

Zoning Ordinance

Effective Date: December 26, 2013

With Updates Through December 30, 2017

Salem Township
Washtenaw County, Michigan

ACKNOWLEDGMENTS

TOWNSHIP BOARD OF TRUSTEES

Gary Whittaker, Supervisor

Del Wensley, Clerk

Dale Converse, Treasurer

John Daniel, Trustee

Reggie DeLuca, Trustee

T.J. McLaughlin, Trustee

David Trent, Trustee

PLANNING COMMISSION

Pam Merlo, Chair

Dan Vergari, Vice-Chair

T.J. McLaughlin, Township Board Representative

Bruce Reeve, Secretary

Bart Cann

Darryle Levandowski

Robert Rizzo

TABLE OF CONTENTS

ARTICLE 1.0 TITLE, PURPOSES AND LEGAL CLAUSES

	<u>Page</u>
Section 1.01 Title	1-1
Section 1.02 Repeal of Previous Ordinances	1-1
Section 1.03 Purposes	1-1
Section 1.04 Scope	1-4
Section 1.05 Severability	1-5
Section 1.06 Adoption and Effective Date	1-5

ARTICLE 2.0 DEFINITIONS

Section 2.01 Purpose	2-1
Section 2.02 Rules Of Construction	2-1
Section 2.03 Definitions	2-2
Section 2.04 Undefined terms	2-55

ARTICLE 3.0 GENERAL PROVISIONS

Section 3.01 Accessory Structures	3-1
Section 3.02 Fence Regulations	3-2
Section 3.03 Bulk Regulations	3-4
Section 3.04 Property Maintenance	3-5
Section 3.05 Property Between the Lot Line and Road	3-5
Sections 3.06 – 3-08 Reserved	
Section 3.09 Administrative Standards	3-5
Section 3.10 Scope of Provisions	3-5
Section 3.11 Unlawful Buildings, Structures, Site Designs, And Uses	3-6
Section 3.12 Division and Consolidation of Land	3-6
Section 3.13 Voting Place	3-6
Section 3.14 Firewood Sales on Residential Lots	3-6
Section 3.15 Roof-Mounted Solar Energy Conversion Systems	3-6
Section 3.16 Essential Services	3-7
Section 3.17 Public Utilities	3-7
Section 3.18 Water Supply and Sanitary Sewage Facilities	3-7
Section 3.19 Right-of-Way Requirements in All Districts	3-9
Section 3.20 Dry Hydrant	3-9
Sections 3.21 – 3-25 Reserved	
Section 3.26 Transient and Amusement Enterprises	3-10
Sections 3.27 – 3.28 Reserved	
Section 3.29 Temporary Structures	3-10

ARTICLE 4.0-9.0 RESERVED

ARTICLE 10.0 ZONING DISTRICTS

Section 10.100 General Provisions	10-1
Section 10.101 Use Regulations	10-1
Section 10.102 Prohibited Uses	10-1
Section 10.103 Design and Development Standards	10-1
Section 10.104 District Boundaries	10-2
Section 10.105 Official Zoning Map	10-2
Section 10.106 Compliance Required	10-4

	<u>Page</u>
Section 10.200 Purpose of Districts.....	10-5
Section 10.201 Establishment of Zoning Districts.....	10-5
Section 10.202 Recreation-Conservation (R-C) District.....	10-5
Section 10.203 Agricultural-Residential (A-R) District.....	10-6
Section 10.204 Estate Residential (ER) District.....	10-7
Section 10.205 Low Density Residential (LR) District.....	10-7
Section 10.206 Single-Family Residential (SR) District.....	10-7
Section 10.207 Multiple-Family Residential (MR) District.....	10-7
Section 10.208 Manufactured Housing Park (MHP) District.....	10-8
Section 10.209 Office Commercial (OC) District.....	10-9
Section 10.210 Local Commercial (LC) District.....	10-9
Section 10.211 General Commercial (GC) District.....	10-9
Section 10.212 Highway Commercial (HC) District.....	10-10
Section 10.213 Hamlet Center District (HCD).....	10-10
Section 10.214 Urban Services District (USD).....	10-11
Section 10.215 Planned Unit Development (PUD) District.....	10-12
Section 10.216 Limited Industrial (LI) District.....	10-12
Section 10.217 General Industrial (GI) District.....	10-13
Section 10.218 Research and Research Applications (RRA) District.....	10-13
Section 10.219 Public/Semi-Public Services (PSP) District.....	10-13
Section 10.220 Residential Office Park (ROP) District.....	10-14

ARTICLE 11.0-19.0 RESERVED

ARTICLE 20.0 LAND USE TABLE

Section 20.01 Key Designations in Table of Uses.....	20-1
Section 20.02 Table of Permitted Uses by District.....	20-1

ARTICLES 21.0-29.0 RESERVED

ARTICLE 30.0 DIMENSIONAL STANDARDS

Section 30.100 Dimensional Standards.....	30-1
Section 30.101 Table of Dimensional Standards by District.....	30-1
Section 30.200 Supplemental Provisions and Exceptions.....	30-5
Section 30.201 Height Exceptions.....	30-5
Section 30.202 Lot Standards.....	30-5
Section 30.203 Yard Standards.....	30-6
Section 30.204 Density Regulations.....	30-10
Section 30.205 Compliance with Dimensional Standards.....	30-10
Section 30.206 Number of Principal Dwellings per Lot.....	30-11
Section 30.207 Access to Roads.....	30-11
Section 30.208 Corner Clearance Areas.....	30-12

ARTICLES 31.0-39.0 RESERVED

ARTICLE 40.0 USE STANDARDS

Section 40.001 Intent.....	40-1
Section 40.002 Scope of Regulations.....	40-1
Section 40.003 Organization.....	40-1

	<u>Page</u>
Section 40.100 Rural Uses	40-3
Section 40.101 Agricultural Services and Farm Supply Stores.....	40-3
Section 40.102 Farm-Based Tourism/Entertainment Activities or Farm Markets	40-3
Section 40.103 Farm Products Direct Marketing Businesses	40-4
Section 40.104 Farming Operations	40-5
Section 40.105 Greenhouse	40-5
Section 40.106 Kennel	40-5
Section 40.107 Landscape Businesses	40-7
Section 40.108 Nursery	40-8
Section 40.109 Private Riding Arenas, Boarding Stables, and Non-Farm Keeping of Animals.....	40-8
Section 40.110 Roadside Stands	40-9
Section 40.111 Veterinary Clinics and Hospitals	40-10
Section 40.200 Residential Uses	40-11
Section 40.201 Accessory Dwelling	40-11
Section 40.202 Bed and Breakfast Inn.....	40-12
Section 40.203 Farm Labor Housing.....	40-13
Section 40.204 Home Occupations and Home-Based Businesses.....	40-14
Section 40.205 Manufactured Housing Parks	40-17
Section 40.206 Multiple-Family Housing	40-21
Section 40.207 Single- and Two-Family Dwelling Standards.....	40-23
Section 40.208 Functional Equivalent of a Domestic Family; Additional Persons.....	40-25
Section 40.300 Office, Service, and Community Uses.....	40-27
Section 40.301 Accessory Office, Service, and Community Uses.....	40-27
Section 40.302 Day Care, Group Home, and Other State Licensed or Managed Residential Facilities.....	40-27
Section 40.303 Funeral Parlor or Mortuary	40-28
Section 40.304 Institutional Uses	40-28
Section 40.305 Private Recreational Facilities	40-28
Section 40.306 Sportsman’s Clubs and Commercial Shooting Ranges	40-30
Section 40.307 Therapeutic Massage	40-31
Section 40.308 Donation Drop Boxes	40-31
Section 40.400 Commercial Uses.....	40-33
Section 40.401 Accessory Commercial Uses.....	40-33
Section 40.402 Amusement Center	40-33
Section 40.403 Big Box Commercial Uses	40-33
Section 40.404 Car Washes	40-34
Section 40.405 Drive-in or Drive-through Facilities.....	40-35
Section 40.406 Motion Picture Cinema	40-36
Section 40.407 Motor Vehicle Service Centers, Repair Stations, and Fueling Stations	40-36
Section 40.408 Outdoor Cafes and Eating Areas.....	40-39
Section 40.409 Outdoor Sales or Display Areas.....	40-39
Section 40.410 Secondhand Stores	40-40
Section 40.411 Showroom for Display or Sale of Products.....	40-41
Section 40.500 Industrial, Research, and Laboratory Uses.....	40-43
Section 40.501 Intensive Industrial Operations.....	40-43
Section 40.502 Junkyards	40-44
Section 40.503 Outdoor Storage, General.....	40-46
Section 40.504 Self-Storage Warehouses	40-47

	Page
Section 40.600 Other Uses	40-49
Section 40.601 Adult Uses and Sexually Oriented Businesses	40-49
Section 40.602 Composting Center	40-51
Section 40.603 Extraction Operations.....	40-51
Section 40.604 Temporary Concrete or Asphalt Batch Plants.....	40-64
Section 40.605 Utility Transmission and Distribution Lines	40-65
Section 40.606 Temporary Uses Not Otherwise Regulated	40-65
Section 40.607 Volatile Biofuel Production	40-66

ARTICLES 41.0-49.0 RESERVED

ARTICLE 50.0 SPECIAL DISTRICT REGULATIONS

Section 50.001 Authority to Establish Special Districts Purpose	50-1
Section 50.002 Scope	50-1
Section 50.003 Regulatory Flexibility	50-1
Section 50.100 Review Procedures	50-3
Section 50.101 Pre-Application Conference.....	50-3
Section 50.102 Application for Special District Approval	50-4
Section 50.103 Site Plan Approval.....	50-9
Section 50.104 Subdivision Plat Approval	50-9
Section 50.105 Phasing of Development.....	50-9
Section 50.106 Amendment and Revision.....	50-10
Section 50.107 Expiration of Approval	50-12
Section 50.108 Rescinding Special District Approval.....	50-13
Section 50.109 As Built Drawings	50-14
Section 50.110 Compliance Required	50-14
Section 50.200 General Standards	50-15
Section 50.201 Circulation and Access.....	50-15
Section 50.202 Public Improvements	50-15
Section 50.203 Open Space Standards	50-16
Section 50.204 Common Areas and Facilities	50-17
Section 50.300 Additional District Standards.....	50-18
Section 50.301 Planned Unit Development (PUD) District.....	50-18
Section 50.302 Urban Services District (USD)	50-27
Section 50.303 Research and Research Applications (RRA) District.....	50-30
Section 50.304 Hamlet Center District (HCD).....	50-31
Section 50.305 Residential Office Park (ROP) District.....	50-34

ARTICLES 51.0-54.0 RESERVED

ARTICLE 55.0 CONDOMINIUM REGULATIONS

Section 55.01 Purpose	55-1
Section 55.02 Scope	55-1
Section 55.03 Types of Condominium Units.....	55-1
Section 55.04 Condominium Site Plan Requirements.....	55-2
Section 55.05 Changes to an Approved Condominium	55-2
Section 55.06 Effect of Condominium Site Plan Approval	55-3
Section 55.07 Condominium Site Plan Expiration	55-3
Section 55.08 Rescinding Approval of a Condominium Site Plan	55-3
Section 55.09 Density Regulations	55-3

	<u>Page</u>
Section 55.10 Design and Development Standards	55-4
Section 55.11 Manufactured Housing Park Condominium	55-13
Section 55.12 Non-Residential Condominium	55-14
Section 55.13 Special District Condominium Developments	55-15
Section 55.14 Relocation and Subdivision of Lot Boundaries	55-15
Section 55.15 Monuments	55-16
Section 55.16 Construction in a General Common Element	55-16
Section 55.17 Recording of Condominium Documents	55-16

ARTICLES 56.0-59.0 RESERVED

ARTICLE 60.0 SUPPLEMENTARY REGULATIONS AND STANDARDS

Section 60.01 Purpose	60-1
Section 60.02 Performance Standards	60-1
Section 60.03 Exterior Lighting	60-4
Section 60.04 Storage of Materials and Trash Storage Areas.....	60-8
Sections 60.05 – 60.07 Reserved	
Section 60.08 Natural Features Preservation	60-8
Section 60.09 Screening and Land Use Buffers.....	60-22
Section 60.10 Land Filling and Alteration.....	60-32
Sections 60.11 – 60.17 Reserved	
Section 60.18 Flood Hazard Regulations.....	60-34
Section 60.19 Impact Assessment.....	60-37
Section 60.20 Reserved	
Section 60.21 Residential Open Space Development Option.....	60-39
Sections 60.22 – 60-25 Reserved	
Section 60.26 Wireless Communication Facilities	60-44
Sections 60.27 – 60-29 Reserved	
Section 60.30 Development Agreement.....	60-57
Section 60.31 Wind Energy Conversion Systems.....	60-58

ARTICLE 61.0 OFF-STREET PARKING AND LOADING-UNLOADING REQUIREMENTS

Section 61.01 Purpose	61-1
Section 61.02 Scope	61-1
Section 61.03 General Regulations	61-1
Section 61.04 Standards for Parking Calculations.....	61-2
Section 61.05 Schedule of Off-Street Parking Requirements.....	61-3
Section 61.06 Design Requirements for Parking Areas	61-8
Section 61.07 Off-Street Loading Requirements.....	61-11
Section 61.08 Construction and Maintenance	61-12
Section 61.09 Flexibility in Application	61-13

ARTICLE 62.0 SIGN REGULATIONS

Section 62.01 Purpose	62-1
Section 62.02 General Sign Regulations	62-1
Section 62.03 Signs Allowed Without a Permit.....	62-5
Section 62.04 Signs Allowed With a Permit.....	62-7
Section 62.05 Building Mounted Signs.....	62-9
Section 62.06 Ground Signs.....	62-10
Section 62.07 Sign Permit Requirements	62-12

	Page
Section 62.08 Billboards	62-13
Section 62.09 Prohibited Signs.....	62-15
Section 62.10 Nonconforming Signs	62-15
Section 62.11 Signs Removal by Township Action.....	62-16
Section 62.12 Exceptions	62-17

ARTICLE 63.0 CONDITIONAL USES

Section 63.01 Intent and Scope	63-1
Section 63.02 Authority to Grant Permits.....	63-1
Section 63.03 Application Procedure	63-1
Section 63.04 Information Required	63-2
Section 63.05 Planning Commission Action.....	63-3
Section 63.06 Conditional Use Standards.....	63-3
Section 63.07 Conditions of Approval	63-4
Section 63.08 Compliance with Conditional Use Permit Approval	63-5
Section 63.09 Alteration and Expansion.....	63-6
Section 63.10 Reapplication	63-6
Section 63.11 Rescinding of Conditional Use Permit.....	63-6

ARTICLE 64.0 SITE PLAN REVIEW

Section 64.01 Purpose	64-1
Section 64.02 Site Plan Approval Required	64-2
Section 64.03 Pre-Application Meeting	64-4
Section 64.04 Applications for Site Plan Approval.....	64-5
Section 64.05 Planning Commission Action.....	64-6
Section 64.06 Combining Preliminary and Final Site Plans	64-9
Section 64.07 Required Site Plan Information.....	64-9
Section 64.08 Expiration of Site Plan Approval.....	64-13
Section 64.09 Phasing of Development	64-14
Section 64.10 Standards For Site Plan Approval.....	64-15
Section 64.11 Compliance with Approved Site Plan	64-16
Section 64.12 Amendment and Revision.....	64-16
Section 64.13 Rescinding Site Plan Approval.....	64-17
Section 64.14 As-Built Drawings.....	64-17
Section 64.15 Inspection	64-18
Section 64.16 Violations.....	64-18

ARTICLE 65.0 NONCONFORMITIES

Section 65.01 Purpose	65-1
Section 65.02 Scope	65-1
Section 65.03 Nonconforming Use Determinations.....	65-2
Section 65.04 Unlawful Uses.....	65-3
Section 65.05 Nonconforming Single-Family Detached Dwellings	64-3
Section 65.06 Nonconforming Lots of Record	64-5
Section 65.07 Nonconforming Uses.....	65-6
Section 65.08 Nonconforming Structures.....	64-10
Section 65.09 Nonconforming Sites.....	65-13
Section 65.10 Nonconforming Signs	65-14
Section 65.11 Change of Tenancy or Ownership.....	65-14
Section 65.12 Cessation of Nonconformities by Township Action.....	65-14

ARTICLE 66.0 ZONING BOARD OF APPEALS

	<u>Page</u>
Section 66.01 Board Established	66-1
Section 66.02 Membership and Terms	66-1
Section 66.03 General Procedures for the Board of Appeals.....	66-2
Section 66.04 Powers and Duties of the Board of Appeals	66-4
Section 66.05 Applications	66-4
Section 66.06 Interpretations.....	66-5
Section 66.07 Administrative Appeals.....	66-5
Section 66.08 Variances	66-6
Section 66.09 Variance Expiration	66-7
Section 66.10 Reapplication for Variance.....	66-8
Section 66.11 Site Plan Requirements	66-8
Section 66.12 Conditions of Approval	66-8
Section 66.13 Appeals to Circuit Court	66-8

ARTICLE 67.0 ADMINISTRATION AND ENFORCEMENT

Section 67.01 Intent.....	67-1
Section 67.02 Zoning Administrator and Township Planner	67-1
Section 67.03 Certificates of Zoning Compliance	67-3
Section 67.04 Building Permits.....	67-5
Section 67.05 Certificate of Occupancy	67-6
Section 67.06 Records	67-6
Section 67.07 Fees and Performance Guarantees	67-6
Section 67.08 Compliance With Plans and Applications	67-8
Section 67.09 Violations	67-8
Section 67.10 Ordinance Violations Bureau, Penalties, Sanctions, and Remedies for Violations.....	67-9
Section 67.11 Public Hearing Procedures.....	67-12

ARTICLE 68.0 AMENDMENTS

Section 68.01 Initiating Amendments.....	68-1
Section 68.02 Fees	68-1
Section 68.03 Amendment Procedure	68-1
Section 68.04 Information Required.....	68-2
Section 68.05 Findings of Fact Required.....	68-3
Section 68.06 Notice of Adoption	68-5
Section 68.07 Referendum.....	68-6
Section 68.08 Conformance to Court Decree	68-6

NOTICE OF ADOPTION

ARTICLE 1.0

TITLE, PURPOSES, AND LEGAL CLAUSES

Section 1.01 Title.

This Ordinance shall be known and may be cited as the Salem Township Zoning Ordinance, and shall be referred to herein as "this Ordinance."

Section 1.02 Repeal of Previous Ordinances.

All previous zoning ordinances adopted by the Township Board of Salem Township, Washtenaw County, Michigan, and all amendments thereto, are hereby repealed as of the effective date of this Ordinance, together with all other ordinances, or parts thereof, that conflict with this Ordinance. However, no offense committed nor penalty incurred prior to the effective date of this Ordinance shall be affected or impaired.

Any prosecution pending at the time this Ordinance becomes effective may be tried and determined exactly as if such ordinance has not been repealed. Any prosecution started within 365 calendar days after the effective date of this Ordinance in consequence of any violation of any ordinance repealed herein, which was committed previous to the effective date of this Ordinance, may be tried and determined exactly as if such ordinance has not been repealed.

Section 1.03 Purposes.

This Ordinance has been prepared and adopted for the purpose of providing standards and regulations for land development, for the use of land and structures, and for all other purposes described in Section 201 of the Michigan Zoning Enabling Act. This Ordinance is based on the Township's Master Plan, and is intended to carry out the objectives of the plan.

A. General Purposes.

This Ordinance has further been established for the general purposes of:

1. Promoting and protecting the public health, safety and general welfare.
2. Maintaining the rural, natural, and scenic qualities of the Township by preserving farmland and significant open lands, promoting healthful surroundings for family life, while also providing for the needs of recreation, residence, commerce, and industry in future growth.
3. 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, air, privacy, convenience of access to property, and lessening and avoiding congestion on the public highways and streets.
4. Preserving the wide variety of natural features in the Township, including woodlands, wetlands, streams, and rolling topographical features, in accordance with the objectives and policy recommendations of the Township Master Plan.
5. Establishing reasonable standards to which structures shall conform and maintaining their taxable value by regulating the use, bulk, and concentration of structures in relation to surrounding land; and prohibiting uses, additions, alterations or remodeling of structures in a manner incompatible with the

intended character the zoning district or the objectives and policies of the Master Plan.

6. 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.
7. Designating and defining the powers and duties of the official or officials in charge of the administration and enforcement of this Ordinance, including creating a Board of Appeals and defining the powers and duties thereof; providing for the completion, restoration, reconstruction, extension or substitution of non conforming uses; providing for the payment of fees; and providing penalties for the violation of this Ordinance.

B. Natural Resource Orientation Purposes.

As applied to natural resources, this Ordinance has further been established to:

1. Maintain the rural, natural and scenic qualities of the Township.
2. Integrate the preservation of wooded areas, streams, wetlands, varied topography and groundwater recharge areas and habitat for plant and wildlife into appropriate development patterns with proper protection where some encroachment is inevitable.
3. Provide regulation for the preservation and management of natural features and creation of new natural features, including protection of surface water quality; woodlands, upland brush, and landmark trees; and strategic open space areas for nature conservation and/or recreational use.
4. Provide for the protection, preservation, proper maintenance and use of the Township's watercourses and wetlands to minimize or eliminate disturbance and prevent damage from erosion, turbidity or siltation; and to prevent a loss of fish or other beneficial aquatic organisms; associated wildlife and vegetation; or adjacent natural habitats.
5. Protect the Township's potable fresh water supplies from the dangers of drought, overdraft, contamination or mismanagement.
6. Minimize flood risk; prevent loss of life, property damage and other losses and risks associated with flood conditions; reduce the financial burdens imposed upon the community through rescue and relief efforts occasioned by the occupancy or use of areas subject to periodic flooding; protect individual and community riparian rights; and preserve the location, character, and extent of natural drainage courses.
7. Provide for the control and preservation of wetlands and setback areas adjacent to wetlands within the Township and to protect the wetlands of the Township from sedimentation, destruction, and misuse, including the:

- a. Protection, preservation, replacement, proper maintenance, and use in accordance with the character, adaptability, and stability of the Township's wetlands, wetland setbacks, and wetland values in order to prevent their pollution or contamination; minimize their disturbance and disturbance to the natural habitat therein; and prevent damage from erosion, siltation, and flooding.
 - b. Encouragement of proper and reasonable economic use of wetlands and wetland setbacks, reduction of financial burdens improper uses impose on the community, maintenance of harmonious and compatible land use balance within the Township, and prevention of nuisance conditions that arise with indiscriminate development of wetlands and wetland setbacks.
8. Provide regulations to control soil erosion and the resulting sedimentation and to protect the waters of the Township by requiring adequate provisions for water disposal and protection of soil surfaces in order to promote the safety, public health, and general welfare of the community.

C. Agricultural Orientation Purposes.

This Ordinance has further been established to ensure that land areas within the Township which due to soils, climate and topography are well suited for production of food, feed, or fiber, are protected for such production unimpeded by the establishment of incompatible uses which would hinder farm and forestry operations and irretrievably deplete agricultural and forest lands.

D. Residential Orientation Purposes.

As applied to residential developments and residential land uses, this Ordinance has further been established to:

1. Provide regulations to permit residential development that results in an enhanced living environment through the preservation of agricultural, natural, and rural landscapes.
2. Provide a more environmentally sensitive residential environment by preserving the natural character of open fields, stands of trees, ponds, streams, hills and similar natural features.
3. Preserve the rural landscape and protect environmentally sensitive lands from the disruptive effects of traditional subdivision developments.
4. Provide a method for more efficient and aesthetic use of open space by allowing developers to reduce lot sizes while maintaining the residential density required within the zoning district.
5. Offer regulations as a guide for alternatives to traditional subdivisions through the use of planned unit development (PUD) concepts for the purpose of:
 - a. Encouraging the use of Township land in accordance with its character and adaptability;

- b. Encouraging the preservation of open space, agricultural lands, and other natural resources;
 - c. Allowing innovation and greater flexibility in the design of residential developments;
 - d. Facilitating the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner;
 - e. Ensuring compatibility of design and use between neighboring properties; and
 - f. Encouraging a less sprawling form of development, thus preserving open space as undeveloped land.
6. Provide for a variety of housing types, located within desirable residential settings, to ensure a maximum choice of dwelling units and a mix of population within the Township to meet housing needs for varied population groups.

E. Commercial/Employment Center Purposes.

This Ordinance has further been established to protect existing public investment in infrastructure; and to provide for commercial and employment centers integrated with surrounding land uses to serve the demonstrated needs of Township residents in a manner that does not create hazards for the Township's environment or adverse impacts on existing or proposed residential or agricultural land uses.

Section 1.04 Scope.

The standards and regulations of this Ordinance shall apply to all land, structures, sites, land uses, and land development projects established or commenced after the effective date of this Ordinance. Accordingly, no lots or parcels may be created or altered; nor any land use be established, maintained, altered or expanded; nor any structure, site or part thereof be constructed, altered or maintained except in compliance with this Ordinance.

1. The provisions of this Ordinance shall be held to be the minimum required for promoting and protecting the public health, safety, and general welfare, and shall be uniform for each class of land, buildings, structures, or uses throughout each zoning district.
2. A use, structure or other site improvement not lawfully existing prior to adoption of this Ordinance shall not be made lawful by adoption of this Ordinance.
3. Nothing in this Ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein. Such rights as may exist through enforcement of this Ordinance are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation, protection or promotion of the public health, safety, convenience, or general welfare.

4. Where any condition imposed by any provision of this Ordinance upon the use of any lot 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 any ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.
5. This Ordinance is not intended to abrogate or annul any easement, covenant, deed restriction or any other private agreement or permit previously adopted, issued, or entered into and not in conflict with this Ordinance; provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, deed restriction or any other private agreement, the provision of this Ordinance shall govern.

Section 1.05 Severability.

Should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, such declaration shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the section or provision so declared to be unconstitutional or invalid.

Should any court of competent jurisdiction declare the application of any provision of this Ordinance to any lot, structure, or use to be unconstitutional or invalid, such declaration shall not affect the application of said provision to any other lot, structure, or use not specifically included in said judgment.

Section 1.06 Adoption and Effective Date.

This Ordinance was adopted by the Township Board of Salem Township, Washtenaw County, Michigan at a regular meeting held on the tenth day of December, 2013, following compliance with all procedures required by the Michigan Zoning Enabling Act. This Ordinance is hereby declared to be effective as of the twenty-sixth day of December, 2013, pursuant to the notice of adoption required under the Michigan Zoning Enabling Act, and shall remain in full force and effect from this date forward unless repealed.

Effective Date: December 26, 2013

**Article 1.0
Title, Purposes, and Legal Clauses**

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:

1. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases which have acquired a particular and appropriate meaning in the law or within this Ordinance shall be construed and understood according to such particular and appropriate meaning.
2. The particular shall control the general.
3. Words used in the present tense shall include the future; words used in the singular number shall include the plural; and the plural shall include the singular, unless the context clearly indicates the contrary.
4. The word "shall" is always mandatory and not discretionary. The word "may" is permissive as determined by the Planning Commission.
5. All measurements shall be to the nearest integer, unless otherwise specified herein.
6. The phrase "used for" includes "arranged for," "designed for," "intended for," "occupied for," and "maintained for."
7. The word "building" includes the word "structure." The word "build" includes the words "erect" and "construct." A "building" or "structure" includes any part thereof.
8. The word "dwelling" includes the word "residence," and the word "lot" includes the words "plot" or "parcel."
9. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any similar entity.
10. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as defined herein. Any term not defined herein shall have the meaning of common or standard use.
11. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," "and/or," or "either/or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.

