided.
- 7) The proprietor may be required to carry away any spring or surface water that might exist either previous to, or as a result of, the development, by pipe or open ditch, in appropriate easements.
- 8) A culvert or other drainage facility in a proposed subdivision shall be large enough to accommodate potential runoff from its entire upstream drainage area, whether that area is inside or outside the development. The design and size of the facility shall be reviewed and recommended for approval by the Township Engineer.
- 9) The effect of the subdivision on existing downstream drainage facilities outside the development shall be reviewed by the proprietor with the County Drain Commissioner. Where it is anticipated that the additional run-off resulting from

development of the subdivision will overload an existing downstream drainage facility during a 10 year or larger storm, the Planning Commission shall not approve the development until adequate provision has been made for resolving downstream drainage problems.

10) Storm water basins may be required in order to control the discharge of storm water from a proposed development. Design criteria and engineering plans for basins shall be subject to approval by the Township Engineer.

b. Water Supply Facilities: Water supply facilities shall be designed and located according to the specifications and procedural requirements of the Michigan Department of Public Health. On-site services and private water systems shall be designed according to requirements of the County Health Department.

c. Sanitary Sewerage Facilities:

1) Where public sanitary sewerage facilities are available, sewers shall be installed to serve each lot.

2) Each lot in a development which is served by public sanitary sewers shall be connected to a sanitary sewer line before occupancy of that lot shall be permitted.

3) If sanitary sewerage facilities are not available, minimum lot sizes shall conform to requirements of the County Health Department. In no case shall the minimum lot size be less than that required by the zoning district in which located. The individual disposal system shall be approved by the County Health Department.

d. Gas, Wire, and Cable Utilities: All lines for telephone, electrical, television, and other services distributed by wire or cable shall be placed underground throughout the development. Overhead lines may be permitted upon approval by the Planning Commission at the time of preliminary site plan approval where it is determined that such lines will not impair the health, safety, general welfare, design, appearance, and character of the subdivision, and only where such overhead lines are brought to the perimeter of the subdivision. This Section shall not be construed to prohibit the construction above ground of surface equipment associated with an underground distribution system, such as, but not limited to, surface mounted transformers, power terminal pedestals, meters and meter boxes, concealed wires, street lights and street light poles.

All facilities, including those for gas distribution, shall be installed in accordance with standards and specifications of the Michigan Public Service Commission. The layout of such facilities shall be submitted to the utility companies having jurisdiction in the area for their review before filing for final approval of the plan. All said utilities placed in public rights-of-way shall not conflict with other underground lines. Easements shall be provided in accordance with 9, below.

9. Easements: All underground public utility installations which traverse privately owned property shall be protected by easements granted by the proprietor and approved by the public utility. Such easements shall be so located as to not interfere with the use of any lot or other part of the subdivision. The size of, and restriction pertaining to, such easements shall be in accordance with the standards and specifications of the agency having jurisdiction over the utility lines and the Land Division Act, and shall be indicated on the site plan submitted for preliminary approval.
10. Reservation of Public Use Areas: Where a proposed park, playground, open spaces, public school, library or other public use area shown in the adopted general development plan, or in an adopted applicable part of such plan, is located in whole or in part in a proposed development, such area or areas shall be shown on the site plan. Such area or areas may be dedicated to the Township or other applicable public agency by the proprietor if the Township Board or other applicable public agency approves such dedication. Such areas, if not dedicated, shall be reserved by the proprietor for future purchase by the Township or other appropriate public agency.

The precise nature, location, and extent of the reservation shall be determined prior to final site plan approval by the Planning Commission. The reservation shall be valid for a period of one year from the date of final approval or such longer period as might be agreed to in writing by the proprietor. Unless during such one-year period or agreed longer period the Township or other public agency shall have entered into a contract to purchase the reserved area or instituted condemnation proceedings according to law to acquire the fee simple or a lesser interest in the reserved area, the right to develop the reserved area shall revert to the proprietor at the end of the one-year period or agreed longer period. The reservation shall freeze the price per acre of the reserved area for such one-year period at the average value per acre on the date when the plan was first filed with the Clerk. The plan shall include provisions for incorporating the reserved area into the overall development, if said reserved area reverts to the proprietor.

11. Mobile Home Subdivisions: Where a mobile home development falls within the definition of mobile home condominium project as set forth in the Condominium Act, said development shall be developed in accordance

with the Condominium Act and this ordinance. All provisions of this ordinance shall apply except for, or in addition to, the provisions of this Section. A mobile home condominium project may also be developed as a planned unit development.

All streets and driveways in the development shall conform to the standards set forth in SECTION G(2), herein. There shall be no residential lot access to a collector street within the development; all such access shall be provided by minor residential streets.

Collector street dimensions shall conform to County Road Commission specifications.

Each lot shall abut and have direct access to a public or private street. Lots should be laid out so as to provide a variety of shapes and sizes and to prevent a monotonous character.

Sidewalks and pedestrian ways shall be provided in accordance with SECTION G(5), herein, except that sidewalks along streets may not be required when pedestrian ways provide acceptable alternative means of pedestrian movement.

All lots shall be connected to sanitary sewer and water systems approved by the Township. Such facilities shall meet the requirements of this ordinance and all other applicable Township ordinance and regulations.

Fuel oil and/or gas storage tanks shall be located in an inconspicuous manner either by placing the tanks underground or by enclosing them with a screen of shrubbery. All fuel lines leading to the subdivision and to mobile home sites shall be underground and so designed as to conform with the Township Building Code and any State code that is applicable.

When a master television antenna is provided, all lines extended to individual lots shall be underground. Such master antenna shall be so placed as not to be a nuisance to subdivision residents or surrounding areas.

A buffer of trees and shrubs not less than 20 feet in width shall be located and maintained along all boundaries of such development, excepting at established entrances and exits serving the development. When necessary for health, safety and welfare, a fence shall be required to separate the subdivision from adjacent property.

12. Commercial and Industrial Subdivisions: Commercial and industrial development which constitute condominium projects as defined in the Condominium Act, shall conform to the provisions of this ordinance, except for modifications provided in this Section.

All streets in a commercial development shall be paved, and be designed and constructed to adequately handle truck traffic. Curb side parking and loading shall not be provided for, nor permitted on, any side street. No backing or similar maneuvering of vehicles to enter or leave a parking or loading space shall be permitted or provided for; such movements shall be adequately provided for on each lot. Streets within a development, except major thoroughfares and collector streets, shall be laid out so as to prohibit through traffic. Streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, where applicable, and the provision of truck loading and maneuvering areas, walks and parking area, so as to minimize conflict of movement between the various types of traffic, including pedestrian.

Entry drives for the development shall be located and designed so as not to create congestion or hazardous conditions on public streets serving the subdivision. Driveways from parking and/or loading areas shall intersect streets at a distance from intersections that is large enough to permit safe and convenient maneuvering of vehicles.

The block sizes set forth herein shall not apply. The blocks shall be designed to meet the needs of the uses that will occupy the subdivision. However, block sizes shall meet the requirements of fire protection, snow removal, and other service and emergency vehicles.

Lots shall have access from development or frontage streets, and shall not open directly onto arterial or collector streets.

Sidewalks and/or pedestrian ways shall be provided, except where the Planning Commission determines that such facilities are not required for the safety and convenience of pedestrians within or around the development.

Buffer strips shall be provided along the perimeter of a commercial or industrial development according to zoning ordinance requirements. The Planning Commission may require provision of a fence, wall or screen if it determines such is necessary to protect the adjacent areas from litter, trespass and other nuisances. Any intended future expansion of the development should be shown on the preliminary site plan.

13. Planned Unit Development: Developments in a PUD zoning district may be granted certain variances from this ordinance. Such variances are intended to accommodate the site planning, financial, engineering, and other requirements of large, comprehensive developments with associated uses. Such variances may include, but are not limited to, time extensions, flexible schedules for installation of improvements, security requirements for improvements, reductions in minimum lot areas and dimensions, mixtures of residential densities and building types, mixtures of residential and nonresidential structures, and modifications in the design and development standards set forth in this Article.

14. Soil Erosion and Sedimentation Control: The final site plan shall contain proposed erosion and sedimentation control measures. The measures shall be incorporated into the final construction drawings. Erosion and sedimentation control measures shall conform to adopted standards and specifications of the Washtenaw County Soil Erosion Ordinance.
15. Trees: Trees shall be provided in the margins of both sides of all streets, and shall be placed at the minimum rate of two per single family residential lot or at a maximum distance apart of 60 feet. Trees may also be required to be installed according to the same distances in pedestrian ways. Trees to be installed in the street margins shall be of the large deciduous type — such as oak, maple, ash or sycamore. However, ornamental trees may be installed in the margin. Both kinds of trees may be provided in pedestrian ways. These requirements may be relaxed by the Planning Commission if existing trees within the right-of-way or easement, or trees growing adjacent to the right-of-way or easement satisfy the intent of this ordinance.

The following trees are not permitted in the street margins, pedestrian ways, or any other landscaped area required by this ordinance: box elder, soft maple, American elm, poplar, ailanthus (tree of heaven) and willow.

All required trees shall be nursery grown and shall be sound and healthy at the time of planting. Root systems shall be balled and wrapped or shall be planted by means which will not disturb the root systems. Required trees shall be protected from damage by wind and other elements; guy wires and ropes, where provided, shall not damage bark or break branches. Trees shall be guaranteed by the proprietor for one full year after planting, with dead or otherwise unacceptable trees to be replaced by the proprietor, at the proprietor's expense, during the guarantee period.

Landscape plans shall be reviewed and recommended for approval by the Township consultant.

16. Street Lights: Street lights, where provided, shall have underground wiring. Light standards shall meet the minimum specifications of the electric utility company serving that area of the proposed subdivision. Where lights are to be provided, they shall be installed prior to the occupancy of structures within the development. Street lights shall be provided in all developments except those of one acre or larger residential lots, and commercial and industrial subdivisions, where their installation shall be at the discretion of the Planning Commission.

H. Development Agreement

The Planning Commission may require, as a condition of approval, that the applicant enter into a development agreement with the Township, incorporating therein the terms and conditions of final site plan approval, and record the same in the office of the Register of Deeds for Washtenaw County.

- I. 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 shall be set at all boundary corners and deflection points and at all road right of way intersections corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.

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 of Michigan 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 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. All improvements in a site condominium shall comply with the design specifications as adopted by the Township Board and any amendments thereto.

I, Ann M. Bechtel, Clerk of Manchester Township, Washtenaw County, Michigan, hereby certify as follows:

1. The preceding ordinance was adopted by the Manchester Township Board of Trustees at their regular meeting held on February 13, 2007, and that members Huber, Widmayer, Kolon, Bechtel, Mann and Macomber voted in favor of adoption, none voted against. Absent Schmitt.
2. A summary of the ordinance was published in the *Manchester Enterprise* on February 22, 2007.
3. The effective date of the ordinance is March 1, 2007.

Ann M. Becketl, Clerk

ORDINANCE NUMBER 66

[AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF MANCHESTER TOWNSHIP BY AUTHORITY OF PUBLIC ACT 110 OF 2006, BEING MCL 125.3101 ET. SEQ., AS AMENDED, TO COMPLY WITH THE NEW MICHIGAN ZONING ENABLING ACTS (PUBLIC ACT 110 OF 2006)]

MANCHESTER TOWNSHIP, WASHTNEAW COUNTY, MICHIGAN ORDAINS THAT THE MANCHESTER TOWNSHIP ZONING ORDINANCE BE AMENDED AS FOLLOWS:

Section 16.20 – COMMERCIAL COMMUNICATIONS TOWERS

A. Purpose

The intent of this Section is to permit the location of commercial communication towers, including wireless communications towers and antennas, within given geographic areas while protecting the safety and character of nearby residential areas and the Township. It is further the intent of this Section to require collocation of transmission and receiving apparatus on existing towers or structures, unless it can be demonstrated by the applicant that collocation is not technically feasible, and to require that new towers make provision for collocation of additional users wherever technically feasible. It is further the intent of this Section to require users of towers and antennae to configure them in a way that minimizes the adverse visual impacts of the towers and antennae through careful design, siting, landscape screening, and innovative camouflaging techniques.

B. Definitions

1. **Wireless Communication Facilities** – means and includes all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals including but not limited to radio towers, television towers, telephone devices and exchanges, micro-wave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Included in this definition are “Antennae”, “Towers”, and “Storage /buildings”, defined below. Not included in this definition are citizen band radio facilities, short wave 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.
2. **Wireless Communication Antenna or Antenna (e)** – 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 multi-point distribution services which are one meter (39”) or less in diameter and those which receive television broadcast signals.
3. **Wireless Communication Support Structure or Tower(s)** – means structures erected or modified to support Wireless Communication Antennae or Facilities. Support structures within this definition include, but are not limited to monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.
4. **Wireless Communication Equipment Storage Facilities or Storage Building** – means equipment used in the operation of the Facility other than Antennae or Towers and the structure within which the equipment is stored, maintained and serviced.

5. Collocation - means the location of two or more Wireless Communication Antenna Facilities on a common ~~€Tower or structure with the view toward reducing the overall number of Towers within the Township.~~
6. Provider - means entity, which is properly licensed by the Federal Communications Commission (FCC) and other appropriate governmental authorities to provide services through Wireless Communications Facilities.
7. Attached Wireless Communications Facilities - shall mean wireless communications facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.

C. Conditional Use Permit Authorization

1. As a Permitted Use

In all Zoning Districts, a proposal to establish an attached wireless communication facility shall be deemed a permitted use in the following circumstances; subject to the standards set forth in subsections C. 3. And D. herein.

- a. An existing structure which will serve as an attached wireless communication facility within a nonresidential zoning district, where the existing structure is not, proposed to be either materially altered or changed in appearance.
- b. A proposed collocation upon an attached wireless communication facility, which has been approved by the Township for such collocation.
- c. An existing utility pole structure located within a right-of-way, which will also serve as an attached wireless communication facility where the existing pole is not proposed to be materially altered or changed in appearance.

2. As a Conditional Use

- a. Subject to the standards and conditions set forth in subsections C. 3. And D herein, wireless communication facilities shall be a conditional use in the following districts: L-R, U-R, MHP, CC, and CM.
- b. If it is demonstrated by an applicant that a wireless communication facility in order to operate, is required to be established outside of an area identified in either subsections C. 1. Or C. 2. a, such wireless communication facilities may be considered elsewhere in the Township as a conditional use, subject to the following:
 - 1) At the time of the submittal, the applicant shall demonstrate that a location within the districts identified in subsections C. 1. or C. 2. a. above cannot reasonably meet the coverage and/or capacity needs of the applicant.
 - 2) Wireless communication facilities shall be of a design such as, without limitation, a steeple, bell tower, or the form, which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the Township.
 - 3) Locations outside of the areas identified in subsection C. 1. or C. 2. a. above shall be permitted on the following sites, subject to application of all other standards contained in this section:

- a) Municipally owned site;
- b) _____ Other governmentally owned site;
- c) _____ Religious or other institutional site; or
- d) _____ Public or private school site.

4) All other criteria and standards set forth in subsections C. 3. and D are met.

32. If new towers are proposed, all of the following apply:

a. Application Inventory – Each applicant ~~proposing to construct a new for an antenna and/or tower~~ shall provide an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of Manchester Township or within one (1) mile of the border thereof, including specific information about the location, height, and design of each tower. Such information may be shared with other applicants applying for approvals under this Section or other organizations seeking to locate towers or antennas within the jurisdiction of Manchester Township, provided, however, that the sharing of such information in no way constitutes a representation or warranty by the Township that such sites are available or suitable.

b.3. Information Required – In addition to any information required for applications for conditional use permits pursuant to Article 12.0 of the Zoning Ordinance, applicants for a conditional use permit for a new tower shall submit the following information:

~~1)a-~~ A scaled site plan clearly indicating the location, type and height of the proposed tower; on-site land uses and zoning; adjacent land uses and zoning; Land Use Plan classification of the site and all properties within the applicable separation distances set forth above; adjacent roadways, proposed means of access; setbacks from property lines; elevation drawings of the proposed tower and any other structures, topography, parking, and any other information deemed by the Planning Commission to be necessary to assess compliance with this Section.

~~2)b-~~ Legal description of the parent tract and leased parcel (if applicable).

~~3)-c-~~ The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.

~~4)d-~~ The separation distance from other towers described in the inventory of existing sites submitted pursuant to ~~sub-p~~Paragraph ~~a. 2~~ above shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.

~~5)e-~~ A landscape plan showing specific landscape materials.

~~6)f-~~ Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.

~~7)g-~~ A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennae for future users.

8)h- For wireless communication systems, identification of the entities providing the backhaul network (i.e., the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, and/or the public switched telephone network) for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the Township.

9)i- A description of the suitability of the use of existing towers, other structures, or alternative technology not requiring the use of towers or structures to provide the services through the use of the proposed new tower.

10)j- A description of the feasible location(s) of future towers or antennae within Manchester Township based on existing physical, engineering, technological, or geographical limitations in the event the proposed tower is erected.

11)k- An environmental impact statement disclosing any potential impact on local wetlands, flood plains, wilderness areas, wildlife preserves, endangered species, historical sites, or other environmental considerations.

c.4. Conditions of Approval – In granting a conditional use permit, the Planning Commission may impose conditions to the extent that the Planning Commission determines such conditions are necessary to minimize any adverse impact of the proposed tower ~~and/or antenna~~ on adjoining or nearby properties. Additional conditions are provided for in Article 12.0 (“Conditional Uses”) herein.

d.5. Factors to Consider in Granting a Conditional Use Permit – In addition to any standards for consideration of conditional use permit applications contained in Article 12.0 (“Conditional Uses”) herein, the Planning Commission shall consider the following factors in determining whether to issue a conditional use permit:

1)a- Height of the proposed tower.