- b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "Either/or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
 - d. "And/or" indicates that either the conjunctive or the disjunctive may apply, as appropriate in the circumstances.
- 12. Words or phrases in headings shall in no way by their presence or absence limit or affect the meaning of this Ordinance.
 - 13. Where an illustration accompanies any item within this Ordinance, the written text shall have precedence over said illustrations.
 - 14. In computing a period of days in connection with petitioner or applicant submissions, 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.

Whenever used in this Ordinance, the following words and phrases shall have the meaning ascribed to them in this Section:

- 1. **Access Drive:** A private way or improvement designed to provide a physical connection for vehicles from a public road to a developed site.
- 2. **Access Management:** A technique to improve traffic operations along a major roadway and decrease the potential for accidents through the control of driveway locations and design; consideration of the relationship of traffic activity for lots adjacent to, and across from, one another; and the promotion of alternatives to direct access.
- 3. **Access, Reasonable:** A property owner's legal right, incident to property ownership, to access a public road right-of-way. Reasonable access may be indirect and certain turning movements may be prohibited for improved safety and traffic operations.
- 4. **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.
 - a. **Accessory Dwelling.** See "**Dwelling, Accessory.**"
- 5. **Adult Foster Care Facility:** An establishment that provides supervision, personal care, and protection for up to 24 hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation for adults over 18 years of age. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care.

These facilities may be licensed and regulated by the state under Michigan Public Act 218 of 1979, as amended. An adult foster care facility does not include dependent housing facilities, hospitals, alcohol or substance abuse rehabilitation centers or residential center for persons released from or assigned to a correctional facility. Adult foster care facilities are classified as follows:

- a. **Adult Foster Care Family Home:** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for 24 hours a day for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee is a member of the household and occupant of the residence.
- b. **Adult Foster Care Small Group Home:** An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults to be provided with foster care.
- c. **Adult Foster Care Large Group Home:** An adult foster care facility with approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.

6. **Adult Entertainment Uses and Sexually Oriented Businesses:**

- a. **Adult Arcade.** Any place to which the public is permitted or invited wherein coin-operated or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing "specified sexual activities" or "specified anatomical areas."
- b. **Adult Book or Video Store.** An establishment having a substantial portion equaling more than twenty percent (20%) of its stock in trade in books, magazines, periodicals or other printed matter, photographs, drawings, slides, films, motion pictures, videos, animations, or other visual representations, recordings and novelty items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," or instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities" or "simulated nudity," which are offered for sale or rental or an establishment with a segment or section devoted to the sale, rental or display of such material, which segment or section exceeds ten percent (10%) of the usable floor area of the establishment. This does not include items used for conception control or for protection from sexually transmitted diseases.
- c. **Adult Entertainment Cabaret.** A nightclub, bar, lounge or similar commercial establishment, whether licensed by the Michigan Liquor Control Commission to offer beer or intoxicating liquor for consumption on the premises or not, which provides or features to customers live performances by employees or entertainment personnel which are

distinguished or characterized by an emphasis on the exposure of "specified anatomical areas;" an emphasis on "specified sexual activities;" an emphasis on "nudity," "state of nudity," or "simulated nudity;" or a combination of any of the above.

- d. **Adult Model Studio.** Any place where models who display "specified anatomical areas" are present to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by persons who pay some form of compensation or gratuity. This definition shall not apply to any accredited art school or similar educational institution.
- e. **Adult Motel.** A hotel, motel or similar commercial establishment which rents or otherwise permits a room to be occupied in exchange for any form of consideration, and also:
- (1) Offers accommodations to the tenant or occupier of the room for any television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing "specified sexual activities" or "specified anatomical areas," and has a sign visible from the public right-of-way or otherwise advertises the availability of this type of adult accommodations; or
 - (2) Offers a sleeping room(s) for rent for a period of time that is less than ten (10) hours; or
 - (3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

Evidence that a sleeping room in a hotel, motel or similar commercial establishment has been rented and vacated two or more times in less than a ten (10) hour period creates a rebuttable presumption that the establishment is operated as an adult motel.

- f. **Adult Motion Picture Theater.** An enclosed building or structure wherein still or motion pictures, videos, animations or similar material is presented or viewed which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to "**Specified Sexual Activities**" or "**Specified Anatomical Areas**" for observation by patrons therein.
- g. **Adult Personal Service Business.** A business having as its principal activity a person, while nude or while displaying specified anatomical areas, providing personal services for another person. Such a business includes, but is not limited to, modeling studios, body-painting studios, wrestling studios and conversation parlors. An adult personal service establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths.

The following uses shall not be included within the definition of an adult personal service establishment:

- (1) Any establishment, club or business by whatever name designated, which offers or advertises or is equipped or arranged to provide as part of its services, massages, body rubs, body painting, alcohol rubs, physical stimulation, baths or other similar treatment by any person.
 - (2) Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed physical therapist, a licensed practical nurse practitioner or any other similarly licensed or certified medical or healing arts professionals;
 - (3) Establishments which offer massages performed by certified massage therapists;
 - (4) Gymnasiums, fitness centers and health clubs;
 - (5) Electrolysis treatment by a licensed operator of electrolysis equipment;
 - (6) Continuing instruction in martial or performing arts or in organized athletic activities;
 - (7) Hospitals, nursing homes, medical clinics or medical offices;
 - (8) Barber shops, beauty parlors, hair stylists and salons which offer massages by certified massage therapists;
 - (9) A bar, nightclub or lounge or other non-sexually oriented business that occasionally promotes a swimsuit or similar contest in which the contestants do not appear "nude" or in "a state of nudity;"
 - (10) Adult photography studios whose principal business does not include the taking of photographs of "specified anatomical areas" as defined herein.
- h. **Adult Physical Culture Establishment.** Any establishment, club, or business by whatever name designated, which offers or advertises or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. The following uses shall not be included with the definition of an Adult Physical Culture Establishment:
- (1) establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse, or any other similarly licensed medical professional;
 - (2) electrolysis treatment by a licensed operator of electrolysis equipment;
 - (3) continuing instruction in martial or performing arts or in organized athletic activities;
 - (4) hospitals, nursing homes, medical clinics, or medical offices;

- (5) barbershops, beauty parlors, or salons which offer massages to the scalp, face, neck, and shoulders only; and
 - (6) therapeutic massage establishments as defined and regulated by this Ordinance.
- i. **Adult Supply Store.** Premises used for the sale, distribution, display, or storage of books, magazines, periodicals, advertisements, devices, objects, toys, paraphernalia, videos, or similar materials which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "**Specified Sexual Activities**" or "**Specified Anatomical Areas.**"
 - j. **Adult Theater.** A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or features live performances which are distinguished or characterized by an emphasis on the exposure of "specified anatomical areas" or by an emphasis on "specified sexual activities."
 - (1) **Adult Motion Picture Arcade or Miniature-Motion Picture Theater.** Any place where motion picture machines, projectors or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images displayed depict, describe or relate to "specified sexual activities" or "specified anatomical areas."
 - (2) **Adult Motion Picture Theater.** A commercial establishment which regularly features non-live performances or entertainment such as films, motion pictures, videos, animations or similar photographic reproductions which are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing "specified sexual activities or "specified anatomical areas."
 - (3) **Adult Outdoor Motion Picture Theater.** A drive-in theater where a substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons of the theater. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
 - k. **Escort Service.** An establishment that provides the services of escorting members of the opposite sex for payment of a fee.
 - l. **Nude Modeling Business.** An establishment where an employee or entertainment personnel performs a massage or "specified sexual activities" while appearing in a "state of nudity," "simulated nudity" or while displaying "specified anatomical areas," and is also provided or allowed to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted to customers.

- m. **Nude Modeling Studio.** An establishment where an employee or entertainment personnel appears in a "state of nudity," "simulated nudity" or displays "specified anatomical areas," and is also provided or allowed to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted to customers.
- n. **Sexually Oriented Encounter Center.** A commercial enterprise that, for any form of consideration or prize, offers physical activities, contact, wrestling or tumbling between male and female persons or between persons of the same sex, when one or more of the persons is in a "state of nudity" or "simulated nudity" and the activity is intended to provide sexual stimulation or sexual gratification to its customers.
- o. **Sexual Paraphernalia Store.** An establishment having a substantial portion of its stock-in-trade devoted to the distribution, display or storage, of instruments, devices or paraphernalia designed for use related to "specified anatomical areas" or as part of, in connection with or related to "specified sexual activities" (as defined herein) or an establishment with a segment or section devoted to the sale or display of such material.
- p. **Special Definitions.** With respect to adult uses or sexually oriented businesses, the following terms and phrases shall have the following meanings:
- (1) **Massage Parlor.** An establishment wherein private massage is practiced or made available as a principal use of the premises.
 - (2) **Nudity or State of Nudity.** Appearing while any of the following portions of the human body are less than completely and opaquely covered:
 - (a) Genitals, whether or not in a state of sexual arousal;
 - (b) Pubic region or pubic hair;
 - (c) Buttock(s);
 - (d) The portions of the female breast(s) beginning from a point immediately above the top of the areola and continuing downward to the lowest portion of the breast(s); or
 - (e) Any combination of the above.
 - (3) **Nudity, Simulated.** A state of dress in which any artificial device of covering is worn on a person and exposed to view so as to simulate an actual "state of nudity."
 - (4) **Sexual Intercourse.** Fellatio, cunnilingus, anal intercourse or any other intrusion, however slight, of any part of a person's body or of any object, into the genital or anal openings of another's body.

- q. **Specified Anatomical Areas.** Portions of the human body defined as follows:
- (1) Less than completely and opaquely covered;
 - (a) Human genitalia and pubic region;
 - (b) Buttock and anus; or
 - (c) Female breast below a point immediately above the top of the areola.
 - (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- r. **Specified Sexual Activities.** The explicit display of one or more of the following:
- (1) Human genitals in a state of sexual stimulation or arousal;
 - (2) Fondling or other erotic touching of human genitalia, pubic region, buttocks, anus or female breast;
 - (3) Human sex acts, normal or perverted, actual or simulated including, but not limited to human masturbation oral copulation, sexual intercourse or sodomy;
 - (4) Human excretory functions as part of or as related to, any of the activities described above;
 - (5) Physical violence, bondage, mutilation or rape, actual or simulated, as part of or related to, any of the activities described above.
- s. **Substantial Portion.** A use of activity accounting for more than twenty percent (20%) of any stock-in-trade, sales revenue, display space, floor space, viewing time, movie display time or entertainment time measured per month.
7. **Agriculture:** The use of land for the production of plants and animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities operated on contiguous, neighboring, or associated land as a single unit carried on by the owner-operator, manager, or tenant farmer by his or her own labor or with assistance of members or his or her household or hired employees. See also "**Farming...**"
8. **Agricultural Service Establishment:** A facility for the performing of corn shelling; grain storage; hay baling and threshing; sorting, grading, and packing fruits and vegetables for the grower; farm produce milling and processing for the grower; grain cleaning; and similar animal husbandry, horticultural, and farm-support services.

9. **Aircraft Landing Strip:** The use of land solely by the owner of the property for the landing or takeoff of aircraft, and which may provide facilities and services for the shelter, supply or care of privately-owned aircraft, but does not include the regular receiving or discharging of passengers or cargo for remuneration. The landing strip shall not make a commercial district, nor shall its use be deemed a commercial activity.
10. **Alterations:**
 - a. **Structural:** A change, addition or modification to; or enlargement, rearrangement, replacement or removal of the construction of structural parts, means of egress or supporting members of a building, such as bearing walls, columns, beams, girders, roof or exterior walls.
 - b. **Building:** A change, addition or modification to; or enlargement or rearrangement of the type of occupancy, height, area, location, design or approved method of functioning.
 - c. **Sign:** A change, addition or modification to; or enlargement, rearrangement, replacement or removal of any part of any sign, including the sign copy area.
11. **Amusement Center, Indoor.** Business from which the proprietor's primary income is derived from the operation of pool tables, billiard tables, or amusement devices, or equipment of a similar nature, as distinguished from those businesses wherein such tables, devices or similar equipment are clearly accessory uses and do not generate the proprietor's primary income.
 - a. **Amusement Device.** A pinball machine, video game, ski-ball machine, air-hockey machine, motion picture machine, shuffleboard, miniature pool table or any other similar machine, instrument or contrivance which may be operated or set in motion upon the insertion of a coin or where the proprietor charges a flat rate to use the device.
 - b. **Arcade.** A place of business that has in operation an excess of five (5) mechanical amusement devices; electronic tables featuring bowling, basketball, football, or the like; or electronic games of skill or dexterity utilizing video tapes or video screen or T.V. adaptations; or similar activities for hire or amusement.
12. **Amusement Center, Outdoor.** Business conducted primarily outside of a building from which the proprietor's primary income is derived from the operation of miniature golf, batting cages, outdoor paintball or laser tag courts, and similar facilities.
13. **Animal, Domestic.** An animal that has traditionally, through long association with humans, lived in a state of dependence upon humans or under the dominion and control of humans and has been kept as tame pets no longer possessing a disposition or inclination to escape or to bite without provocation nor cause death, maiming, or illness of a human, nor used for commercial breeding purposes. Domestic animals shall include the following:
 - a. Bird (caged)

- b. Cat (domestic)
 - c. Prairie Dog (bred)
 - d. Chinchilla
 - e. Dog
 - f. Ferret
 - g. Fish (non-biting or non-poisonous)
 - h. Lizard (non-poisonous)
 - i. Marmoset (bred)
 - j. Primate (only as a trained aide for a disabled person)
 - k. Rodent (bred)
 - l. Snake (non-poisonous)
 - m. Spider (non-poisonous)
14. **Animal, Wild or Exotic.** Any animal not indigenous to the Township; incapable of being completely domesticated; requiring the exercise of art, force, or skill to keep it in subjection; or that a person is prohibited from possessing by law. Wild or exotic animals shall include, but not be limited to, the following:
- a. Alligator and crocodile (family)
 - b. Badger
 - c. Bear
 - d. Bird (wild)
 - e. Cat (wild family)
 - f. Wolf or coyote
 - g. Deer (family)
 - h. Fish (biting and or poisonous)
 - i. Lemur
 - j. Marten
 - k. Opossum (family)
 - l. Primate (family)
 - m. Raccoon
 - n. Snake and other reptile (poisonous)
 - o. Skunk
 - p. Spider (poisonous)
 - q. Weasel (family)
 - r. Wild boar or swine (family)
15. **Appeal:** An entreaty or petition for a hearing or review of facts or actions in connection with the public administration or enforcement of this Ordinance.
16. **Architectural Feature:** The architectural style, design, general arrangement, and components of the exterior surfaces of a building, including the type, color, and texture of building material(s), cornices, eaves, gutters, belt courses, sills, lintels, bays, ornaments, windows, doors, lights, and other surface or raised details and fixtures appurtenant to the building.
17. **Automobile Service and Repair:** See “**Motor Vehicle Repair Station**” and “**Motor Vehicle Service Center.**”
18. **Awning:** Any overhead protective structure that is constructed in such a manner as to allow pedestrians or vehicles to pass under.

19. **Balcony:** An exterior floor projecting from and supported by a structure without additional independent supports.
20. **Basement:** That portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. This definition shall not apply to earth-bermed or earth-sheltered homes. A basement shall not be counted as a story except as provided for in the definition of "**Story.**" (see "**Basic Structural Terms**" illustration).
21. **Bed and Breakfast Inn:** A dwelling in which overnight accommodations are provided or offered for transient guests for compensation as an accessory use, including provisions for a morning meal for overnight guests only.
22. **Bedroom:** A room in a dwelling used for or intended to be used solely for sleeping purposes by human beings.
23. **Berm:** See "**Landscaping.**"
24. **Big Box:** A principal building designed, intended, or used by one (1) or more COMMERCIAL USES, as specified in Article 20.0 (Land Use Table), and with 50,000 square feet or more of ground floor area per Commercial Use.
 - a. **Big Box COMMERCIAL USE.** A COMMERCIAL USE, as specified in Article 20.0 (Land Use Table) that occupies or is intended to occupy 50,000 square feet or more of ground floor area in a principal building.
25. **Block:** The property abutting one (1) side of a road and lying between the two (2) nearest intersecting roads; railroad right-of-way; alley; un-subdivided acreage; lake, river or stream; boundary lines of the Township; or any other barrier to the continuity of development (see "**Block**" illustration).
26. **Brewpub:** A restaurant or tavern (as defined within this Ordinance) licensed by the State of Michigan to produce and manufacture not more than 5,000 barrels of beer per calendar year in Michigan, and sell at retail on the premises the beer produced and manufactured for consumption on or off the premises, as provided for in MCLA 436.31b and 436.31c.
27. **Buffer, Land Use:** A transitional land use for the purpose of limiting the impact of one land use on another (such as but not limited to a greenbelt, planting strip, undeveloped zone of defined width, or combination thereof) which is placed as a separating element between different land uses or between new development and abutting rural areas.
28. **Buffer, Wetland or Watercourse:** A land area of defined width consisting of or improved with native or natural vegetation, abuts a water course or wetland, and which is intended or designed to impact water temperature, reduce soil erosion, filter surface water runoff or intercept contaminants that would otherwise degrade water quality or wildlife habitat.
29. **Building:** A structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, materials, equipment or

similar items. This shall include tents, awnings or vehicles situated on private land and used for purposes of a building.

- a. **Accessory Structure:** A structure or portion of a principal building, subordinate to and on the same premises as the principal building(s), the use of which is incidental to, customarily associated with, and subordinate to that of the principal building and use. Accessory structures shall include garages, garden equipment sheds, small greenhouses, and swimming pools (see "**Accessory Structure**" illustration).
 - b. **Principal Building:** 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.
 - c. **Building Setback:** The line parallel to the front lot line or road right-of-way line that defines the separation distance required from the road right-of-way or front lot line.
30. **Building Envelope:** The portion(s) of a lot located outside of all road and other rights-of-way, and utility and other easements upon which buildings may not be constructed; and inside of required perimeter yard setback areas. The building envelope shall not include any areas determined to be unbuildable due to soil conditions, slopes, wetlands or other factors (see "**Building Envelope**" illustration).
31. **Building Line:** The line formed by either of the following, as applicable:
- a. The junction of the plane of the outer surface of the front or rear of the building with the plane of the finish grade or surface of the adjoining ground, where this line is generally parallel to the nearest front or rear lot boundary.
 - b. The line tangent to the point of the building nearest to the front or rear lot boundary and extending to the side lot boundaries in a manner generally parallel to the nearest front or rear lot boundary.
- At no point shall a building line extend closer to the front or rear lot boundaries than the minimum required yard setbacks for the zoning district (see "**Building Lines**" illustration).
32. **Building Inspector:** The person or persons designated by the Township to administer and enforce the State Construction Code.
33. **Bulk:** 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:
- a. the size and height of a building or structure;
 - b. the location of the exterior wall of a building in relation to a lot line, street or other building;

- c. the floor area of a building in relation to the area of the lot on which it is located;
 - d. the open spaces allocated to and surrounding a building; and
 - e. the amount of lot area per dwelling unit.
34. **Caliper-inch:** The measurement of the diameter of a tree trunk. The caliper of a multiple-trunk tree is determined by the full caliper of the largest trunk plus half the caliper of the other trunks.
35. **Campground:** Any one or more of the following, but specifically excluding a hospital, and use of land involving the operation of programs involving persons sentenced or assigned to said programs by governmental agencies or court of law having statutory authority to detain persons against their will, a "**Manufactured Housing Park**" (as defined in this Section), or hotel:
- (1) Type I: Any area of land or water of a design or character suitable for seasonal nature, recreational, or other similar temporary living purpose; or
 - (2) Type II: An area in which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for five (5) or more "**Recreational Vehicles**" (as defined in this Section), located within Type I area; or
 - (3) Type III: Any building, or group of buildings, including dormitories and cabins, located within Type I area, providing "**Temporary Living Quarters**" (as defined in this Section) for recreation, education, or vacation purposes, on a commercial basis or for charitable purposes.
- b. **Temporary Campground:** A campground used on a temporary or short-term basis not to exceed a period of four (4) weeks.
 - c. **Temporary Living Quarters (Campground):** A recreational vehicle or a structure within a Type III campground, which is occupied or used for more than four (4) hours between the hours of 10:00 p.m. to 6:00 a.m., and which is not intended to be occupied or used by a single person for in excess of three (3) consecutive months.
36. **Caretaker Living Quarters:** A single, independent, residential dwelling unit designed for those employed to look after goods, buildings, or property on a commercial or industrial parcel on which the dwelling unit is located.
37. **Car Wash:** A commercial establishment contained within a building or premises or portion thereof where the exterior or interior of automobiles, trucks or other motor vehicles or recreational vehicles are automatically or manually cleaned.
38. **Carport:** A partially open accessory structure and shelter for housing of vehicles. Such structure shall comply with all yard requirements applicable to private garages.

39. **Child Day Care Home:** See “**Day Care Center.**”
40. **Cemetery:** Land used for the burial of the dead, including columbiums and mausoleums.
41. **Certificate of Zoning Compliance:** Authorization given by the Township Board authorized official to use land or structures for uses permitted under this Ordinance; to erect, construct or alter structures in conformity with this Ordinance; or to maintain or conduct other specified activities permitted by this Ordinance. This term is synonymous with the term “**Zoning Permit.**”
42. **Church, Temple, Place of Worship or Religious Institution:** A type of institutional use or site used for the regular assembly of persons, for the conducting of religious services, and for related accessory uses, including offices and living quarters for church ministry and other members of the religious order who carry out their duties primarily on the site, religious education classes, day care and limited recreation facilities. Rescue missions, tent revivals and other temporary assemblies are not included in this definition. See also “**Institutional Uses.**”
43. **Civic Club:** A type of institutional use or organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics or the like, but not operated for profit.
44. **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.
45. **Cocktail Lounge:** An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where more than thirty percent (30%) of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables and similar mechanical amusement devices. Also known as a “**Night Club.**”
46. **Commercial Vehicle:** Any motor vehicle or trailer having one or more characteristics described below:
 - a. Used for the transportation of passengers for hire;
 - b. Constructed or used for the transportation of goods, wares, or merchandise for hire or sale;
 - c. Designed and used for carrying, towing, or pulling other vehicles;
 - d. A commercial vehicle capable of attaching to and propelling semi-trailers and similar units, and which is not customarily operated without an attached trailer;

- e. A semi-trailer unit customarily attached to and propelled by a truck tractor vehicle, but which can be detached to stand alone, including trailers with flat beds, stake beds, roll-off beds, tanker bodies, dump bodies and full or partial box-type enclosures, any of which above units exceeds twelve (12) feet in height;
 - f. A cab and chassis with a stake, rack, dump body, wrecker body, tanker body or any other body, the mounted height of which exceeds the height of the cab roof by more than eight (8) inches;
 - g. Construction equipment such as backhoes, power shovels, bulldozers, earth moving equipment, and similar vehicles; and
 - h. Any vehicle that has or requires commercial license plates.
47. **Common Land:** A parcel or parcels of land with the improvements thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners or occupants of individual building units in a subdivision or a planned unit development.
48. **Composting:** A controlled process of degrading compostable organic material by microorganisms.
49. **Conditional Use:** See "**Use, Conditional.**"
50. **Condominium:** A condominium is a system of separate ownership of individual units or multiple-unit projects according to the state Condominium Act. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners.
- a. **Condominium Act:** Act 59 of the Michigan Public Acts of 1978, as amended.
 - b. **Condominium Conversion:** A condominium project containing condominium units that were occupied before the establishment of the condominium project.
 - c. **Condominium Master Deed:** The condominium document recording the condominium project as approved by the Township, including attached exhibits, and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan.
 - d. **Condominium Subdivision Plan:** Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of the Condominium Act.
 - e. **Condominium Unit:** The portion of the condominium project designed and intended for separate ownership as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit or any other type of use.

- f. **Contractible Condominium:** A condominium project from which any portion of the submitted land or building may be withdrawn per provisions of the condominium documents, this Ordinance, and the Condominium Act.
- g. **Convertible Area:** A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- h. **Expandable Condominium:** A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- i. **General Common Element:** The common elements other than the limited common elements intended for the common use of all co-owners.
- j. **Limited Common Element:** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- k. **Site Condominium:** All allocation or division of land permitted under the Condominium Act, which permits single-family detached housing pursuant to a master deed.
- l. **Site Condominium Project:** A condominium project designed to function in a similar manner or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this Ordinance.
- m. **Site Condominium Lot:** The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term "condominium unit site" shall be equivalent to the term "lot" for purposes of determining compliance of a site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, minimum lot coverage and maximum floor area ratio. Condominium setbacks shall be measured as described below:
 - (1) **Front Yard Setback:** The distance between the public road right-of-way or private road easement line and the foundation of the unit site. Where there is no public right-of-way or access easement, the front yard setback required in the district shall equal two hundred percent (200%) of the minimum required setback for the zoning district, and shall be measured from the nearest pavement edge to the foundation of the unit.
 - (2) **Side Yard Setback:** The distance between the side of a condominium building unit and the side unit (lot) line. Where no

unit (lot) lines are provided, the distance between the closest points of two (2) units shall be double the side yard setback required in the zoning district.

- (3) **Rear Yard Setback:** The perimeter shall be the distance between the limit of the development and the rear of the unit; within the development rear yards setbacks shall be measured as the distance between the rear building line and the rear site (lot) line or where lot lines are not defined, the space between the rear building lines of two (2) buildings shall be double the rear yard setback required in the zoning district.

51. **Congregate Housing:** See "**Senior Housing.**"
52. **Convalescent Home:** See "**Senior Housing.**"
53. **Construction:** The establishment of necessary site improvements for a new use, and development of a new structure, relocation of a structure, or addition to an existing structure on land in the Township.
54. **Convenience Store:** A one-story, retail store containing less than two thousand (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.
55. **Corner Clearance Zone or Area:** A triangular area, formed at an intersection of road rights-of-way by a straight line drawn from one right-of-way line to the other at points set a specific distance from the intersection point.
56. **Cul-de-Sac:** A dead-end public or private road that terminates in a circular or semicircular section of road that allows for vehicle turnaround.
57. **Curb Cut:** The entrance to or exit from a property provided for vehicular traffic to or from a public or private thoroughfare.
58. **Day Care Center:** A non-residential facility, as licensed by the State of Michigan, receiving one (1) or more adults or preschool or school age children for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian. This includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. This shall not include a facility or program operated by a religious organization where children are cared for while their parents or guardians attend associated religious services. This facility is also described as a childcare center, day nursery, nursery school, parent cooperative preschool or drop-in center.
- a. **Adult Day Care Facility:** A facility which provides daytime care for any part of a day but less than 24 hours for functionally impaired elderly persons through a structured program of social and rehabilitative or maintenance services in a supportive group setting other than the client's home.
- b. **Family Child Day Care Home:** A private residential dwelling, as licensed by the State of Michigan, in which up to six (6) minor children

are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the resident family by blood, marriage or adoption.

- c. **Group Child Day Care Home:** A private residential dwelling, as licensed by the State of Michigan, in which up to twelve (12) children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian except children related to an adult member of the resident family by blood, marriage or adoption.
59. **Dealership:** A building or premises used primarily for the sale or rental of new and used motor vehicles, recreational vehicles, trucks, or farm implements or parts for sale at retail.
60. **Deck:** A platform, commonly constructed of wood, which is typically attached to a dwelling unit, and which is typically used for outdoor leisure activities.
61. **Demolition:** An act or process which destroys a site or structure in its entirety, or which destroys a part of a site or structure and permanently impairs its structural, historic or architectural integrity.
62. **Density:** The number of dwelling units per net acre of land.
63. **Detention basin:** A facility designed for holding stormwater runoff for a limited period before releasing it to a natural watercourse.
64. **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 site work conducted upon land in preparation for a new use. See also "**Construction.**"
65. **Development Agreement:** An agreement, as required under this Ordinance, entered into between the Township and the owner(s)/developer(s) of any property upon which a residential, commercial, industrial, or other land use is to take place.
66. **Diameter Breast Height (D.B.H.):** The diameter of a tree measured in inches at four and one-half (4½) feet above the existing ground level.
67. **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.
68. **District:** A portion of the Township within which certain uses of land or buildings are permitted and within which certain regulations and requirements apply under this Ordinance. This term is synonymous with the term "**Zoning District.**"
69. **Downshielded:** See "**Lighting.**"
70. **Drive-In Establishments:** A business establishment that provides facilities or spaces for the purpose of serving patrons in or momentarily stepped away from their motor vehicles, or to facilitate consumption within motor vehicles.

71. **Drive-Through Lanes or Establishments:** Facilities or spaces for the purpose of serving patrons from a window or booth while in their motor vehicles, rather than within a structure.
72. **Driveways:** A hard-surfaced access connecting parking space for motor vehicles with a road or alley, and permitting ingress and egress of a motor vehicle.
73. **Dwelling:** A residential unit providing complete, independent living facilities for one (1) family, including permanent living, sleeping, cooking, eating, and sanitation facilities.
- a. **Apartment:** A suite of rooms or a room in a multiple-family or commercial building arranged and intended as a place of residence for one (1) family or a group of individuals living together as a single housekeeping unit. See "**Housekeeping Unit.**"
 - b. **Accessory Dwelling:** A dwelling unit for one (1) family located within a principal building occupied by a permitted use in the district, with separate and individual kitchen, bath and toilet facilities, and a separate and distinct private entrance. Examples may include a caretaker's residence, resident manager's dwelling unit, "mother-in-law" apartment, and residence for security personnel, as permitted in the district.
 - c. **Efficiency Apartment:** A dwelling unit with a bathroom and principal kitchen facilities designed as a self contained unit for living, cooking, and sleeping purposes, and having no separate designated bedroom.
 - d. **Attached Dwelling:** A dwelling unit attached to one (1) or more dwelling units by common major structural elements.
 - e. **Detached Dwelling:** A dwelling unit that is not attached to any other dwelling unit by any means.
 - f. **Manufactured Dwelling:** A building or portion of a building designed for long-term residential use and characterized by all of 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.
 - (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.
 - g. **Modular Dwelling:** A dwelling which consists of prefabricated units transported to the site in two (2) or more sections on a removable undercarriage or flat-bed and assembled for permanent location upon a permanent foundation on the lot, and to which such major elements as

- the heating system or a substantial portion of the siding are installed after transport.
- h. **Multiple Family Building:** A building divided into apartments, townhouses or stacked flats and designed for residential occupancy by three (3) or more families and so designed and arranged as to provide cooking and kitchen accommodations and sanitary facilities in each of the three (3) or more dwelling units.
 - i. **Site Built Dwelling:** A dwelling unit that is substantially built, constructed, assembled, and finished on the lot intended to serve as its final location. Site-built dwelling units shall include dwelling units constructed of precut materials, and paneled wall, roof and floor sections where such sections require substantial on-site assembly and finishing.
 - j. **Single-Family Dwelling:** A building designed exclusively for residential occupancy by not more than one (1) family.
 - k. **Stacked Flats Building:** A building occupied by three (3) or more families, where dwellings are divided by party walls in the horizontal plane and floor-ceiling assemblies in the vertical plane. Each dwelling unit is capable of individual use and maintenance, and access, utilities, and service facilities are independent for each dwelling.
 - l. **Townhouse:** A dwelling in a multiple-family building that is divided from the dwelling adjacent to it by a party wall extending the full height of the building. Each townhouse dwelling shall be capable of individual use and maintenance, and access, utilities, and service facilities shall be independent for each dwelling.
 - m. **Two-Family or Duplex Dwelling:** A building designed exclusively for residential occupancy by two (2) families, where dwellings are divided by party walls in the horizontal plane or floor-ceiling assemblies in the vertical plane.
74. **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.
75. **Easement:** An interest in land owned by person other than the owner of such land, consisting of a right of use, including the use of a defined area on, above, or below the land, for a specific limited purpose.
76. **Elderly Housing:** See "Senior Housing."
77. **Enforcement Official:** The person or persons designated by the Township to be responsible for enforcing and administering this Ordinance. The Enforcement Official may be referred to as the **Building Inspector, Zoning Administrator, Township Planner, Township Engineer**, or their agents. Such titles do not necessarily refer to a specific individual, but rather indicate the office to which the person or persons may hold.

78. **Erect:** To build, construct, reconstruct, move, attach, hang, place, suspend, affix, paint or undertake any physical operation on the premises required for development of a building, sign, site or structure; including, but not limited to construction, grading, excavations, fill, and drainage activities.
79. **Essential Services:** The erection, construction, alteration or maintenance, by public utilities or municipal departments, of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems or collection, communication, supply or disposal systems therewith that are reasonably necessary for the general health, safety and welfare.
- a. Poles, wires, mains, drains, sewers, pipes, conduits, transformers, splice boxes, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants or similar equipment and accessories associated with an essential service shall be considered essential services under this Ordinance.
- b. Wireless communication facilities, wind energy conversion systems (WECS), private community wastewater treatment and disposal systems (PCWS), and utility buildings and storage yards shall not be considered essential services under this Ordinance.
80. **Excavation:** Any act by which an amount in excess of fifty (50) cubic yards of any soil or rock which is cut into, dug, quarried, uncovered, removed, displaced, or relocated in any calendar year is excavated or removed except excavation in connection with the construction of a building or within public highway rights-of-way.
81. **Extractive Operation:** Any pit, excavation or mining operation for the purposes of searching for or removing any earth, sand, gravel, clay, stone or other non-metallic mineral in excess of 50 cubic yards per calendar year. The term shall not include an oil well or excavation preparatory to the construction of a structure, road or pipeline.
82. **Exception:** An exclusion from the normal Zoning Ordinance rules and regulations allowed by the Zoning Board of Appeals under certain conditions.
83. **Façade:** The vertical plane of the exterior surface of a building, including all visible architectural, decorative, and structural features.
84. **Family:** Means either of the following:
- a. A domestic family, that is, one or more persons living together and related by the bonds of consanguinity (blood), marriage, or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.
- b. The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond that constitutes the functional equivalent of the bonds that render the domestic family a

cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise housekeeping as a single, nonprofit unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforceable by the Zoning Administrator in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six (6). Such presumption may be rebutted by appeal of the Zoning Administrator's determination to the Zoning Board of Appeals, subject to the standards of this Ordinance for such appeals.

85. **Farm-Based Tourism/Entertainment Activities:** Activities accessory to an active farming or agricultural operation that promote agriculture, rural lifestyle, or farm product sales; preserve rural open space; enhance the local agricultural economy; expand the range of revenue sources from agriculture; improve understanding and knowledge of agriculture among non-farmers; and/or diversify the types of farm products available to consumers. Such activities may include but are not limited to agricultural festivals and events, farm-based attractions, corn mazes, farm markets, wineries, cider mills, and farm-based educational centers.
86. **Farm Market:** A principal or temporary use that may include the sale of agricultural, horticultural, or aquacultural farm products including but not limited to perennials, annuals, bulbs, herbs, fruits, vegetables, seeds, mulch, dried flowers, honey, and other products as permitted consistent with the Right to Farm Act and established Generally Accepted Agricultural Management Practices (GAAMPS) published by the Michigan Department of Agriculture.
87. **Farm Products Direct Marketing Business:** A business operation accessory to an active farm operation for sales, trade, and delivery of farm produce, herbs, flowers, seeds, fruits, vegetables, Christmas trees, and other agricultural products directly to the end user, but which does not include an on-site store or retail sales to the general public. Examples: direct sales and deliveries of fruits and vegetables to area restaurants; and cooperatives with regular deliveries of produce in season to co-op owners.
88. **Farming and Active Agricultural Uses:** See also "Agriculture."
- a. **Farm:** The land, buildings, and machinery used in the commercial production of farm products. Farm products are plants and animals useful to human beings, including forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine, and other similar animals and products.
- (1) Farms shall not include establishments for keeping or raising fur-bearing animals, private riding arenas or boarding stables, kennels, or greenhouses; except where such RURAL USES are permitted by this Ordinance.

- (2) A farm permitted by this Ordinance is not intended nor implied to permit storage or use of the site for trucking, equipment, vehicle repairs or sales, contractor yards, stump removal or processing, snow removal businesses, lawn maintenance businesses or any other activities other than those RURAL USES permitted by this Ordinance or incidental to the active agricultural use.
- b. **Farm Structures:** Any structure constructed, maintained, and used on a farm, and which is essential and customarily used for agricultural operations, including barns, silo, granary, milkhouse, and similar structures, but not including any building used as a dwelling.
- c. **Farm Labor Housing:** Facilities provided for the housing of workers who are employed in the seasonal planting, harvesting, or processing of crops, animal husbandry, and related purposes.
- d. **Feed Lot:** Includes 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; and
- (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.
- e. **Livestock or Farm Animals:** Animals used for human food and fiber or animals used for service to humans, including but not limited to cattle, swine, sheep, llamas, goats, bison, equine, poultry, and rabbits. Farm animals do not include companion animals, such as dogs and cats, which are capable of being trained and adapting to living in a human environment.
89. **Fence:** Linear structures or partitions of definite height and location erected upon or near the dividing line between adjoining owners intended to serve as: a physical barrier to ingress or egress; a screen from objectionable vista or noise; a marker; an enclosure in carrying out the requirements of this Ordinance; or for decorative use. A fence shall not consist of tires or other recycled goods manufactured for purposes other than a fence.
90. **Filling:** Filling means the depositing or dumping of ground, soil, gravel, stone or fill dirt, except common household gardening, farming, and general ground care of a residential or agricultural character.
91. **Fixed costs and expenses:** Monetary charges incurred by the Township that are generally shared by all functions performed under the authority of this Ordinance, including costs for telephone, copy services, supplies, equipment, utilities, per diem-hourly-salary expenses, facility construction, maintenance and repair, postage, and publication.
92. **Flood or Flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of waters or the unusual and rapid accumulation or runoff of surface waters from any source.

- a. **Flood, 100-Year:** A flood having an average frequency of occurrence in the order of once in 100 years, although the flood may occur in any year.
 - b. **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) That area which typically is adjacent to a river, stream, or other body of water, and is subject to flooding from a 100-year 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.
93. **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 areas, recreational rooms, boiler rooms, and other areas within or contiguous to the structure. The measurement shall include the floor space of all accessory buildings measured similarly.
94. **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, if a floor area ratio of eighty percent (80%) is specified and the lot area is 10,000 square feet, the maximum permitted floor area on the lot is 8,000 square feet. Subject to the provisions of this Ordinance regarding height and story limitations, 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.
95. **Foster Family Home:** A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage or adoption, are given care and supervision for 24 hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
96. **Foster Family Group Home:** A private home in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for 24 hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
97. **Frontage:** A linear measurement of the lot line(s) abutting a road right-of-way, as measured along the right-of-way line, or at the front yard setback line for lots on cul-de-sacs.
98. **Game Refuge:** An area designated for the care, protection, and propagation of naturally wild and native animals.

99. **Garage:** An accessory structure that is used for ancillary activities and household storage associated with the principal residence, and storage and maintenance of occupant-owned motor vehicles as an accessory use.
100. **Garbage:** Refuse, accumulation of all waste, animal, fish, fowl, fruit or vegetable matter incident to the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruit and vegetables; including spoiled food, dead animals, animal manure and fowl manure.
101. **Garden Center:** An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies, landscaping materials, and equipment.
102. **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.
- a. **Par-3 Golf Course:** A golf course consisting of shortened fairways, typically no longer than 200 yards. Par-3, eighteen-hole golf courses typically occupy 50 to 60 acres.
103. **Grade:** A reference plane representing the average of the finished ground level adjoining the building at all exterior walls established for the purpose of regulating the number of stories and the height of buildings. 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.
- a. **Grade, Average:** The arithmetic average of the lowest and highest-grade elevations in an area within five (5) feet of the foundation line of a structure.
- b. **Grade, Finished:** The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.
- c. **Grade, Natural:** The elevation of the ground surface in its natural state, before construction begins.
104. **Greenbelt:** See "Landscaping."
105. **Ground Floor Coverage (GFC):** The total ground floor area of the principal and all accessory buildings, divided by the net lot area, both areas being in the same unit of measure, and expressed as a percentage. The term is commonly referred to as GFC.
106. **Greenhouse:** A glass or similar transparent or translucent structure in which plants are grown that need protection from cold weather.
- a. **Residential Greenhouse:** A greenhouse structure accessory to a single-family dwelling in which plants are grown by the dwelling occupants for personal use or other activities permitted in the zoning district.

107. **Groundwater:** Water stored in, and slowly filtering through, geologic formations.
108. **Groundwater Recharge Area:** A land surface and subsurface with limited filtering and purification capabilities and of high permeability that readily permits water to move downward into an aquifer to a depth where it is likely to be tapped by wells.
109. **Growth Management Plan:** See “**Master Plan.**”
110. **Height:**
- a. **Building Height:** The vertical distance measured from the grade of the building to the top of the highest roof beams of a flat roof, to the deck line for mansard roofs and to the mean height level (between eaves and ridges) for gable, hip and gambrel roofs. Where a building is located upon a terrace, the height may be measured from the average grade of the terrace at the building wall. When a building faces on more than one road, the height shall be measured from the average of the grades at the center of each road front (see “**Building Height**” illustration).
 - b. **Structure Height:** The vertical distance measured from the grade of the structure to the top of the highest point of the structure, including any attachments and appurtenances. Where a structure is located upon a sloping grade, the height may be measured from the average grade of the slope at the base of the structure.
111. **Hazardous Materials:** Pursuant to the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended), “hazardous substance” shall include one (1) or more of the following, but not including fruit, vegetable, or field crop residuals or processing by-products, or aquatic plants, that are applied to the land for an agricultural use or for use as an animal feed, if the use is consistent with generally accepted agricultural management practices developed pursuant to the Michigan Right to Farm Act (P.A. 93 of 1981, as amended):
- a. Any substance that is demonstrated, on a case by case basis, to pose an unacceptable risk to the public health, safety, welfare, or the environment, considering the fate or final disposition of the material, dose-response toxicity, or adverse impact on natural resources.
 - b. “Hazardous substance” as defined in the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Public Law 96-510, 94 Stat. 2767).
 - c. “Hazardous waste” as defined in the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended).
 - d. “Petroleum” as defined in the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended).
112. **Hobby:** An incidental activity, not meeting the definition of a home occupation, carried on by the occupant of the premises for personal enjoyment, amusement

or recreation; where the articles produced or constructed are not sold, other than incidental sales.

113. **Home Occupation:** Any business, occupation or activity undertaken for compensation within a dwelling unit that is incidental and secondary to the use of the structure as a dwelling unit.
- a. **Home Office:** A type of home occupation in which work for compensation may include receiving or initiating telephone calls, mail, facsimiles or electronic-mail; preparing or maintaining business records; word or data processing; and similar activities.
114. **Hospital:** An institution providing in-patient or out-patient medical or surgical care for the acutely sick or injured, who are generally confined for relatively short periods of time, plus such accessory uses as laboratories, educational facilities, food services, and staff offices.
115. **Hotel or Inn:** One or more buildings containing individual sleeping units primarily designed as temporary quarters for transient guests.
116. **Housekeeping Unit:** A stable group of individuals, unrelated by blood, marriage, or civil union, who reside together "family style" as a *bona fide* single housekeeping unit. Existence of one or more of the following shall create a rebuttable presumption that the group is not a *bona fide* house keeping unit:
- a. Keyed lock(s) on any interior door(s) to prevent access to any area of the dwelling unit with sleeping accommodations.
- b. Members of the group have separate leases, or sub-leases and/or make separate rent payments to a landlord.
- c. The group significantly reforms over the course of a twelve (12) month period by losing or gaining members.
117. **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.
118. **Improvements:** Those features and actions associated with a project which are considered necessary to protect natural resources or the health, safety and welfare of the residents of the Township, and future users or inhabitants of the proposed project or project area; including parking areas, landscaping, roadways, lighting, utilities, screening, and drainage. Improvements do not include the entire project subject to zoning approval.
119. **Ingress and Egress:** Used in this Ordinance in reference to a driveway that allows vehicles to enter or leave a parcel of property, or to a sidewalk that allows pedestrians to enter or leave a parcel of property, a building, or another location.
120. **Institutional Uses:** The following specific uses of an educational, social, or religious character, as defined or used in this Ordinance:

- a. Public and private elementary and secondary schools, business schools or private schools operated for profit, and institutions for higher education.
 - b. Auditoriums, theaters, concert halls, and similar places of assembly.
 - c. Libraries, museums, and similar centers for cultural activities.
 - d. Churches, temples, and other places of worship.
 - e. Post offices.
 - f. Private clubs, fraternal organizations, and lodge halls.
121. **Junk:** Building debris, scrap material, or 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.
122. **Junkyard:** See "**Outdoor Storage, Dismantling or Recycling Facility.**"
123. **kennel:** Any building, lot or premises where six (6) or more dogs or cats over six (6) months of age are kept, housed or raised, or any structure, lot or premises where animals are kept or housed for remuneration. This definition shall not include the raising of animals for agricultural purposes, or premises used for residential purposes, where the occupant keeps personal pets.
124. **Laboratory:** A facility devoted to experimental study, testing, and/or analyzing, but not devoted to the manufacturing of a product or products.
125. **Land Division Act:** Act 288 of the Michigan Public Acts of 1967, as amended.
126. **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 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:
- a. **Berm:** A mound of soil graded, shaped and improved with landscaping in such a fashion so as to be utilized for screening purposes.
 - b. **Groundcover:** Low-growing perennial plants that form a dense, extensive growth after one (1) complete growing season, and that tend to prevent weeds and soil erosion.
 - c. **Hedge:** A row of closely planted shrubs or low growing trees which commonly form a continuous visual screen, boundary, or fence.
 - d. **Screen or Screening:** A wall, wood fencing, or combination of plantings of sufficient height, length, and opacity to form a visual barrier.
 - e. **Shrub:** A self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than 15 feet in height.

- f. **Sod:** An area of grass-covered surface soil held together by matted roots.
- g. **Tree:** A self-supporting woody, deciduous, or evergreen plant with a well-defined central stem which normally grows to a mature height of 15 feet or more in Washtenaw County, Michigan. Types of trees are defined as follows:
- (1) **Deciduous Tree:** A variety of tree that has foliage that is shed at the end of the growing season.
 - (2) **Evergreen Tree:** A variety of tree that has foliage that persists and remains green throughout the year.
 - (3) **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 25 feet or less.
 - (4) **Shade Tree:** For the purposes of this Ordinance, a shade tree is a deciduous tree which typically has a mature crown spread of 15 feet or greater when grown in Washtenaw County, Michigan, having a trunk with at least five (5) feet of clear stem at maturity.
- h. **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.
127. **Landscaping Business.** A land use characterized by the use of trucks, trailers, grading equipment, and tree-moving equipment for installation of plants, soils, and other landscaping materials at off-site locations, or for ongoing, regular maintenance of established off-site landscaping improvements. This use may also include on-site retail sales of plants, soils, and other landscaping materials; and storage and use of snow-removal equipment to remove snow from parking lots, driveways, streets, or sidewalks at off-site locations.
128. **Lighting:** The following definitions are related to lighting:
- a. **Downshielded:** The method by which light from an outdoor lighting fixture is directed at the surface to be lighted, using interior or exterior shields to prevent light, glare, or reflection from illuminating adjacent properties or the area above the height of the light fixture.
 - b. **Fixture:** The assembly that holds the lamp in a lighting system. The Fixture includes the elements designed to give light output control, such as a reflector, lens, ballast, housing, and attachments.
 - c. **Floodlight:** A fixture or lamp designed to direct light over a broad area.
 - d. **Footcandle:** Lumination produced on a surface one (1) foot from a uniform point source of one (1) candela, or when one (1) lumen is distributed into an area of one (1) square foot.

- e. **Fully Shielded Fixture:** An outdoor lighting fixture shielded or constructed so that all light emitted is projected onto the site and away from adjoining properties. Light from a fully shielded fixture is not visible from adjoining properties, and does not cause glare or interfere with the vision of motorists.
- f. **Glare:** An intense or blinding light that results in reduced visual performance and visibility, and is often accompanied by discomfort.
- g. **Lamp or Bulb:** The source of electric light (to be distinguished from the whole assembly, which is called the luminaire). "Lamp" is often used to denote the bulb and its housing.
 - (1) **LED Lighting.** A fixture or lamp that produces light by means of electricity transmitted through light emitting diodes.
 - (2) **High Pressure Sodium (HPS) Lamp:** High-intensity discharge lamp where radiation is produced from sodium vapor at relatively high partial pressures.
 - (3) **Incandescent or Tungsten-Halogen Lamp:** A lamp that produces light by a filament heated to a high temperature by electric current.
 - (4) **Low Pressure Sodium (LPS) Lamp:** A discharge lamp where the light is produced by radiation from sodium vapor at a relatively low partial pressure.
 - (5) **Mercury Vapor Lamp:** A high-intensity discharge lamp where the light is produced by radiation from mercury vapor.
 - (6) **Metal Halide Lamp:** A high-intensity discharge lamp where the light is produced by radiation from metal-halide vapors.
- h. **Laser Source Light:** An intense beam of light, in which all photons share the same wavelength.
- i. **Light Pollution:** The illumination of the night sky caused by unshielded artificial light sources on the ground, typically causing a brightening of the night sky and diminished star visibility, due to the scattering of artificial light by aerosol particles (water droplets, dust, etc.).
- j. **Light Trespass:** Light falling where it is not wanted or needed (also called spill light).
- k. **Lumen:** Unit of luminous flux; the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela. One (1) footcandle is equal to one (1) lumen per square foot. One lux is one lumen per square meter.
- l. **Recessed Fixture:** An outdoor lighting fixture recessed into a structure so that the bottom of the fixture is flush with the ceiling or underside of the structure.

129. **Livestock:** See "Farming..."
130. **Loading Space, Off-Street:** Space logically and conveniently located for bulk pick-ups 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.
131. **Lot:** A parcel of land consisting of one (1) or more lots of record occupied or intended to be occupied by a principal building or use and any accessory structures, and having frontage upon a public or private road (see "**Corner, Interior & Double Frontage Lots**" illustration).
- a. **Corner Lot:** A lot located at the intersection of two (2) roads or a lot bounded on two (2) sides by a curving road, where any two (2) chords of which form an angle of 135 degrees or less.
 - b. **Double Frontage or Through Lot:** A lot other than a corner lot having frontage on two (2) more or less parallel roads.
 - c. **Interior Lot:** A lot other than a corner lot with only one (1) lot line fronting on a road.
 - d. **Zoning Lot:** A parcel or tract of land under single ownership or control that is at least sufficient in size to meet the minimum requirements for use, coverage, area, setbacks, access, and open space as required herein. "Single ownership" may include ownership by an individual, a corporation, a partnership, an incorporated association, joint tenancy, or any similar entity. A zoning lot may consist of any one of the following:
 - (1) Single lot of record.
 - (2) Portion of a lot of record.
 - (3) Combination of lots of record, or portion(s) thereof.
 - (4) Condominium lot.
 - (5) Parcel or tract of land described by metes and bounds.
132. **Lot Area:** The total area of land contained within the boundaries of a zoning lot, including rights-of-way, easements, floodplains, wetlands, watercourses, and bodies of water. Also referred to as "**Gross Lot Area.**"
- a. **Net Lot Area:** Gross lot area minus any portions of the zoning lot located within dedicated rights-of-way, drainage easements or bodies of water.
133. **Lot Depth:** The mean horizontal distance measured from the front road right-of-way line to the rear lot line (see "**Yard Terms**" illustration).
134. **Lot Line:** Any line dividing one lot from another lot or from a road right-of-way or from any public place.
- a. **Front Lot Line:** The line separating a lot from a road right-of-way.

- (1) In the case of a private road that does not have a dedicated right-of-way, this line shall be parallel to and set back from the centerline of the roadway a minimum distance equal to one-half of the width of the roadway, including roadside drainage swales or ditches.
 - (2) Where lots border upon a lake or river, the front lot line shall be designated as that line fronting on the water.
 - (3) On an existing flag lot where a narrow road frontage without sufficient width to establish a usable building envelope extends back from the road to provide access to a larger contiguous land area away from the road, the front lot line shall be the interior lot line most parallel to and nearest the road from which access is obtained.
- b. **Rear Lot Line:** The boundary that is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an assumed line parallel to the front lot line not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
 - c. **Side Lot Line:** Any lot line not a front lot line or a rear lot line.
135. **Lot Of Record:** A parcel of land that meets any of the following conditions:
- a. An existing lot or parcel of which the dimensions are shown on an approved final subdivision plat recorded with the Washtenaw County Register of Deeds and the Township Assessor;
 - b. An existing lot or parcel of which the dimensions are shown on an approved condominium subdivision plan recorded with the Washtenaw County Register of Deeds and the Township Assessor;
 - c. An existing lot or parcel of which the dimensions are described by metes and bounds, the accuracy of which is attended to by a land surveyor registered and licensed in the State of Michigan, recorded with the Washtenaw County Register of Deeds and the Township Assessor.
136. **Lot Split or Consolidation:** The dividing or uniting of lots in accordance with this Ordinance and other Township ordinances by virtue of changes in the deeds recorded with the Washtenaw County Register of Deeds and the Township Assessor.
137. **Lot Width:** The horizontal distance between the side lot lines, measured at the two (2) points where the building line or setback line intersects the side lot lines (see "**Yard Terms**" illustration).
138. **Manufactured Housing Park:** A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, road, equipment or facility used or intended for use incident

to the occupancy of a manufactured or mobile home, subject to the rules and requirements of the Mobile Home Commission Act, Public Act 96, of 1987, as amended (MCLA 139.2301 et seq.) and the Manufactured Housing Commission General Rules.

- a. **Manufactured Home:** See "Dwelling."
 - b. **Manufactured Home Site:** An area within a mobile home park that is designated for the exclusive use of a specific mobile home.
139. **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.
 140. **Manufacturing, Assembly:** The fabrication and/or assembly of components into finished products.
 141. **Massage Therapist:** An individual specifically trained and licensed or certified in therapeutic massage by the American Massage and Therapy Association, International Myomassethics Federation or successor organizations.
 - a. **Therapeutic Massage:** A method by which a person utilizes his or her hands, feet or an instrument for treating the superficial parts of a customer's body for medical, hygienic, relaxation or therapeutic purposes by rubbing, stroking, kneading, tapping, pounding or vibrating.
 142. **Master Plan:** The adopted comprehensive future land use and growth management plan for Salem Township, including any portions, supplements or amendments to such plan, and consisting of graphic and written text indicating the Township's development goals and objectives, planned future uses of all lands in the Township, general location for roads and other transportation infrastructure, public and community facilities, parks and recreation facilities, agriculture and open space preservation areas, and all physical development.
 143. **Mezzanine:** An intermediate or fractional story between the floor and ceiling of any story occupying not more than one-third (1/3) of the floor area of such story (see "Basic Structural Terms" illustration).
 144. **Michigan Planning Enabling Act:** Act 33 of the Michigan Public Acts of 2008, as amended. This statute is the successor to the former Township Planning Act, Act 168 of the Michigan Public Acts of 1959, as amended.
 145. **Michigan Zoning Enabling Act:** Act 110 of the Michigan Public Acts of 2006, as amended. This statute is the successor to the former Township Zoning Act, Act 184 of the Michigan Public Acts of 1943, as amended.
 146. **Mixed Use:** A structure or project containing residential and nonresidential uses.
 147. **Motion Picture Cinema:** See "Theater."
 148. **Motor Home:** See "Recreational Vehicle."