2)b- Proximity of the tower to residential structures and residential district boundaries.

3)c- Nature of uses on adjacent and nearby properties.

4)d- Surrounding topography.

5)e- Surrounding tree coverage and foliage.

6)f- Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

7)g- Proposed ingress and egress.

8)h- Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Paragraph 6 below.

e.6. Availability of Suitable Existing Towers, Other Structures, or Alternative Technology – No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence

submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- 1)a- No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
- 2)b- Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- 3)c- Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- 4)d- The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- 5)e- The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- 6)f- The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- 7)g- The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable micro cell network using multiple low-powered transmitters/receivers attached to a wire line system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

D. General Regulations

Commercial communication towers shall be subject to the following regulations:

1. Collocation – Evidence shall be submitted by the applicant that there are no reasonable and suitable alternatives for location of equipment on an existing communications tower within the service area of the proposed tower. The Township may employ specialized experts to review data submitted by the applicant. The applicant shall incur all costs associated with such review.
2. Location of Towers
 - a. No tower shall be located within three thousand (3,000) feet of another commercial communication tower.
 - b. No tower shall be located closer than eight hundred (800) feet from the boundary of any Residential, including any PUD District incorporating residential uses.
 - c. A tower shall have a minimum setback from all property boundaries equal to twice the height of the tower.
 - d. Guys and accessory buildings must satisfy the minimum zoning district regulations.

- e. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located irrespective of municipal and county jurisdictional boundaries.
3. Access – Unobstructed access constructed in accordance with all provisions of this Ordinance shall be provided to the tower and apparatus building to ensure service by police, fire, and emergency vehicles.
4. Structural Design and Installation
- a. The plans for the tower construction shall be certified by a registered structural engineer, and the applicant shall submit verification that the installation is in compliance with all applicable codes. All towers must meet all applicable standards of the Federal Aviation Administration and the Federal Communications Commission.
 - b. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Section shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
 - c. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended. If, upon inspection, Manchester Township concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
 - d. Antennae and metal towers shall be grounded for protection against a direct strike by lightning. The electrical wiring and connections on all towers shall comply with all applicable local, state, and federal statutes, regulations, and standards.
 - e. Towers with antennae shall be designed to withstand a uniform wind loading as prescribed in the Building Code.
 - f. Towers and structures shall be subject to any state and/or federal regulations concerning nonionizing electromagnetic radiation. If more restrictive state and/or federal regulations are adopted in the future, the operator of the tower shall bring the antennae into conformance with such standards within sixty (60) days of its adoption, or the Conditional Use Permit shall be subject to revocation by the Township Board. The operator of the tower shall bear the costs for testing and verification of compliance.
 - g. All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antennae and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.

- h. All communications towers shall be required to provide to the Township Zoning Administrator an annual report of total radiation output from all channels and all antennae on the tower.
- 5. Lighting – Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- 6. Height – Towers shall not exceed one hundred eighty (180) feet in height. Height shall be measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
- 7. Design
 - a. Except as otherwise provided herein, all towers shall be of monopole design and shall be constructed of, or treated with, corrosive resistant material.
 - b. Advertising, signs, and identification of any kind intended to be visible from the ground or other structures shall be prohibited, except as required for emergency purposes.
 - c. The antennae shall be painted to match the exterior treatment of the tower. The paint scheme of the tower and antennae shall be designed to minimize off-site visibility of the antennae and tower.
 - d. At a tower site, the design of the buildings and related structures shall, to the maximum extent possible, use materials, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
 - e. If an antenna is installed on a structure other than a tower (such as a clock tower, bell steeple, or light pole), the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- 8. Fencing and Landscaping – The tower and appurtenant apparatus building shall be secured by fencing a minimum of six (6) feet in height. The fencing and apparatus building shall be screened with a landscape strip at least twenty (20) feet wide along each side of such fencing and/or building. Specifications for spacing and plant materials shall be as set forth in Section 16.07. The landscape strip shall be maintained in good condition at all times so as to continue its effectiveness. Existing mature on-site vegetation and natural land forms shall be preserved to the maximum extent feasible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may provide sufficient buffer, in which case the Planning Commission may waive the landscaping requirements of this Paragraph.
- 9. Employees – No employees shall be located on the site on a permanent basis to service or maintain the antennae. Occasional or temporary repair and service activities are excluded from this restriction.
- 10. Site Plan Required – The applicant shall submit a preliminary and final site plan in accordance with Article 15.0 (“Site Plan Review”) herein, and including details of tower lighting required and approved by the Federal Aviation Administration.
- 11. Franchises – Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system have been obtained and shall file a copy of all required franchises with Manchester Township.

12. Engineering Certification – Any information of an engineering nature that the applicant submits, whether civil, mechanical, or structural, shall be certified by a licensed professional engineer.
13. Non Essential Services – Towers and antennae shall be regulated and permitted pursuant to this Section and shall not be regulated or permitted as essential services, public utilities, or private utilities.
14. Cessation of Operation – The Township shall condition approval of any new tower subject to the removal of said tower and all structural components above and below grade within twelve (12) months of cessation of operation. The Township reserves the right to request evidence of ongoing operation at any time after construction of an approved tower. Any antenna or tower, whether approved under this Section or existing at the time of adoption of this Ordinance, that is not operated for a continuous period of twelve (12) months shall be deemed abandoned. Failure to remove an abandoned antenna or tower within ninety (90) days of receipt of a notice from Manchester Township requesting such removal shall be grounds for Manchester Township to remove the tower or the antenna at the owner's expense. If there are two (2) or more users of a single tower, this provision shall not take effect until all users cease using the tower.

That this ordinance shall take effect after publication of the notice of adoption unless referendum procedures are initiated under MCL 125.282. If referendum procedures are initiated, the ordinance shall take effect in accordance with MCL 125.282.

I, Ann M. Becketl, Clerk of Manchester Township, Washtenaw County, Michigan hereby certify as follows:

1. The preceding ordinance was adopted by the Manchester Township Board of Trustees at the regular meeting held on August 14, 2007, and that members Macomber, Kolon, Schmitt, Huber, Mann, Becketl voted in favor of adoption, none voted against. Absent: Widmayer.
2. A summary of the ordinance was published in the Manchester Enterprise on August 23, 2007.
3. The effective date of the ordinance is August 30, 2007.

Ann M. Becketl, Clerk

ORDINANCE NUMBER 67
MANCHESTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN

WIND ENERGY CONVERSION SYSTEMS

EFFECTIVE DATE:

MANCHESTER TOWNSHIP, WASHTENAW COUNTY, MICHIGAN, HEREBY ORDAINS:

SECTION 16.23 – WIND ENERGY CONVERSION SYSTEMS

A. Purpose

Manchester Township promotes the effective and efficient use of Wind Energy Conversion Systems with the minimum regulations on the siting, design, and installation of conversion systems so that the public health, safety, and welfare of neighboring property owners or occupants will not be jeopardized. In no case shall the provision of this ordinance guarantee the wind rights or establish access to the wind.

B. Definitions

1. Wind Energy Conversion System (WECS) shall mean any device such as a wind charger, windmill, or wind turbine that converts wind energy to a form of usable energy.
 - a. Agricultural WECS shall mean any WECS that is accessory to a permitted farm or agricultural operation, and is designed and built to serve the needs of the farm or agricultural operation.
 - b. Private WECS shall mean any WECS that is accessory to a principal non-farm, non-agricultural use located on the same lot, and is designed and built to serve the needs of the principal use.
 - c. Commercial WECS shall mean any WECS that is designed and built to provide electricity to the electric utility's power grid.
2. Manual and Automatic Controls give protection to power grids and limit rotation of a WECS blades to below the designed limits of the conversion system.
3. An Authorized Factory Representative shall mean an individual with technical training of a WECS who has received factory installation instructions and is certified in writing by the manufacturer of the WECS.
4. A Professional Engineer shall mean any licensed engineer registered in the State of Michigan.

5. A Utility Scale wind farm shall mean all wind farms that produce greater than 50 kilowatts of energy.
6. Facility Abandonment shall mean out of production for a period of time not less than one (1) year.

C. Approval Required

Except where noted in this Section, it shall be unlawful to construct, erect, install, alter, or locate any WECS project within Manchester Township unless a conditional use permit has been obtained pursuant to this Ordinance.

1. Agricultural WECS projects accessory to permitted farm and agricultural operations shall be exempt from the requirements of this Section. Agricultural WECS projects shall conform to the regulations of the zoning district, including maximum height and minimum setback standards.
2. Application for conditional use permit required by this Ordinance shall be made on forms provided by Manchester Township and shall contain the following, in addition to Article 12.0:
 - a. Plot plan to show location of the WECS pole or tower, guy lines where required, guy line anchor bases, and their distance from all property lines;
 - b. Methods to screen the base of the WECS pole and/or other ground apparatus; and
 - c. A permit fee for each WECS as set by Manchester Township Board must accompany the application.

D. General Standards

The following standards shall apply to all private and commercial wind energy conversion systems in Manchester Township:

1. Design Safety Certification

The safety of the design of all private and commercial WECS towers shall be certified by a Professional Engineer registered in the State of Michigan. The standard for certification shall be included with the permit application.

2. Controls and Brakes

All private and commercial WECS projects shall be equipped with manual and automatic controls to limit rotation of blades to a speed below the designed limits of the WECS. The Professional Engineer must certify that

the rotor and over-speed 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.

3. Electrical Components

All electrical compartments, storage facilities, wire conduit, and interconnections with utility companies will conform to national and local electrical codes.

4. Compliance with Township Ordinances

All private and commercial WECS projects shall be in compliance with all Manchester zoning ordinance requirements and other applicable ordinances.

5. Setbacks

All private and commercial WECS projects must be setback from property lines at a distance equal to or greater than one hundred fifty percent (150%) of the height of the structure, measured from the base of the structure to the highest reach of its blade.

6. Height

Private WECS projects shall conform to the maximum height standards of the zoning district. Commercial WECS projects shall be exempt from the height requirements of this Ordinance, subject to the provisions of Conditional Uses, ARTICLE 12.0, and compliance with FAA regulations.

7. Installation Certification

The Professional Engineer shall certify that the construction and installation of the private or commercial WECS project meets or exceeds the manufacturer's construction and installation standards.

8. Climb Prevention

All private and commercial WECS project towers or poles must be un-climbable by design or protected by anti-climbing devices such as:

- a. Fences with locking portals at least six (6) feet high;
- b. Anti-climbing devices twelve (12) feet from base of pole; or

- c. Anchor points for guy wires supporting tower shall be enclosed by a six (6) foot high fence or shall be located within the confines of a yard that is completely fenced.

9. Interference

It shall be the responsibility of the person in charge of the private or commercial WECS to submit acceptable documentation as part of the conditional use permit to determine if the WECS project would in any way cause interference with microwave transmissions, residential television reception, or radio reception.

10. Fire Risk

All private and commercial WECS projects must adhere to all applicable electrical codes and standards, must remove fuel sources, such as vegetation, from the immediate vicinity of electrical gear and connections, and must utilize twistable cables on turbines.

11. Waste

All solid wastes, whether generated from supplies, equipment parts, packaging, operation, or maintenance of the WECS, including old parts and equipment, shall be removed from the site immediately and disposed of in an appropriate manner. All hazardous waste generated by the operation and maintenance of the WECS, including but not limited to lubricating materials, shall be removed from the site immediately and disposed of in a manner consistent with all local, state, and federal rules and regulations.

12. Noise Levels

The noise level measured at the property line of the property on which the private or commercial WECS project has been installed shall not exceed fifty-five (55) decibels.

13. Liability Insurance

The owner or operator of the private or commercial WECS project shall maintain a current insurance policy with a bond rating acceptable to the Township to cover installation and operation of the WECS project. The amount of the policy shall be established as a condition of conditional use permit approval. For a private WECS projects accessory to a principal residence, proof of homeowner's insurance with specific coverage for the WECS shall satisfy this requirement.

E. Additional Standards for Commercial WECS Projects

The following additional standards shall apply to all commercial wind energy conversion systems in Manchester Township:

1. Color

Towers and blades shall be painted any neutral color that is acceptable to Manchester Township or otherwise required by law.

2. Compliance with FAA

It shall be the responsibility of the person in charge of the commercial WECS project to complete the proper FAA applications and obtain the proper permits for the WECS project. It shall also be the responsibility of the person in charge of the commercial WECS project to obtain a determination of no significant impact to air navigation from the FAA.

3. Warnings

A visible warning sign of "High Voltage" may be required to be placed at the base of all commercial WECS projects. The sign must have at a minimum six-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.

4. Annual Inspection

Every commercial WECS project must be inspected annually by an Authorized Factory Representative or Professional Engineer to certify that it is in good working condition and not a hazard to the public. Such records shall be submitted to Manchester Township and considered a part of the continuing conditional use permit.

5. Compliance with additional Regulations

It shall be the responsibility of the person in charge of the commercial WECS project to contact the FCC and FAA regarding additional permits necessary or any other applicable Federal or State regulations for the installation, prior to the Manchester Township granting a conditional use permit.

6. Migratory Birds

The Township may require an avian study conducted by a qualified professional to determine any potential impacts the commercial WECS project may present to migratory birds. The study as part of the conditional use permit must provide assurances that the WECS project does not negatively affect the path of migratory birds.

7. Decommissioning Plan and Escrow

The commercial WECS project must contain a Decommissioning Plan to ensure it is properly decommissioned upon the end of the project life or facility abandonment.

Decommissioning shall include: removal of all structures (including transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within six (6) months of the end of project life or facility abandonment.

The decommissioning plan shall state how the facility will be decommissioned, the Professional Engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The decommissioning plan shall also include an agreement between the applicant and the Township that:

- a. The financial resources for decommissioning shall be in the form of a surety bond, or shall be deposited in an escrow account with an escrow agent acceptable to Manchester Township.
- b. The Township shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within six (6) months of the end of project life or facility abandonment.
- c. The Township is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
- d. The Township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the Township's right to seek reimbursement from applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien. Financial provisions shall not be so onerous as to make wind power projects unfeasible.

8. That this ordinance shall take effect thirty days after publication of the notice of adoption unless referendum procedures are initiated under MCL 125.282. IF referendum procedures are initiated, the ordinance shall take effect in accordance with MCL 125.282.

I, Ann M. Becketl, Clerk of Manchester Township, Washtenaw County, Michigan hereby certify as follows:

- 1. The preceding ordinance was adopted by the Manchester Township Board of Trustees at the regular meeting held on _____ 2007, and that members _____ voted in favor of adoption, none voted against.

2. A true copy of the ordinance was published in the Manchester Enterprise on _____.
3. The effective date of the ordinance is _____.

**MANCHESTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN
ORDINANCE NO. 68**

AN ORDINANCE TO ESTABLISH A JOINT PLANNING COMMISSION AMONG MANCHESTER TOWNSHIP,
BRIDGEWATER TOWNSHIP, FREEDOM TOWNSHIP, SHARON TOWNSHIP AND THE VILLAGE OF MANCHESTER,
TO BE KNOWN AS THE MANCHESTER COMMUNITY JOINT PLANNING COMMISSION

Manchester Township, Bridgewater Township, Freedom Township, Sharon Township and the Village of Manchester find it in their long-term interest to cooperate on planning and zoning issues. A means of achieving this goal is to jointly plan for land use. Therefore, all five governmental units desire to enter into an agreement to establish a joint planning commission pursuant to Public Act 226 of 2003, as amended (MCL 125.131, et seq.), which shall be referred to as the “Manchester Community Joint Planning Commission”. The jurisdictional area of the Manchester Community Joint Planning Commission shall comprise the corporate limits of Manchester Township, Bridgewater Township, Freedom Township, Sharon Township and the Village of Manchester, all of Washtenaw County, Michigan.

MANCHESTER TOWNSHIP ORDAINS:

Sec. 1 Establishment of the Manchester Community Joint Planning Commission

a. Formation of the Manchester Community Joint Planning Commission

Manchester Township approves the establishment of a joint planning commission pursuant to Public Act 226 of 2003, as amended (MCL 125.131, et seq.), and shall enter into and adhere to the Agreement Establishing the Manchester Community Joint Planning Commission among Manchester Township, Bridgewater Township, Freedom Township, Sharon Township and the Village of Manchester regarding the formation, composition and operation of the Manchester Community Joint Planning Commission.

b. Severability

If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

c. Repeal

All ordinances or parts of ordinances of Manchester Township inconsistent herewith are hereby repealed so far as they may be inconsistent with the provisions of this Ordinance.

d. Effective Date

This Ordinance shall take effect following its adoption and publication pursuant to the procedures outlined in Section 9 of Public Act 226 of 2003 (MCL 125.139).

Ordinance ___
Manchester Community Joint Planning Commission

Township Trustee Kolon moved the adoption of the foregoing Ordinance, which was supported by Township Trustee Huber and thereupon adopted by the Manchester Township Board of Trustees by a roll call vote of the Township Board at the regular meeting, held this 14th day of August 2007.

Ayes: Schmitt, Kolon, Huber, Mann.

Nays: Macomber, Becktel.

Absent: Widmayer.

Ron Mann, Township Supervisor

Ann M. Becktel, Township Clerk

I, Ann M. Becktel, Clerk for Manchester Township, hereby certify that the foregoing is a true and correct copy of an Ordinance of Manchester Township, adopted at a meeting of said Township Board of Trustees held on August 14, 2007, and the whole thereof now in my custody.

Ann M. Becktel, Township Clerk

A copy of the complete ordinance text may be inspected or purchased at the Manchester Township Hall, 275 South Macomb, Manchester, Michigan 48158. The office hours are 8:30 a.m. until noon Monday, Tuesday, Wednesday and Friday.