149. **Motor Vehicle Fueling Station:** A place used for the retail sale and dispensing of fuel together with the fixed equipment from which the fuel is dispensed directly into motor vehicles.
150. **Motor Vehicle Repair Station:** An enclosed building where minor and major motor vehicle repair services are carried out.
- a. **Major Repair:** Engine and transmission rebuilding and general repairs, collision service such as body, frame or fender straightening or repair; and similar servicing, rebuilding or repairs.
151. **Motor Vehicle Service Center:** An establishment or place where motor oil and lubricants 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.
- a. **Minor Repair:** Engine tune-ups and servicing of brakes, air conditioning exhaust systems; oil change or lubrication; wheel alignment or balancing; steam cleaning, undercoating and rust-proofing; or similar servicing or repairs that do not normally require any significant disassembly.
152. **Natural Area:** A land area or body of water which is generally not occupied by structures, roads, or other manmade elements, and which contains flora, fauna, biotic, geologic or other similar features having scenic, educational, or scientific value to residents. An area may be considered "natural" even though excavation, filling or other similar activity may have previously occurred.
153. **Natural Features:** Include, but are not limited to, soils, wetlands, floodplains, water bodies and channels, groundwater recharge areas, topography, hedgerows, trees and other types of vegetative cover, and geologic formations.
154. **Night Club:** See "Cocktail Lounge"
155. **Noise.** Any sound which would annoy or disturb a reasonable person or which causes or tends to cause an adverse psychological or physiological effect on humans.
- a. **A-weighted sound level:** The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read may be designated dB(A).
- b. **Day-night average sound level:** The 24 hour energy average of the A-weighted sound pressure level, with the levels during the period of 10:00 p.m. to 7:00 a.m. the following day increased by ten (10) dB(A) before averaging.
- c. **Emergency:** Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate attention.
- d. **Impulsive sound:** Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay. Examples of sources of

impulsive sound include explosions, drop forge impacts, and discharge of firearms.

- e. **Noise disturbance:** Any sound which (a) endangers or injures the safety or health of humans or animals, or (b) annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures personal or real property.
- f. **Noise sensitive zone:** An area which contains noise-sensitive activities such as but not limited to schools, libraries, churches, hospitals, and convalescent or nursing homes.
- g. **Pure tone:** Any sound that can be distinctly heard as a single pitch, or a set of single pitches.
- h. **Sound:** An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium.
- i. **Sound level:** The weighted sound pressure level obtained by the use of a sound level meter and frequency weighing network (for the purposes of this ordinance an A-weighted network), as specified by the *American National Standards Institute*.
- j. **Vibration:** An oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity, or acceleration with respect to a given reference point.

156. **Nonconformities:**

- a. **Cease:** To terminate, abandon or discontinue a use of land for a period of time that, under the provisions of this Ordinance, would prevent the use from being resumed.
- b. **Nonconforming Lot:** A platted or unplatted parcel of land lawfully existing at the effective date of this Ordinance or amendments thereto that does not conform to Ordinance provisions for the district in which it is located.
- c. **Nonconforming Sign:** See **Signs**.
- d. **Nonconforming Site:** A parcel of land that was developed or improved with structures and other site improvements prior to the date of adoption of current Ordinance provisions for site design, landscaping, pedestrian access, exterior lighting, paving and other site elements.
- e. **Nonconforming Structure:** A structure or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto that does not conform to Ordinance provisions for the district in which it is located, but is otherwise in compliance with all other applicable federal, state, county and Township laws ordinances, regulations and codes.
- f. **Nonconforming Use:** A use that lawfully occupied a parcel of land or structure and land in combination at the effective date of this Ordinance

- or amendments thereto that does not conform to the use regulations of the district in which it is located or does not have special use approval, where provisions of this Ordinance require such approval, but is otherwise in compliance with all other applicable federal, state, county and Township laws ordinances, and regulations.
- g. **Unlawful Structure:** A structure or portion thereof, which is not a conforming or a nonconforming structure or is not in compliance with all applicable federal, state, county and Township laws ordinances, regulations and codes.
- h. **Unlawful Use:** A use that occupies one or more contiguous parcels of land or structures and land in combination, which is not a conforming or a nonconforming use or is not in compliance with all applicable federal, state, county and Township laws ordinances, regulations and codes.
157. **Noxious:** A substance creating an impact reasonably expected to interfere with the enjoyment and use of property, including smoke, odors, noise, vibration, glare or heat.
158. **Nuisance:** As defined by the laws of the State of Michigan.
159. **Nursery:** The use of land or greenhouses to grow plants intended to be transplanted for use in agriculture, forestry, or landscaping; or a space or structure where live trees, shrubs, or other plants used for gardening and landscaping are propagated, stored, or otherwise prepared for off-site installation.
- a. The definition of nursery does not include the on-site retail sale of fruits, vegetables, Christmas trees, soils, or landscape materials.
- b. The definition of nursery does not include ongoing regular maintenance of established landscape improvements, or storage or use of snow-removal equipment to remove snow from parking lots, driveways, streets, or sidewalks at off-site locations. See also "**Landscape Business.**"
160. **Nursing Home:** See "**Senior Housing.**"
161. **Obscene Material:** As defined in the State of Michigan Public Act 343 of 1984; any "material" [as defined in MCL752.362.2(4), as amended] found to be "obscene" [as defined in MCL752.362.2(5), as amended].
162. **Occupancy or Occupied:** The purpose for which a building or part thereof is used or intended to be used.
163. **Occupancy Load:** The maximum capacity of a structure or building space, expressed in the number of individuals permitted to occupy the structure or building space under the laws of the state of Michigan, the State Construction Code, and other applicable codes and ordinances.
164. **Open Air Business:** Any business that is conducted primarily out-of-doors. Unless otherwise specified by this Ordinance, "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.
 - c. Various commercial outdoor recreation uses, including, but not limited to tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, and amusement parks.
 - d. Outdoor display and sale of garages, swimming pools, playground equipment, and uses.
165. **Open Space:** All land within a development that has been set aside as common land, under public or private ownership or control, for recreation, conservation, agricultural uses, preservation in an undeveloped state or similar use.
- a. **Conservation easement:** A legal agreement and a conveyable interest in land in which the landowner retains ownership of private property, but conveys certain specifically identified rights to a land conservation organization or a public body.
 - (1) A conservation easement provides limitation on the use of land or a body of water or development of structures or site improvements.
 - (2) A conservation easement defines the responsibilities of all parties for retaining or maintaining the land or body of water predominantly in its natural, scenic, or open condition, or in an agricultural, farming, open space, or forest use, or similar use or condition.
 - (3) A conservation easement may require or prohibit certain acts on or with respect to the land or body of water.
 - (4) Also see definition of "conservation easement" in Section 2140 of the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended)].
 - b. **Development rights:** The rights to develop land to the maximum intensity of development authorized by law.
 - c. **Greenway:** A contiguous or linear open space, including habitats, wildlife corridors, and trails, that link parks, nature preserves, cultural features, or historic sites with each other, for recreation and conservation purposes.
 - d. **Restrictive covenant:** An agreement between two or more parties to a written instrument establishing limitations on the use and enjoyment of interests in real property.
 - e. **Undeveloped state:** A natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does

not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be dedicated to the use of the public.

166. **Outdoor Sales or Display:** The placement or exhibition of products or services on a lot outside of a building. See also "**Open Air Business.**"
167. **Outdoor Storage:** An open area for storage of goods, products, materials, equipment, machinery, lumber, landscaping and building supplies, merchandise, components awaiting assembly, finished products, building materials, and similar items which are kept or stored. The term does not include uses established entirely within enclosed buildings, motor vehicle storage or dismantling yards or drop-off stations for recyclables.
168. **Outdoor Storage, Dismantling or Recycling Facility:** An open area used for any of the following purposes:
- a. Purchase, sales, exchange, storage, disassembly or handling of used parts of motor vehicles, recreational vehicles, and farm equipment.
 - b. Any business and any place of storage or deposit which includes two (2) or more motor vehicles that are unfit for reconditioning or use on the public highways or used parts of motor vehicles, but excluding vehicles in operable condition specially adapted or constructed for racing, and vehicles retained by the owner for antique collection or transportation.
 - c. Where waste, used or secondhand material is bought and sold, exchanged, stored, baled, packed, disassembled or handled including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles, glass, cordage, and other waste, used or secondhand material.
 - d. This facility is also described as a junkyard, wrecking yard or automobile scrap yard, and includes any area of more than 200 square feet for storage, keeping or abandonment of junk.
 - e. This definition does not include a "**Recycling Collection Facility**" (as defined in this Section).
169. **Outlot:** A parcel of land designated on a site plan for future development.
170. **Parcel:** See "**Lot.**"
171. **Park:** Any developed playground, play area, recreation area, or other established and defined outdoor space intended for active or passive recreational pursuits.
172. **Parking Lot:** A facility located outside of the road right-of-way providing vehicular parking spaces along with adequate drives and aisles. Adequate maneuvering space shall be provided for unrestricted access and egress.
- a. **Parking Space:** A space set aside for the sole purpose of parking an automobile on a temporary basis.
173. **Pavement Or Hard Surface:** Plant-mixed bituminous material, concrete, brick, masonry pavers or similar durable materials approved by the Township.

174. **Pawnshop:** A business that offers monetary loans in exchange for personal property given as security to the pawn broker by the recipient of the loan.
175. **Performance Guarantee:** A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance, or by a development agreement entered into under this Ordinance, will be completed in compliance with the Ordinance, regulations, and approved plans and specifications of the development.
176. **Permitted Use:** See "Use."
177. **Person:** An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.
178. **Pet.** See "Animal, Domestic."
179. **Planning Commission:** The Planning Commission for Salem Township, Washtenaw County, Michigan, as authorized by the Michigan Planning Enabling Act and the Michigan Zoning Enabling Act.
180. **Plat:** A map or chart of a subdivision of land.
181. **Pond:** A pond is a body of standing water, either natural or man-made, that is usually smaller than a lake. A wide variety of man-made bodies of water are classified as ponds, including water gardens designed for aesthetic ornamentation, fish ponds designed for commercial fish breeding, solar ponds designed to store thermal energy, and detention/retention basins maintained to control surface water runoff.
182. **Porch:** A stoop, terrace or similar un-enclosed (other than mesh screening and any necessary structural supports or architectural or safety features) exterior structure, with or without a roof, that serves as an entrance to a structure and a transition zone between indoor and outdoor areas.
183. **Pool or Billiard Hall:** An establishment wherein a substantial or significant portion of all usable area is devoted to the use of pool or billiard tables.
184. **Premises:** A single zoning lot or multiple adjacent lots under common ownership occupied by a single principal use or integrated principal uses that are not separated by intervening roads, alleys, utility or railroad rights-of-way or other interruptions.
185. **Private Community Wastewater System (PCWS):** A facility for the transportation, collection, processing or treatment of sanitary sewage which is owned by a non-governmental entity, and approved by all regulatory agencies with jurisdiction to service more than one structure. The PCWS shall be deemed to include any individual septic tanks, pumps, lines and appurtenances serving each residence, in addition to the community drainfield and treatment system.
186. **Principal Use:** See "Use."
187. **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."

188. **Pub:** See "**Brewpub**" and "**Tavern.**"
189. **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 public schools, parks, playgrounds, hospitals, and government offices including administrative and service facilities.
190. **Public Utility:** See "**Utility, Public.**"
191. **Publicly Owned and Operated Sanitary Sewerage System:** A Sanitary Sewer System owned and operated by an authorized governmental entity.
192. **Quarry:** See "**Extractive Operation.**"
193. **Recognizable and Substantial Benefit:** A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and uses. Such benefits may include long-term protection or preservation of natural resources and natural features, historical features, or architectural features; or, elimination of a nonconforming use or structure.
194. **Recreation Area:** Any public or privately owned outdoor space that is made available and maintained in a suitable condition for passive and active recreational activities, such as swimming, picnicking, hiking, nature study, hunting, boating, fishing or other recreational purposes.
195. **Recreational Facility, Indoor:** A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities indoors (within an enclosed building) and operated as a business and open for use by the public for a fee, such as gymnasiums and fitness centers, bowling alleys, indoor soccer facilities, racquetball and tennis clubs, ice and roller skating rinks, curling centers, and firearms ranges.
196. **Recreational Facility, Outdoor:** A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities outdoors (outside of an enclosed building) and operated as a business and open for use by the public for a fee such as tennis clubs, archery ranges, golf courses, miniature golf courses, golf driving ranges, water slides, batting cages and machines, skateboarding parks, and children's amusement parks.
197. **Recreational Vehicle:** A vehicle which is self-propelled or permanently towable by motor vehicle; designed primarily for use as temporary living quarters, or for recreational, camping, travel or seasonal use; and required by Michigan law to have a valid vehicle registration when traveling upon public roads. Recreational vehicles shall include the following:
- a. **Boats and Boat Trailers:** Motorized or floatation equipment which may be used on the water, plus the normal equipment used to transport the same on the highway. "Boats and "boat trailers" shall include jet skis and

- other personal watercraft, floats, rafts, and similar devices and equipment.
- b. **Folding Tent Trailer:** A folding structure, mounted on wheels and designed for travel and vacation use.
 - c. **Motor Home:** A portable dwelling designed and constructed as an integral part of a self-propelled vehicle, built on a single chassis of 400 square feet or less, and designed primarily for use as temporary living quarters for recreational, camping, travel or seasonal use.
 - d. **Pickup Camper:** A portable dwelling designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational, and vacation uses.
 - e. **Travel Trailer:** A portable dwelling built on a single chassis of 400 square feet or less, constructed to be towed on its own chassis, and designed primarily for use as temporary living quarters for recreational, camping, travel or seasonal use.
 - f. **Horse Trailer:** A structure, mounted on wheels and designed primarily to be used for the transportation of horses.
 - g. **Snowmobiles, Motorcycles or All-Terrain Vehicles (ATV):** Motorized vehicles designed primarily for recreational travel or off-road use.
 - h. **Utility Trailers:** A vehicle used to transport boats, motorcycles, snowmobiles, go-carts, and similar devices and equipment.
198. **Recycling Collection Facility:** A location or operation for the collection and temporary storage of recyclable material intended for transportation to a processing center, or for reclamation, repair, and re-use.
199. **Registered Design Professional:** An architect, community planner, engineer, landscape architect, or land surveyor registered in the State of Michigan.
200. **Repair and Maintenance, Ordinary:** Any work to correct deterioration or decay of or damage to a structure or site improvement, which is intended to restore the structure or site improvement to its original condition, as nearly as feasible. Ordinary repair and maintenance does not include a change in design, material or outward appearance, but does include in-kind replacement or repair.
201. **Restaurant:** Any establishment whose principal business is the sale and serving of food and beverages to the customer in a ready-to-consume state that is open regularly for the service of food to customers for compensation, and whose design and method of operation include suitable seating for customers or a service counter for carry-out orders; adequate and appropriate commercial kitchen and food storage facilities for preparation and service of an assortment of foods commonly ordered at various hours of the day or night; and serving of food and beverages by a restaurant employee at the table where such items will be consumed or at the counter where such items are ordered.

- a. **Carry-Out Restaurant:** Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose design and method of operation include:
 - (1) Food and beverages are usually served in edible containers or in paper, plastic or other disposable containers.
 - (2) The consumption of food and beverages within the restaurant building, within a motor vehicle parked upon the premises or at other facilities in the premises outside the restaurant building is posted as being prohibited, and the restaurateur strictly enforces such prohibition.
 - b. **Restaurant, Drive-In:** Any establishment whose principal business is the sale of food and beverages to the consumer in a ready-to-consume state, and whose design and method of operation include:
 - (1) Food and beverages are served directly to the customer in a motor vehicle either by a car-hop or by other means that eliminates the need for the customer to exit the motor vehicle.
 - (2) The consumption of food and beverages within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building is allowed, encouraged or permitted.
 - c. **Drive-Through Restaurant:** A restaurant whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off of the premises.
202. **Retail Stores and Retail Sales:** A showroom, sales floor, display area or similar facility for the selling, trading and exchanging of goods, wares or merchandise for direct consumption (not for resale) directly to the consumer and completely within an enclosed building.
- a. Included in this definition are convenience stores, department stores, variety stores, supermarkets, and wholesale club stores.
 - b. Also included in this definition are mail-order sales, Internet sales and similar activities, provided such activities are accessory to the principal use of retail sales to the customer in the building.
 - c. This definition includes secondhand stores but does not include pawnshops as defined in this Section.
 - d. This definition does not include temporary uses, temporary outdoor display or sales areas or adult entertainment uses and sexually-oriented businesses.
203. **Retention Basin:** A pond, pool, or basin used for the long-term storage of water runoff.

204. **Rezoning:** The amendment of this Ordinance to change the Official Zoning Map classification on land from its existing district to a new district classification.
205. **Riding Arena or Boarding Stable, Private:** All stables and facilities for the private rearing, schooling, breeding or housing of horses, mules, ponies and similar equine riding animals, which may include private boarding of one (1) or more equine riding animals by the property owner in exchange for monthly, seasonal or annual compensation from the animal's owner(s).
206. **Riding Stable, Public or Commercial:** All stables and facilities regularly accessible to the general public for the rearing, schooling, riding, driving, and housing of horses, mules, ponies and similar equine riding animals available or intended for public lessons, riding academies, hire on a per diem, hourly or weekly basis, or similar use by the public.
207. **Right-Of-Way:** A strip of land acquired by reservation, dedication, highway-by-user, prescription or condemnation and intended to be occupied, or occupied by, a road, utility, and other similar uses.
208. **Right to Farm Act:** Act 93 of the Michigan Public Acts of 1981, as amended.
209. **Road:** A public or private thoroughfare or way, other than public alley, which affords principal means of access to adjacent land.
210. **Roadside Stand:** A temporary building or structure operated for the purpose of selling natural, unprocessed produce and other farm products. A roadside stand shall not make a commercial district, nor shall its use be deemed a commercial activity.
211. **Room:** For the purpose of determining lot area requirements and density in a multiple-family district, a living room, dining room and bedroom, equal to at least 80 square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage. Plans presented showing one (1), two (2) or three (3) bedroom units and including a "den," "library," or other extra room shall count such extra room as a bedroom for the purpose of computing density.
212. **Sanitary Sewer System:** Facilities for transportation, collection, processing, or treatment of sanitary sewage serving or intended to serve more than one principal dwelling unit, principal use, or principal building approved by all regulatory agencies with jurisdiction; including all treatment, drainfield, and disposal facilities, pumps, lines, lift stations, and appurtenances. See also "**Private Community Wastewater System (PCWS)**" and "**Publicly-Owned and Operated Sanitary Sewer System.**"
213. **Screen:** See "**Landscaping.**"
214. **Secondhand Store:** A retail store for the sale of secondhand clothing, secondhand furniture, or secondhand household goods. This definition shall not include antique stores, bookstores, pawnshops, or junkyards.
215. **Self-Storage Warehouse:** A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual,

compartmentalized, and controlled-access stalls or lockers for the storage of customer's goods or wares.

216. **Senior Housing:** An institution other than a hospital or hotel, which provides room and board to non-transient persons primarily 55 years of age or older, consistent with applicable federal and state laws. Housing for the elderly may include:
- a. **Assisted Living Facility:** A facility providing responsible adult supervision of or assistance with routine living functions of an individual in instances where the individual's condition necessitates that supervision or assistance.
 - b. **Congregate or Interim Care Housing:** A semi-independent housing facility containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.
 - c. **Convalescent or Nursing Home:** A home for the care of two (2) or more children, the aged or infirm persons suffering serious or chronic bodily disorders, which may be licensed under applicable state laws.
 - d. **Dependent Housing Facilities:** Facilities such as convalescent homes and nursing homes that are designed for older persons who need a wide range of health and support services, including personal nursing care.
 - e. **Elderly Housing:** A building or group of buildings containing dwellings where the occupancy is restricted to persons 60 years of age or older or couples where either the husband or wife is 60 years of age or older.
 - f. **Senior Apartments:** Multiple-family dwelling units intended to be occupied by persons 55 years of age or older.
217. **Separate Ownership:** Ownership of a lot where the owner is the legal or equitable owner in the name of a person, partnership, corporation or other group.
218. **Setback:** The minimum horizontal distance required by this Ordinance to exist between any building line and all adjacent lot boundaries or road rights-of-way (see "Yard Terms" illustration).
- a. **Parking Lot Setback:** The minimum horizontal distance between the road right-of-way or lot line and the near edge of pavement in an off-road parking lot.
 - b. **Required Setback:** The minimum horizontal distance between a front, rear or side lot line and a building line required to comply with required yard provisions of this Ordinance.
219. **Shopping Center:** A group of commercial establishments, primarily consisting of retail uses, that are compatible with each other and are mutually supportive, in one (1) or more buildings, on a site that is planned, developed, and managed as one (1) operating unit, with common driveways, parking areas, identification signs, and other common facilities and services.

220. **Sign:** Any surface, fabric, device, display, structure, fixture, placard, or similar visual medium, including all component parts, which bears writing, representations, emblems, graphic designs, logos, trademarks, pictorial forms, sculptured matter or any figures of similar character or the purpose of conveying information, or informing or attracting the attention of persons. Signs shall include banners, bulbs, other lighting devices, streamers, pennants, balloons, propellers, flags or similar devices.

Unless otherwise indicated, the definition of "sign" includes interior or exterior signs that are visible from any public road, sidewalk, alley, park or public property, but not signs that are primarily directed at persons within the premises where the sign is located.

- a. **Abandoned Sign:** A sign accessory to or associated with a use that has been discontinued or terminated for more than 180 days.
- b. **Accessory Sign:** A sign that pertains to the principal use of the premises.
- c. **Billboard or Non-Accessory Signs:** Signs that do not pertain to the principal use of the premises, or that advertises businesses, products, services, facilities or events not sold, distributed or furnished on the premises on which the sign is located. Also referred to as "outdoor advertising," or "off-premises signs."
- d. **Building-Mounted Sign:** A display sign that is painted on or attached to a building wall, door, window or related architectural feature.
 - (1) **Awning Sign:** A sign that is painted or printed on, or attached to an awning or canopy.
 - (2) **Building Directory:** A wall sign where individual occupants of a building whose space is not located on the street level façade may display information directing visitors to their portion of the building.
 - (3) **Nameplate:** A small wall sign accessory to the address numbers of a building for the purpose of identifying the building, occupants or uses.
 - (4) **Projecting Sign:** A display sign attached to or hung from a structure projecting from and supported by the building, and extending beyond the building wall, building line or road right-of-way line.
 - (5) **Wall Sign:** A sign painted on, or attached parallel to the exterior surface of a building wall, door, window or related architectural feature and extending not more than two (2) feet from the wall with no copy on the sides or edges.
 - (6) **Window Sign:** A sign affixed to or installed inside a window so as to be observable from the exterior of the building.

- e. **Clearance:** The vertical distance between the surface grade beneath the sign and the lowest point of the sign, including framework and embellishments.
- f. **Color Value:** The perception of an internally illuminated color's lightness or darkness or a description of the overall intensity or strength of the light through the illuminated color, expressed as a ratio or percentage.
 - (1) **Saturation:** The dominance of hue in the color, expressed as a percentage of the dominant wavelength to other wavelengths in the color.
- g. **Damaged Sign:** A sign or supporting structure that is torn, defaced, dented, smashed, broken, vandalized or destroyed.
- h. **Decorative Display:** A decorative, temporary display designed for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising content.
- i. **Ground Sign:** A freestanding sign supported by one or more columns, uprights or braces in the ground surface, or mounted directly to a base with no clearance between the established grade and the bottom of the sign.
- j. **Noncombustible Material:** Any material that will not ignite at or below a temperature of 1,200 degrees Fahrenheit and will not continue to burn or glow at that temperature.
- k. **Nonconforming Sign:** A sign which was erected legally, but which is not in compliance with current Ordinance provisions for signs. The definition of "nonconforming sign" shall not include any sign located within a road right-of-way, or any sign that is missing necessary structural and functional components.
- l. **Roof Sign:** Any sign erected or maintained on or above the roof of the building, or that extends above the roofline.
- m. **Sign Area:** The gross surface area within a single continuous perimeter enclosing the extreme limits of all sign copy or surface of any internally-illuminated sign, awning or canopy. Such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.
- n. **Signable Area:** The area of the street level portion of a principal building's front facade wall, including doors and windows, facing a public road where the address or primary public entrance is located.
- o. **Sign Copy:** Writing, representations, emblems, logos, pictorial forms, sculptured matter or any figures of similar character, together with any frame, tower or other materials, color or internally-illuminated area forming an integral part of a display to convey information or attract attention.

- (1) **Animated Copy:** Sign copy that flashes, moves, revolves, cycles or is otherwise altered or changed by mechanical or electrical means at intervals of less than once per minute.
- (2) **Changeable Copy:** Moveable letters or other forms of sign copy, not including animated copy, which can be altered by manual, mechanical or electrical means without replacing the sign copy area, at intervals of once per minute or longer.
- p. **Sign Height:** The vertical distance measured from the average grade at the sign location to the highest point of the sign.
- q. **Site Entry Feature with Signage:** A sign located at the entrance to a residential development, industrial park or similar development for the purpose of identifying an entrance, defining a gateway or creating a common identity for the development.
- r. **Temporary Sign:** Display signs, banners, balloons, festoons or other advertising devices constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration.
 - (1) **Banner:** A temporary sign made of fabric or other non-rigid material with no enclosing framework.
 - (2) **Festoons:** A string of ribbons, tinsel, small flags or pinwheels.
 - (3) **Inflatable Sign:** Any air filled or gas filled object tethered to a fixed location and used as a means of directing attention to any business, profession, commodity, service, product or entertainment.
 - (4) **Portable Sign:** A type of temporary sign not permanently affixed to the ground or structure and consisting of two vertically-oriented sign faces linked at the top by hinges or similar devices and forming an inverted "V" shape when displayed. Also referred to as a "sandwich board" sign.
- s. **Unlawful Sign:** A sign for which no valid permit was issued by the Township at the time such sign was erected or a sign that is not in compliance with the current zoning ordinance and does not meet the definition of a nonconforming sign.
- t. **Unsafe Sign:** A sign that is not properly secured, in danger of falling or otherwise in a condition that is hazardous to the public health, safety or welfare.
- 221. **Single-Family Housing:** See "**Dwelling, Single-Family.**"
- 222. **Site Condominium:** See "**Condominium.**"
- 223. **Site Plan:** A plan showing all salient features of a proposed development, as required by pertinent portions of this Ordinance, so that it may be evaluated to

determine whether it meets the provisions of this Ordinance and the Growth Management Plan.