Adopted: 8/14/2007

Published: 8/23/2007

Effective: 8/24/2007, subject to PA 226 of 2003, as amended (MCL 125.139).

Ann Becktel Manchester Township Clerk

**MANCHESTER TOWNSHIP
ORDINANCE NO. 69**

AN ORDINANCE TO REPEAL ORDINANCE NO. 51 WHICH IS “AN ORDINANCE AUTHORIZING MANCHESTER TOWNSHIP TO ACQUIRE PROPERTY DEVELOPMENT RIGHTS IN REAL ESTATE WITHIN THE TOWNSHIP AND ESTABLISHING THE PROCEDURE FOR ACQUIRING AND FINANCING THE ACQUISITION OF THE DEVELOPMENT RIGHTS” FOR THE REASON THAT MANCHESTER TOWNSHIP DESIRES TO RELY UPON AND USE THE WASHTENAW COUNTY PROPERTY DEVELOPMENT RIGHTS (PDR) ORDINANCE.

MANCHESTER TOWNSHIP ORDAINS:

Section 1: Repeal of Ordinance No. 51.

That Ordinance No. 51 “AN ORDINANCE AUTHORIZING MANCHESTER TOWNSHIP TO ACQUIRE PROPERTY DEVELOPMENT RIGHTS IN REAL ESTATE WITHIN THE TOWNSHIP AND ESTABLISHING THE PROCEDURE FOR ACQUIRING AND FINANCING THE ACQUISITION OF THE DEVELOPMENT RIGHTS” is repealed.

Section 2: Severability.

If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

Section 3: Saving Clause

The adoption of this Ordinance by Manchester Township will not be deemed to vacate any right established under Ordinance No. 51 prior to the effective date hereof.

Section 4. Effective Date

This ordinance shall be published once in a newspaper having general circulation in Manchester Township and shall take effect the day following the date of the publication of the ordinance.

A copy of the complete ordinance text may be inspected or purchased at the Manchester Township Hall, 275 South Macomb, Manchester, Michigan 48158. The office hours are 8:30 a.m. until noon Monday, Tuesday, Wednesday and Friday.

Adopted: 10/9/2007

Published: 10/18/2007

Effective: 10/19/2007, subject to PA 226 of 2003, as amended (MCL 125.139).

Ordinance 70
Manchester Community Joint Planning Commission
MANCHESTER TOWNSHIP
ORDINANCE NO. 70

AN ORDINANCE TO ESTABLISH A JOINT PLANNING COMMISSION AMONG BRIDGEWATER TOWNSHIP, FREEDOM TOWNSHIP, MANCHESTER TOWNSHIP, AND THE VILLAGE OF MANCHESTER, TO BE KNOWN AS THE MANCHESTER COMMUNITY JOINT PLANNING COMMISSION

Bridgewater Township, Freedom Township, Manchester Township, and the Village of Manchester find it in their long-term interest to cooperate on planning and zoning issues. A means of achieving this goal is to jointly plan for land use. Therefore, all four governmental units desire to enter into an agreement to establish a joint planning commission pursuant to Public Act 226 of 2003, as amended (MCL 125.131, et seq.), which shall be referred to as the “Manchester Community Joint Planning Commission”. The jurisdictional area of the Manchester Community Joint Planning Commission shall comprise the corporate limits of Bridgewater Township, Freedom Township, Manchester Township, and the Village of Manchester, all of Washtenaw County, Michigan.

MANCHESTER TOWNSHIP ORDAINS:

Sec. 1 Establishment of the Manchester Community Joint Planning Commission

a. Formation of the Manchester Community Joint Planning Commission

Manchester Township approves the establishment of a joint planning commission pursuant to Public Act 226 of 2003, as amended (MCL 125.131, et seq.), and shall enter into and adhere to the Agreement Establishing the Manchester Community Joint Planning Commission among Bridgewater Township, Freedom Township, Manchester Township, and the Village of Manchester regarding the formation, composition and operation of the Manchester Community Joint Planning Commission.

b. Severability

If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

c. Repeal

All ordinances or parts of ordinances of Manchester Township inconsistent herewith are hereby repealed so far as they may be inconsistent with the provisions of this Ordinance.

d. Saving Clause

The adoption of this Ordinance by Manchester Township will not be deemed to vacate the appointment and responsibilities of the Manchester Township Planning Commission for land use under the applicable planning act until such a time as a Joint Master Plan is approved and adopted by all the legislative bodies of the participating municipalities that are party to the Manchester Community Joint Planning Agreement and such plan takes effect. The adoption of this Ordinance by Manchester Township will not be deemed to vacate the appointment and responsibilities of the Manchester Township Planning Commission for the administration of Zoning Ordinances until such a time as a Joint Zoning Ordinance is approved and adopted by all the legislative bodies of the participating municipalities that are party to the Manchester Community Joint Planning Agreement and such ordinance takes effect.

e. Effective Date

Ordinance 70

Manchester Community Joint Planning Commission

This Ordinance shall take effect following its adoption and publication pursuant to the procedures outlined in Section 9 of Public Act 226 of 2003 (MCL 125.139).

A copy of the complete ordinance text may be inspected or purchased at the Manchester Township Hall, 275 South Macomb, Manchester, Michigan 48158. The office hours are 8:30 a.m. until noon Monday, Tuesday, Wednesday and Friday.

Adopted: 10/9/2007
Published: 10/18/2007
Effective: 10/19/2007

Ann M. Becketl, Township Clerk

Open Burning Ordinance for the Township of Manchester, Washtenaw County, Michigan.

ORDINANCE NO. 71

MANCHESTER TOWNSHIP ORDAINS:

1. **Purpose**

1.1. This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Township of Manchester by regulating the air pollution and fire hazards of open burning.

2. **Applicability**

2.1. This ordinance applies to all open burning within the Township of Manchester, Washtenaw County, Michigan.

3. **Severability**

3.1. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

4. **Definitions**

- 4.1. **Campfire** – a small fire that is less than three feet in diameter and two feet in height but not including a fire intended for disposal of waste wood or refuse.
- 4.2. **Clean wood** – natural wood which has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.
- 4.3. **Construction and demolition waste** – building waste materials, including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging and rubble that results from construction, remodeling repair, and demolition operations on a house, commercial or industrial building, accessory buildings, or other structures.
- 4.4. **Fire Chief** – The Chief or other designated officer of the fire department that has jurisdiction for the location.
- 4.5. **Open burning** – kindling or maintaining a fire where the products or combustion are emitted directly into the ambient air without passing through a stack or chimney.
- 4.6. **Outdoor burning** – open burning or burning in an outdoor wood-fired boiler or patio wood-burning unit.
- 4.7. **Patio wood-burning unit** – a chimnea, patio warmer, or other portable wood-

- burning device used for outdoor recreation and/or heating.
- 4.8. Refuse – any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.
 - 4.9. Prescribed Burn - the burning, in compliance with a prescription and to meet planned fire or land management objectives, of a continuous cover of fuels. A Prescription means a written plan establishing the criteria necessary for starting, controlling, and extinguishing a burn.
 - 4.10. Bonfire – a small outdoor fire intended for recreation but not including a fire intended for disposal of waste wood or refuse. A Bonfire must be smaller than six(6) feet in diameter and four (4) feet in height.
 - 4.11. Burning Barrel – a container constructed of metal or masonry with a metal covering devise with holes no larger than ¾”. i.e 55 gallon steel barrel.

5. Non-Permit required Open Burning

- 5.1. The following Open Burning Fires **Do Not** require a Burning Permit.
 - 5.1.1. Campfires
 - 5.1.1.1. A campfire must be extinguished when unattended.
 - 5.1.2. Patio wood-burning unit (chimnea)
 - 5.1.3. Charcoal or gas grill used for cooking food
 - 5.1.4. Open burning of refuse from a one or two family dwelling if it is contained in a burning barrel.

6. Permit required Open Burning

- 6.1. The following Open Burning Fires **Do** require a Burning Permit.
 - 6.1.1. Open burning of trees, logs, brush, stumps, leaves and grass clippings.
 - 6.1.2. Agricultural land open burning of fence rows, ditch banks, or crop stubble.
 - 6.1.3. Prescribed burning of forest prairie and wildlife habitant management grounds. Permit must be obtained at least two days prior to burning.
 - 6.1.4. Bonfires. However, Bonfires can be no larger than six feet in diameter and four feet in height, and may not be allowed to burn later than midnight on the date of the permit.
 - 6.1.5. Burn permits will be issued by your respective Fire Department
 - 6.1.5.1. Manchester Township Fire Department - To obtain a burning permit from Manchester Twp Fire Dept call and leave a message per the voice mail instructions.
 - 6.1.5.2. Sand Lake Volunteer Fire Department
 - 6.1.5.3. Clinton Fire Department

7. Rules for Permit required and Non-Permit required Open Burning

- 7.1. The Open Burning must not create a nuisance. (e.g., “no materials shall be burned that create a foul or offensive odor or that cause smoke emissions that are reasonably offensive to occupants of surrounding property.”)
- 7.2. All allowed open burning shall be conducted in a safe, nuisance-free manner,

when wind and weather conditions minimize adverse effects and do not create a health hazard or visibility hazard on roadways, railroads, or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.

- 7.3. No materials may be burned upon any street, curb, gutter, or sidewalk or on the ice of lake, pond, stream, or body of water.
- 7.4. No burning shall be undertaken within 25 feet from any combustible vegetation, combustible material, combustible wall or partition, exterior window opening, exit or access exit.
- 7.5. No burning may be conducted on days when the Department of Environmental Quality has declared an "air quality action day" applicable to the Township of Manchester.
- 7.6. Open burning shall be conducted only on the property on which the materials were generated. This prohibition does not include campfires.
- 7.7. Open burning shall only be conducted at a location at least 100 feet from the nearest building which is not on the same property.
- 7.8. Open burning shall be conducted during daylight hours only. This prohibition does not include campfires or bonfires.
- 7.9. Open burning shall be constantly attended and supervised by a competent person of at least eighteen years of age until the fire is extinguished and is cold.

8. Burning Restrictions

- 8.1. **The following CAN NOT be burnt:** Construction and demolition waste, hazardous substances including but not limited to batteries, household chemicals, pesticides, used oil, gasoline, paints, varnishes and solvents, furniture and appliances, tires, any plastic material, treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives, and animal carcasses.
- 8.2. Burning of refuse from a commercial or industrial establishment is prohibited.
- 8.3. Open burning on property that is zoned commercial or industrial is prohibited.
- 8.4 All open burning is prohibited except as specifically allowed in this ordinance.

9. Fire Suppression Training

- 9.1. The burn must be exclusively for fire prevention training. The burning shall not be used as a means to dispose of waste material.
- 9.2. Any structure to be burnt must be inspected by a state licensed asbestos inspector, and the DEQ must be notified at least 10 days prior to burning.
- 9.3. Fire suppression training must conform to the guidelines established by the National Fire Protection Association Standard on Live Fire Training Evolutions (NFPA 1403).

10. Liability

10.1. A person utilizing or maintaining an open burning fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire or extinguishing methods.

11. Right of entry and inspection

11.1. The Fire Chief or any authorized local official of Manchester Township who presents credential may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

12. Prohibition, Enforcement, and Penalties

12.1. The Manchester Township Supervisor shall be responsible for enforcing this ordinance. Except for the issuance of citations, the Supervisor may delegate the actual enforcement of the provisions of this ordinance to other township officials and personnel. For the issuance of citations, the Manchester Township Supervisor, the Fire Chief, the Fire Marshall, the zoning inspector, the zoning administrator, and all police officers, Sheriff deputies, and State troopers who have jurisdiction within Manchester Township are authorized to issue citations as “authorized local officials” pursuant to MCL 600.8707.

12.2. Any person, firm, association, partnership, corporation, or government entity who violates or authorized, allowed, or permitted a violation of any of the provisions of this ordinance or fails to comply with a duly authorized order issued pursuant to this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by civil fine determined in accordance with the following schedule.

12.3.

1st Offense within a 1-year period	\$50.00
2nd Offense within a 1-year period	\$100.00
3rd Offense within a 1-year period	\$350.00
4th or more Offenses within a 1-year period	\$500.00
Fees will be set by the Manchester Township Board.	

12.4 In addition to the fine designated above, each person, firm, association, partnership, corporation, or government entity who violates or authorized, allowed, or permitted a violation of any of the provisions of this ordinance or fails to comply with a duly authorized order issued pursuant to this ordinance shall be summarily taxed the costs of the action, which are not limited to the costs taxable in ordinary civil infraction actions and may include all expenses, direct and indirect, to which Manchester Township

has been put in connection with the municipal civil infraction, up to the entry of judgment. Costs of not more than \$500.00 shall be ordered. Except as otherwise provided by law, costs shall be payable to the general fund of Manchester Township.

- 13. Publication and Effective Date.** This ordinance shall be published once in a newspaper having general circulation in Manchester Township and shall take effect 30 days after the date of the publication of the ordinance.

Ann M. Becketl, Township Clerk

Clerk's Certification

Township Trustee Huber moved the adoption of the foregoing Ordinance, which was supported by Township Trustee Kolon and thereupon adopted by the Manchester Township Board of Trustees by a roll call vote of the Township Board at the regular meeting, held this 12th day of February 2008.

The following members voted:

Ayes: Widmayer, Macomber, Kolon, Huber, Becketl & Mann.

Nays: None. Absent: Schmitt

I, Ann M. Becketl, Clerk for Manchester Township, hereby certify that the foregoing is a true and correct copy of Ordinance No. 71 of Manchester Township, adopted at a meeting of the Township Board of Trustees held on February 12, 2008 whole thereof now in my custody.

Ann M. Becketl, Township Clerk

A copy of the complete ordinance text may be inspected or purchased at the Manchester Township Hall, 275 South Macomb, Manchester, Michigan 48158. The office hours are 8:30 a.m. until noon Monday, Tuesday, Wednesday and Friday.

Adopted: 2/12/2008
Published: 2/21/2008
Effective: 3/22/2008

**ORDINANCE #72 AN ORDINANCE TO AMEND 11:04 OF THE MANCHESTER
TOWNSHIP ZONING ORDINANCE**

The Township of Manchester Ordians:

SECTION 11.04 - APPLICATION REQUIREMENTS

B. Application Procedures

4. The Planning Commission shall, at its next regular meeting, establish a public hearing on the application. Said hearing to be held within thirty-one (31) days. The Planning Commission shall give notice of the public hearing as required in SECTION 19.03, herein.

In accordance with Section 19.03 D. of this Ordinance, the applicant(s) shall be responsible for posting a sign announcing the public hearing for the proposed PUD. Each sign shall state, "PROPERTY PROPOSED FOR A PLANNED UNIT DEVELOPMENT."

I, Ann M. Becketl, Clerk of Manchester Township, Washtenaw County, Michigan, hereby certify as follows:

1. The preceding ordinance was adopted by the Manchester Township Board of Trustees at a Special meeting held on February 27, 2008, and that members Huber, Macomber, Becketl, Widmayer and Schmitt.voted in favor of adoption, none voted against. Absent: Mann & Kolon. CARRIED
2. A summary of the ordinance was published in the *Manchester Enterprise* on March 6, 2008.
3. The effective date of the ordinance is March 13, 2008.

ORDINANCE #73 AN ORDINANCE TO AAMEND THE MANCHESTER TOWNSHIP ZOJNING ORDINANCE AS FOLLOWS

SECTION 12.06 - PUBLIC HEARING

- A. Establishing Date** - Upon receipt of the application and information from the Township Clerk, the Planning Commission shall set a date for a public hearing thereon, and shall notify the Township Clerk and applicant of the date.
- B. Notification Requirements** - The Planning Commission shall hold a public hearing on an application for a conditional use permit within sixty-five (65) days of the filing date. A notice of the public hearing shall be published once in a newspaper which circulates in the Township. A notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet regardless of whether the property or occupant is located within the Township. The notice shall be given not less than fifteen (15) days before the date of the public hearing. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

In accordance with Section 19.03 D. of this Ordinance, the applicant(s) shall be responsible for posting a sign announcing the public hearing for the proposed Conditional Use. Each sign shall state, "PROPERTY PROPOSED FOR A CONDTIONAL USE."

- C. Contents of Notification** - The notice of public hearing shall:
1. Describe the nature of the conditional use request.
 2. Describe the property which is the subject of the conditional use request, including existing zoning. The notice shall include a listing of all existing street addresses within the property, if such addresses exist. If there are no street addresses, other means of identification may be used.

3. State date, time and place of the public hearing.
4. Indicate the time and place written comments will be received concerning the request.

I, Ann M. Becketl, Clerk of Manchester Township, Washtenaw County, Michigan, hereby certify as follows:

1. The preceding ordinance was adopted by the Manchester Township Board of Trustees at a Special meeting held on February 27, 2008, and that members Huber, Macomber, Becketl, Widmayer and Schmitt.voted in favor of adoption, none voted against. Absent: Mann & Kolon. CARRIED
2. A summary of the ordinance was published in the *Manchester Enterprise* on March 6, 2008.
3. The effective date of the ordinance is March 13, 2008.

ORDINANCE #74 AN ORDINANCE TO AMEND THE MANCHESTER TOWNSHIP ZONING ORDINANCE AS FOLLOWS.

SECTION 19.03 - AMENDMENT PROCEDURE

- A.** The procedure for amending this ordinance shall be in accordance with Public Act 110 of 2006, as amended.
- B.** An application shall be filed with the Township Clerk. The Clerk shall transmit the application to the Township Planning Commission for review and report to the Township Board. The Planning Commission shall establish a date for a public hearing on the application. If an individual property or several adjacent properties are proposed for rezoning, the Planning Commission shall give a notice thereof to the applicant and owner(s) of the property in question, to all persons to whom any real property is assessed within three hundred (300) feet of the boundary of any proposed rezoning regardless of whether the property or occupant is located within the Township, and to the occupants of all structures within three hundred (300) feet of the property or by mail to the respective owners and tenants at the address given in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used. In addition, each electric, gas, pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport that registers its name and mailing address with the Planning Commission for the purpose of receiving such notice. If the notice is delivered by mail, an affidavit of mailing shall be filed with the Planning Commission prior to the hearing.

The notice shall be made not less than fifteen (15) days prior to the hearing and shall do all of the following:

1. Stating the time, place, date, and purpose of the hearing.
2. 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.
3. State when and where the public hearing will be considered.
4. Indicate when and where written comments will be received concerning the request.
5. Indicate the places and times at which the proposed text amendment or rezoning may be examined.

The Planning Commission shall also give notice of the public hearing by one (1) publication in a newspaper of general circulation in Manchester Township, not less than

fifteen (15) days before the date of such hearing. The Planning Commission shall also, for any proposed amendment to the zoning map within three hundred (300) feet of the boundary of any adjacent municipality, send by mail a written notice of the public hearing to the zoning agencies of said municipalities and to the School Board of the school district in which the subject property is located, in order that coordination with adjacent zoning ordinances may be promoted. Public hearing requirements shall also apply to amendments initiated by the Township Board, the Township Planning Commission and by any other governmental agency or body.

- C. The Planning Commission shall report its findings and its recommendations for disposition of the application to the Township Board following the public hearing, but within one hundred twenty-five (125) days of the filing date. This time limit may be extended by agreement between the petitioner and the Planning Commission. If the Township Board shall deem advisable any changes as to the proposed amendment, it may refer same to the Planning Commission for a report thereon within a time specified by the Board. Thereafter the Board may act up application.

D. Signage

1. For any proposed amendment to the zoning map, the petitioner(s) or owner(s) of the property proposed to be rezoned shall place a four (4) by four (4) foot sign on each side of the affected property that abuts a street. Each sign shall have lettering easily readable from the abutting street. The sign shall not be erected in the road right-of-way or in a manner to obstruct vision of motorists or pedestrians.
2. If the property proposed for rezoning does not abut a street, the sign shall be placed on each side of any contiguous land owned by the petitioner(s) or owner(s) of such parcel which does abut such a street.
3. If no such contiguous property abutting a street is owned by the petitioner(s) or owner(s) of the property proposed for rezoning, the sign(s) shall be placed in such location(s) on the property that the Zoning Administrator deems will best inform the public of the proposed rezoning. If the Zoning Administrator determines that there is no location where a sign could be placed that would be visible to the public, the Zoning Administrator may waive the requirement of posting.
4. 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 (3) 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 (6) inch letters as, "PROPERTY PROPOSED FOR REZONING" and shall state in letters of no less than two (2) inches the street address or tax code parcel

number(s), 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.

7. The petitioner shall post a bond in an amount not to exceed one hundred dollars (\$100) per sign to ensure the removal of the sign as heretofore provided.
8. The Zoning Administrator shall inspect the property to confirm compliance with this Section and shall submit an affidavit of such determination to the Planning Commission not less than seven (7) days prior to the public hearing on the petition.
9. Signs erected under this section are exempt from other provisions of this Ordinance regulating signs.
10. Failure to comply with any provision of this Section shall not constitute grounds for invalidating or setting aside the granting of a petition for rezoning, but shall constitute grounds for adjourning and rescheduling the public hearing.

I, Ann M. Becketl, Clerk of Manchester Township, Washtenaw County, Michigan, hereby certify as follows:

1. The preceding ordinance was adopted by the Manchester Township Board of Trustees at a Special meeting held on February 27, 2008, and that members Becketl, Macomber, Schmitt, Huber and Widmayer voted in favor of adoption, none voted against. Absent: Mann & Kolon. CARRIED
2. A summary of the ordinance was published in the *Manchester Enterprise* on March 6, 2008.
3. The effective date of the ordinance is March 13, 2008.

**ORDINANCE #75: AN ORDINANCE TO AMEND 20.06 OF THE MANCHESTER
TOWNSHIP ZONING ORDINANCE**

The Township of Manchester Ordains:

SECTION 20.06 - POWERS AND DUTIES

The Board of Appeals shall have power to interpret the provisions of this Ordinance, and to grant variances from provisions of this ordinance.

A. Interpretation.

1. The Board shall hear and decide requests for interpretation of this Ordinance or the Zoning Map, taking into consideration the intent and purpose of the Ordinance.
2. In an interpretation of the Zoning Map, the Board shall be governed by the Rules for Interpretation set forth in Section 3.09.
3. A record shall be kept by the Board of all decision for interpretation of this Ordinance or Zoning Map and land uses, which are approved under the terms of this Section. The Board shall request the Planning Commission to review any ordinance amendment it deems necessary.

B. Variances. Where, owing to special conditions, a literal enforcement of the provisions of this ordinance would involve practical difficulties within the meaning of this Article, the Board of Appeals shall have power upon appeal in specific cases to authorize such variation or modification of the provisions of this ordinance with such conditions and safeguards as it may determine as may be in harmony with the spirit of this Article and so that public safety and welfare be secured and substantial justice done.

C. Limitation of Authority.

1. The Board shall not have the power to alter land use classifications of any property, or Zoning Ordinance text, or change zoning district boundaries, except where uncertainty exists as to the location of a boundary.

I, Ann M. Becktel, Clerk of Manchester Township, Washtenaw County, Michigan, hereby certify as follows:

1. The preceding ordinance was adopted by the Manchester Township Board of Trustees at a Special meeting held on February 27, 2008, and that members voted in favor of adoption Becktel, Huber, Macomber, Widmayer & Schmitt none voted against. Absent: Mann & Kolon.
2. A summary of the ordinance was published on the Manchester Enterprise on March 6, 2008.
3. The effective date of the ordinance is March 13, 2008.

ORDINANCE #76 AN ORDINANCE TO AMEND THE MANCHESTER TOWNSHIP ZONING ORDINANCE AS FOLLOWS.

SECTION 20.09 - APPEALS TO THE BOARD OF APPEALS

The following provisions shall apply:

- A. APPEALS, HOW TAKEN** - Appeals concerning administrative review may be made within such time as prescribed by the Board of Appeals by general rule, by filing with the Zoning Administrator and the Board of Appeals a notice of appeal specifying the grounds thereof. The Zoning Administrator shall transmit to the Board of Appeals copies of all papers constituting the record upon which the action appealed from was taken, within seven (7) days of the filing date. 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. WHO MAY APPEAL:** Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board, agency, or bureau of the Township, County, or State.
- C. FEE FOR APPEAL:** A fee, as determined by resolution of the Township Board, shall be paid at the time of filing the appeal.
- D. EFFECT OF APPEAL; RESTRAINING ORDER:** An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Township Board of Appeals, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.
- E. HEARING BY THE BOARD OF APPEALS; REQUEST; NOTICE; PUBLIC HEARING:** When a request for appeal has been filed in proper form the Township Clerk shall place the said request for appeal upon the calendar for public hearing, and cause notice, stating the time, place, date, and object of the public hearing to be served personally or by registered return receipt mail no less than fifteen (15) days before the public hearing, upon the party or parties making the request for appeal or the application for variance. If the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation requests and the time, dated, and place of the public hearing on the interpretation request shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question and to all occupants of all structures within three hundred (300) feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used. All notice by regular mail shall be deemed to have been given when deposited in the United States Post Office, addressed to the respective property owners of record to the address shown on the last assessment roll of the Township.

In addition, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person requesting

an interpretation of the Zoning Ordinance not less than fifteen (15) days before the public hearing.

In accordance with Section 19.03 D. of this Ordinance, the applicant(s) seeking a variance shall be responsible for posting a sign, if applicable, announcing the public hearing for the proposed variance. Each sign shall state, "PROPERTY PROPOSED FOR A VARIANCE TO THE MANCHESTER TOWNSHIP ZONING ORDINANCE."

- F. REPRESENTATION AT HEARING:** Upon the hearing, any party or parties may appear in person or by agent or by attorney.
- G. DECISIONS OF THE BOARD OF APPEALS AND APPEALS TO THE CIRCUIT COURT:** The Board of Appeals shall decide upon all matters appealed from within a reasonable time and may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Zoning Administrator or Township Board from whom the appeal is taken. The Board of Appeals' decision of such appeals shall be in the form of a resolution containing a full record of the findings and determination of the Board of Appeals in each particular case. Any party aggrieved by such resolution shall have the right to appeal to the Circuit Court on question of law and fact.

I, Ann M. Bechtel, Clerk of Manchester Township, Washtenaw County, Michigan, hereby certify as follows:

1. The preceding ordinance was adopted by the Manchester Township Board of Trustees at a Special meeting held on February 27, 2008, and that members Bechtel, Macomber, Schmitt, Huber and Widmayer voted in favor of adoption, none voted against. Absent: Mann & Kolon. CARRIED
2. A summary of the ordinance was published in the *Manchester Enterprise* on March 6, 2008.
3. The effective date of the ordinance is March 13, 2008.

**MANCHESTER TOWNSHIP
WASHTENAW COUNTY
MICHIGAN**

Ordinance No. 77

Municipal Civil Infraction Ordinance Violations Bureau

An Ordinance adopted pursuant to Chapter 87 of the Revised Judicature Act of 1961, Public Act 236 of 1961, as amended, Municipal Civil Infractions (MCL 600.8701, *et seq.*), to establish a Municipal Ordinance Violations Bureau for the purpose of accepting admissions of responsibility for ordinance violations designated as municipal civil infractions for which municipal ordinance violation notices have been issued and served by authorized officials; to collect and retain civil fines/costs for such violations as prescribed herein; and to repeal all conflicting ordinances or parts of ordinances.

THE TOWNSHIP OF MANCHESTER, WASHTENAW COUNTY, MICHIGAN, ORDAINS:

Section 1: Title

This ordinance shall be known and cited as the Manchester Township Municipal Ordinance Violations Bureau Ordinance.

Section 2: Establishment, Location and Personnel of Municipal Ordinance Violations Bureau

A. Establishment. The Manchester Township Municipal Ordinance Violations Bureau (hereafter "Bureau") is hereby established pursuant to Public Act 12 of 1994 (MCL 600.8396), as amended, for the purpose of accepting admissions of responsibility for ordinance violations designated as municipal civil infractions, and to collect and retain civil fines/costs for such violations as prescribed herein.

B. Location. The Bureau shall be located at the Township Hall/Office or such other location in the Township as may be designated by the Township Board.

C. Personnel. All personnel of the Bureau shall be Township employees and/or officials. The Township Board may by resolution designate a Bureau Clerk with the duties prescribed herein and as otherwise may be delegated by the Township Board.

Section 3: Bureau Authority

The Bureau shall only have authority to accept admissions of responsibility (without explanation) for municipal civil infractions for which a municipal ordinance violations notice (as compared to a citation) has been issued and served, and to collect and retain the scheduled civil

finest/costs for such violations specified pursuant to this Ordinance or other applicable ordinance. The Bureau shall not accept payment of fines/costs from any person who denies having committed the alleged violation or who admits responsibility only with explanation. The Bureau shall not determine or attempt to determine the truth or falsity of any fact or matter relating to an alleged ordinance violation.

Section 4: Ordinance Violation Notice Requirements, Admission/Denial of Responsibility

A. Ordinance Violation Notice Requirements. Municipal civil infraction violation notices shall be issued and served by authorized Township officials as provided by law. A municipal ordinance violation notice shall include, at a minimum, all of the following:

1. The violation;
2. The time within which the person must contact the Bureau for purposes of admitting or denying responsibility for the violation;
3. The amount of the scheduled fines/costs for the violation;
4. The methods by which the violation may be admitted or denied;
5. The consequences of failing to pay the required fines/costs or contact the Bureau within the required time;
6. The address and telephone number of the Bureau;
7. The days and hours that the Bureau is open.

B. Denial of Responsibility. Where a person fails to admit responsibility (without explanation) for a violation within the jurisdiction of the Bureau and pay the required civil fines/costs within the designated time period, the Bureau Clerk or other designated Township employee(s) shall advise the complainant to issue and file a municipal civil infraction citation for such violation with the court having jurisdiction of the matter.

The citation filed with the court shall consist of a sworn complaint containing, at a minimum, the allegations stated in the municipal ordinance violation notice and shall fairly inform the alleged violator how to respond to the citation. A copy of the citation may be served by first class mail upon the alleged violator at the alleged violator's last known address. The citation shall thereafter be processed in the manner required by law.

Section 5: Schedule of Civil Fines/Costs

Unless a different schedule of civil fines is provided for by an applicable ordinance, the civil fines payable to the Bureau upon admissions of responsibility by persons served with municipal ordinance violation notices shall be determined pursuant to the following schedule:

1st violation within 3-year period* ----- \$ 50.00
2nd violation within 3-year period* ----- \$125.00
3rd violation within 3-year period* ----- \$250.00
4th or subsequent violation within 3-year period* ---- \$400.00

*determined on the basis of the date of violation(s).

In addition to the above-prescribed civil fines, costs in the amount of \$10.00 shall be assessed by the Bureau if the fine and costs are paid within 10 days of the date of service of the municipal ordinance violation notice. Otherwise, costs of \$20.00 shall be assessed by the Bureau.

Section 6: Records and Accounting

The Bureau Clerk or other designated Township official/employee shall retain a copy of all municipal ordinance violation notices, and shall account to the Township Board once a month or at such other intervals as the Township Board may require concerning the number of admissions and denials of responsibility for ordinance violations within the jurisdiction of the Bureau and the amount of fines/costs collected with respect to such violations.

The civil fines/costs collected shall be delivered to the Township Treasurer at such intervals as the Treasurer shall require, and shall be deposited in the general fund of the Township.

Section 7: Availability of Other Enforcement Options

Nothing in this Ordinance shall be deemed to require the Township to initiate its municipal civil infraction ordinance enforcement activity through the issuance of an ordinance violation notice. As to each ordinance violation designated as a municipal civil infraction the Township may, at its sole discretion, proceed directly with the issuance of a municipal civil infraction citation or take such other enforcement action as is authorized by law.

Section 8: Severability

The provisions of this Ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

Section 9: Repeal

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 10: Effective Date

This Ordinance shall take effect immediately upon publication as required by law following adoption by the Township Board.

Ann M. Bechtel, Township Clerk

Clerk's Certification

Township Trustee Schmitt moved the adoption of the foregoing Ordinance, which was seconded by Township Trustee Huber and thereupon adopted by the Manchester Township Board of Trustees by a roll call vote of the Township Board at the regular meeting, held this 13th day of May, 2008.

The following members voted:

Ayes: Huber, Schmitt, Macomber, Kolon, Becktel & Mann.

Nays: None. Absent : Widmayer.

I, Ann M. Becktel, Clerk for Manchester Township, Washtenaw County, Michigan, hereby certify that the foregoing is a true and correct copy of Ordinance No. 77 of Manchester Township, adopted at a meeting of the Township Board of Trustees held on May 13, 2008, and the whole thereof now in my custody.

Ann M. Becktel, Township Clerk

A copy of the complete ordinance text may be inspected or purchased at the Manchester Township Hall, 275 South Macomb, Manchester, Michigan 48158. The office hours are 8:30 a.m. until noon Monday, Tuesday, Wednesday and Friday.

Adopted: 5/13/2008

Published: 5/22/2008

Effective: 5/22/2008

**MANCHESTER TOWNSHIP
ORDINANCE NO. 78**

AN ORDINANCE TO DESIGNATE VIOLATIONS OF MCL 125.1523(1) and MCL 125.1523(2) AS MUNICIPAL CIVIL INFRACTIONS AND TO DESIGNATE THE INSPECTORS AND OFFICIALS OF THE WESTERN WASHTENAW CONSTRUCTION AUTHORITY AS AUTHORIZED LOCAL OFFICIALS FOR ISSUING CITATIONS AND NOTICES FOR THESE VIOLATIONS

MANCHESTER TOWNSHIP ORDAINS:

Section 1: Designation of violations of MCL 125.1523(1) and MCL 125.1523(2) as municipal civil infractions.

Violations of MCL 125.1523(1) and MCL 125.1523(2) are designated as municipal civil infractions.

Section 2: Authority to issue citations and notices.

The inspectors and officials of the Western Washtenaw Construction Authority are designated as "authorized local officials" pursuant to MCL 600.8707 to issue citations and notices for the violations of MCL 125.1523(1) and MCL 125.1523(2).

Section 3: Severability.

If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

Section 4: Saving Clause

This ordinance shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

Section 5. Effective Date

This ordinance shall be published once in a newspaper having general circulation in Manchester Township and shall take effect 30 days after the date of the publication of the ordinance.

Ronald Mann, Township Supervisor

Ann M. Becketl, Township Clerk

I, Ann M. Becketl, Clerk for Manchester Township, hereby certify that the foregoing is a true and correct copy of Ordinance No. 78 of Manchester Township, adopted by resolution at a meeting of the Township Board of Trustees held on November 18, 2008, and the whole thereof now in my custody.

Ann M. Becketl, Township Clerk

A copy of the complete ordinance text may be inspected or purchased at the Manchester Township Hall, 275 South Macomb., Manchester, Michigan 48158. The office hours are 8:30 a.m. until noon Monday, Tuesday, Wednesday and Friday.