224. **Slopes:** Any rise in the height of a topographic land surface over a distance of 100 feet, in which one end or side is at a higher level than another. See also "**Steep Slopes.**"
225. **Special Event:** An occurrence or noteworthy happening of seasonal, civic, or church/religious importance, which is organized and sponsored by local Township government, a non-profit 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 and which is open to the public. Special events typically run for a short period of time [less than two (2) weeks] and are unlike the customary or usual activities generally associated with the property where the special event is to be located.
226. **Special Use:** See "**Use, Conditional.**"
227. **Specially Designated Distributor's Establishment:** A retail establishment consisting of less than 15,000 square feet of usable retail space, or any retail establishment where more than ten percent (10%) of the usable retail space is utilized for the distribution of alcoholic liquor, licensed by the state liquor control commission to distribute alcoholic liquor, other than wine under twenty percent (20%) alcohol by volume, and beer, in the original package for consumption off the premises.
228. **Specially Designated Merchant's Establishment:** A retail establishment consisting of less than 15,000 square feet of usable retail space, or any retail establishment where more than ten percent (10%) of the usable retail space is utilized for the distribution of alcoholic liquor, licensed by the state liquor control commission to sell beer and/or wine for consumption off the premises.
229. **Stacked Flats:** See "**Dwelling, Stacked Flats Building.**"
230. **State Licensed Residential Facility:** A structure or facility constructed for residential purposes to provide resident services and 24 hour supervision or care for six (6) or fewer persons in need of supervision or care, or as licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act (P.A. 218 of 1979, as amended) or Child Care Organizations Act (P.A. 116 of 1973, as amended).
231. **Steep Slopes:** A rise of 25 feet or more over a distance of 100 feet, or any existing slope of twenty five percent (25%) or greater.
232. **Story:** That part of a building, except 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 (see "**Basic Structural Terms**" illustration).
- a. A mezzanine shall be deemed a full story when it covers more than one-third (1/3) of the area of the story underneath, or, if the vertical distance from the floor next below the mezzanine to the floor above it is 24 feet or more.

- b. A basement shall be deemed a full story when the vertical distance from the average grade to the floor below is half than the vertical distance from the average grade to the ceiling.
233. **Story, Half:** An uppermost story lying under a sloping roof having an area of at least 200 square feet in area with a clear ceiling height of seven (7) feet six (6) inches. For the purposes of this ordinance, the usable floor area is only that area having at least five (5) feet clear height between floor and ceiling.
234. **Street:** See "Road."
235. **Structure:** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including, but not limited to, buildings, dwellings, aboveground swimming pools, radio towers, sheds, signs and storage bins, but excluding sidewalks and paving on roads, driveways, parking areas and patios.
- a. **Temporary Structure:** A structure permitted to exist during periods of construction, special events, and other limited time periods.
236. **Subdivision Plat:** The division of a tract of land into two (2) or more lots, building sites, or other divisions for the purpose of sale or building development, in accordance with the Land Division Act (P.A. 288 of 1967, as amended), and the Salem Township Subdivision Control Ordinance, as amended.
237. **Swimming Pool:** Any structure or container located above or below grade designed to hold water to a depth of greater than two (2) feet and intended for swimming or bathing. A swimming pool is an accessory structure for purposes of this Ordinance.
238. **Tavern:** An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where less than thirty percent (30%) of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables, and other amusement devices.
239. **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 Cinema, Indoor:** An enclosed building used for presenting motion pictures, which are observed by paying patrons from seats within the building.
- b. **Motion Picture Cinema, Outdoor:** A site used for presenting motion pictures, which are observed by paying patrons from their vehicles or an outdoor seating area.
- c. **Live Theater:** The performance of dramatic literature by live actors or performers, which are observed by paying patrons from seats within the building.

- d. **Outdoor Theater:** A site on which a live performance is staged, which is observed by paying patrons from an outdoor seating area.
240. **Total Buildable Area:** An area calculated by subtracting from the gross site acreage, the areas comprised of existing and proposed right-of-ways and easements for public and private roads, flood plains, wetlands, and stream corridors. This is the area used to compute the allowable maximum density for an Open Space Preservation Residential Development.
241. **Townhouses:** See "**Dwelling, Townhouse.**"
242. **Township:** Salem Township, Washtenaw County, Michigan.
- a. **Township Board:** The elected board of trustees for Salem Township, Washtenaw County, Michigan.
243. **Township Engineer:** The person, persons or firm designated by the Township to advise the Township on drainage, grading, paving, storm water management and control utilities, and other related site engineering and civil engineering issues. The Township Engineer may be a consultant or employee of the Township, or the responsibilities of this position may be divided between more than one (1) person or firm.
244. **Township Planner:** The person, persons or firm designated by the Township to administer and enforce this Zoning Ordinance on a day-to-day basis; provide staff support to the Township Board, Planning Commission or Zoning Board of Appeals; or advise the Township on community planning, zoning, land use, housing, and other related planning and development issues. The Township Planner may be a consultant or an employee of the Township, or the responsibilities of this position may be divided between more than one (1) person or firm.
245. **Tree Farm:** The use of land to grow live trees that are heeled in, not balled and bagged, and are intended to be transplanted or sold for use in agriculture, forestry or landscaping, but not including sales on the premises or storage of tree-moving, earth-moving, or related equipment outside of enclosed structures. See also "**Landscaping Business**" and "**Nursery.**"
246. **Truck Terminal:** A structure to which goods, except raw or unprocessed agricultural products, 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.
247. **Two-Family (Duplex) Dwellings:** See "**Dwelling, Two-Family or Duplex Dwelling.**"
248. **Undeveloped State:** A natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural land use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course or other exclusively commercial recreational uses, lot area within setbacks for each specific lot or land area dedicated as limited commons, but may include a recreational trail, picnic area, children's play area, greenway, or linear park.

249. **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. **Accessory Use:** A use naturally and normally incidental to, subordinate to and devoted exclusively to the principal use or building of the premises.
 - b. **Conditional Use:** An activity that may be detrimental to other land uses permitted within the same district, but that may be permitted subject to certain conditions or limitations designed to insure that the use is compatible with other permitted uses in the district.
 - c. **Permitted Use:** A use permitted in each zoning district by right, subject to site plan review or certificate of zoning compliance approval as applicable to the specific land use.
 - d. **Principal Use:** The main or primary use of the land or structures; or an activity permitted by right in the district subject to the requirements of this Ordinance.
 - e. **Seasonal Use:** A temporary use permitted and regulated pursuant to this Ordinance for a limited period of time conducted every year at the same time of year, such as, but not limited to, the sale of Easter flowers or Christmas trees.
 - f. **Temporary Use:** A use permitted and regulated pursuant to this Ordinance for periods of time that are limited in duration as specified by this Ordinance.
250. **Use Groups:** All uses of land permitted by this Ordinance have been organized, for ease of use and convenience, into the following use groups based upon certain characteristics that the grouped uses may share:
- a. **RURAL USES:** These uses primarily involve the keeping, breeding or use of animals; production or distribution of produce and farm-related products; and associated uses of a rural character or intensity.
 - b. **RESIDENTIAL USES:** These uses primarily involve housing of various types and densities, and associated uses typically found in a residential neighborhood.
 - c. **OFFICE, SERVICE, AND COMMUNITY USES:** Community uses are public-owned or operated uses; uses of a not-for-profit nature; uses that involve benefits or services generally provided to a significant portion of the population; or uses that serve as focal or gathering points for the community. Office or service uses are private-owned or operated uses; or uses of a for-profit nature, such as personal service establishments, medical and professional offices, workshops and studios, and similar associated uses.
 - d. **COMMERCIAL USES:** These are uses of a generally for-profit nature, and may include retail sales, food service, entertainment, repair services and similar associated uses.

- e. **INDUSTRIAL, RESEARCH, AND LABORATORY USES:** These are uses of a light manufacturing, research, warehousing or wholesaling character; or that involve compounding, processing, packaging, assembly, storage or treatment of materials.
 - f. **OTHER USES:** These are uses that, because of unusual character, intensity or nuisance factors, do not fit well into the preceding use groups.
251. **Utility, Private:** A person, firm, corporation or private entity duly authorized to furnish and furnishing, under federal, state or municipal regulations or franchise agreements, to the public: gas, steam, electricity, communication, telegraph or transportation. Such uses as wind energy conversion systems (WECS), community wells, private community wastewater treatment and disposal systems (PCWS), radio stations, and wireless communication facilities shall not be considered private utilities under this Ordinance.
252. **Utility, Public:** A governmental entity or municipal department, board or commission duly authorized to furnish and furnishing, under federal, state, or municipal regulations, electricity, gas, steam, communications, telegraph, or transportation to the public. Such utility shall be regulated by a governmental pricing structure, have the right of eminent domain, be a single entity as designated by Federal or State government to provide a specified service or product, and provide a service considered essential to a public need.
- a. Publicly owned and operated or municipal water distribution and sanitary sewer systems, and stormwater drainage facilities under the jurisdiction of the Washtenaw County Drain Commissioner, shall also be considered public utilities.
 - b. Such uses as wind energy conversion systems (WECS), community wells, private community wastewater treatment and disposal systems (PCWS), radio stations, and wireless communication facilities shall not be considered public utilities under this Ordinance.
253. **Variable Costs and Expenses:** Monetary charges incurred by the Township that do not meet the definition of fixed costs and expenses; including items which vary depending upon the scope of the project, such as advisory services from the Township Engineer, Township Planner, and other designated Township consultants, attorney fees, inspection costs, recording fees, and testing or laboratory costs.
254. **Variance:** A modification of the literal provisions of this Ordinance granted by the Zoning Board of Appeals in accordance with this Ordinance and the Michigan Zoning Enabling Act.
255. **Vehicle Shelter:** A temporary accessory structure consisting of metal, fabric, wood, plastic, fiberglass, or combination of similar materials and designed or intended for the short-term sheltering of a motor or recreational vehicle from weather conditions or solar radiation.

256. **Veterinary Clinic Or Hospital:** An office of a duly licensed veterinary professional for diagnosis, treatment, surgery and other veterinary care of domestic animals, horses, livestock and other animals.
257. **Viewshed:** The total physiographic area, composed of land, water, biotic, and other environmental and cultural elements, visible from one (1) or more fixed vantage points (such as a series of views along a roadway, or the view from the perspective of one riverfront dwelling).
258. **Wall:** A screening structure of definite height and location constructed of a masonry, concrete, rock or similar material.
259. **Warehouse:** A building used for short- and/or long-term storage in connection with production and marketing or in connection with manufacturing, freight handling, wholesaling, and retailing. See also "**Distribution Center**" and "**Truck Terminal.**"
260. **Watercourse:** Any waterway including a river, stream, lake, pond or any body of surface water having definite banks, a bed and visible evidence of a continued flow or continued occurrence of water.
261. **Water Supply System:** Facilities for collection, transportation, processing, or distribution of sanitary drinking water serving or intended to serve more than one principal dwelling unit, principal use, or principal building approved by all regulatory agencies with jurisdiction; including all potable water sources, treatment and purification facilities, pumps, lines, and appurtenances.
- a. **Publicly-Owned and Operated Water System:** A water supply system owned and operated by one or more governmental entities.
- b. **Community Well:** A water supply system serving more than one (1) dwelling that is owned by a non-governmental entity.
262. **Wetland:** Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the land surface or the land is saturated with or covered by water. Some wetland areas are more commonly referred to as bogs, swamps or marshlands. Wetlands shall also have one (1) or more of the following attributes:
- a. At least periodically, the land supports predominantly hydrophytes.
- b. The substrate is predominantly un-drained hydric soil.
- c. The substrate is saturated with water or covered by shallow water at some time during the growing season of each year.
263. **Wetland, Regulated:** Certain wetlands as regulated by the Michigan Department of Environmental Quality (MDEQ) or the Township's Wetland Ordinance.
264. **Wind Energy Conversion System (WECS):** Any device such as a wind charger, windmill, or wind turbine that converts wind energy to usable energy.

- a. **Agricultural WECS:** A 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:** A 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:** A WECS that is designed and built to provide electricity to the electric utility's power grid.
 - d. **Authorized Factory Representative:** 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.
265. **Wireless Communications Facilities:** 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 and television transmission towers and antennae, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities.
- a. **Antenna(e):** Equipment used for the transmission or reception of wireless communication signals.
 - b. **Amateur Radio Antenna:** An antenna and associated support structure that is owned and operated by a federally licensed amateur radio station operator for personal use. Also referred to as "ham radio antenna."
 - c. **Backhaul Network:** The lines, facilities, and equipment that connect a provider's towers or antennae to switching offices, long-distance providers or public-switched telephone networks.
 - d. **Co-location:** The location of two (2) or more wireless telecommunication facilities on a common structure, tower or building.
 - e. **Ground Equipment:** Equipment used in the operation of the facility, other than antennae or towers, and the structure or enclosure within which the equipment is stored, maintained, and serviced.
 - f. **Provider:** Entity that is properly licensed by the Federal Communications Commission (FCC) and other appropriate governmental authorities to provide services through wireless communications facilities.
 - g. **Satellite Dish Antenna:** An antenna structure designed to receive from or transmit to orbiting satellites.
 - h. **Tower:** A structure, and any support thereto, that is intended to hold apparatus which transmits or receives radio, television, pager, telephone, or similar communications, including self-supporting lattice towers, guyed towers, light poles, wood poles, or monopole towers. The term includes radio and television transmission towers and antenna arrays, microwave towers, common-carrier towers, cellular telephone and wireless Internet

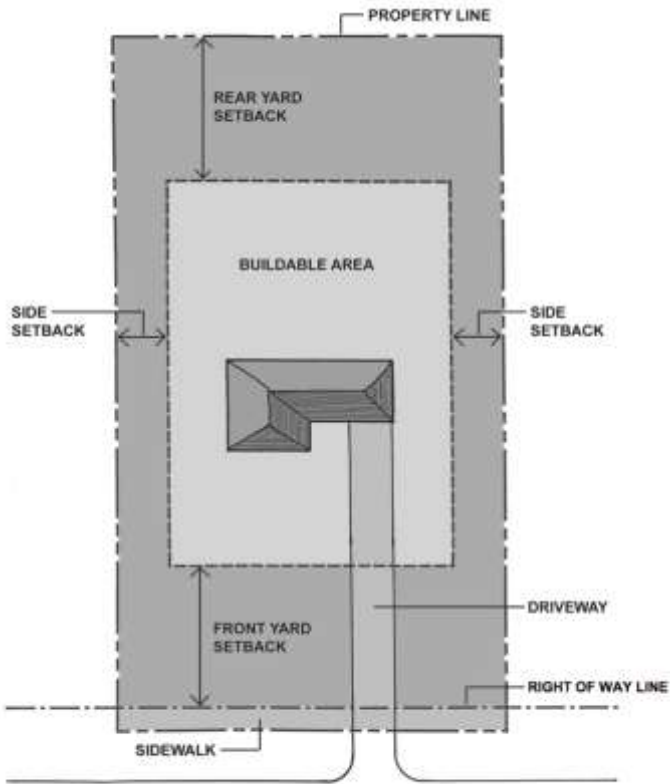
towers, alternative tower structures, and similar wireless communication antennae support structures.

266. **Yard:** An open space of prescribed width or depth on the same zoning lot with a building or group of buildings, located between the building or group of buildings and the nearest lot line and unoccupied from the ground upward except as otherwise provided for in this Ordinance (see "**Yard Terms**" illustration).
- a. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between any front lot line or road right-of-way and the nearest point of the principal building as required by this Ordinance.
 - b. **Rear Yard:** The yard directly opposite the designated front yard; or an open space extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building as required by this Ordinance.
 - c. **Required Yard:** An open space or yard area that conforms to the requirements of this Ordinance for yard, setback or other open space requirements.
 - d. **Side Yard:** An open space extending from the front yard to the rear yard on the side of the principal building between the building and the side lot line, the width of which is the minimum horizontal distance between the side lot line and the nearest point of the principal building as required by this Ordinance.
267. **Zoning Board of Appeals:** The board created pursuant to the provisions of this Ordinance and the Michigan Zoning Enabling Act to hear and decide appeals, variances, interpretations, and exceptions under this Ordinance.
268. **Zoning Administrator:** The person(s) designated by the Township to administer and enforce the provisions of this Zoning Ordinance on a day-to-day basis.
269. **Zoning District:** See "**District.**"
270. **Zoning Permit:** See "**Certificate of Zoning Compliance.**"

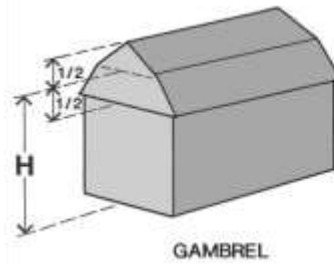
Section 2.04 Undefined Terms.

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

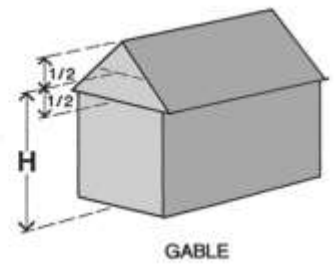
ILLUSTRATIONS



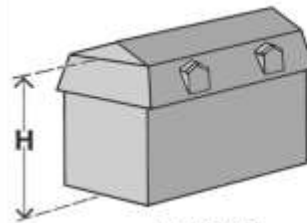
Building Envelope



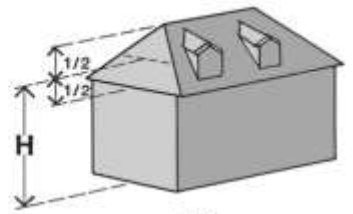
GAMBREL



GABLE

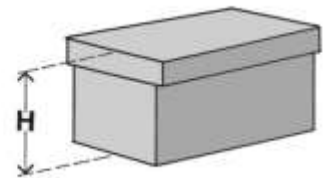


MANSARD

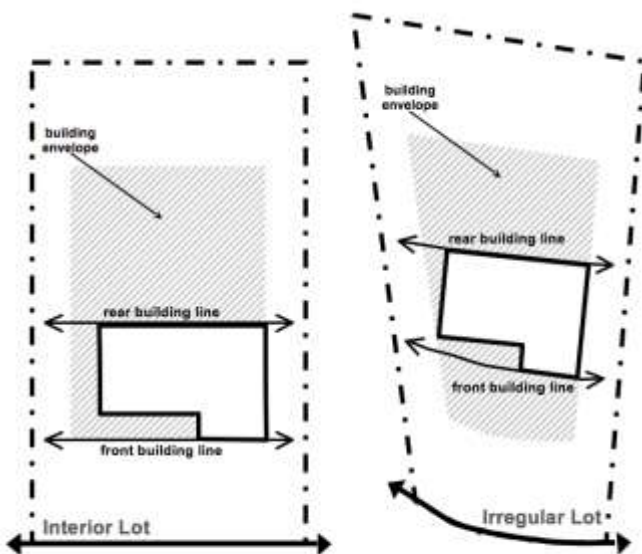


HIP

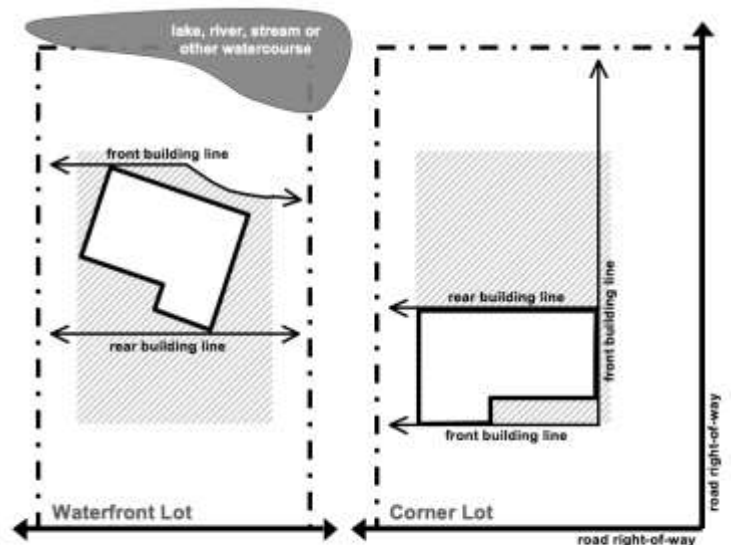
Building Height



FLAT

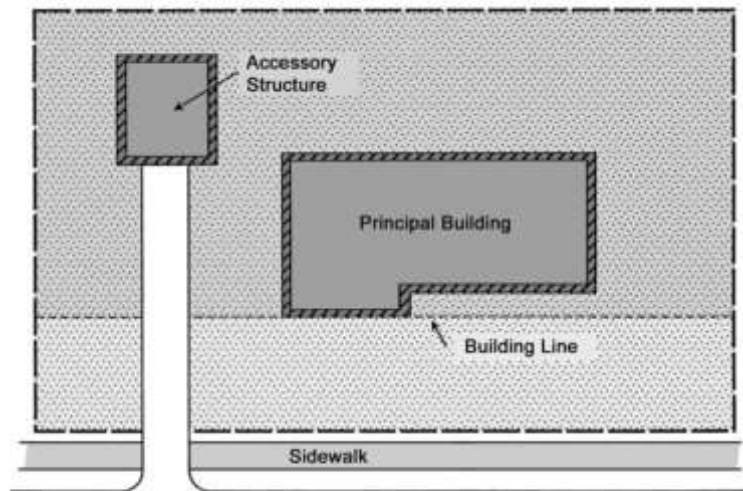
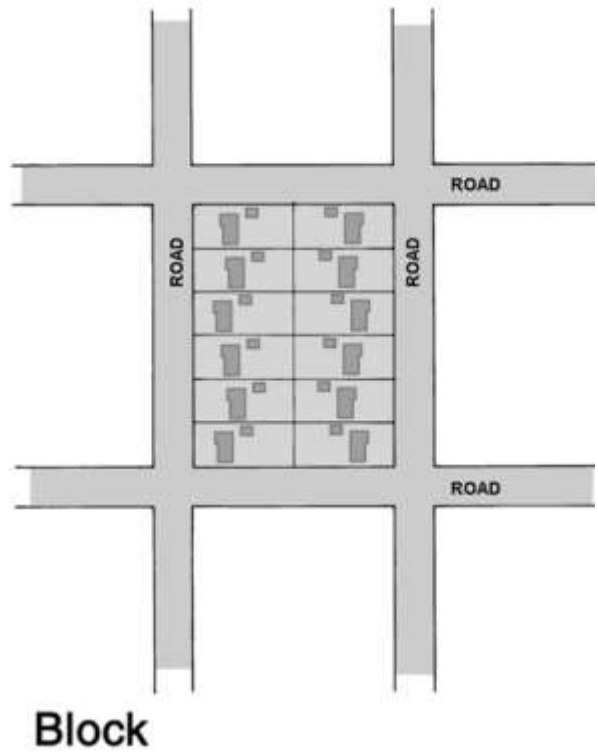
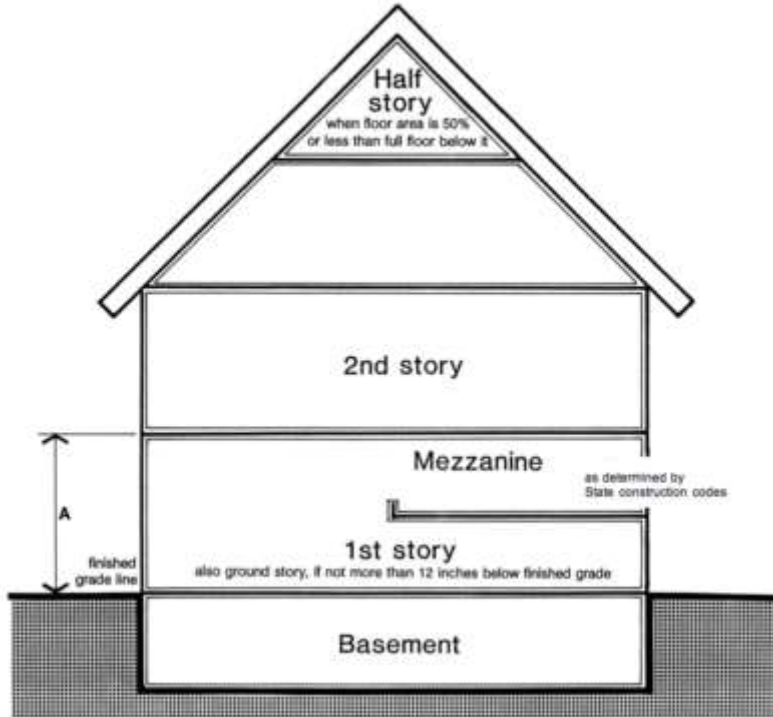


Building Lines



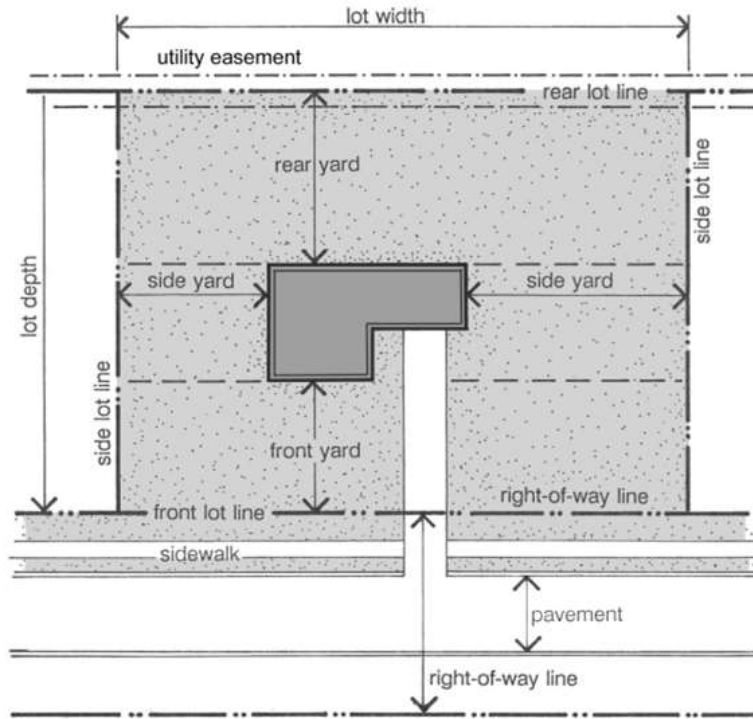
ILLUSTRATIONS

Basic Structural Terms

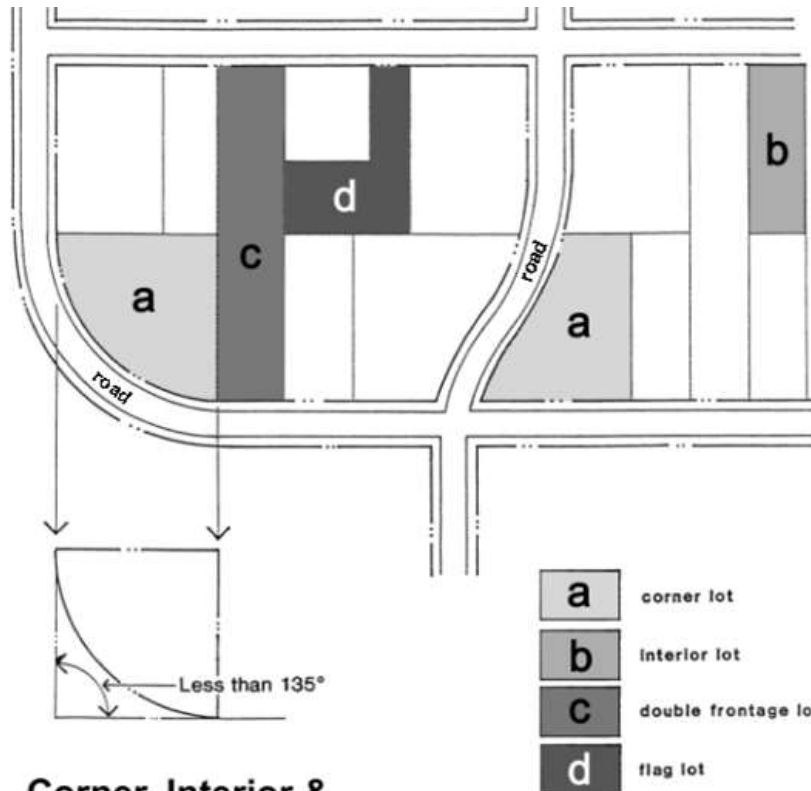


Accessory Structure

ILLUSTRATIONS



Yard Terms



Corner, Interior & Double Frontage Lots

ARTICLE 3.0 GENERAL PROVISIONS

Section 3.01 Accessory Structures.

The following shall apply to all new accessory structures in the Township, and to alterations, renovations, expansions or other work that includes exterior changes to existing structures:

The following shall apply to all new accessory structures in the Township, and to alterations, renovations, expansions or other work that includes exterior changes to existing structures:

A. General Standards.

1. **Use.** Accessory structures and their uses shall be supplemental or subordinate to the principal building on a parcel of land, and shall be on the same parcel of land as the principal building, structure, or use they serve.
2. **Timing of construction.** An accessory structure shall be constructed or established on a lot concurrent with or after construction of establishment of the principal building or use on the same lot. No accessory building shall be used prior to the principal building or use, except as a construction facility for the principal building.
3. **Vehicle shelters.** Carports and temporary vehicle shelters shall be considered accessory structures and shall comply with the requirements of this Section.
4. **Location in proximity to easements or rights-of-way.** Accessory structures shall not be located within a dedicated easement or right-of-way.
5. **Dimensional standards.** Accessory structures shall not exceed 25 feet in height, and shall otherwise conform to all area and setback requirements of Article 30.0 (Dimensional Standards).
6. **Additional standards for residential accessory structures.** All structures accessory to RESIDENTIAL USES shall generally be set back behind the front building line of any principal building on the same lot with an exception if the following criteria are met:
 - a. The parcel is located in AR or ER district.
 - b. The principle building is located at a minimum of 150% of the required front yard setback.
 - c. Vegetative screening material is proposed or existing on the road side of the accessory structure; or if any side of the accessory structure can be seen from the road or neighboring residential structure, the façade on that visible side shall be architecturally compatible with the character of the builds in the area as determined by the Planning Commission.

- #### B. Accessory structures in Residential Districts.
- Accessory structures in the Residential Districts, or parcels whose principle use is residential , shall be clearly

accessory to the dwelling units they serve, and shall be subject to the following additional standards:

1. Such structures are primarily designed for containment of lawn and household items, including tools and equipment for lawn, garden, and home maintenance, the non-farm keeping of animals as regulated by Section 40.109, or the storage of personal recreation vehicles owned and operated by the residents of the principle structure on the same zoning lot.
2. Accessory structure may be used for other accessory uses identified as permitted or accessory use identified in Section 20.02 Table of Permitted Uses by District, only after receiving the appropriate zoning approvals for such use.
3. The floor area of a storage sheds shall be included in the floor area used to calculate ground floor coverage and floor area ratio.
4. Not more than two accessory structures shall be permitted for each dwelling unit and the floor area of the accessory structures shall be based on the lot coverage permitted on the table in Section 30.101 with the acceptance that the total floor area for all accessory structures on lots that are 2 acres or less shall not exceed 2,000 square feet.

C. Approval Required. It shall be unlawful for any person to construct or cause to be constructed any accessory structure upon any lot without having first obtained Township zoning approval:

1. Construction, alteration or relocation of structures accessory to OFFICE, SERVICE, AND COMMUNITY USES, COMMERCIAL USES, INDUSTRIAL, RESEARCH, AND LABORATORY USES, and OTHER USES and exceeding 120 square feet in floor area shall be subject to site plan approval per Article 64.0 (Site Plan Review).
2. Construction, alteration or relocation of structures accessory to RESIDENTIAL USES and exceeding 100 square feet in floor area shall be subject to Zoning Administrator approval per Section 67.03 (Certificates of Zoning Compliance).
3. Construction, alteration or relocation of structures accessory to RURAL USES, except agricultural structures as regulated by the Right to Farm Act, shall be subject to Zoning Administrator approval per Section 67.03 (Certificates of Zoning Compliance).

(Section 3.01 amended: Effective 8/25/16)

Section 3.02 Fence Regulations.

All fences and similar enclosures shall conform to the following:

A. General Standards.

The following shall apply to fences in all zoning districts:

1. Fences shall comply with the unobstructed sight distance standards of Section 30.208 (Corner Clearance Areas), and shall not impede vision for pedestrians and motorists at any intersection of a driveway and a public sidewalk.
2. Fences may be constructed of woven wire, metal, wood, plastic or masonry. Masonry walls shall require a foundation meeting State Construction Code standards. Posts or anchoring devices for all other fences shall be placed at a minimum 30-inch depth.
3. It shall be unlawful to erect a fence consisting of tires, vehicle parts, pallets, trash or any materials capable of providing habitat for pests or vermin.
4. No spikes, nails, barbed wire, other pointed objects or sharp protrusions shall be placed on, attached to or permitted to remain on any fence; except as follows:
 - a. Where otherwise permitted for specific land uses by Article 40.0 (Use Standards), or as determined necessary by the Planning Commission for security or public safety purposes as part of final site plan approval.
 - b. Barbed wire fences and electrified wire fences shall be permitted to enclose land used for agricultural purposes, provided that such wires shall be attached to the inside face of the fence posts. Such fences shall be of a type and design approved by Underwriters Laboratories.
5. Retaining walls shall be regulated as a fence if the wall projects more than 18 inches above the grade of the ground being retained.

B. Fence Height.

Fence height shall be measured from ground level adjacent to the highest point of the fence. Fill shall not be used for the purpose of achieving a higher fence than otherwise permitted. Where the grade is not level, the maximum fence height shall be equal to the average fence height within four (4) feet of any fence post (see illustration).

1. Fences within a required front yard setback area or any front yard area between the front building line and road right-of-way line shall be limited to ornamental fences not exceeding three (3) feet in height.
2. Fences located within any required side or rear yard setback area shall not exceed six (6) feet in height on any lot of record in any Residential District or occupied by RESIDENTIAL USES.
3. Fences in any other zoning district shall not exceed six (6) feet in height, except where otherwise permitted for specific land uses by Article 40.0 (Use Standards), Article 60.0 (Supplemental Regulations and Standards) or as determined necessary by the Planning Commission for security or public safety purposes as part of final site plan approval.
4. Fences enclosing active farmland or horse pastures shall be exempt from the regulations and requirements of this section. Such fences shall have a maximum opacity of 50%.

(Section 3.02.B. amended: Effective 10/30/16)

C. Maintenance.

The property owner(s), agent(s) or person(s) in control of the lot(s) where the fence is located shall be responsible for:

1. Maintaining their fence in good condition so as not to endanger life or property. Such maintenance shall include, but not be limited to replacing damaged or missing components and weatherproofing untreated surfaces; and
2. Removing or repairing any fence determined by the Zoning Administrator to be a nuisance through lack of maintenance or other unsafe condition, in accordance with the Zoning Administrator's official notice. The notice shall specify the unsafe conditions and associated repairs or modifications required under this Ordinance, up to and including removal, along with a time limit for completion.

D. Fences for Swimming Pools and Hot Tubs.

To prevent unauthorized access and protect the general public, swimming pools, hot tubs, and similar facilities two (2) feet or more in depth shall be secured and enclosed by a minimum four (4) foot high fence with a self-closing and latching gate. Aboveground pool walls four (4) feet or more in height shall satisfy this requirement, provided that the pool ladder or steps shall be capable of being secured, locked or removed. The Zoning Administrator may waive this requirement upon determining that the facility or yard area is otherwise secured against unauthorized access.

E. Public Utility Fences.

Fences that enclose public utility installations in the Residential Districts shall be prohibited within any required yard setback area. Such fences shall comply with all other requirements of this Ordinance. Approval for a fence within a public utility easement may be granted upon determination that the fence will not inhibit access for repairs and maintenance.

F. Approval Required.

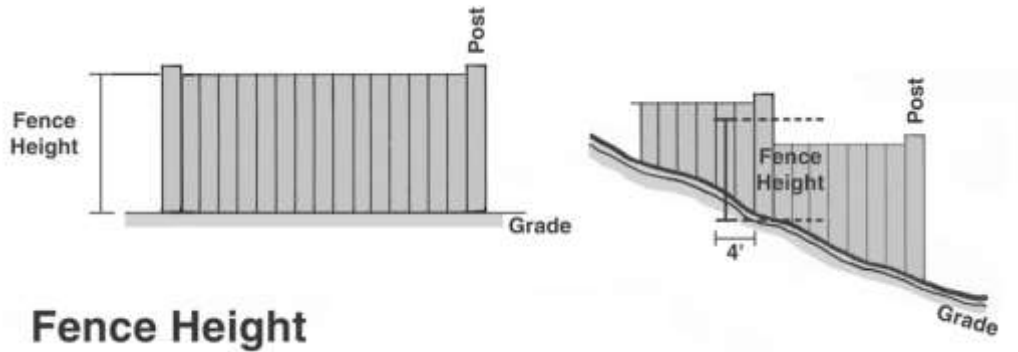
It shall be unlawful for any person to construct or cause to be constructed a fence in the Township without having first obtained all necessary permits or approvals, as follows:

1. No Township approval shall be required for fences accessory to RURAL USES or fences on residential lots larger than five (5) acres and not located in a recorded subdivision or condominium, provided such fences conform to applicable requirements of this Section.
2. Construction or alteration of fences for RESIDENTIAL USES and exceeding ten (10) feet in length shall be subject to Zoning Administrator approval per Section 67.03 (Certificate of Zoning Compliance).
3. Construction or alteration of fences for OFFICE, SERVICE, AND COMMUNITY USES, COMMERCIAL USES, INDUSTRIAL, RESEARCH, AND LABORATORY USES, and OTHER USES shall require site plan approval per Article 64.0 (Site Plan Review).
4. All fences shall be located entirely on the property of the owner of the fence. Joint application by the adjoining property owners shall be required for approval to construct a fence on a common lot line.
5. Temporary construction fences and fences required for protection around excavations shall comply with the State Construction Code enforced by the Township and any Township engineering standards. Temporary fences to be

maintained for more than 365 calendar days shall be subject to Zoning Administrator approval per Section 67.03 (Certificate of Zoning Compliance).

6. Fences lawfully erected prior to the effective date of adoption or amendment of this Ordinance that do not conform to all requirements of this Section shall be considered nonconforming structures subject to Article 65.0 (Nonconformities).

ILLUSTRATION



Section 3.03 Bulk Regulations.

The maintenance of setback, height, floor area ratio, coverage, open space, dwelling site, transition buffer, landscape strip, lot area, lot width, and land 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. No setback, height, floor area ratio, coverage, open space, dwelling site, transition buffer, landscape strip, lot area, lot width, and land area per dwelling unit allocated to or required about or in connection with one (1) lot, use, building or structure may be allocated to any other lot, use, building or structure.

Section 3.04 Property Maintenance.

Each property owner shall be responsible for keeping their lot and buildings clean and free of any accumulation or infestation of dirt, filth, rubbish, garbage, vermin or other matter in accordance with this Ordinance and the Township's adopted property maintenance code. Any hazardous places on a lot shall be fenced and secured.

Section 3.05 Property Between the Lot Line and Road.

The area between the lot line and edge of road pavement shall be maintained with grass or other suitable groundcover. Property owners shall be responsible for the condition, cleanliness and maintenance of the areas within the road right-of-way in front of their lot between their lot lines and the pavement edge.

Sections 3.06 - 3.08 Reserved.

Section 3.09 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 3.10 Scope of Provisions.

Except as may otherwise be provided in Article 65.0 (Nonconformities) and 66.0 (Zoning Board of Appeals), 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, 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 applicable regulations of this Ordinance.

1. 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 the effective date of this Ordinance and provided that construction is begun within 365 calendar 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 65.0 (Nonconformities).
2. Any basement, cellar, garage, or any incomplete structure without an occupancy permit in use as a dwelling on the effective date of adoption or amendment of this Ordinance shall not be used as a dwelling for more than 365 calendar days following said date, unless said structure has been completed in conformance with the regulations of the district in which located.
3. For the purpose of complying with this Ordinance no part of a setback or other open space, off-street parking or loading space required about or connected with any use, building, or structure shall be included in the setback, open space, off-street parking or loading space required for any other use, building, or structure.
4. Except as provided in Article 66.0 (Zoning Board of Appeals), no setback 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. Setbacks 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.

Section 3.11 Unlawful Structures, Sites, Lots, And Uses.

A building, structure, lot, site or use not lawfully existing at the time of adoption of this Ordinance shall not be made lawful solely by reason of the adoption of this Ordinance. In case any structure or part thereof is used, erected, occupied or altered contrary to law or provisions of this Ordinance, such structure shall be deemed an unlawful structure and a nuisance and may be required to be vacated, torn down or abated by 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 such nuisance shall become a lien upon the land.

Section 3.12 Division And Consolidation Of Land.

The division and consolidation of land shall be in accordance with the Land Division Act and any Township subdivision regulations. No 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 3.13 Voting Place.

Nothing in this Ordinance shall interfere with the temporary use of any property as a voting place for any public election.

Section 3.14 Firewood Sales on Residential Lots.

Sales and displays of firewood offered for purchase on residential lots shall be considered an incidental residential activity for purposes of this Ordinance, provided that such activities do not impede travel on the public roads. The area occupied by the firewood shall not exceed 100 square feet and shall be located outside of any road right-of-way or corner clearance area.

Section 3.15 Roof-Mounted Solar Energy Conversion Systems.

Roof-mounted solar energy conversion systems installed parallel to and directly adjacent to the roofline or integrated into the roof structure shall be considered an incidental part of the building for purposes of this Ordinance.

Section 3.16 Essential Services.

It is the intent of this Ordinance to place essential services or property owned, leased, or operated by public agencies, including local, state, federal or any other outside agency with jurisdiction, under the provisions of this Ordinance, as follows:

1. Where such uses are specifically listed they shall be governed as indicated.
2. Where such uses are not specifically listed, they shall be permitted only in districts permitting private uses of a similar nature.
3. 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 the Township.
4. Although exempt from certain regulations, proposals for construction of essential 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 not affecting the basic design or nature of operation of said services.

Section 3.17 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 3.18 Water Supply And Sanitary Sewage Systems.

The following standards shall apply to private and publicly-owned and operated or municipal water supply and sanitary sewage treatment and disposal systems:

A. General Standards.

1. On-site water supply or sewage disposal systems shall be prohibited in areas in which such publicly-owned and operated or municipal water or sanitary sewer service is available as defined and established in state law. All principal uses and buildings located in such an area shall be connected to the Township water and sanitary sewer systems.

2. No device for the collection, treatment and/or disposal of sewer wastes shall be installed or used without the approval of all outside agencies with jurisdiction.
3. Each dwelling, lot or structure required by state or county law, ordinance or regulation to have a sanitary sewerage facility to be suitable for occupancy by any use permitted under this Ordinance shall be subject to the following:
 - a. If no municipal sewer is available, each principal building on the lot shall be served by an independent on-site septic system meeting the requirements of the County Environmental Health Division.
 - b. The on-site septic system shall not be separated from the dwelling, lot or structure by a public or private road.
4. The gerrymandering of lots to obtain a suitable sewage disposal area that results in sewage systems not in close proximity to the living unit or land use it serves are not acceptable.
5. Limited sanitary facilities (such as a toilet or sink) may be installed within a permitted structure accessory to a single-family dwelling. Such facilities may be connected to the same on-site septic system as the dwelling on the same lot, subject to County Environmental Health Division and Township approval. This subsection is not intended to permit a second dwelling on the lot.
6. If municipal sanitary sewerage facilities are not available, minimum lot sizes shall conform to requirements of the this Ordinance and County Environmental Health Division. The minimum lot size shall not be less than that required by the zoning district where the lot is located, except as part of a Planned Unit Development (PUD). Individual disposal systems shall be approved by the County Environmental Health Division.
7. Where municipal or publicly owned and operated sanitary sewerage facilities are available or planned for in the Township Master Plan, sewers shall be installed to serve each lot and each structure with sanitary facilities.
8. All sanitary sewer facilities shall be designed and constructed in accordance with the rules, regulations, and standards of County Environmental Health Division.
9. For developments served by municipal sanitary sewers, sanitary sewer lines shall be installed and available to provide service to the individual lots before construction on a lot shall be permitted.

B. Private Community Wells and Wastewater Treatment Systems (PWS).

Private wastewater treatment systems (PCWS), as defined in Article 2.0 (Definitions) shall be prohibited in all zoning districts, except as part of a Planned Unit Development (PUD) District and in full compliance with all applicable state, county, and Township statutes, rules, and ordinances. Private community wells shall be prohibited in the Township.

C. Sewage Treatment Facility Screening Standards.

In addition to any state or county requirements, all private community wastewater facilities and publicly owned and operated sewage treatment and disposal facilities and operations shall be completely enclosed by a fence not less than six (6) feet high. Such facilities and operations shall be surrounded on all sides by a buffer strip at least 200 feet wide within which dense evergreen screening shall be placed in accordance with Section 60.09D (Methods of Screening) to screen the facility from view.

Section 3.19 Right-of-Way Requirements In All Districts.

In all districts there shall be provided public road rights-of-way in compliance with the master transportation plans of the Township, or county or state road authorities.

Section 3.20 Dry Hydrant.

This Section provides for a method of providing a frost-free access point for the transfer of water from a source, by pumping, into a transport vehicle or distribution system. Such access point shall be designed to connect to a remote water source that is accessible at a pumping point for filling tank trucks and pumper trucks engaged in fire control and protection. The following standards shall be provided:

1. A minimum storage capacity of 10,000 gallons should be provided by the applicant for residential plats and site condominium developments that are not served by a public water supply system. Additional storage of 2,000 gallons per residential lot in a residential development subject to the requirements of a plat or site condominium or per principal building should be provided. The Township Board, upon recommendation of the Fire Chief, may require additional storage capacity. Storage facilities may be ponds with dry hydrants, underground storage reservoirs, or other methods acceptable to the Fire Chief and Township Engineer. Where ponds are proposed for water storage the capacity of the pond should be calculated based on the lowest water level less an equivalent of four (4) feet of ice.
2. Hydrants, applicable fittings, or other provisions for drafting water shall be according to the specifications of the Fire Chief and subject to the approval of the Township Engineer. Minimum pipe size connecting dry hydrants to ponds or storage vaults shall be a minimum of four (4) inches.
3. Where the dry hydrant or other water source is not within the right-of-way of a proposed or existing road, an easement for access to and maintenance of the easement shall be provided. A suitable access way to the hydrant or other water source shall be constructed.
4. Dry hydrant shall be placed so that they are protected against hazards imposed by traffic farm operations, freezing temperatures, or soil cracking. Other means of protection shall be provided where the depth required for protection is impracticable due to shallow soils over rock or for other reasons. The location of the dry hydrant shall be such that it is not a hazard to traffic or persons, yet is easily accessible from the roadway.
5. A long-term maintenance plan of the dry hydrant system shall be provided to the satisfaction of the Township Engineer.

6. The Planning Commission may waive the requirement for water storage only upon submittal of evidence that the soil types shall not permit the construction or installation and the Fire Chief has indicated in writing that alternate methods of fire protection are available.

Sections 3.21-3.25 Reserved.

Section 3.26 Transient and Amusement Enterprises.

Circuses, carnivals, other transient amusement enterprises, music festivals, fundraising events, temporary gatherings of people, and similar for-profit or non-profit activities shall be subject to the following:

A. Acceptance of Applications by the Township Board.

Applications for approval of such activities shall be forwarded to the Township Clerk for review and acceptance by the Township Board. Upon a finding by the Township Board that the location of such activity will not adversely affect adjoining properties or adversely affect public health, safety, morals, or general welfare, the application shall be deemed to be accepted by the Township for review. Applications not accepted by the Board shall be returned to the applicant with a statement of the reasons for rejection.

The Township Board may require posting of a performance guarantee in an amount sufficient to hold the Township free of all liabilities incidental to the operation of such activity and indemnify any adjoining land owners for any damage resulting from operation of such activity. Such damages shall be provable before the court having jurisdiction over the premises upon which the damages occurred and shall be payable through such court.

B. Approval of Non-Profit Activities.

Activities operated by a permitted institutional use, public charity, or non-profit organization for the sole purpose of raising funds for that organization or its programs shall be permitted in any zoning district, subject to approval of a certificate of zoning compliance per Section 67.07 (Certificates of Zoning Compliance). A public charity or non-profit organization shall include any entity qualifying for tax exempt status under Section 501(c)(3) of the Internal Revenue Code of 1943 [26 U.S.C. 501(c)(3)], as incorporated by reference in Section 201 of the Michigan Income Tax Act (P.A. 281 of 1967, as amended).

C. Approval of Other Activities.

All other activities regulated by this Section may be permitted as a conditional use in any zoning district, subject to review and approval in accordance with Article 63.0 (Conditional Uses).

Sections 3.27-3.28 Reserved.

Section 3.29 Temporary Structures.

Temporary dwellings, temporary construction structures, and other temporary structures in all zoning districts shall be subject to the following:

A. Requirements and Procedures.

Placement of a temporary structure on a parcel, where permitted, shall require approval

per Section 67.03 (Certificates of Zoning Compliance) for all proposed temporary structures.. At a minimum, the following conditions shall apply:

1. The Zoning Administrator shall establish a reasonable date for removal of the temporary structure, not to exceed two (2) calendar years from the date of the certificate of zoning compliance.
2. Any approval under this Section shall not be transferable to another owner.
3. A temporary structure shall be connected to on-site private water supply and sewage disposal systems approved by the Washtenaw County Environmental Health Division or to publicly owned and operated or municipal systems.
4. The Zoning Administrator shall notify the Township Board and Planning Commission in writing of each Certificate issued under this Section.
5. As a condition of certificate of zoning compliance approval, the Township may require the property owner(s) to provide the Township with a performance guarantee per Section 67.07C (Performance Guarantees) to ensure removal.
6. Temporary structures shall be located outside of road rights-of-way, corner clearance areas, and minimum yard setback areas for the zoning district.

B. Temporary Dwellings.

The following standards and conditions shall apply to temporary dwellings:

1. A temporary dwelling shall be placed on the lot so as to conform to all yard requirements of the zoning district in which it is located.
2. No cabin, garage, cellar, or basement, or any temporary structure, whether of a fixed or movable nature, may be erected, altered, or moved or used in whole or in part for any dwelling purpose whatsoever for any time except as permitted in the following situations:
 - a. A manufactured home may be used as a temporary dwelling by a family constructing a new permanent dwelling on the lot.
 - b. If a dwelling is destroyed or is damaged by a natural or man-made event, such as fire, flood, windstorm, or tornado, to an extent that it is uninhabitable for a period of time, a temporary dwelling may be moved onto the lot and occupied by the family so displaced.
3. The temporary dwelling shall be vacated and shall be removed from the lot within 14 calendar days of the date of occupancy of the constructed, replaced, or repaired permanent dwelling.

C. Temporary Construction Structures.

The following standards and conditions shall apply to temporary construction structures:

1. In the event that the construction project involves more than one (1) phase or an extended construction schedule, the Zoning Administrator may grant an extended certificate of zoning compliance not to exceed four (4) years.
2. The location of temporary construction structures, including any temporary sales office or model, shall be subject to Zoning Administrator approval.
3. The temporary construction structure shall be vacated and shall be removed from the site within 14 calendar days following completion of the final phase.

**ARTICLE 4.0-9.0
RESERVED**

ARTICLE 10.0 ZONING DISTRICTS

SECTION 10.100 GENERAL PROVISIONS

Section 10.101 Use Regulations.

In all zoning districts, no structure or land shall be used or occupied, except in conformance with Article 20.0 (Land Use Table), and as otherwise provided for in this Ordinance.

A. Permitted Uses.

Uses shall be permitted by right only if specifically listed as principal permitted uses in the various zoning districts, or if substantially similar in nature to uses which are listed. In the interpretation of this subsection, any question on whether a use is "substantially similar" to a listed use shall be determined by the Zoning Administrator in the first instance, subject to review by the Zoning Board of Appeals in accordance with Section 66.06 (Interpretations).

B. Accessory Structures and Uses.

Where a lot is devoted to a permitted principal use, either permitted by right or as a conditional use, accessory uses and structures are permitted if specifically listed as accessory uses in the applicable zoning district, except as prohibited specifically or by necessary implication, provided such use or structure meets the definition of accessory use or structure in this Ordinance. Accessory structures and uses shall be subject to the applicable standards of this Ordinance.

C. Conditional Uses.

Conditional uses are permitted as listed in the various zoning districts, subject to the requirements and standards of this Ordinance, including Article 63.0 (Conditional Uses).

Section 10.102 Prohibited Uses.

Uses not listed in Article 20.0 (Land Use Table) as a permitted use, accessory use or conditional use in a particular zoning district, or as otherwise provided for in this Ordinance, shall be prohibited in the district. Land uses for enterprises or purposes that are contrary to federal, state or local laws or ordinances shall also be prohibited in any zoning district.

Section 10.103 Design and Development Requirements.

All uses shall comply with any applicable requirements of Article 40.0 (Use Standards), and all other applicable provisions of this Ordinance and other applicable regulations and standards. No structure shall be erected, reconstructed, altered or enlarged and no certificates shall be issued under this Ordinance except in conformance with this Ordinance and other applicable regulations and standards.

Section 10.104 District Boundaries.

The boundaries of zoning districts, unless otherwise shown on the Official Zoning Map, shall be lot or parcel lines, municipal boundaries, the centerline or ordinary high watermark of watercourses, the centerlines of dedicated county drains, and the centerlines of road, railroad or other dedicated rights-of-way.

A. Zoning of Rights-of-Way.

All road and other dedicated rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon the right-of-way. Where the centerline of a right-of-way serves as a district boundary, the zoning of the right-of-way, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting land up to the centerline.

B. Zoning of Vacated Areas.

Any road and other dedicated right-of-way or other public way or portion thereof within the Township not otherwise classified within the boundaries of a zoning district on the Official Zoning Map shall, upon vacation, automatically be classified in the same zoning district as the land(s) to which it attaches.

Section 10.105 Official Zoning Map.

For the purpose of this Ordinance, the zoning districts as provided in this Article and Ordinance are bounded and defined as shown on a map entitled "Official Zoning Map of Salem Township." This Official Zoning Map and all explanatory matters thereon, a copy of which accompanies this Ordinance, is hereby made a part of this Ordinance.

A. Identification of Official Zoning Map.

The Official Zoning Map shall be identified by the signature of the Township Clerk, attested by the Township Supervisor, and bear the seal of the Township under the following or equivalent words: "This is to certify that this is the Official Zoning Map referred to in the Salem Township Zoning Ordinance," along with the effective date of this Ordinance.

B. Changes to Official Zoning Map.

If in accordance with the procedures of this ordinance and of the Michigan Zoning Enabling Act, a change is made in a zoning district boundary, such change shall be made by the Township Clerk with an entry on the Official Zoning Map promptly after the ordinance authorizing such change shall have been adopted and published in accordance with Article 68.0 (Amendments):

1. On (date) by official action of the Township Board, the following change(s) were made in the Official Zoning Map: (brief description of change), which entry shall be signed by the Township Clerk and attested by the Township Supervisor.
2. 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. Unauthorized change(s) by any person(s) shall be considered a violation of this Ordinance.
3. Any changes in corporate boundaries within the Township shall be recorded on the Official Zoning Map by the Township Clerk and attested by the Township Supervisor.

C. Authority of Official Zoning Map.

Regardless of the existence of purported copies of the zoning map that may from time to time be made or published, the Official Zoning Map which shall be located in the Salem Township Hall and open to public inspection, shall be the final authority as to the

current zoning status of any land, parcel, lot, district, use, or structure in the Township.