Adopted: 11/18/2008

Published: 11/27/2008

Effective: 12/28/2008

ORDINANCE NUMBER 79

AN ORDINANCE TO AMEND THE MANCHESTER TOWNSHIP ZONING ORDINANCE SECTIONS 20.07 AND 20.09 REGARDING THE REQUIREMENT TO POST SIGNS BEFORE A PUBLIC HEARING ON A VARIANCE REQUEST

MANCHESTER TOWNSHIP, WASHTENAW COUNTY, MICHIGAN ORDAINS:

That the Manchester Township Zoning Ordinance be amended as follows:

SECTION 20.07 - VARIANCE

- G.** A public hearing is required for a variance application according to the procedures in Section 20.09 E. In accordance with Section 19.03 D. of this Ordinance, the applicant(s) seeking a variance shall be responsible for posting a sign, if applicable, announcing the public hearing for the proposed variance. Each sign shall state, "PROPERTY PROPOSED FOR A VARIANCE TO THE MANCHESTER TOWNSHIP ZONING ORDINANCE."
- 1.** The Zoning Administrator may waive signage requirements of Section 20.07 G. if the proposed variance(s) meets all of the following standards:
 - a.** That the proposed variance(s) will not adversely affect the natural environment and existing and future land uses in the vicinity;
 - b.** That the proposed variance(s) will not overburden essential public services;
 - c.** That the proposed variance(s) will not be detrimental, hazardous, or disturbing to the existing or future neighboring uses, persons, property or the public welfare; and
 - d.** That the proposed variance(s) will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.
 - 2.** Should the Zoning Administrator find that all of the standards of Section 20.07 G. 1. are satisfied, the Zoning Administrator shall then submit in writing to the Chair of the Zoning Board of Appeals, the decision to waive the signage requirement of Section 20.07 G.

SECTION 20.09 – APPEALS TO THE BOARD OF APPEALS

- E. HEARING BY THE BOARD OF APPEALS; REQUEST; NOTICE; PUBLIC HEARING:** When a request for appeal has been filed in proper form the Township Clerk shall place the said request for appeal upon the calendar for public hearing, and cause notice, stating the time, place, date, and object of the public hearing to be served personally or by registered return receipt mail no less than fifteen (15) days before the public hearing, upon the party or parties making the request for appeal. If the request for an

interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation requests and the time, date, and place of the public hearing on the interpretation request shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question and to all occupants of all structures within three hundred (300) feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used. All notice by regular mail shall be deemed to have been given when deposited in the United States Post Office, addressed to the respective property owners of record to the address shown on the last assessment roll of the Township.

In addition, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person requesting an interpretation of the Zoning Ordinance not less than fifteen (15) days before the public hearing.

MADE, PASSED AND ADOPTED BY THE MANCHESTER TOWNSHIP BOARD OF TRUSTEES THIS 10TH DAY OF MARCH, 2009.

Ronald Mann, Township Supervisor

Ann M. Becketl, Township Clerk

Attest

I do hereby confirm that a true copy of the above Ordinance No. 79 was published in the Manchester Enterprise on the 19th day of March 2009.

Ann M. Becketl, Township Clerk

I, Ann M. Becketl, Clerk for Manchester Township, hereby certify that the foregoing is a true and correct copy of Ordinance No. 79 of Manchester Township, adopted by resolution at a meeting of the Township Board of Trustees held on March 10, 2009, and the whole thereof now in my custody.

Ann M. Becketl, Township Clerk

The ordinance changes shall take effect seven days after this publication of the notice of adoption unless petition procedures are initiated under MCL 125.3402. If petition procedures are initiated, the ordinance shall take effect in accordance with MCL 125.3402.

A copy of the complete ordinance text may be inspected or purchased at the Manchester Township Hall, 275 South Macomb, Manchester, Michigan 48158. The office hours are 8:30 a.m. until noon Monday, Tuesday, Wednesday and Friday.

Adopted: 3/10/2009

Published: 3/19/2009

Effective: 3/26/2009, subject to PA 110 of 2006 as amended.

Ann Becketl, Clerk

**MANCHESTER TOWNSHIP
ORDINANCE NO. 80**

AN ORDINANCE TO REPEAL ORDINANCE NO. 70 WHICH IS “AN ORDINANCE TO ESTABLISH A JOINT PLANNING COMMISSION AMONG BRIDGEWATER TOWNSHIP, FREEDOM TOWNSHIP, MANCHESTER TOWNSHIP, AND THE VILLAGE OF MANCHESTER, TO BE KNOWN AS THE MANCHESTER COMMUNITY JOINT PLANNING COMMISSION”

MANCHESTER TOWNSHIP, WASHTENAW COUNTY, MICHIGAN ORDAINS:

Section 1: Repeal of Ordinance No. 70.

That Ordinance No. 70 “AN ORDINANCE TO ESTABLISH A JOINT PLANNING COMMISSION AMONG BRIDGEWATER TOWNSHIP, FREEDOM TOWNSHIP, MANCHESTER TOWNSHIP, AND THE VILLAGE OF MANCHESTER, TO BE KNOWN AS THE MANCHESTER COMMUNITY JOINT PLANNING COMMISSION” is repealed.

Section 2: Severability.

If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

Section 3: Saving Clause

The adoption of this Ordinance by Manchester Township will not be deemed to vacate any right established, planning and work performed, actions taken, and public notice provided under Ordinance No. 70 nor will it be deemed to vacate any right established, planning and work performed, actions taken, and public notice provided by the Manchester Community Joint Planning Commission prior to the effective date hereof.

Section 4. Effective Date

This Ordinance shall take effect following its adoption and publication pursuant to the procedures outlined in Section 9 of Public Act 226 of 2003 (MCL 125.139).

Township Trustee Schmitt moved the adoption of the foregoing Ordinance which was supported by township Trustee Kolon and thereupon adoted by the Manchester Township Board of Trustee by roll call vote of the Township Board at the regular meeting, held 10th day of November, 2009.

Ayes: Schmitt, Kolon, Macomber, Widmayer, Huber, Mann & Becketl.

Nays: None. Abstain: None. Supervisor declared Ordinance #80 **ADOPTED**.

MADE, PASSED AND ADOPTED BY THE MANCHESTER TOWNSHIP BOARD OF TRUSTEES THIS 10TH DAY OF NOVEMBER, 2009.

Ronald Mann, Township Supervisor

Ann M. Becketl, Township Clerk

Attest

I do hereby confirm that a true copy of the above Ordinance No. 80 was published in the Manchester Enterprise on the 19TH day of November, 2009.

Ann M. Becketl, Township Clerk

I, Ann M. Becketl, Clerk for Manchester Township, hereby certify that the foregoing is a true and correct copy of Ordinance No. 80 of Manchester Township, adopted by resolution at a meeting of the Township Board of Trustees held on November 10 , 2009, and the whole thereof now in my custody.

Ann M. Becketl, Township Clerk

The ordinance changes shall take effect seven days after this publication of the notice of adoption unless petition procedures are initiated under MCL 125.139. If petition procedures are initiated, the ordinance shall take effect in accordance with MCL 125.139.

A copy of the complete ordinance text may be inspected or purchased at the Manchester Township Hall, 275 South Macomb, Manchester, Michigan 48158. The office hours are 8:30 a.m. until noon Monday, Tuesday, Wednesday and Friday.

Adopted: 11/10/2009

Published: 11/19/2009

Effective: 11/26/2009, subject to Public Act 226 of 2003, as amended (MCL 125.139).

Ann Becketl, Clerk

**MANCHESTER TOWNSHIP
ORDINANCE NO. 81**

AN ORDINANCE TO ESTABLISH A JOINT PLANNING COMMISSION AMONG BRIDGEWATER TOWNSHIP, FREEDOM TOWNSHIP, MANCHESTER TOWNSHIP, AND THE VILLAGE OF MANCHESTER, PURSUANT TO AGREEMENT ESTABLISHING THE MANCHESTER COMMUNITY JOINT PLANNING COMMISSION DATED SEPTEMBER 9, 2009, TO BE KNOWN AS THE MANCHESTER COMMUNITY JOINT PLANNING COMMISSION

Bridgewater Township, Freedom Township, Manchester Township, and the Village of Manchester find it in their long-term interest to cooperate on planning and zoning issues. A means of achieving this goal is to jointly plan for land use. Therefore, all four governmental units desire to enter into an agreement to establish a joint planning commission pursuant to Public Act 226 of 2003, as amended (MCL 125.131, et seq.), which shall be referred to as the “Manchester Community Joint Planning Commission”. The jurisdictional area of the Manchester Community Joint Planning Commission shall comprise the corporate limits of Bridgewater Township, Freedom Township, Manchester Township, and the Village of Manchester, all of Washtenaw County, Michigan.

MANCHESTER TOWNSHIP, WASHTENAW COUNTY, MICHIGAN ORDAINS:

Sec. 1 Establishment of the Manchester Community Joint Planning Commission

a. Formation of the Manchester Community Joint Planning Commission

Manchester Township approves the establishment of a joint planning commission pursuant to Public Act 226 of 2003, as amended (MCL 125.131, et seq.), and shall enter into and adhere to the Agreement Establishing the Manchester Community Joint Planning Commission Dated September 9, 2009, among Bridgewater Township, Freedom Township, Manchester Township, and the Village of Manchester regarding the formation, composition and operation of the Manchester Community Joint Planning Commission.

b. Severability

If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

c. Repeal

All ordinances or parts of ordinances of Manchester Township inconsistent herewith are hereby repealed so far as they may be inconsistent with the provisions of this Ordinance.

d. Saving Clause

The adoption of this Ordinance by Manchester Township will not be deemed to vacate the appointment and responsibilities of the Manchester Township Planning Commission for land use under the applicable planning act until such a time as a Joint Master Plan is approved and adopted by all the legislative bodies of the participating municipalities that are party to the Manchester Community Joint Planning Agreement and such plan takes effect. The adoption of this Ordinance by Manchester Township will not be deemed to vacate the appointment and responsibilities of the Manchester Township Planning Commission for the administration of Zoning Ordinances until such a time as a Joint Zoning Ordinance is approved and adopted by all the legislative bodies of the participating municipalities that are party to the Manchester Community Joint Planning Agreement and such ordinance takes effect.

e. Effective Date

This Ordinance shall take effect following its adoption and publication pursuant to the procedures outlined in Section 9 of Public Act 226 of 2003 (MCL 125.139).

Township Trustee Kolon moved the adoption of the foregoing Ordinance which was supported by township Trustee Huber and thereupon adopted by the Manchester Township Board of Trustee by roll call vote of the Township Board at the regular meeting, held 10th day of November, 2009.

Ayes: Kolon, Schmitt, Widmayer, Huber, Becktel & Mann.

Nays: Macomber. Abstain: None. Supervisor declared Ordinance #81 ADOPTED.

MADE, PASSED AND ADOPTED BY THE MANCHESTER TOWNSHIP BOARD OF TRUSTEES THIS 10th DAY OF November, 2009.

Ronald Mann, Township Supervisor

Ann M. Becktel, Township Clerk

Attest

I do hereby confirm that a true copy of the above Ordinance No. 81 was published in the Manchester Enterprise on the 19th day of November, 2009.

Ann M. Becktel, Township Clerk

I, Ann M. Becktel, Clerk for Manchester Township, hereby certify that the foregoing is a true and correct copy of Ordinance No. 81 of Manchester Township,

adopted by resolution at a meeting of the Township Board of Trustees held on November 10, 2009, and the whole thereof now in my custody.

Ann M. Becktel, Township Clerk

The ordinance changes shall take effect seven days after this publication of the notice of adoption unless petition procedures are initiated under MCL 125.139. If petition procedures are initiated, the ordinance shall take effect in accordance with MCL 125.139.

A copy of the complete ordinance text may be inspected or purchased at the Manchester Township Hall, 275 South Macomb, Manchester, Michigan 48158. The office hours are 8:30 a.m. until noon Monday, Tuesday, Wednesday and Friday.

Adopted: 11/10/2009

Published: 11/19/2009

Effective: 11/26/2009, subject to Public Act 226 of 2003, as amended (MCL 125.139).

Ann Becktel, Clerk
Manchester Township

**MANCHESTER TOWNSHIP
ORDINANCE NO. 82**

AN ORDINANCE TO AMEND THE MANCHESTER TOWNSHIP ZONING ORDINANCE, ARTICLE 18.0, "ADMINISTRATION OF THE ORDINANCE," SECTIONS 18.02 AND 18.09, AND TO MAKE VIOLATIONS OF THE ORDINANCE MUNICIPAL CIVIL INFRACTIONS.

MANCHESTER TOWNSHIP ORDAINS:

That Article 18, "Administration of the Ordinance," of the Manchester Township Zoning Ordinance, Section 18.02, "Administration," is hereby amended as follows:

SECTION 18.02 - ADMINISTRATION

Except where herein otherwise stated the provisions of this Ordinance shall be administered by the Zoning Administrator under the supervision of the Township Supervisor, or by such deputies of his/her office as the Township Board may designate to enforce the provisions of this Ordinance. The Zoning Administrator and the Building Inspector shall be appointed and may be dismissed by the Township Board. The same person may be appointed Zoning Administrator and Building Inspector.

That Article 18, "Administration of the Ordinance," of the Manchester Township Zoning Ordinance, Section 18.09, "Violations and Penalties; Nuisance per se; Abatement," is hereby amended as follows:

SECTION 18.09 - VIOLATIONS AND PENALTIES; NUISANCE PER SE; ABATEMENT

- A. Authority to write citations and municipal ordinance violation notices. For the issuance of citations and municipal ordinance violation notices, the Manchester Township Supervisor, the Zoning Administrator, the Building Inspector, any other official, individual, firm, or entity the Manchester Township Board designates to perform all or part of the duties of the Zoning Administrator, and all Washtenaw County Sheriff deputies, Michigan State troopers, and any Manchester Township Constable, Police Officer, and Ordinance Enforcement Officer, who have jurisdiction within Manchester Township, are authorized to issue citations and municipal ordinance violation notices as "authorized local officials" pursuant to MCL 600.8707.
- B. Violation. Any person, firm, association, partnership, corporation, or agent in charge of such building or land, or anyone acting on behalf of the any person, firm, association, partnership, corporation, or agent in charge of such building or land, who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of any provision of this Ordinance or any amendment thereof, including without limitation, violations of conditions and safeguards established in connection with variances, approved site plans, permits, certificates, or other authorizations under this Ordinance, shall be deemed to be responsible for a municipal civil infraction as defined by Michigan

Statute which shall be punishable by civil fine determined in accordance with the following schedule:

1st violation within (3)-year period *-----\$50.00

2nd violation within (3)-year period* -----\$125.00

3rd violation within (3)-year period* -----\$250.00

4th or subsequent violation within (3)-year period*-\$400.00

*determined on the basis of the date of violation(s).

- C. Each and every day during which any illegal construction, reconstruction, alteration, maintenance or use continues shall be deemed a separate offense.
- D. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.
- E. Any failure or omission to enforce the provisions of this Ordinance or to prosecute any violations thereof shall not constitute a waiver of any rights and remedies provided by law, and shall not constitute a waiver of or prevent any further prosecution of violations of this Ordinance.
- F. Other remedies. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law, including but not limited to, injunction, mandamus, specific performance, abatement or any other appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate, or remove any said unlawful construction, maintenance or use.
- G. Additional costs. In addition to the fine designated above, each person, firm, association, partnership, corporation, or government entity who violates or authorized, allowed, or permitted a violation of any of the provisions of this ordinance or fails to comply with a duly authorized order issued pursuant to this ordinance shall be summarily taxed the costs of the action, which are not limited to the costs taxable in ordinary civil infraction actions and may include all expenses, direct and indirect, to which Manchester Township has been put in connection with the municipal civil infraction, up to the entry of judgment. Costs of not more than \$500.00 shall be ordered. Except as otherwise provided by law, costs shall be payable to the general fund of Manchester Township.
- H. In addition to the relief stated in subsections above, Manchester Township may obtain and have enforced any judgment, writ, or order necessary to enforce the ordinance pursuant to MCL 600.8727(5), 600.8302(1) and 600.8302(4).
- I. Liens. Manchester Township may obtain and enforce liens as authorized by MCL 600.8731.
- J. Nuisance per se. Any building or structure including tents, travel trailers, and mobile homes, which is erected, constructed, reconstructed, altered, converted, expanded, maintained, used, or occupied, or any use of land or premise which is begun, maintained, or changed in violation of any provision of this Ordinance, or any other site improvement or

development constructed, expanded, altered, or maintained in violation of this Ordinance, is hereby declared to be a nuisance per se.

Section 2: Severability.

If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

Section 3: Saving Clause

The Manchester Township Zoning Ordinance, except as herein or heretofore amended, shall remain in full force and effect. The amendments provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

Section 4. Effective Date

The ordinance changes shall take effect seven days after the publication of the notice of adoption unless petition procedures are initiated under MCL 125.3402. If petition procedures are initiated, the ordinance shall take effect in accordance with MCL 125.3402.

Township Trustee Macomber moved the adoption of the foregoing Ordinance, which was supported by Township Trustee Huber and thereupon adopted by the Manchester Township Board of Trustees by a roll call vote of the Township Board at the regular meeting, held this 10th day of November 2009.

The following members voted:

Ayes: Macomber, Huber, Kolon, Schmitt, Widmayer, Mann & Becktel

Nays: None

Absent or abstain: None. The Supervisor declared Ordinance #82 **ADOPTED.**

Ronald Mann, Township Supervisor
Ann M. Becktel, Township Clerk

I, Ann M. Becktel, Clerk for Manchester Township, hereby certify that the foregoing is a true and correct copy of Ordinance No. 82 of Manchester Township, adopted at a meeting of the Township Board of Trustees held on November 10, 2009, and the whole thereof now in my custody.

Ann M. Becktel, Township Clerk

A copy of the complete ordinance text may be inspected or purchased at the Manchester Township Hall, 275 South Macomb., Manchester, Michigan 48158. The office hours are 8:30 a.m. until noon Monday, Tuesday, Wednesday and Friday.