D. 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 by ordinance 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 or equivalent words: "This is to certify that this is the Official Zoning Map referred to in the Salem Township Zoning Ordinance 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 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.

E. Rules for Interpretation.

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules for interpretation shall apply:

1. A boundary indicated as approximately following the centerline of a highway, road, alley, or easement shall be construed as following such centerline as it exists on the ground.
2. A boundary indicated as approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.
3. A boundary indicated as approximately following a municipal boundary of a city, village, or township shall be construed as following such line.
4. A boundary indicated as following a railroad line shall be construed as being located midway in the right-of-way of said railroad.
5. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in the shoreline shall be construed as following the shoreline existing at the time the interpretation is made.
6. A boundary indicated as following the centerline of a stream or river, canal, lake, or other body of water shall be construed as following such centerline existing at the time the interpretation is made.
7. A boundary indicated as parallel to, or as an extension of features described in this subsection, shall be so construed.
8. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the Map.

9. The Zoning Board of Appeals shall interpret where a physical or natural feature existing on the ground is at variance with that shown on the Official Zoning Map, or in other circumstances not otherwise covered by this subsection.

Section 10.106 Compliance Required.

No structure shall be constructed, erected, placed or maintained and no use shall be commenced or continued within the Township except in compliance with all applicable approval procedures and requirements of this Ordinance. The following is a partial list of Ordinance regulations that may apply to specific uses and development projects in the Township:

A. Site Plan Approval Required.

Site plan approval by the Planning Commission shall be required in accordance with Article 64.0 (Site Plan Review).

B. Off-Street Parking Required.

Off-street parking and loading-unloading facilities shall be required in accordance with Article 61.0 (Off-Street Parking and Loading Requirements).

C. Performance Standards.

The performance standards of Section 60.02 (Performance Standards) shall apply to all land uses, except where otherwise exempted by this Ordinance or state statute.

D. Natural Features Protection.

Development projects subject to approval under this Ordinance shall conform to Section 60.08 (Natural Features Preservation).

E. Special Development and Supplemental Regulations.

Development projects shall conform to all applicable standards of Article 50.0 (Special District Regulations). All projects and uses shall conform to all applicable standards of Article 60.0 (Supplemental Regulations and Standards).

**SECTION 10.200
PURPOSES OF ZONING DISTRICTS**

Section 10.201 Establishment of Zoning Districts.

Salem Township, Washtenaw County, Michigan, is hereby divided into the following zoning districts as shown on the Official Zoning Map, which is hereby adopted by reference and declared to be a part of this Ordinance.

Type of District	Zoning District Name	Symbol
Rural Districts	Recreation-Conservation District	R-C
	Agricultural-Residential District	A-R
Residential Districts	Estate Residential District	ER
	Low Density Residential District	LR
	Single-Family Residential District	SR
	Multiple-Family Residential District	MR
	Manufactured Housing Park District	MHP
Business Districts	Hamlet Center District	HCD
	Office Commercial District	OC
	Local Commercial District	LC
	General Commercial District	GC
	Highway Commercial District	HC
Other Districts	Research and Research Applications District	RRA
	Residential Office Park District	ROP
	Public/Semi-Public Services District	PSP
	Limited Industrial District	LI
	General Industrial District	GI
	Planned Unit Development District	PUD
	Urban Services District	USD

Section 10.202 Recreation-Conservation (R-C) District.

The value to the public of certain open areas of the Township is represented in their natural, undeveloped or un-built condition. It is recognized by this Ordinance that the best use of certain areas of the Township is the management, preservation, and low-impact utilization of the natural resource base inherent in these areas.

The Recreation-Conservation (R-C) District is hereby established as a Rural District, based upon a well considered plan, to regulate the location of structures and the use of parcels and lots for the purposes of protecting and enhancing natural resources, natural amenities, natural habitats of wildlife and watershed areas, agricultural capabilities, public recreation areas, and the public health, safety and welfare by reducing the hardship and financial burdens imposed upon the

Township by the wanton destruction or improper and wasteful use of such resources. The R-C District is designed to protect and enhance natural amenities; including woodlands, wetlands, and wildlife habitats, and to ensure that the natural resource value may be preserved, maintained, and sensitively utilized.

It is the intent of this district to permit those uses and structures that can operate or be located in areas of natural amenities in a compatible manner, and to prohibit those uses or structures that detract from, injure, or destroy these amenities. In addition, uses and structures shall be permitted only at a low density and intensity to ensure their compatibility with the natural resource base. Residential developments in the form of plats or site condominiums are considered in conflict with the intent and purpose of this district.

Section 10.203 Agricultural-Residential (A-R) District.

The public health and welfare of Salem Township, Washtenaw County, and the State of Michigan are greatly dependent upon the sustenance and economic benefits provided by a viable agricultural industry. The Agricultural-Residential (A-R) District is hereby established as a Rural District to preserve lands suitable for long-term agricultural uses and to protect agricultural enterprises from encroachment by incompatible uses and developments that would hinder agricultural practices and irretrievably deplete agricultural lands.

The purpose of this district is to preserve, to the greatest extent possible, those land areas in the Township designated for agricultural preservation in the Township's Master Plan, while allowing non-farm housing. To this end the number of non-farm dwellings allowed on a lot of record at the time this Ordinance is adopted, shall be based on a schedule of dwelling unit density contained in this Ordinance. However, it should be noted that the primary intended use of this district is agricultural activities and that there may be odors, dust and noise associated with these activities that are considered by some to be incompatible with residences.

The A-R District has been established for the following additional purposes and objectives.

1. Protect the economic viability of farmland in Salem Township.
2. Minimize fragmentation of farmlands by division into small parcels.
3. Minimize loss of prime farmland.
4. Minimize conflicts between agricultural activities and residences.
5. Minimize encroachment of urban and suburban services into agricultural areas.
6. Minimize cost of providing services to rural areas.
7. Encourage the long-term investment needed to maintain and expand agricultural production by creating a stable environment for such production.
8. Reduce the amount of land consumed in rural areas for non-agricultural use.
9. Prevent intrusion of incompatible uses into areas of general farming activities.
10. Permit services that are necessary to support farming activities.

Section 10.204 Estate Residential (ER) District.

The Estate Residential (ER) District is hereby established as a Residential District to provide areas for rural non-farm residences on large lots that permit the use of septic tanks and drain fields and the use of on-site wells. Minimum residential lot size and dimensional standards shall be established in a manner compatible with abutting zoning. Agricultural activities are permitted in the ER District. The ER District is designed to preserve a predominantly open and distinctly rural character and is intended to be used in those parts of the Township where rural single-family residences are planned and publicly-owned and operated municipal water supply and municipal sanitary sewerage systems are not planned to be extended. This district is intended to protect wooded areas, wetlands, wildlife habitats, and similar areas that might be endangered or destroyed by development with smaller lot sizes.

Section 10.205 Low-Density Residential (LR) District.

The Low-Density Residential (LR) District is hereby established as a Residential District to provide areas for rural non-farm residences on lots of sufficient size to permit the use of septic tanks and drain fields and the use of on-site wells. The LR District is intended to be applied to those parts of the Township designated in the Master Plan for suburban residential use at a density of one (1) dwelling unit per acre, where publicly-owned and operated municipal water supply and municipal sanitary sewerage systems are not planned to be extended. This district is to be used in those portions of the Township in which rural single-family residences are planned, and is further intended to protect wooded areas, wetlands, wildlife habitats, and similar areas which might be endangered or destroyed by development with smaller lot sizes.

Section 10.206 Single-Family Residential (SR) District.

The Single-Family Residential (SR) District is hereby established as a Residential District to provide single-family residential areas on moderately small-sized lots. The SR District is to be used only in accordance with the Township's Master Plan. The regulations of this district are designed to create a predominately suburban character only in those areas of the Township that are served by publicly-owned and operated municipal water supply and municipal sanitary sewerage systems, and where storm drainage is handled by county drains or other acceptable drainage systems.

It is the further intent of this district that residential development in areas not yet served by publicly-owned and operated municipal water supply and municipal sanitary sewerage systems shall be limited to rural single-family detached dwellings served by private, on-site septic systems and private water wells.

Section 10.207 Multiple-Family Residential (MR) District.

The Multiple-Family Residential (MR) District is hereby established as a Residential District to permit a moderate density of population and a moderate intensity of land use in those areas which are served by publicly-owned and operated municipal water supply and municipal sanitary sewerage systems, and which abut or are adjacent to such other uses, buildings, structures, or amenities that support, complement or serve such a density and intensity. The MR District is to be used only in accordance with the Township's Master Plan; and is intended to be composed of those areas of the Township whose principal use is or ought to be a mix of single-family, two-family, and multiple family dwellings at a moderate density. In addition to the dwellings permitted in this zoning district, there are permitted certain residential and other uses which have been strictly regulated to make them compatible with the principal residential uses of this district.

It is the further intent of this district that residential development in areas not yet served by publicly-owned and operated municipal water supply and municipal sanitary sewerage systems shall be limited to rural single-family detached dwellings served by private, on-site septic systems and private water wells.

Section 10.208 Manufactured Housing Park (MHP) District.

The Manufactured Housing Park (MHP) District is hereby established as a Residential District to provide for the location and regulation of manufactured housing parks (formerly known as "mobile home parks"), as defined by the Mobile Home Commission Act, Public Act 96 of 1987 (as amended), and the Manufactured Housing Commission General Rules. The purpose of the MHP District is to provide for manufactured housing parks as a permitted use, and to promote the development of manufactured housing parks that have the character of residential neighborhoods.

It is intended that manufactured housing parks be provided with necessary community services and other associated uses and facilities that serve the residents in the district in a setting that provides a high quality of life for residents. In accordance with the purposes of this district, manufactured housing parks shall be located in areas where they will be compatible with adjacent land uses. Development in the MHP District shall be subject to appropriate standards to ensure sufficient light, air, and privacy for all uses, prevent congestion on public roads, reduce hazards to life and property, provide basic amenities, and ensure compatibility with abutting districts and uses.

The rules established by the Mobile Home Commission Act and the Manufactured Housing Commission govern all manufactured housing parks. Where provisions of this Article and Ordinance exceed the state law or general rules, they are intended to promote the health, safety and welfare of the Township's residents, and to ensure that manufactured housing parks are developed and maintained in a manner equivalent to the standards established by this Ordinance for comparable residential developments in the Township.

It is the intent of this Ordinance that manufactured housing parks be located in areas that are served adequately by essential public facilities and services, including access streets, police and fire protection, publicly-owned and operated municipal water supply and municipal sanitary sewerage systems, and storm drainage facilities. Manufactured homes in manufactured housing parks shall be considered and regulated as dwelling units that deserve and require locations, services, and facilities equivalent to any residential development of similar dwelling unit density (units per acre). The establishment of any manufactured housing park district shall not create excessive requirements at public cost for public facilities and services.

It is further the intent of this Ordinance to bring about manufactured housing parks that are an asset to the community; prevent the development of those which would be a liability; promote manufactured housing parks with the character of residential neighborhoods; protect the health, safety, and welfare of manufactured housing parks residents and the surrounding community; and integrate this legitimate use of land into development plans as they are considered, adopted, and amended by the Township.

Section 10.209 Office-Commercial (O-C) District.

The Office-Commercial (O-C) District is hereby established as a Business District for areas that are considered desirable locations for office activities but which are considered unsuitable for the majority of commercial uses permitted in the LC (Local Commercial) and GC (General Commercial) districts. Permitted uses are characterized by an insignificant amount of such

nuisance factors as noise, heat, glare, and the emission of air pollutants. Activities associated with an office use shall not create hazardous conditions or involve the storage, sale, manufacture or processing of materials.

This district has been located within the Township to permit the development of office uses; protect adjacent agricultural and residential areas against the encroachment of incompatible uses; and lessen congestion on public streets and highways. To these ends, uses that interfere with the operation of this business activity and the purpose of this district have been excluded. The district may be used as a transition zone between residential and commercial or industrial areas, but should not encroach into any residential area or cause undue traffic congestion.

Section 10.210 Local Commercial (LC) District.

The Local Commercial (LC) District is hereby established as a Business District to provide suitable locations, consistent with the Township's Master Plan, for retail, service, office, and restricted repair business activities that serve a localized market area primarily focused on adjacent and surrounding residential neighborhoods. Goods and services to be provided by establishments in this district are classified as "convenience," as distinguished from "comparison," goods and services, because they serve the day-to-day needs of a neighborhood or group of neighborhoods. With the exception of grocery stores and similar operations, establishments in this district shall generally be modest in site area. 4,000 square feet shall be the preferred maximum ground floor area for buildings in this district.

The LC District is intended to encourage clustering of business establishments, with the intent of promoting a healthy local economy and avoiding strip commercial development. This district has been located within the Township to permit the development of these business activities, to protect adjacent agricultural, residential and industrial areas against the encroachment of incompatible uses, and to lessen congestion on public roads. To these ends, certain uses that would function more effectively in other districts and would interfere with the operation of these business activities and the purpose of this district have been excluded.

Section 10.211 General Commercial (GC) District.

The General Commercial (GC) District is hereby established as a Business District for those areas of the Township whose principal use is and ought to be general retail, service and repair business activities that serve the entire Township and surrounding area. Retail establishments in this district are of the comparison shopping type and tend to rely on a market area much larger than that of LC (Local Commercial) type establishments. However, LC uses are permitted in this district as complementary activities to the primary permitted uses.

The GC District is intended to encourage clustering of business establishments, with the intent of promoting a healthy local economy and avoiding strip commercial development. This district has been located within the Township to permit the development of these business activities, to protect adjacent agricultural, residential, and industrial areas against the encroachment of incompatible uses, and to lessen congestion on public roads. To these ends, certain uses that would function more effectively in other districts and would interfere with the operation of these business activities and the purpose of this district have been excluded.

Section 10.212 Highway Commercial (HC) District.

The Highway Commercial (HC) District is hereby established as a Business District to provide uses and facilities which serve the motoring public. It is intended to preserve those areas best

suited and essential for such uses and facilities consistent with Township Master Plan policies. The district is intended to protect such areas from encroachment by other uses not requiring such locations, such as LC (Local Commercial) or GC (General Commercial) type uses, except when such uses are complementary to those permitted in the HC district. Yard, lot width, and other regulations of the district are designed to provide convenient and safe movement to and from major streets and freeways.

This district has been located within the Township to permit the development of these business activities, to protect adjacent agricultural, residential, and industrial areas against the encroachment of incompatible uses, and to lessen congestion on public roads. To these ends, certain uses that would function more effectively in other districts and would interfere with the operation of these business activities and the purpose of this district have been excluded.

Section 10.213 Hamlet Center District (HCD).

The Hamlet Center District (HCD) is hereby established as a Special District in accordance with Section 503 of the Michigan Zoning Enabling Act for the purpose of encouraging and permitting a mix of small-scale commercial, office, residential, and public/semi-public land uses within the Hamlet Center area. Such uses and development is intended to take place in a pedestrian-oriented environment with a coordinated internal street and vehicular parking system, consistent with the Salem Hamlet Area Plan policies and strategies as described in Part 10.02 of the Township's Master Plan.

This district is intended to encourage and permit mixed uses with a village scale and character in the Salem Hamlet. It is the intent of this district that uses will be compatible with and supportive of each other, and that new development in this district will be oriented to pedestrians and of a unified architectural character consistent with existing historic structures and the recommendations of the Master Plan for this area. Drive-in or drive-through facilities shall not be permitted in this district, and parking shall not dominate the appearance of sites in the Hamlet.

This district is intended to encourage retention of existing residential buildings, either in residential use or in conversion to other permitted uses, and to ensure that remodeled or new structures will retain and reflect the historic character of the Salem Hamlet. It is the intent of this district that the setting of buildings will be spacious and will reflect the existing residential character within this area.

It is recognized that sites and structures within the designated Hamlet Center District may be of historic value and that when a site or structure is to be utilized under the regulations of this district that every reasonable effort be made to provide a compatible use for a property which requires minimal alteration of the structure or site and its environment, or to use a property for its originally intended purpose. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed.

The Hamlet Center District (HCD) is a Special District subject to the applicable provisions of Article 50.0 (Special District Regulations) and Article 64.0 (Site Plan Review). For purposes of this Ordinance, Part 10.02 (Salem Hamlet) of the Township's Master Plan shall be considered to be the Concept Development Plan for this district as required by Article 50.0 (Special District Regulations).

Section 10.214 Urban Services District (USD).

The Urban Services District (USD) is hereby established as a Special District in accordance with Section 503 of the Michigan Zoning Enabling Act for the purpose of accommodating urban residential, commercial, and office uses in a spacious, well-coordinated and interlinked campus-type environment; along with certain environmentally clean and safe research and development facilities, scientific and testing laboratories, technology centers, and industrial research operations.

This district is also intended to permit limited development of production operations that, because of the nature of the technology involved, are so related to the research operations in the district as to make the research and production activities mutually dependent; or that are developmental in nature and are substantially dependent on frequent and close collaboration with research personnel working in research facilities in the district. Industrial and manufacturing operations that could create noise, vibration, pollution, electrical interference or any other dangerous, noxious, or otherwise objectionable condition shall be prohibited.

The Urban Services District shall be characterized by a predominant presence, or a planned presence at a point in the future as determined by Township growth management planning and in accordance with the policies and implementation strategies of the Township's Master Plan, of such urban facilities and amenities as paved roads, publicly-owned and operated municipal water supply and municipal sanitary sewerage systems, adequate storm drainage and stormwater management facilities, and similar improvements designed to serve an urban-scale community and which provide reasonable opportunities for urban residential and non-residential activities and development.

The further purposes of the Urban Services District are to:

1. Promote efficient and economical management of Township business, provide for long term stability in the Township, and make the most efficient use of public funds with respect to the provision of capital facilities;
2. Provide for the conservation of valuable resources in the Township which are critical for the long term future, impact directly upon the character and quality of life within the Township, and impact indirectly upon the resources in the region;
3. Permit development in a planned, coordinated manner, according to an overall development plan for the district;
4. Encourage uses which support and complement permitted principal uses, or are vital to such uses and must be located close to them; and
5. Provide facilities and services necessary for the health, safety, welfare, and convenience of employees, customers, and visitors in the district.

For purposes of this Ordinance, Part 10.03 (Gotfredson Road/M-14 Urban Service District) and Map 19 (Urban Service District Development Concept) of the Township's Master Plan shall be considered to be the Concept Development Plan for this district as required by Article 50.0 (Special District Regulations). The USD district shall be limited to the planned Gotfredson Road/M-14 Urban Service District area as depicted in the Master Plan.

The Urban Services District is a Special District subject to the applicable provisions of Article 50.0 (Special District Regulations) and Article 64.0 (Site Plan Review).

Provision or expansion of publicly-owned and operated municipal water supply or municipal sanitary sewerage services within an Urban Services District shall be consistent with the policies and implementation strategies of the Township's Master Plan and in compliance with development plans approved under this Ordinance. Any development or establishment of new or expanded land uses in areas not yet served by publicly-owned and operated municipal water supply and municipal sanitary sewerage systems shall be limited to rural single-family detached dwellings served by private, on-site septic systems and private water wells.

Section 10.215 Planned Unit Development (PUD) District.

The Planned Unit Development (PUD) District is hereby established as a Special District in accordance with Section 503 of the Michigan Zoning Enabling Act for the purpose of encouraging the use of land in accordance with its character and adaptability; conserving natural resources and natural features and energy; encouraging innovation in land use planning; providing enhanced housing, employment, shopping, traffic circulation, and recreational opportunities for the people of this Township; and bringing about a greater compatibility of design and use between neighboring properties.

The PUD District is not intended as a device for ignoring the Zoning Ordinance or the planning upon which it has been based, but rather to result in land use development substantially consistent with the existing zoning. It is the further intent of this district to establish a process and review criteria for considering and approving modifications and departures from generally applicable requirements for PUD projects, subject to reasonable standards designed to ensure appropriate, fair, and consistent decisionmaking.

The PUD District zoning shall comply with the Township's Master Plan and shall be located in areas of the Township identified in the Master Plan as suitable and desirable for such development, or in areas in which the PUD would most nearly reflect Master Plan policies that apply to the areas in question. The PUD District is a Special District subject to the applicable provisions of Article 50.0 (Special District Regulations) and Article 64.0 (Site Plan Review).

Section 10.216 Limited Industrial (LI) District.

The Limited Industrial (LI) District is hereby established to permit certain operations and facilities of an office, research, laboratory, warehousing, wholesaling, and light manufacturing character to locate in planned areas of the Township where such uses will not have a detrimental impact on surrounding uses and districts. Permitted operations and facilities shall be limited to those anticipated to create minimal impacts from noise, glare, odor, dust or vibration. More intensive industrial operations and facilities, including those anticipated to create air or water pollution, fire, explosive or radioactive hazards, or other emissions of harmful or obnoxious matter, shall not be permitted in this zoning district.

This district is intended to be located within the Township to permit the development of these industrial uses, to protect adjacent agricultural, residential and commercial areas against the encroachment of incompatible uses, and to lessen congestion on public roads. To these ends, certain uses that would function more effectively in other districts and would interfere with the operation of these industrial activities and the purpose of this district shall be excluded.

Section 10.217 General Industrial (GI) District.

The General Industrial (GI) District is hereby established to provide the location and space for all manner of industrial uses and facilities. It is the purpose of these regulations to permit the development of industrial operations while protecting abutting rural, residential, and commercial properties from incompatible uses, and to restrict non-related uses. To these ends, certain uses shall be excluded which would function more effectively in other districts and which would interfere with the operation of the uses permitted in this district..

Section 10.218 Public/Semi-Public Services (PSP) District.

The Public/Semi-Public Services (PSP) District is hereby established to accommodate dedicated areas of open space, government buildings and uses, institutional and recreational uses, and similar uses of a public service or institutional character.

Section 10.219 Research/Research Applications (RRA) District.

The Research/Research Applications (RRA) District is hereby established as a Special District in accordance with Section 503 of the Michigan Zoning Enabling Act to achieve the following objectives:

1. To permit scientific, business, and industrial research operations, and related testing in a spacious, campus-type environment devoid of nuisance factors commonly present in standard manufacturing districts;
2. To permit production operations which, because of the nature of the technology involved, are so related to the research operations in the district as to make the research and production activities mutually dependent; or which are developmental in nature and are substantially dependent on frequent and close collaboration with research personnel working in research facilities in the district;
3. To permit and encourage uses which support and complement permitted principal uses, or are vital to such uses and must be located close to them;
4. To protect existing and planned uses in the vicinity of this district from spillover effects which might be created by uses in the district;
5. To permit development in a planned, coordinated manner, according to an overall development plan for the district;
6. To provide facilities and services necessary for the health, safety, welfare, and convenience of employees, customers, and visitors in the district;
7. To encourage provisions of open space within the district, and to preserve natural features by incorporating them into the plan for the district;
8. To prevent uses in the district from creating any dangerous, injurious, noxious, or otherwise objectionable condition which might result from fire, explosion, or radioactivity; noise or vibration; water or soil pollution; smoke, dust, odor, or other forms of air pollution; electrical materials; conditions conducive to the breeding of rodents or insects; or from any other substance, condition, or elements in a manner or amount as to adversely affect other uses in the district or in neighboring areas.

Section 10.220 Residential Office Park (ROP) District.

The Residential Office Park (ROP) District is hereby established as a Special District in accordance with Section 503 of the Michigan Zoning Enabling Act for the purposes of:

1. Accommodating certain small office uses in a low density, spacious, campus environment, which are low traffic generators and which are compatible with adjacent and neighboring single-family dwellings.
2. Providing a transitional use of land for sites located along major roads within the delineated Urban Service District area as depicted on Map 17 in the Township Master Plan, and adjacent to single-family residential areas, without permitting more intense COMMERCIAL USES.
3. Encouraging provision of open space and preservation of natural features in an office park setting.
4. Providing for the renovation of existing buildings, continuing use of historic structures on the property, and the construction of new buildings, that are compatible in architectural style and scale with adjacent single-family dwellings.

The ROP district is to be located only within those portions of the delineated Urban Service District area, as depicted on Map 17 and Map 19 of the Township's Master Plan designated for future Residential Office Park uses.

**ARTICLE 11.0-19.0
RESERVED**

ARTICLE 20.0 LAND USE TABLE

Section 20.01 Key Designations in Table of Uses.

SYMBOL	KEY	
P	Permitted Uses in the Zoning District	Principal Use
C		Conditional Use
A		Accessory Use
[Blank]	Prohibited Use in the District	

Section 20.02 Table of Permitted Uses by District.

The uses of land in the following table have been organized, for ease of use and convenience, into use groups based upon certain characteristics that the grouped uses may share. These use groups are described below:

1. **RURAL USES.** These uses primarily involve the keeping, breeding or use of animals; production or distribution of produce and farm-related products; and associated uses of a rural character or intensity.
2. **RESIDENTIAL USES.** These uses primarily involve housing of various types and densities, and associated uses typically found in a residential neighborhood.
3. **OFFICE, SERVICE, AND COMMUNITY USES.** Community uses are public-owned or operated uses; uses of a not-for-profit nature; uses that involve benefits or services generally provided to a significant portion of the population; or uses that serve as focal or gathering points for the community. Office or service uses are private-owned or operated uses; or uses of a for-profit nature, such as personal service establishments, medical and professional offices, workshops and studios, and similar associated uses.
4. **COMMERCIAL USES.** These are uses of a generally for-profit nature, and may include retail sales, food service, entertainment, repair services and similar associated uses.
5. **INDUSTRIAL, RESEARCH, AND LABORATORY USES.** These are uses of a light manufacturing, research, warehousing or wholesaling character; or that involve compounding, processing, packaging, assembly, storage or treatment of materials.
6. **OTHER USES.** These are uses that, because of unusual character, intensity or nuisance factors, do not fit well into the preceding use groups.

Type of District	Zoning District Name	Symbol
Rural Districts	Recreation-Conservation District	R-C
	Agricultural-Residential District	A-R
Residential Districts	Estate Residential District	ER
	Low Density Residential District	LR
	Single-Family Residential District	SR
	Multiple-Family Residential District	MR
	Manufactured Housing Park District	MHP
Business Districts	Hamlet Center District	HCD
	Office Commercial District	OC
	Local Commercial District	LC
	General Commercial District	GC
	Highway Commercial District	HC
Other Districts	Research and Research Applications District	RRA
	Residential Office Park District	ROP
	Public/Semi-Public Services District	PSP
	Limited Industrial District	LI
	General Industrial District	GI
	Planned Unit Development District	PUD
	Urban Services District	USD

7. **PUD Special District.** Permitted land uses for the Planned Unit Development District shall be in accordance with Article 50.0 (Special District Regulations, including Section 50.301 [Planned Unit Development (PUD) District]).
8. **USD Special District.** Permitted land uses for the Urban Services District shall be in accordance with Article 50.0 (Special District Regulations, including Section 50.302 [Urban Services (USD) District]).