Adopted: 11/10/2009

Published: 11/19/2009

Effective: 11/26/2009, subject to PA 110 of 2006 as amended.

Manchester Township Washtenaw County, Michigan Ordinance No. 83

AN ORDINANCE TO CONFIRM THE ESTABLISHMENT OF THE MANCHESTER TOWNSHIP PLANNING COMMISSION UNDER THE MICHIGAN PLANNING ENABLING ACT, PUBLIC ACT 33 OF 2008, MCL 125.3801, ET SEQ, AS SUCCESSOR TO THE PLANNING COMMISSION ESTABLISHED UNDER THE FORMER TOWNSHIP PLANNING ACT; AND SUBJECT TO ANY TRANSFER OF AUTHORITY, POWERS, AND DUTIES TO A JOINT PLANNING COMMISSION; TO PROVIDE FOR THE COMPOSITION OF THE PLANNING COMMISSION AND APPOINTMENT OF ITS MEMBERS AND OFFICERS; TO PROVIDE FOR THE AUTHORITY, POWERS, DUTIES, AND LIMITATIONS OF THE PLANNING COMMISSION; TO ESTABLISH THE MINIMUM NUMBER OF PLANNING COMMISSION MEETINGS PER YEAR; AND TO REPEAL ANY ORDINANCES, PARTS OF ORDINANCES, AND RESOLUTIONS IN CONFLICT WITH THIS ORDINANCE.

THE TOWNSHIP OF MANCHESTER, WASHTENAW COUNTY, MICHIGAN, ORDAINS:

Section 1: Scope, Purpose and Intent

This ordinance is adopted pursuant to the authority granted the Manchester Township Board under the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, MCL 125.3801, et seq., and the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, MCL 125.3101, et seq., to establish a planning commission with the authority, powers, duties and limitations provided by those Acts and subject to the terms and conditions of this ordinance and any future amendments to this ordinance, and subject to any transfer by ordinance, to only the extent transferred by that ordinance, and for only the time period that ordinance is in effect, of authority, powers, and duties to a Joint Planning Commission established pursuant to Michigan Public Act 226 of 2003, as amended, MCL 125.131 et seq..

The purpose of this ordinance is to provide that the Manchester Township Board shall hereby confirm the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, MCL 125.3801, et seq., of the Manchester Township Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq., to establish the appointments, terms, and membership of the planning commission; to identify the officers and the minimum number of meetings per year of the planning commission; and to prescribe the authority, powers and duties of the planning commission; subject to any transfer by ordinance, to only the extent transferred by that ordinance, and for only the time period that ordinance is in effect, of authority, powers, and duties to a Joint Planning Commission established pursuant to Michigan Public Act 226 of 2003, as amended, MCL 125.131 et seq..

Section 2: Establishment

The Manchester Township Board hereby confirms the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, MCL 125.3801, et seq., of the Manchester Township Planning Commission formerly established under the Township Planning

Act, Public Act 168 of 1959, MCL 125.321, et seq., subject to any transfer by ordinance, to only the extent transferred by that ordinance, and for only the time period that ordinance is in effect, of authority, powers, and duties to a Joint Planning Commission established pursuant to Michigan Public Act 226 of 2003, as amended, MCL 125.131 et seq..

The Manchester Township Planning Commission shall have seven (7) members.

Members of the Manchester Township Planning Commission as of the effective date of this Ordinance shall, except for an ex officio member whose remaining term on the planning commission shall be limited to his or her term on the township board, continue to serve for the remainder of their existing terms so long as they continue to meet all of the eligibility requirements for planning commission membership set forth within the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, MCL 125.3801, et seq.

Section 3: Appointments and Terms

The township supervisor, with the approval of the township board by a majority vote of the members elected and serving, shall appoint all planning commission members, including the ex officio member.

The planning commission members, other than an ex officio member, shall serve for terms of 3 years each.

A planning commission member shall hold office until his or her successor is appointed. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.

Planning commission members shall be qualified electors of the township, except that one planning commission member may be an individual who is not a qualified elector of the township. The membership of the planning commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the township, in accordance with the major interests as they exist in the township, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the township to the extent practicable.

One and only one member of the township board shall be appointed to the planning commission as an ex officio member. An ex officio member has full voting rights. An ex officio member's term on the planning commission shall expire with his or her term on the township board.

No elected officer or employee of Manchester Township is eligible to be a member of the planning commission.

Section 4: Removal

The township board may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

Section 5: Conflict of Interest

Before casting a vote on a matter on which a planning commission member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of

interest to the planning commission. Failure of a member to disclose a potential conflict of interest as required by this ordinance constitutes malfeasance in office.

For the purposes of this section, the planning commission shall define conflict of interest in its bylaws.

Section 6: Compensation

The planning commission members may be compensated for their services as provided by township board resolution. The planning commission may adopt bylaws relative to compensation and expenses of its members for travel when engaged in the performance of activities authorized by the township board, including, but not limited to, attendance at conferences, workshops, educational and training programs and meetings (i.e., bylaws regarding how members must record, report and submit travel and reimbursement requests, but not regarding actual compensation.)

Section 7: Officers and Committees

The planning commission shall elect a chairperson and a secretary from its members, and may create and fill other offices as it considers advisable. An ex officio member of the planning commission is not eligible to serve as chairperson. The term of each office shall be 1 year, with opportunity for reelection as specified in the planning commission bylaws.

The planning commission may also appoint advisory committees whose members are not members of the planning commission.

Section 8: Bylaws, Meetings and Records

The planning commission shall adopt bylaws for the transaction of business.

The planning commission shall hold at least 4 regular meetings each year, and shall by resolution determine the time and place of the meetings.

Unless otherwise provided in the planning commission's bylaws, a special meeting of the planning commission may be called by the chairperson or by 2 other members, upon written request to the secretary. Unless the bylaws otherwise provide, the secretary shall send written notice of a special meeting to planning commission members at least 48 hours before the meeting.

The business that the planning commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, MCL 15.261, et seq.

The planning commission shall keep a public record of its resolutions, transactions, findings, and determinations. At least one (1) copy of all documents and materials in any format that are prepared, owned, used, in the possession of, or retained by the Planning Commission in the performance of its official functions shall be placed on file at the Manchester Township office. A writing prepared, owned, used, in the possession of, or retained by a planning commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Section 9: Annual Report

The planning commission shall make an annual written report to the township board concerning its operations and the status of the planning activities, including recommendations regarding actions by the township board related to planning and development.

Section 10: Authority to Make Master Plan

Under the authority of the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, MCL 125.3801, et seq., and other applicable planning statutes, the planning commission shall make a master plan as a guide for development within the township's planning jurisdiction.

Final authority to approve a master plan or any amendments thereto shall rest with the planning commission unless the township board passes a resolution asserting the right to approve or reject the master plan.

The authority granted in this section to make a Master Plan is subject to any transfer by ordinance, to only the extent transferred by that ordinance, and for only the time period that ordinance is in effect, of such authority, powers, and duties to a Joint Planning Commission established pursuant to Michigan Public Act 226 of 2003, as amended, MCL 125.131 et seq..

Unless rescinded by the township, any plan adopted or amended under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq, need not be readopted under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq.

Section 11: Zoning Powers

The township board hereby confirms the transfer to the Manchester Township Planning Commission established and confirmed by this ordinance of all powers, duties, and responsibilities provided for zoning boards or zoning commissions by the former Township Zoning Act, Public Act 184 of 1943, MCL 125.271, et seq.; the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq.; or other applicable zoning statutes to the Manchester Township Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq..

The powers, duties, responsibilities granted and transferred in this section are subject to any transfer by ordinance, to only the extent transferred by that ordinance, and for only the time period that ordinance is in effect, of such authority, powers, and duties to a Joint Planning Commission established pursuant to Michigan Public Act 226 of 2003, as amended, MCL 125.131 et seq..

Any existing zoning ordinance shall remain in full force and effect except as otherwise amended or repealed by the township board.

Section 12: Subdivision and Land Division Recommendations

The planning commission may recommend to the township board provisions of an ordinance or rules governing the subdivision of land. Before recommending such an ordinance or rule, the planning commission shall hold a public hearing on the proposed ordinance or rule. The planning commission shall give notice of the time and place of the public hearing not less than 15 days before the hearing by publication in a newspaper of general circulation within the township.

The planning commission shall review and make recommendation on a proposed plat before action thereon by the township board under the Land Division Act, Public Act 288 of 1967, MCL 560.101, et seq. Before making its recommendation, the planning commission shall hold a public hearing on the proposed plat. A plat submitted to the planning commission shall contain the name and address of the proprietor or other person to whom notice of a hearing shall be sent. Not less than 15 days before the date of the hearing, notice of the date, time and place of the hearing shall be sent to that person at that address by mail and shall be published in a newspaper of general circulation in the township. Similar notice shall be mailed to the owners of land immediately adjoining the proposed platted land.

The powers, duties, responsibilities granted and transferred in this section are subject to any transfer by ordinance, to only the extent transferred by that ordinance, and for only the time period that ordinance is in effect, of such authority, powers, and duties to a Joint Planning Commission established pursuant to Michigan Public Act 226 of 2003, as amended, MCL 125.131 et seq..

Section 13: Severability

The provisions of this ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the ordinance, which shall continue in full force and effect.

Section 14: Repeal

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. The resolution or ordinance establishing the Manchester Township Planning Commission under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq., is hereby repealed.

Section 15: Effective Date

This ordinance shall be published once in a newspaper having general circulation in Manchester Township and shall take effect 63 days after the first publication as required by law following adoption by the Township Board.

Ronald Mann, Township Supervisor

Ann M. Becketl, Township Clerk

I, Ann M. Becketl, Clerk for Manchester Township, hereby certify that the foregoing is a true and correct copy of Ordinance No. 83 of Manchester Township, adopted by resolution at a meeting of the Township Board of Trustees held on June 14, 2011, the whole thereof is now in my custody, and that copies of the ordinance were transmitted and published as directed.

Ann M. Becketl, Township Clerk

A copy of the complete ordinance text may be inspected or purchased at the Manchester Township Hall, 275 South Macomb., Manchester, Michigan 48158. The office hours are 8:30 a.m. until noon Monday, Tuesday, Wednesday and Friday.

Adopted: 6/14/2011

Published: 6/30/2011

Effective: 9/1/2011

**MANCHESTER TOWNSHIP
ORDINANCE NO. 85**

AN ORDINANCE TO REPEAL ORDINANCE NO. 81 WHICH IS “AN ORDINANCE TO ESTABLISH A JOINT PLANNING COMMISSION AMONG BRIDGEWATER TOWNSHIP, FREEDOM TOWNSHIP, MANCHESTER TOWNSHIP, AND THE VILLAGE OF MANCHESTER, PURSUANT TO AGREEMENT ESTABLISHING THE MANCHESTER COMMUNITY JOINT PLANNING COMMISSION DATED SEPTEMBER 9, 2009, TO BE KNOWN AS THE MANCHESTER COMMUNITY JOINT PLANNING COMMISSION”

MANCHESTER TOWNSHIP, WASHTENAW COUNTY, MICHIGAN ORDAINS:

Section 1: Repeal of Ordinance No. 81.

That Ordinance No. 81 “AN ORDINANCE TO ESTABLISH A JOINT PLANNING COMMISSION AMONG BRIDGEWATER TOWNSHIP, FREEDOM TOWNSHIP, MANCHESTER TOWNSHIP, AND THE VILLAGE OF MANCHESTER, PURSUANT TO AGREEMENT ESTABLISHING THE MANCHESTER COMMUNITY JOINT PLANNING COMMISSION DATED SEPTEMBER 9, 2009, TO BE KNOWN AS THE MANCHESTER COMMUNITY JOINT PLANNING COMMISSION” is repealed.

Section 2: Severability.

If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

Section 3: Saving Clause

The adoption of this Ordinance by Manchester Township will not be deemed to vacate any right established, planning and work performed, actions taken, and public notice provided under Ordinance No. 81 nor will it be deemed to vacate any right established, planning and work performed, actions taken, and public notice provided by the Manchester Community Joint Planning Commission prior to the effective date hereof.

Section 4. Effective Date

This Ordinance shall take effect following its adoption and publication pursuant to the procedures outlined in Section 9 of Public Act 226 of 2003 (MCL 125.139).

MADE, PASSED AND ADOPTED BY THE MANCHESTER TOWNSHIP BOARD OF TRUSTEES THIS 10TH DAY OF JANUARY, 2012.

Attest

I do hereby confirm that a true copy of the above Ordinance No. 85 was published in the Manchester Enterprise on the 10th day of January, 2012.

I, Ann M. Becketl, Clerk for Manchester Township, hereby certify that the foregoing is a true and correct copy of Ordinance No.85 of Manchester Township, adopted by resolution at a meeting of the Township Board of Trustees held on January 10, 2012, and the whole thereof now in my custody.

The ordinance changes shall take effect seven days after this publication of the notice of adoption unless petition procedures are initiated under MCL 125.139. If petition procedures are initiated, the ordinance shall take effect in accordance with MCL 125.139.

A copy of the complete ordinance text may be inspected or purchased at the Manchester Township Hall, 275 South Macomb, Manchester, Michigan 48158. The office hours are 8:30 a.m. until noon Monday, Tuesday, Wednesday and Friday.

Adopted: 1/10/2012

Published: 1/19/2012

Effective: 1/26/2012, subject to Public Act 226 of 2003, as amended (MCL 125.139).

Ann Becketl, Clerk
Manchester Township

**MANCHESTER TOWNSHIP
ORDINANCE NO. 86**

AN ORDINANCE TO AMEND THE MANCHESTER TOWNSHIP ZONING ORDINANCE SECTIONS 2.03 "DEFINITIONS" AND ARTICLE 16.0 "SUPPLEMENTAL REGULATIONS AND STANDARDS" TO DEFINE "OUTDOOR WOOD, CORN, PELLET-FIRED, CHERRY-PITS, OR COAL BOILER OR FURNACE" AND REGULATE OUTDOOR BOILERS AND FURNACES.

MANCHESTER TOWNSHIP, WASHTENAW COUNTY, MICHIGAN, ORDAINS:

Section 1: Amendments, additions, and deletions to the Manchester Township Zoning Ordinance, Article 2.0, "Definitions," Section 2.03 - Definitions, and Article 16.0, "Supplementary Regulations and Standards".

That the Manchester Township Zoning Ordinance, Article 2.0, "Definitions," Section 2.03 - Definitions, is hereby amended by adding a definition for "Outdoor Wood, Corn, Pellet-Fired, Cherry-pits, or Coal Boiler or Furnace" to read as follows:

Outdoor Wood, Corn, Pellet-Fired, Cherry-pits, or Coal Boiler or Furnace, A fuel burning devise designed: (1) to burn primarily wood, corn, or pellets by hand-firing; (2) not to be located inside structures ordinarily occupied by humans; and (3) to heat spaces or water by the distribution through pipes of a fluid heated in the device, typically water. Examples of common uses of outdoor wood-fired boilers include residential or commercial space heating, heating of domestic hot water, and heating of water for swimming pools, hot tubs, or whirlpool baths.

That the Manchester Township Zoning Ordinance, Article 16.0, "Supplemental Regulations and Standards," is hereby amended by adding Section 16.24 - Outdoor Boiler or Furnace to read as follows:

SECTION 16.24 OUTDOOR BOILER OR FURNACE

Subsection 1: Outdoor Boilers and Furnaces restricted:

A. Outdoor furnaces and boilers designed to be fueled by other means than those specifically stated within this Section are prohibited.

B. Outdoor furnaces and boilers that are not listed and labeled as being properly tested and approved by a national testing agency or approved by the State Construction Code Commission are prohibited.

Subsection 2: Outdoor Wood, Corn, Pellet-Fired, Cherry-pits, or Coal Boiler or Furnaces are permitted subject to the following:

- Location: Are only be permitted in the AR and LDR Districts.
- Purpose: This section is intended to promote the public health, safety, and welfare and to safeguard the health, comfort, living conditions, safety, and welfare of the citizens of the Township of Manchester due to the air pollution and fire hazards of outdoor burning.
- Installation and Use:
 - (a) Zoning Certificate of Compliance required: Applicants must obtain a Zoning Certificate of Compliance from the Township Zoning Administrator prior to construction or installation to ensure that all the standards of this Section will be met.
 - (b) Must only be used to burn fuel designed or intended by the manufacturer's recommendations to be burned in the boiler or furnace. However, no refuse, leaves, green vegetable matter, noxious plants, garbage, household trash, petroleum products, rubber, construction waste, or other solid waste may be burned regardless of design or manufacture's intended fuel source.
 - (c) Must be located at least one hundred and fifty (150) feet from the property line.
 - (d) Location distance from the principle building will be determined by manufactures recommendations. Chimney height will be determined by the manufactures recommendations. Chimney height will have to be adjusted if smoke creates a nuisance for neighbors.
 - (e) All furnaces must be located within the rear yard.
 - (f) All brush and shrubbery shall be cleared within a twenty-five (25) foot radius from the location on any boiler or furnace, and such twenty-five (25) foot cleared area shall be maintained free of brush and shrubbery at all times. Any firewood or other allowed fuel stored within such twenty-five (25) foot radius shall either be covered or otherwise reasonably protected against accidental ignition or combustion.
 - (g) Must obtain an inspection and the written approval of the building inspector or official that the outdoor furnace or boiler is constructed, installed, and

connected pursuant to manufacturers recommendations, the State Construction Code, and all applicable codes adopted by reference.

(h) Must be maintained in a good condition.

- D. Immediately following completion of the construction/installation of the boiler or furnace, and after receiving written approval from the building inspector or official, the applicants must obtain an inspection from the Township Zoning Administrator to ensure that the boiler or furnace complies with the Zoning Certificate of Compliance, the standards in this Section, and the Manchester Township Zoning Ordinance.

Section 2: Severability.

If any clause, sentence, paragraph or part of this Ordinance will for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment will not affect, impair or invalidate the remainder of this Ordinance but will be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

Section 3: Saving Clause

The Manchester Township Zoning Ordinance, except as herein or heretofore amended, will remain in full force and effect. The amendments provided herein will not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

Section 4: Effective Date

The ordinance changes will take effect seven days after the publication of the notice of adoption unless petition procedures are initiated under MCL 125.3402. If petition procedures are initiated, the ordinance will take effect in accordance with MCL 125.3402.

Gene DeRossett, Supervisor

Ann Bechtel, Township Clerk

I, Ann M. Bechtel, Clerk for Manchester Township, hereby certify that the foregoing is a true and correct copy of Ordinance No. 86 of Manchester Township, adopted by resolution at a meeting of the Township Board of Trustees held on Tuesday, March 12, 2013, the whole thereof is now in my custody, and that copies of the ordinance were transmitted and published as directed.

Ann Bechtel, Township Clerk

A copy of the complete ordinance text may be inspected or purchased at the Manchester Township Hall, 275 South Macomb. Manchester, Michigan 48158. The office hours are 8:30 a.m. until noon Monday, Tuesday, Wednesday and Friday.

Adopted: 3/12/13

Published: 3/21/13

Effective: 3/28/13, subject to PA 110 of 2006 as amended.

**MANCHESTER TOWNSHIP
ORDINANCE NO. 87**

AN ORDINANCE TO AMEND THE MANCHESTER TOWNSHIP ZONING ORDINANCE SECTIONS 2.03 "DEFINITIONS", 9.04 "CONDITIONAL USES" IN A COMMUNITY COMMERCIAL CENTER DISTRICT, AND 5.03 "CONDITIONAL USES" IN A RURAL AGRICULTURAL DISTRICT TO DEFINE BANQUET HALL AND MAKE BANQUET HALLS A CONDITIONAL USE ONLY IN THE COMMUNITY COMMERCIAL CENTER DISTRICT.

MANCHESTER TOWNSHIP, WASHTENAW COUNTY, MICHIGAN, ORDAINS:

Section 1: Amendments, additions, and deletions to the Manchester Township Zoning Ordinance Sections 2.03, 5.03 H, and 9.04.

That the Manchester Township Zoning Ordinance, Article 2.0, "Definitions," Section 2.03 - Definitions, is hereby amended by adding a definition for "Banquet Hall" to read as follows:

Banquet Hall: Any place of business maintained, in whole or in part, for public rental for the purpose of private party events, whether family, group, or corporate in nature, where access by the general public is restricted, and with or without the sale, serving, or consumption of food and/or alcoholic beverages.

That the Manchester Township Zoning Ordinance, Article 5.0, "Rural Agricultural District," Section 5.03 - Conditional uses, Subsection H, is hereby amended to read as follows:

H. Country club, swimming pool, bath house and the sale of food, beverages and recreation equipment which is incidental and accessory to a fore-mentioned recreation use.

That the Manchester Township Zoning Ordinance, Article 9.0, "Community Commercial Center District," Section 9.04 - Conditional uses, Subsection A, is hereby amended to read as follows:

A. Places of amusement, entertainment or recreation such as dance hall, banquet hall, bowling alley, miniature golf, commercial swimming pool.

Section 2: Severability.

If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

Section 3: Saving Clause

The Manchester Township Zoning Ordinance, except as herein or heretofore amended, shall remain in full force and effect. The amendments provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

Section 4. Effective Date

The ordinance changes shall take effect seven days after the publication of the notice of adoption unless petition procedures are initiated under MCL 125.3402. If petition procedures are initiated, the ordinance shall take effect in accordance with MCL 125.3402.

Gene DeRossett, Township Supervisor

Ann M. Becktel, Township Clerk

I, Ann M. Becktel, Clerk for Manchester Township, hereby certify that the foregoing is a true and correct copy of Ordinance No. 87 of Manchester Township, adopted by resolution at a meeting of the Township Board of Trustees held on Tuesday, January 8, 2013, the whole thereof is now in my custody, and that copies of the ordinance were transmitted and published as directed.

Ann M. Becktel, Township Clerk

A copy of the complete ordinance text may be inspected or purchased at the Manchester Township Hall, 275 South Macomb. Manchester, Michigan 48158. The office hours are 8:30 a.m. until noon Monday, Tuesday, Wednesday and Friday.

Adopted: 1/8/2013

Published: 1/17/2013

Effective: 1/24/2013, subject to PA 110 of 2006 as amended.

**MANCHESTER TOWNSHIP
WASHTENAW COUNTY
MICHIGAN**

Ordinance No. 88

An ordinance to promote the health, safety and welfare of the people of Manchester Township, Washtenaw County, Michigan, by regulating the maintenance and safety of certain buildings and structures; to define classes of buildings and structures affected by the ordinance; to establish administrative requirements and prescribe procedures for the maintenance or demolition of certain buildings and structures; to establish remedies, provide enforcement, and fix penalties for the violation of this ordinance; and to repeal all ordinances or parts of ordinances in conflict therewith.

THE TOWNSHIP OF MANCHESTER, WASHTENAW COUNTY, MICHIGAN, ORDAINS:

Section 1: Title.

This ordinance shall be known and cited as the Manchester Township Dangerous Buildings Ordinance.

Section 2: Definitions.

The following words, terms and phrases when used in this ordinance shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building means any structure, either temporary or permanent, having a roof or other covering and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. A building shall include tents, awnings, semi-trailers, or vehicles situated on a parcel and used for the purposes of a building. A building shall not include such structures as signs, or fences.

Dangerous building means a building or structure that has one or more of the following defects or is in one or more of the following conditions:

- (1) A door, aisle, passageway, stairway, or other means of exit does not conform to the approved fire code of the Township.
- (2) A portion of the building or structure is damaged by fire, wind, flood, or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the catastrophe and does not meet the minimum requirements of the Michigan State Construction Code for a new building or structure, purpose, or location.

- (3) A part or appurtenance of the building or structure is likely to fall, become detached or dislodged, or collapse and injure persons or damage property.
- (4) A portion of the building or structure has settled to such an extent that walls or other structural portions of the building or structure have materially less resistance to wind than is required in the case of new construction by the Michigan State Construction Code.
- (5) The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for the support, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way.
- (6) The building, structure, or a part of the building or structure is manifestly unsafe for the purpose for which it is used.
- (7) The building or structure is damaged by vandalism, fire, wind, or flood, or is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, or becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful or immoral act.
- (8) A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or otherwise, is 1) unsanitary or unfit for human habitation, or 2) in a condition that the health officer of the county determines is likely to cause sickness or disease, or 3) likely to injure the health, safety, or general welfare of people living in the dwelling.
- (9) A building or structure is vacant, dilapidated, and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.
- (10) A building or structure remains not "regularly occupied" for a period of 180 consecutive days or longer, and is not listed as being available for sale, lease, or rent with a real estate broker licensed under article 25 of the occupational code, Act No. 299 of the Public Acts of Michigan of 1980, being MCL 339.2501—339.2515. For purposes of this subsection, "building or structure" includes, but is not limited to, a commercial building or structure. This subsection does not apply to any of the following:
 - a. A building or structure as to which the owner or agent does both of the following:
 1. Notifies the Township building department in writing that the building or structure will remain not "regularly occupied" for a period of 180 consecutive days. The notice shall be given to the Township building department by the

owner or agent not more than 30 days after the building or structure becomes not "regularly occupied."

2. Maintains the exterior of the building or structure and adjoining grounds in accordance with all applicable laws, ordinances, and regulations.
- b. A secondary dwelling of the owner that is normally not "regularly occupied" for a period of 180 days or longer each year, if the owner notifies the Township building department in writing that the dwelling will remain not "regularly occupied" for a period of 180 consecutive days or more each year. An owner who has given the notice prescribed by this subsection shall notify the building department in writing not more than 30 days after the dwelling no longer qualifies for this exception. As used in this subsection, "secondary dwelling" means a dwelling such as a vacation home, hunting cabin, or summer home, that is "regularly occupied" by the owner or a member of the owner's family during part of a year.
 - c. A new building or new structure under construction that meets all of the following conditions: 1) has a valid building permit, 2) demonstrates that significant and continuous progress is being made toward completion, 3) secures the property and takes all other necessary safety precautions, and 4) otherwise complies with this subsection and all applicable laws, ordinances, and regulations.

Dwelling means any house, building, structure, tent, shelter, trailer or vehicle, or portion thereof (except railroad cars, on tracks or rights-of-way) which is occupied in whole or in part as the home, residence, living or sleeping place of one (1) or more human beings, either permanently or transiently.

Occupant means any person living or sleeping in a building; or having possession of a space within a building.

Occupied means a building or portion thereof that has an occupant.

Regularly occupied means a building or portion of a building that is lawfully utilized or lawfully occupied for the purpose for which it is lawfully intended and designed and which if its intended purpose is residential normally has at least one person lawfully living or sleeping in it daily and which if its intended purpose is nonresidential normally has persons lawfully in it and utilizing it on a basis consistent with its lawful nonresidential purpose. Persons solely in the building for the purpose of maintenance, repair, or cleaning of the building do not make the building "regularly occupied."

Structure means anything constructed, erected or placed with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground.

Section 3: Dangerous building prohibited.

It is unlawful for any owner or agent thereof to keep or maintain any building, structure, or part thereof which is a dangerous building. All such dangerous buildings shall be abated by alteration, repair, rehabilitation, demolition, or removal in accordance with the procedures specified within this ordinance.

Section 4: Inspections.

A representative of the Township building department with the assistance of the Township fire department and/or fire marshal shall inspect or cause to be inspected every building or structure or part thereof reported as or observed to be unsafe or damaged, and if such is found to be a dangerous building as defined in this ordinance, the building department shall commence proceedings to cause the repair, rehabilitation, demolition or removal of the building or structure.

Section 5: Notice.

- (a) *Issue.* Notwithstanding any other provision of this ordinance, if a building or structure is found to be a dangerous building, the Township building department shall issue a notice that the building or structure is a dangerous building.
- (b) *Persons who may be served notice.* The notice shall be served on each owner of or party in interest in the building or structure in whose name the property appears on the last local tax assessment records.
- (c) *Contents, notice of hearing.* The notice shall specify the time and place of a hearing on whether the building or structure is a dangerous building. The person to whom the notice is directed shall have the opportunity to show cause at the hearing why the hearing officer should not order the building or structure to be demolished, otherwise made safe, or properly maintained.
- (d) *Hearing officer; filing of notice with officer.* The hearing officer shall be appointed by the Supervisor and be approved by the Township Board and shall then serve at the Supervisor's pleasure. The hearing officer shall be a person who has expertise in housing matters including, but not limited to, an engineer, architect, building contractor, building inspector, member of a community housing organization, or any person with similar qualifications. An employee of the Township shall not be appointed as hearing officer. The Township building department shall file a copy of the notice that the building or structure is a dangerous building with the hearing officer.

- (e) *Notice in writing; service.* The notice shall be in writing and shall be served upon the person to whom the notice is directed either personally or by certified mail, return receipt requested, addressed to the owner or party in interest at the address shown on the tax records. If a notice is served on a person by certified mail, a copy of the notice shall also be posted upon a conspicuous part of the building or structure. The notice shall be served upon the owner or party in interest at least ten days before the date of the hearing included in the notice.

Section 6: Hearing; testimony; decision.

- (a) *Generally.* The hearing officer shall take testimony from representatives of the Township building department, the Township fire department, and/or fire marshal, the owner of the property, and any interested party. Not more than five days after completion of the hearing, the hearing officer shall render a decision either closing the proceedings or ordering the building or structure demolished, otherwise made safe, or properly maintained.
- (b) *Order; compliance.* If the hearing officer determines that the building or structure should be demolished, otherwise made safe, or properly maintained, the hearing officer shall so order, fixing a time in the order for the owner or agent to comply with the order. If the building is a dangerous building under subsection (10) of the definition of dangerous building in section 2, the order may require the owner or agent to maintain the exterior of the building and adjoining grounds owned by the owner of the building including, but not limited to, the maintenance of lawns, trees, and shrubs.
- (c) *Failure to appear, noncompliance; filing report of findings; request to enforce order.* If the owner or agent fails to appear or neglects or refuses to comply with the order issued under section 6, subsection (b), the hearing officer shall file a report of the findings and a copy of the order with the Township Board not more than five days after noncompliance by the owner or owners and request that necessary action be taken to enforce the order. A copy of the findings and order of the hearing officer shall be served on the owner or agent in the manner prescribed in section 5.
- (d) *Hearing; notice, show cause why order should not be enforced, decision on order, compliance.* The Township Board shall fix a date not less than 30 days after the hearing prescribed in Section 6, subsection (a) for a hearing on the findings and order of the hearing officer and shall give notice to 1) the owner and 2) all interested parties, in the manner prescribed in section 5 of the time and place of the hearing. At the hearing, any interested party shall be given the opportunity to show cause why the order should not be enforced. The Township Board shall either approve, disapprove, or modify the order. If the Township Board approves or modifies the order, the Township Board shall take all necessary action to enforce the order. If the order is approved or modified, the owner or agent shall comply with the order within 60 days after the date of the hearing under this

subsection. In the case of an order of demolition, if the Township Board determines that the building or structure has been substantially destroyed by fire, wind, flood, or other natural disaster, and the cost of repair of the building or structure will be greater than the state equalized value of the building or structure, the owner or agent shall comply with the order of demolition within 21 days after the date of the hearing under this subsection.

- (e) *Compliance costs; reimbursement.* The cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure, or grounds adjoining the building or structure incurred by the Township to bring the property into conformance with this ordinance, including the cost of consulting services, investigation, publication charges, attorney fees, court costs, and all administrative expenses shall be reimbursed to the Township by the owner or party in interest in whose name the property appears.

- (f) *Notification; failure to reimburse; collection and lien for compliance costs.* The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by the assessor of the amount of the cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure by first class mail at the address shown on the records. If the property in question is a single-family or two-family dwelling, and the owner or party in interest fails to pay the cost within 30 days after mailing by the assessor of the notice of the amount of the cost, the Township shall thereupon place the entire sum, plus collection charge as set by resolution of the Township Board, on the tax rolls as an assessment against the parcel or lot, the assessment to be collected as other taxes are levied and collected. Such charges shall be added to the general Township tax roll, and to the total of the taxes levied on such parcel or lot for the same year. The Township shall have a lien for the cost incurred by the Township to bring the property into conformance with this ordinance and for any charges imposed until the amounts have been fully paid. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. A lien provided for in this subsection does not have priority over previously filed or recorded liens and encumbrances. The lien for the cost shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act, Act No. 206 of the Public Acts of Michigan of 1893, being MCL 211.1 to 211.157, or the applicable ordinances of Manchester Township.

- (g) *Action against owner; lien on property.* In addition to other remedies under this ordinance, the Township may bring an action against the owner of the building or structure for the full cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure. The Township shall have a lien on the property if it is a single-family or two-family building or structure for the amount of a judgment obtained pursuant to this subsection. The lien provided for in this subsection shall not take effect until notice of the lien is filed or recorded as provided by law. The lien does not have priority over prior filed or recorded liens and encumbrances.

Section 7: Judgment; enforcement against assets of owner.

- (a) A judgment in an action brought pursuant to subsection 6(g) may be enforced against assets of the owner other than the building or structure.
- (b) *Judgment lien.* The Township shall have a lien for the amount of a judgment obtained pursuant to subsection 6(g) against the owner's interest in all single-family and two-family dwellings located in this state that is owned in whole or in part by the owner of the dwelling against whom the judgment is obtained. A lien provided for in this subsection does not take effect until notice of the lien is filed or recorded as provided by law, and the lien does not have priority over prior filed or recorded liens and encumbrances.

Section 8: Noncompliance with order; municipal civil infraction.

A person who fails or refuses to comply with an order approved or modified by the Township Board under section 6 within the time prescribed by that section is guilty of a municipal civil infraction as defined by Michigan Law and subject to a civil fine of not more than \$500.00, plus cost, which may include all direct or indirect expenses to which the Township has been put in connection with the violation. A violator of this ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan Law. Each day a violation of this ordinance continues to exist constitutes a separate violation.

Section 9: Judicial review.

An owner aggrieved by any final decision or order of the Township Board under section 6 may appeal the decision or order to the circuit court by filing a petition for an order of superintending control within 20 days from the date of the decision.

Section 10: Emergency situations.

Where it reasonably appears to the Township building department, fire department, police, or fire marshal that there is immediate danger to the public safety or health unless a dangerous building as defined in section 2 is immediately demolished or otherwise made safe, or whenever any building or structure becomes open at door(s) or window(s), or damaged from vandalism, fire, or other cause, including lawful entry by police enforcement, leaving the interior of the building or structure exposed to the elements, or accessible to entrance by trespassers; and the owner(s) or other responsible party is unable to be immediately contacted or cannot adequately secure the building or structure within one hour; and where it is determined that it is inappropriate to delay making such building or structure secure; such facts shall be reported to the building official or fire marshal who shall cause the immediate repair, demolition, or boarding up of such dangerous building or structure. The costs of such

immediate repair, demolition, or boarding up shall be the responsibility of the owner or party in interest which costs shall be paid within two weeks.

Section 11: Severability.

If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

Section 12: Saving Clause

This ordinance shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

Section 13: Effective Date

This ordinance shall be published once in a newspaper having general circulation in Manchester Township and shall take effect 30 days after the date of the publication of the ordinance.

Gene DeRossett, Township Supervisor

Ann M. Becktel, Township Clerk

I, Ann M. Becktel, Clerk for Manchester Township, hereby certify that the foregoing is a true and correct copy of Ordinance No. 88 of Manchester Township, adopted by resolution at a meeting of the Township Board of Trustees held on May 12, 2015, and the whole thereof now in my custody.

Ann M. Becktel, Township Clerk

A copy of the complete ordinance text may be inspected or purchased at the Manchester Township Hall, 275 South Macomb, Manchester, Michigan 48158. The office hours are 8:30 a.m. until noon Monday, Tuesday, Wednesday and Friday.

Adopted: 5/12/15

Published: 5/21/15

Effective: 5/28/15

**MANCHESTER TOWNSHIP
ORDINANCE NO. 89**

AN ORDINANCE TO ESTABLISH A JOINT PLANNING COMMISSION BETWEEN
MANCHESTER TOWNSHIP AND THE VILLAGE OF MANCHESTER, PURSUANT TO
AGREEMENT ESTABLISHING THE MANCHESTER COMMUNITY JOINT PLANNING
COMMISSION DATED MAY 1, 2015, TO BE KNOWN AS THE MANCHESTER
COMMUNITY JOINT PLANNING COMMISSION

Manchester Township and the Village of Manchester find it in their long-term interest to cooperate on planning and zoning issues. A means of achieving this goal is to jointly plan for land use. Therefore, both governmental units desire to enter into an agreement to establish a joint planning commission pursuant to Public Act 226 of 2003, as amended (MCL 125.131, et seq.), which shall be referred to as the “Manchester Community Joint Planning Commission”. The jurisdictional area of the Manchester Community Joint Planning Commission shall comprise the corporate limits of Manchester Township and the Village of Manchester, both of Washtenaw County, Michigan.

MANCHESTER TOWNSHIP, WASHTENAW COUNTY, MICHIGAN ORDAINS:

Sec. 1 Establishment of the Manchester Community Joint Planning Commission

a. Formation of the Manchester Community Joint Planning Commission

Manchester Township approves the establishment of a joint planning commission pursuant to Public Act 226 of 2003, as amended (MCL 125.131, et seq.), and shall enter into and adhere to the Agreement Establishing the Manchester Community Joint Planning Commission Dated May 1, 2015, between Manchester Township and the Village of Manchester regarding the formation, composition, and operation of the Manchester Community Joint Planning Commission.

b. Severability

If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

c. Repeal

All ordinances or parts of ordinances of Manchester Township inconsistent herewith are hereby repealed so far as they may be inconsistent with the provisions of this Ordinance.

d. Saving Clause

The adoption of this Ordinance by Manchester Township will not be deemed to vacate the appointment and responsibilities of the Manchester Township Planning Commission for land use (except as necessary to create the new Joint Master Plan and excluding MCL sections 125.3861, 125.3863, 125.3865, 125.3867, and 125.3871 which sections will be controlled by the paragraph below) under the Michigan planning enabling act until such a time as a Joint Master Plan is approved and adopted by all the legislative bodies of the participating municipalities that are party to the Manchester Community Joint Planning Agreement and such plan takes effect.

The adoption of this Ordinance by Manchester Township will not be deemed to vacate the appointment and responsibilities of the Manchester Township Planning Commission for zoning board and zoning commission powers, and all other duties and responsibilities it derives from the Michigan Zoning Enabling Act and MCL sections 125.3861, 125.3863, 125.3865, 125.3867, and 125.3871 of the Michigan planning enabling act until such a time as a Joint Zoning Ordinance is approved and adopted by all the legislative bodies of the participating municipalities that are party to the Manchester Community Joint Planning Agreement and such ordinance takes effect.

e. Effective Date

This Ordinance shall take effect following its adoption and publication pursuant to the procedures outlined in Section 9 of Public Act 226 of 2003 (MCL 125.139).

MADE, PASSED AND ADOPTED BY THE MANCHESTER TOWNSHIP BOARD OF TRUSTEES THIS 9TH DAY OF JUNE, 2015.

Gene DeRossett, Township Supervisor

Ann M. Becktel, Township Clerk

Attest

I do hereby confirm that a true copy of the above Ordinance No. 89 was published in the Heritage on the 18th day of June, 2015.

Ann M. Becktel, Township Clerk

I, Ann M. Becketl, Clerk for Manchester Township, hereby certify that the foregoing is a true and correct copy of Ordinance No. 89 of Manchester Township, adopted by resolution at a meeting of the Township Board of Trustees held on June 9, 2015, and the whole thereof now in my custody.

Ann M. Becketl, Township Clerk

The ordinance changes shall take effect seven days after this publication of the notice of adoption unless petition procedures are initiated under MCL 125.139. If petition procedures are initiated, the ordinance shall take effect in accordance with MCL 125.139.

A copy of the complete ordinance text may be inspected or purchased at the Manchester Township Hall, 275 South Macomb, Manchester, Michigan 48158. The office hours are 8:30 a.m. until noon Monday, Tuesday, Wednesday and Friday.

Adopted: 6/9/2015

Published: 6/18/2015

Effective: 6/27/2015 subject to Public Act 226 of 2003, as amended (MCL 125.139).

MANCHESTER TOWNSHIP ORDINANCE NO. 90

AN ORDINANCE TO AMEND THE MANCHESTER TOWNSHIP ZONING ORDINANCE BY ADDING SECTION 16.25 "SOLAR ENERGY SYSTEMS" TO ARTICLE 16.0 "SUPPLEMENTARY REGULATIONS AND STANDARDS".

MANCHESTER TOWNSHIP, WASHTENAW COUNTY, MICHIGAN, ORDAINS:

Section 1: Amendments, additions, and deletions to the Manchester Township Zoning Ordinance Article 16.0 "Supplementary Regulations and Standards.

That the Manchester Township Zoning Ordinance, Article 16.0, "Supplementary Regulations and Standards", is hereby amended by adding a new Section 16.25 "Solar Energy Systems" to read as follows:

SECTION 16.25 - SOLAR ENERGY SYSTEMS

A. Purpose and Prohibition

Manchester Township promotes the effective and efficient use of solar energy systems. It is the intent of the Township to permit these systems by regulating their siting, design, and installation to protect public health, safety, and welfare, and to ensure their compatibility with adjacent land uses. Building-mounted and ground-mounted solar energy systems, as defined in this Ordinance, shall comply with the provisions of this Section and are only permitted as authorized by this Section.

B. Definitions

1. **Ancillary Solar Equipment** shall mean any accessory part or device of a solar energy system that does not require direct access to sunlight, such as batteries, electric meters, converters, or water heater tanks.
2. A **Solar Collector Surface** shall refer to any part of a solar energy system that absorbs solar energy for use in the system's transformation process. The collector surface does not include frames, supports, and mounting hardware.
3. **Solar Energy** shall mean radiant energy received from the sun that can be collected in the form of heat or light by a solar energy system.
4. A **Solar Energy System (SES)** shall mean a system (including solar collectors and ancillary equipment) either affixed to a permanent principal or accessory building or functioning as a freestanding structure, that collects, stores, and distributes solar energy for heating or cooling, generating electricity, or heating water. Solar Energy Systems

include, but are not limited to, photovoltaic (PV) power systems and solar thermal systems.

- a. A **Personal-Scale SES** shall mean a solar energy system that is accessory to the principal use on the site. The total surface area of all Solar Collector Surfaces within a Personal-Scale SES shall not exceed 1,500 square feet. 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 not its primary purpose. Sale of excess energy to anything other than an authorized public utility shall be prohibited.
- b. A **Utility-Scale SES** shall mean a solar energy system that meets one or more of the following:
 - i. Is primarily used for generating electricity for sale and distribution to an authorized public utility;
 - ii. The total surface area of all Solar Collector Surfaces exceeds 1,500 square feet; and/or
 - iii. Is not an accessory use or structure.
- c. A **Building-Mounted SES** shall mean a solar energy system affixed to a permanent principal or accessory building (i.e. roof or wall).
- d. A **Ground-Mounted SES** shall mean a freestanding solar energy system that is not attached to and is separate from any building on the parcel of land on which the solar energy system is located.

C. Standards for Personal-Scale SES

Personal-Scale SES shall be permitted as an accessory use/structure in all zoning districts, subject to the following standards:

1. Application for Zoning Compliance Permit of Personal-Scale SES

A Personal-Scale SES requires a Zoning Compliance Permit, except as stated in Section 16.25.C.2 below. An application for a Zoning Compliance Permit shall include the following:

- a. Photographs of the property's existing conditions.
- b. Renderings or catalogue cuts of the proposed solar energy system.
- c. Plot/Sketch plan to indicate where the solar energy system is to be installed on the property (or, if building-mounted, the system's location on the permanent building), including property setbacks and the total Solar Collector Surface area.
- d. Elevations showing the height of the solar energy system.
 - i. For ground-mounted solar systems, the height of the system above ground.

- ii. For pitched roof-mounted solar systems, the elevation must show the highest finished height of the system and the height of the finished roof surface on which it is mounted.
 - iii. For flat roof-mounted solar energy systems, the elevations shall show the highest finished height of the system and the highest point of the roof, including any parapets on the building.
- e. Description of the screening to be provided for ground or building-mounted solar energy equipment.

2. Exclusions from Zoning Compliance Permit for Personal-Scale SES

The following situations do not require a Zoning Compliance Permit, but shall still comply with all other standards of this Ordinance:

- a. The installation of one (1) building-mounted solar energy system with a total solar collector surface area of less than eight (8) square feet.
- b. The installation of one (1) ground-mounted solar energy system with a height of less than six (6) feet and a solar collector surface of less than eight (8) square feet.
- c. Repair and replacement of existing solar energy equipment, provided that there is no expansion of the size or coverage area of the solar energy system.

3. Ground-Mounted SES

Ground-mounted, personal-scale SES shall be subject to the following additional standards:

- a. **Setbacks:** In all Zoning Districts, ground-mounted solar energy systems shall be located only in the rear or side yard and shall be located at least ten (10) feet from the property line.
- b. **Height:** Ground-mounted solar energy systems shall not exceed sixteen (16) feet in height, measured from the ground at the base of such equipment to the highest point of the system.
- c. **Attachment:** Solar energy systems shall be permanently and safely attached to the ground. Proof of the safety and reliability of the means of such attachment, in the form of certification by a professional engineer or other qualified person, shall be submitted with the application.
- d. **Installation and Maintenance:** Solar energy systems shall be installed, maintained and used only in accordance with the manufacturer's directions. A copy of such directions shall be submitted with the site plan application.
- f. **Visual Impact:** The solar energy system shall not have a significant adverse visual impact on the natural features or neighborhood character of the surrounding area and shall be located to minimize glare on adjacent properties and roadways.

2. Standards for Ground-Mounted Utility-Scale SES

a. Setbacks

- i. **Front Yard:** Utility-scale solar energy systems shall be set back at least fifty (50) feet from the road right-of-way line.
- ii. Each side yard shall be at least twenty-five (25) feet. Where utility-scale solar energy systems abut a residentially-zoned (including AR) or used lot, the side yard shall not be less than fifty (50) ft.

The rear yard shall be at least twenty-five (25) feet. Where utility-scale solar energy systems abut a residentially-zoned (including AR) or used lot, the rear-yard shall not be less than fifty (50) feet.

- b. **Height:** Utility-scale ground-mounted solar energy systems shall conform to the maximum height standards of the zoning district in which it is located.
- c. **Minimum Lot Area:** Minimum lot area for a utility-scale solar energy system shall be five (5) acres.
- d. **Lighting:** On-site lighting shall meet the performance standards of Section 16.02.G. of the Zoning Ordinance. Lighting shall be limited to that required for safety and operational purposes, and shall be directed downward and shielded from abutting properties.
- e. **Signage:** Signs shall comply with the requirements described in Article 15. Further, utility-scale solar energy system installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar energy system.
- f. **Utility Connections:** All utility connections from the solar energy system shall be placed underground, depending on site conditions and any requirements of the utility provider.
- g. **Screening:** When a utility-scale solar energy system is adjacent to a residentially-zoned or used lot, side and rear yard screening may be required as determined by the Planning Commission to address specific site needs at the time of site plan review. Solar panels shall be placed such that concentrated radiation or solar glare shall not be directed onto nearby properties or roadways. When deemed appropriate, the Planning Commission may require a report from a registered civil engineer or other professional to address this issue.

3. **Building-Mounted SES:** Building-mounted, utility-scale SES shall be subject to the standards of Section 16.25.E. in addition to the standards contained within this Section.

4. **Other Conditional Use Permit Requirements for Utility-Scale SES**

- a. **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.
- b. **Operation and Maintenance Plan:** The applicant shall submit a plan for the operation and maintenance of the utility-scale system, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures of operational maintenance of the installation.
- c. **Emergency Services:** Upon request by Manchester Township, the owner/operator of the solar energy system shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar energy system shall be clearly marked. The owner/operator shall identify a responsible person for public inquiries throughout the life of the installation. An information sign shall be posted and maintained at the entrance(s) which lists the name and phone number of the operator.
- d. **SES Maintenance:** The utility-scale SES owner/operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to local emergent response personnel. The owner/operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s).
- e. **Site Clearing:** Clearing of natural vegetation shall be limited to what is necessary for the construction, operation, and maintenance of the installation.

5. Abandonment or Decommissioning

- a. Any utility-scale solar energy system which has reached the end of its useful life or has been abandoned consistent with this section of the Zoning Ordinance shall be removed and parcel owners shall be required to restore the site to its original condition. The owner/operator shall physically remove the installation no more than one-hundred and fifty (150) days after the date of discontinued operations. The owner/operator shall notify the Township and the Planning Commission by certified mail of the proposed date of discontinued operations and plans for removal.
- b. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the utility-scale SES shall be considered abandoned when it fails to operate for more than one year. If the owner/operator fails to remove the installation in accordance with the requirements of this Section within 150 days of abandonment of the proposed date of decommissioning, Manchester Township is permitted to enter the property and physically remove the installation.
- c. Decommissioning shall consist of:
 - i. Physical removal of all utility-scale solar energy systems, structures, equipment, security barriers, and transmission lines from the site.

- ii. Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations.
 - iii. Stabilization or re-vegetation of the site as necessary to minimize erosion.
- 6. Ancillary Solar Equipment: Where feasible, ancillary solar equipment shall be located inside the building or be screened from public view. All ancillary solar equipment such as, but not limited to, water tanks, supports, batteries, and plumbing shall be screened to the maximum extent possible 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 State Building Code and when no longer in use shall be disposed of in accordance with applicable laws and regulations.
- 7. Financial Surety: The applicant for a utility-scale solar energy system shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event Manchester Township must remove the installation, in an amount and form determined to be reasonable by the Planning Commission, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

E. Standards for all Building-Mounted SES

Personal-Scale and Utility-Scale building-mounted SES shall be subject to the following standards:

- a. **Height:** Solar energy systems that are mounted on the roof of a building shall not project more than five (5) 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, and shall not project beyond the eaves of the roof.
- b. **Weight:** Solar energy systems mounted on the roof of a building shall be only of such weight as can safely be supported by the roof. Proof thereof, in the form of certification by a professional engineer or other qualified person, shall be submitted to the Township Zoning Administrator prior to installation.
- c. **Attachment:** Solar energy systems that are roof-mounted, wall-mounted or are otherwise attached to a building or structure shall be permanently and safely attached to the building or structure. Proof of the safety and reliability of the means of such attachment shall be submitted to the Zoning Administrator prior to installation.
- d. **Wall-Mounted SES:** Solar energy systems that are wall-mounted shall not exceed the height of the building wall to which they are attached.
- e. **Installation and Maintenance:** Solar energy systems shall be installed, maintained and used only in accordance with the manufacturer's directions. Upon

request, a copy of such directions shall be submitted to the Township Zoning Administrator prior to installation.

- f. **Visual Impact:** The solar energy system shall not have a significant adverse visual impact on the natural features or neighborhood character of the surrounding area and shall be located to minimize glare on adjacent properties and roadways. Solar energy systems that are visible from the street must be either composed of building-integrated components (such as solar shingles) that are not readily evident, or be designed and mounted to match the shape, proportions, and slope of the roof.
- g. **Compliance with Additional Codes:** Solar energy systems, and the installation and use thereof, shall comply with the Township/State construction code, the electrical code, and other applicable Township and State codes. Installation of a solar energy system shall not commence until all necessary permits have been issued.

F. Solar Access

The Township makes no assurance of solar access other than the provisions of this Section. The applicant may provide evidence of covenants, easements or similar documentation for abutting property owners providing access to solar energy for the operation of a solar energy system.

Section 2: Severability.

If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

Section 3: Saving Clause

The Manchester Township Zoning Ordinance, except as herein or heretofore amended, shall remain in full force and effect. The amendments provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

Section 4. Effective Date

The ordinance changes shall take effect seven days after the publication of the notice of adoption unless petition procedures are initiated under MCL 125.3402. If petition procedures are initiated, the ordinance shall take effect in accordance with MCL 125.3402.

Gene DeRossett, Township Supervisor

Ann M. Becketl, Township Clerk

I, Ann M. Becketl, Clerk for Manchester Township, hereby certify that the foregoing is a true and correct copy of Ordinance No. 90 of Manchester Township, adopted by resolution at a meeting of the Township Board of Trustees held on Tuesday, February 9, 2016, the whole thereof is now in my custody, and that copies of the ordinance were transmitted and published as directed.

Ann M. Becketl, Township Clerk

A copy of the complete ordinance text may be inspected or purchased at the Manchester Township Hall, 275 South Macomb, Manchester, Michigan 48158. The office hours are 8:30 a.m. until noon Monday, Tuesday, Wednesday and Friday.

Adopted: 2/9/2016

Published: 2/18/2016

Effective: 2/25/2016, subject to PA 110 of 2006 as amended.