Uses	Districts															Use Standards	
	Rural		Residential					Business				Other					
	R-C	AR	ER	LR	SR	MR	MHP	HCD	OC	LC	GC	HC	RRA	ROP	PSP		LI
RURAL USES																	
Agricultural Service Establishments		C									P						Section 40.101
Bulk Feed and Farm Supply Stores		C									P						Section 40.101
Conservation Area or Open Space, Game Refuges, Forest/Wetland Preserves, Trails, and Greenways	P	P	P											P			
Farms for Production of Food, Feed or Fiber	P	P	P														Section 40.104
Farm-Based Tourism/Entertainment Activities	C	C	C											P			Section 40.102
Farm Implement Sales or Repair		C									P					C	Section 40.101
Farm Market	C	C	C												C		Section 40.102
Farm Products Direct Marketing Business (including U-Pick)	P	P	P														Section 40.103
Greenhouse or Tree Farm	P	P	P														Section 40.105
Keeping of Animals, Non-Farm	P	P	P														Section 40.109
Kennel, Small	P	P	P														Section 40.106
Kennel, Large	C	C									C					C C	Section 40.106
Landscape Businesses		C									C					C C	Section 40.107
Nursery	C	C															Section 40.108
Private Riding Arena or Boarding Stable	P	P	P														Section 40.109
Public or Commercial Riding Stable	C	C												C			Section 40.109
Roadside Stand	P	P	P							P	P				P		Section 40.110
Sod Farm	P	P	P														Section 40.104
Veterinary Clinic or Animal Hospital		C						C	C	C	C						Section 40.111
RESIDENTIAL USES																	
Accessory Dwelling		C	C					P	P	C	C	C	A			A A	Section 40.201
Adult Foster Care Family Home or Small Group Home		P	P	P	P	P		P									
Adult Foster Care Large Group Home						P											Section 40.302
Bed and Breakfast Inn	C	C	C					P									Section 40.202

Uses	Districts															Use Standards		
	Rural		Residential					Business					Other					
	R-C	AR	ER	LR	SR	MR	MHP	HCD	OC	LC	GC	HC	RRA	ROP	PSP		LI	GI
RESIDENTIAL USES (continued)																		
Child Day Care Home, Family	P	P	P	P	P	P		P										
Child Day Care Home, Group	C	C	C	C	C	C		C									Section 40.302	
Child Foster Family Home or Family Group Home	P	P	P	P	P	P		P										
Senior Housing – Independent								P									Section 40.206	
Senior Housing – Assisted Living Facilities								C									Section 40.206	
Senior Housing – Dependent, Nursing or Rehabilitative Care								C									Section 40.206	
Farm Labor Housing		A															Section 40.203	
Functional Equivalent of a Domestic Family; Additional Persons		C	C	C	C												Section 40.208	
Home Occupations as permitted in Section 40.204	P	P	P	P	P	P	P	P									Section 40.204	
Home Occupations not listed in Section 40.204	C	C	C	C	C	C	C	C									Section 40.204	
Manufactured Housing Parks							P										Section 40.205	
Multiple-Family Housing, Townhouse or Stacked Flat							P										Section 40.206	
Single Family Dwelling, Detached Non-Farm	C	P	P	P	P	P		P									Section 40.207	
Single Family Dwelling, Detached, Accessory to RURAL USES	P	P															Section 40.207	
Two-Family or Duplex Dwellings					C	P											Section 40.207	
State-Licensed and Other Managed Residential Facilities not otherwise listed in this table							P										Section 40.302	
OFFICE, SERVICE, AND COMMUNITY USES																		
Banks, Credit Unions, and Similar Financial Services								P	P	P	P	P	A	A				Section 40.301
Barber Shop, Beauty Salon or Nail Care								C		P	P	C		A				
Business and Technical Training Facilities									C					P				
Campgrounds and Recreational Vehicle Parks	C														C		Section 40.305	
Cemetery	C	C													P			
Copy Center								P	P	P	P		A	A		A	A	Section 40.301
Day Care Center – Child or Adult							C	P	C	C	C		A	A	P	A	A	Section 40.302

Uses	Districts															Use Standards	
	Rural		Residential					Business					Other				
	R-C	AR	ER	LR	SR	MR	MHP	HCD	OC	LC	GC	HC	RRA	ROP	PSP		LI
OFFICE, SERVICE, AND COMMUNITY USES (continued)																	
Funeral Parlor or Mortuary									P		C						Section 40.303
Government Offices														P	P		
Health Club or Fitness Center						A	A	C	C	C	P		A	A	A	A	Section 40.301
Hospital or Urgent Care Center															P		
Information Technology Businesses and Facilities									P				P	P		P	P
Institutional Uses (churches, schools, civic clubs, etc.)								P	P						P		Section 40.304
Medical, Osteopathic, Chiropractic, Optical or Dental Office, Clinic or Laboratory; Massage Therapist or Physical Therapy Facility								P	P	P	P		A	P	A	A	Section 40.301 Section 40.307
Medical, Optical or Radiology Laboratories									C	C			P	P	A		Section 40.301
Offices for Business, Professional, Executive, Service or Administrative Uses								P	P	P	P		P	P		P	P
Offices of a Plumber, Electrician, and Similar Skilled Trades Contractor											P					P	P
Pharmacies, Drugstores, and Medical Supply Stores								P	C	P	P			A	A		Section 40.301
Police, Fire, and Ambulance Stations															P		
Recreational Facilities – Private Membership or Restricted Access	C	C	C	C	C	C							A		C		Section 40.305
Recreational Facilities – Publicly-Owned or Unrestricted Access	P	P	P	P	P	P							A		P		Section 40.305
Sportsman’s Clubs and Commercial Shooting Ranges, Outdoor		C															Section 40.306
Sportsman’s Clubs and Commercial Shooting Ranges, Indoor		C									C					C	C
Tattoo Parlor or Body Piercing Salon											C						
Workshops and Studios for Art, Dance, Martial Arts, Photography, Crafts, Repairs, Music, and Similar Activities								P	C	P	P						
COMMERCIAL USES																	
Amusement Center, Indoor								C		C	P	P					Section 40.402
Amusement Center, Outdoor											C	C					Section 40.402

Uses	Districts															Use Standards	
	Rural		Residential					Business					Other				
	R-C	AR	ER	LR	SR	MR	MHP	HCD	OC	LC	GC	HC	RRA	ROP	PSP		LI
<i>COMMERCIAL USES (continued)</i>																	
Antique Sales and Repair								P		P	P						
Bakeries								P		P	P					P	P
Big Box Commercial Uses											C						
Bookstores and Music Shops								P		P	P						
Broadcasting Studios, including Radio and Television									P								
Car Wash and Similar Vehicle Washing or Detailing Facilities											C	P				A	A
Coffee and Tea Shops								P	C	P	P	P				A	A
COMMERCIAL USES not otherwise listed in this table											C						
Convenience Stores								P		P	P	P					
Dealership Showroom for Sales or Rentals of Motor Vehicles, Construction or Farming Machinery, or Similar Durable Goods											P	P					
Dealership, Outdoor Sales Lot											C	C					
Drive-In or Drive-Through Facilities for Financial Institutions and Government Offices									C		C	P					
Drive-In or Drive-Through Facilities for Restaurants and Food Service Establishments											C	P					
Drive-In or Drive-Through Facilities for Pharmacies, Drugstores, and Other Retail Sales											C	P					
Furniture, Appliance, and Department Stores								C		C	P						
Garden Center or Garden Supply Stores										C	C						
Grocery Stores, Meat and Fish Market, Delicatessen, Ice Cream and Dairy Market, and Health Food Store								P		P	P	P					
Hardware Store								C		P	P						
Hotel or Inn											C	P	A	A			
Laundromat or Dry Cleaners										P	P	P					

Uses	Districts															Use Standards		
	Rural		Residential					Business					Other					
	R-C	AR	ER	LR	SR	MR	MHP	HCD	OC	LC	GC	HC	RRA	ROP	PSP		LI	GI
Manufactured Housing Sales											P							Section 40.409
COMMERCIAL USES (continued)																		
Motion Picture Cinema, Indoor								P		P	P	P						Section 40.406
Motion Picture Cinema, Outdoor												C						Section 40.406
Motor Vehicle Fueling Station											C	P				C	C	Section 40.407
Motor Vehicle Repair Station												C				C		Section 40.407
Motor Vehicle Service Center											C	P				C		Section 40.407
Open Air Business, Outdoor Display Area or Garden Center											C	C						Section 40.409
Outdoor Café or Eating Area								C		C	C	C						Section 40.408
Outdoor Sales, Temporary								C		C	C	C						Section 40.409
Rental of Tools; Equipment; and Light-Duty Utility Trailers, Cement Mixers, Garden Tractors, and Similar Items										C	P					C	C	Section 40.409
Restaurants and Food Service Establishments, Not Including Sales of Alcoholic Beverages								P	C	P	P	P	A		A	A	A	Section 40.401
Restaurants and Food Service Establishments Selling Alcoholic Beverages								C		C	C	P						
Retail Sales								P		P	P	C						
Secondhand Stores and Pawn Shops											C							Section 40.410
Showroom or Open Air Display Area for Display or Sales of Products Created by the Business or Operation													C			C	P	Section 40.411
Tavern, Pub, Brewpub, Nightclub, or Similar Establishment											C							
Truck Stop												C						Section 40.407
INDUSTRIAL, RESEARCH, AND LABORATORY USES																		
Blacksmithing, Furniture or Cabinet Repair or Manufacture, Woodworking Shops, and Similar Uses																P	P	
Contractor's Wholesale Supply and Equipment Establishments											C					P	P	Section 40.503

Uses	Districts															Use Standards		
	Rural		Residential					Business					Other					
	R-C	AR	ER	LR	SR	MR	MHP	HCD	OC	LC	GC	HC	RRA	ROP	PSP		LI	GI
Crematorium																	C	Section 40.501
INDUSTRIAL, RESEARCH, AND LABORATORY USES (continued)																		
Distribution Facilities and Truck Terminals																	C P	Section 40.503
Dry Cleaning – Central Laundry Cleaning/Processing Plant																	C P	Section 40.501
Electroplating, Hot Plating, Cold Plating, Metal Casting, Dyeing, Heat-Treating, or Similar Processes																	C	Section 40.501
Light Manufacturing Processes													C				P P	
Material Recovery Facilities – Including Hazardous Materials																	C	Section 40.501 Section 40.503
Material Recovery Facilities – Non-Hazardous Materials Only																	P P	Section 40.503
Manufacturing, Processing, or Treatment of Food Products, Pharmaceuticals, Cosmetics, and Similar Items																	P P	
Manufacturing or Assembling of Appliances, Fabricated Metal Products, Transportation Equipment, and Similar Items																	P P	
Manufacturing, Processing, or Assembling of Automated Production Equipment; Measuring, Analyzing, and Controlling Instruments; Industrial Controls; Electronic and Computing Equipment; Medical/Optical Equipment; and Similar Items																	P P	
Manufacture, Processing, Production or Wholesale Storage of Chemicals, Petroleum or Paper Products, Cement, Lime, Gypsum, Glue, Soap, Soda, Compound, Salt, Potash or Similar Materials																	C P	Section 40.501
Outdoor Storage, General																	C P	Section 40.503
Outdoor Storage, Dismantling or Recycling of Motor or Recreational Vehicles, Boats, Construction or Farming Machinery, Manufactured Houses; Towing Yards; Junkyards; or Similar Uses																	C	Section 40.502
Outdoor Storage of Recreational Vehicles																	C P	Section 40.503
Outdoor Storage of Soil, Fertilizer, Gravel, Sand, Mulch, Stone, Concrete, and Similar Materials																	C P	Section 40.503

Uses	Districts																Use Standards		
	Rural		Residential					Business					Other						
	R-C	AR	ER	LR	SR	MR	MHP	HCD	OC	LC	GC	HC	RRA	ROP	PSP	LI		GI	
INDUSTRIAL, RESEARCH, AND LABORATORY USES (continued)																			
Outdoor Storage of Tractors, Trailers, Construction Equipment, Farming Machinery, and Similar Items																C	P	Section 40.503	
Packaging Operations																	P	P	
Pilot Plant Operations, and Prototype or Pilot Processing, Manufacturing or Assembly													P				P	P	
Power Generation Facilities													A			C	C	Section 40.501	
Printing, Publishing, Bookbinding, and Allied Industries											P		A			P	P		
Production of Genetic Materials													P			C	P		
Research and Development Facilities, Technical Centers, and Laboratories													P			P	P		
Sand, Gravel or Topsoil Sorting and Screening Operations																P	P	Section 40.503	
Self-Storage Warehouses											C	C				P	P	Section 40.504	
Slaughterhouse, Rendering Plant or Similar Facility																	C	Section 40.501	
Warehouses and Non-Farm Bulk Indoor Storage																P	P		
OTHER USES																			
Accessory Structures and Uses	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
Adult Businesses and Sexually-Oriented Uses													P					Section 40.601	
Composting Centers		C															C	Section 40.602	
Concrete and Asphalt Mixing or Production Plants																	C	Section 40.501	
Extractive and Earth Removal Operations	C	C																Section 40.603	
Landfill, Sanitary		C																Section 40.501	
Off-Street Parking Lots	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Article 61.0	
Public Works or Road Maintenance Yards																C	C	P	Section 40.503
Recycling Collection Facility		C														P	P	P	Section 40.503
Rail to Truck Transfer Terminals																	C	P	Section 40.503

Uses	Districts																Use Standards	
	Rural		Residential					Business					Other					
	R-C	AR	ER	LR	SR	MR	MHP	HCD	OC	LC	GC	HC	RRA	ROP	PSP	LI		GI
OTHER USES (continued)																		
Stormwater Management Impoundments, Drainageways, and Related Improvements	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Temporary Concrete or Asphalt Batch Plant		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Section 40.604
Temporary Structures for Construction Purposes		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Temporary Uses Not Otherwise Regulated		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 40.606
Utility Transmission and Distribution Lines and Pipelines in Existing Easements or Rights-of-Way	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 40.605
Utility Transmission and Distribution Lines and Pipelines not in Existing Easements or Rights-of-Way	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Section 40.605
Volatile Biofuel Production Facility with an Annual Production Capacity of up to 100,000 Gallons of Biofuel		P																Section 40.607
Volatile Biofuel Production Facility with an Annual Production Capacity Greater than 100,000 Gallons of Biofuel		C																Section 40.607

Effective Date: December 26, 2013

Article 21.0-29.0
Reserved

**ARTICLE 21.0-29.0
RESERVED**

Effective Date: December 26, 2013

**Article 21.0-29.0
Reserved**

ARTICLE 30.0 DIMENSIONAL STANDARDS

Section 30.101 Table of Dimensional Standards by District.

Dimensional Standards			Rural Districts		Residential Districts					MHP	Additional Standards	
			R-C	AR	ER	LR	SR	SR with sewer	MR			MR with sewer
Maximum Building Height		Feet	40	40	35	35	35		35		Section 30.201	
		Stories	3.0	3.0	2.5	2.0	2.5		2.5			
Lot Standards	Minimum Width (feet)	Single-Family Dwelling	300	150	240	150	150	80	150	70	see Section 40.205 (Manufactured Housing Parks)	Section 30.202
		Two-Family Dwelling					150	120	150	120		
		Multiple-Family Dwelling							150	150		
		All Other Land Uses	300	150	240	150	150	150	150	150		
	Minimum Area (acres or square-feet per unit)	Single-Family Dwelling	10.0 acres	2.0 acres	5.0 acres	1.0 acre	1.0 acre	10,980	2.0 acres	10,980		
		Two-Family Dwelling					1.0 acre	10,980	2.0 acres	10,980		
		Multiple-Family Dwelling							2.0 acres	5,445		
		All Other Land Uses	10.0 acres	2.0 acres	5.0 acres	1.0 acre	1.0 acre	1.0 acre	2.0 acres	2.0 acres		
Yard/Setback Standards (feet)	Front Yard	Minimum on Six Mile Road	60	50	50	50	40		50		Section 30.203	
		Minimum all Other Roads	60	50	50	50	40		50			
		Maximum										
	Minimum Side Yard	One Side Yard	30	30	30	20	10		15			
		Total of Two	60	60	60	40	25		35			
		Street Side Yard	60	50	50	50	40		50			
	Minimum Rear Yard	50	50	50	50	20		35				
Maximum Lot Coverage			10%	10%	10%	20%	30%		35%		Section 30.203F	
Maximum Floor Area Ratio (FAR)			0.10	0.10	0.10	0.20	0.30		0.35		Section 30.203F	
Maximum Net Dwelling Unit Density (units per acre)			0.1	0.5	0.5	1.0	4.0		8.0		Section 30.204	

Section 30.101 Table of Dimensional Standards by District. (continued)

Dimensional Standards			Business Districts									Other Districts						PUD		USD		Additional Standards							
			HCD	HCD with sewer	OC	OC with sewer	LC	LC with sewer	GC	GC with sewer	HC	HC with sewer	RRA	ROP	PSP	PSP with sewer	LI						LI with sewer	GI	GI with sewer				
Maximum Building Height		Feet	40		45		45		45		45		55	45	45		45		50							Section 30.201			
		Stories	2.0		3.0									4.0	3.0	3.0													
Lot Standards	Minimum Width (feet)	Single-Family Dwelling	60	60																									
		Two-Family Dwelling																											
		Multiple-Family Dwelling																											
		All Other Land Uses	60	60	150	100	150	80	150	100	150	100	200	100	150	100	150	100	200	100									
	Minimum Area (acres or square-foot per unit)	Single-Family Dwelling	1.0 acre	10,980																									
		Two-Family Dwelling																											
		Multiple-Family Dwelling																											
	All Other Land Uses	1.0 acre	10,000	1.0 acre	10,000	1.0 acre	20,000	1.0 acre	20,000	1.0 acre	20,000	5.0 acres	1.0 acre	1.0 acre	10,000	1.0 acre	1.0 acre	5.0 acres	2.5 acres										
Yard/Setback Standards (feet)	Front Yard	Minimum on Six Mile Road	10		35		35		50		50		50	35	25		50		50										
		Minimum all Other Roads	20		35		35		50		50		50	35	25		50		50										
		Maximum	25																										
	Minimum Side Yard	One Side Yard	10		20		20		20		35		50	20	10		35		40										
		Total of Two	20		40		40		40		70		150	40	20		70		80										
		Street Side Yard	20		35		35		50		50		65	35	25		65		65										
		Minimum Rear Yard	20		35		35		35		35		75	35	20		50		50										
Maximum Lot Coverage			35%		25%		25%		25%		25%		30%	25%	35%		25%		25%										
Maximum Floor Area Ratio (FAR)			0.35		0.40		0.60		0.60		0.60		0.30	0.40	0.60		0.60		0.80										
Maximum Net Dwelling Unit Density (units per acre)			4.0																										

see Section 50.301 [Planned Unit Development (PUD) District]

see Section 50.302 [Urban Services (USD) District]

Type of District	Zoning District Name	Symbol
Rural	Recreation-Conservation District	R-C
	Agricultural-Residential District	A-R
Residential	Estate Residential District	ER
	Low Density Residential District	LR
	Single-Family Residential District	SR
	Multiple-Family Residential District	MR
	Manufactured Housing Park District	MHP
Business	Hamlet Center District	HCD
	Office Commercial District	OC
	Local Commercial District	LC
	General Commercial District	GC
	Highway Commercial District	HC
Other	Research and Research Applications District	RRA
	Residential Office Park District	ROP
	Public/Semi-Public Services District	PSP
	Limited Industrial District	LI
	General Industrial District	GI
	Planned Unit Development District	PUD
	Urban Services District	USD

Effective Date: December 26, 2013

Article 30.0
Dimensional Standards

SECTION 30.200 SUPPLEMENTAL PROVISIONS AND EXCEPTIONS

Section 30.201 Height Exceptions.

The height of permitted structures shall be as defined in Section 2.03 (Definitions) and as regulated by this Article. Exceptions to the maximum height standards set forth in this Article shall be permitted, as follows:

1. **Farm structures.** The maximum permitted height of farm structures not governed by the Right to Farm Act shall be 100 feet. Conveyor elevator systems and similar farm equipment necessary to support active farm operations shall be exempt from the maximum height standards of this Ordinance.
2. **Wireless communication facilities.** Wireless communication facilities and antennae shall be subject to the maximum height standards of Section 60.26 (Wireless Communication Facilities).
3. **Wind energy conversion systems.** Wind energy conversion systems (WECS) shall be subject to the maximum height standards of Section 60.31 (Wind Energy Conversion Systems).
4. **Exempt structures.** Public utility structures and public monuments in any zoning district shall be exempt from the maximum height standards of this Ordinance.
5. **Limited exceptions.** Chimneys, ventilators, skylights, bulkheads, parapets, elevator towers, and similar structures and mechanical appurtenances usually required to be placed above roof level and not intended for storage or human occupancy purposes shall not be included in calculating the height of a principal building, provided that the total area covered shall not exceed twenty percent (20%) of the roof area of the building.
6. **Height exceptions for institutional uses.** The height of stage towers or scenery lofts, church spires, cupolas, and domes associated with churches, schools, auditoriums and other "institutional uses" shall be subject to the standards of Section 40.304 (Institutional Uses).

Section 30.202 Lot Standards.

The following standards and exceptions to the lot provisions set forth in this Article shall apply to all lots in the Township:

A. Lot Width Measurements.

Lot width shall be measured as the horizontal straight-line distance between the two (2) points where the minimum front yard setback line intersects the side lot lines; and along the road right-of-way line of any public road, private road, or shared drive easement. Lot width shall exclude easements for private roads and shared driveways. The following additional standards shall apply to lots with frontage on a curvilinear road or cul-de-sac:

1. The width of lots fronting on a curvilinear road shall not be less than eighty percent (80%) of the required lot width, measured along the road right-of-way.

2. The width of lots fronting on a cul-de-sac shall not be less than 20 feet, measured along the road right-of-way, private road, or shared drive easement.
3. The width of such lots, measured at the front yard setback line, shall conform to the requirements of Section 30.101 (Table of Dimensional Standards by District).

B. Lot Area.

Lot area measurements shall be further subject to the following requirements:

1. **May include road rights-of-way.** Land within the lot boundaries used to satisfy the minimum lot area requirement may include areas within a road right-of-way or easement.
2. **Width to depth ratio.** The lot configuration shall not exceed a width to depth ratio of one to four (1:4).

(Section 30.202 amended: Effective 12/30/2017)

Section 30.203 Yard Standards.

No permanent structures shall be maintained within the required front yard, except fences and similar improvements permitted by this Ordinance. The following standards shall apply to all yard areas regulated by this Ordinance:

A. Yard Measurements.

Yard measurements shall be further subject to the following:

1. All front yards and street side yards required by this Article shall be measured from the near boundary of the abutting road right-of-way of a public road, or from the right-of-way or easement line of a private road.
2. All required side and rear yards shall be measured from the abutting lot boundaries.
3. Such yards shall be measured to the exterior faces of a structure without roof overhangs or projecting cornices. Where a structure includes roof overhangs or projecting cornices, yards shall be measured to the outer edge of a roof overhang or cornice.
4. All required yards shall be located parallel and adjacent to lot boundaries or road rights-of-way.

B. Corner Lots.

Structures on corner lots shall comply with both the minimum front yard and the street side yard setback requirements from abutting road rights-of-way, except as may otherwise be required by this Ordinance.

C. Double Frontage Lots.

Where a block of double frontage lots exists, one (1) road may be designated by the Zoning Administrator as the front road for all lots in the block. Otherwise, both frontages shall be considered front yards for purposes of this Ordinance.

D. Maximum Setback.

The purposes of the maximum front yard setback (also known as a “build-to line”) for certain zoning districts are to minimize the need for excessive signage by maximizing the visibility of permitted commercial buildings; and to minimize visual and other impacts from large expanses of parking within a front yard. All new buildings constructed after the effective date of this Ordinance shall comply with the maximum setback requirements of this Article.

E. Landscaping Strip.

For any use subject to site plan approval per Article 64.0 (Site Plan Review) and as otherwise required by this Ordinance, a landscape strip shall be provided along and adjacent to the front property line, along all road frontages, and across the entire width of the lot, subject to the following:

1. The landscape strip may overlap the required front yard setback area for the zoning district.
2. The required landscape strip shall have a minimum width of 20 feet, except in the Hamlet Center (HCD) District, where the minimum landscape strip width shall be eight (8) feet. Where a front yard setback is less than 20 feet, the minimum landscape strip width shall be equal to the front yard width.
3. No road, driveway, parking area, sidewalk or similar improvement shall be located in this strip, except to cross in a more or less perpendicular direction for the purpose of providing access to the lot from an adjacent road right-of-way.
4. The landscape strip and required front yard or street side yard setback area shall be improved with landscape improvements and plantings in accordance with Section 60.09 (Screening and Land Use Buffers).
5. Where RESIDENTIAL USES are proposed adjacent to a road right-of-way, the landscape strip shall not be part of any individual lot, but rather shall be part of the common land area for the development.

F. Transition Buffer.

Transition buffers shall be required in accordance with the following:

1. **Circumstances.** A transition buffer shall be required wherever a lot occupied or proposed to be occupied by one (1) or more principal uses from the following Use Groups [as defined in Article 20.0 (Land Use Table)] abuts a lot in the Rural Districts or Residential Districts, or occupied by a public park or permitted principal RURAL USES or RESIDENTIAL USES.

Use Group	Abutting Use Group, Zoning District, or Use	Minimum Transition Buffer Width
RESIDENTIAL USES	RURAL USES	15 feet
Multiple-Family Buildings	RURAL USES or Single-Family Dwellings	15 feet
OFFICE, SERVICE, AND	RURAL USES,	15 feet

Use Group	Abutting Use Group, Zoning District, or Use	Minimum Transition Buffer Width
COMMUNITY USES	RESIDENTIAL USES, Rural Districts, Residential Districts, or a Public Park	
COMMERCIAL USES		20 feet
INDUSTRIAL, RESEARCH, AND LABORATORY USES		25 feet
OTHER USES		30 feet

2. **Exceptions and limitations.** The following exceptions and limitations shall apply to transition buffer requirements:
 - a. A transition buffer shall not be required between abutting residential and non-residential uses within the Hamlet Center (HCD) District.
 - b. The public park shall be owned by the Township, Washtenaw County, the State of Michigan, or another municipality or public agency. A transition buffer shall not be required from a private park.
 - c. A transition buffer shall not be required between INDUSTRIAL, RESEARCH, AND LABORATORY USES in the LI (Limited Industrial) or GI (General Industrial) districts and any existing RURAL USES or RESIDENTIAL USES in the same districts.

3. **Additional standards.** The following additional standards shall apply to required transition buffers:
 - a. Existing trees shall be preserved within a required transition buffer, unless the Planning Commission approves removal or replacement as part of site plan approval.
 - b. The transition buffer shall be provided along every lot line contiguous to or across a road right-of-way from such abutting use group(s), zoning district(s), or use(s), except front or street side yards where a landscape strip is required.
 - c. No road, driveway, parking area, sidewalk or similar improvement shall be located in the transition buffer area, except to cross in a more or less perpendicular direction for the purpose of providing access to the lot from an adjacent road right-of-way.
 - d. For any use subject to site plan approval per Article 64.0 (Site Plan Review), landscaping and screening improvements shall be provided within the transition buffer and adjacent yard setback areas per Section 60.09D (Methods of Screening). The Planning Commission may also require that a solid fence, wall or hedge not less than four (4) feet nor more than six (6) feet in height be provided for adequate screening.
 - e. Where a required transition buffer abuts or overlaps a lot boundary, all required building and yard setbacks for the lot shall be measured from the near boundary of the transition strip. Such transition buffer shall not be included as part of any required side or rear yard setback area.

G. Permitted Yard Encroachments.

Architectural features, chimneys, and other building projections, egress window wells, HVAC equipment, and similar structures and improvements shall be considered part of the principal building for purposes of determining yard and setback requirements. Anything constructed, erected, placed or planted or allowed to grow shall conform to the provisions of Section 30.208 (Corner Clearance Areas). Limited projections into certain required yards shall be permitted as follows:

1. **Structures and appurtenances.** The following structures and appurtenances may be located within any required yard setback area: open and unroofed terraces and patios; awnings; flag poles; hydrants; laundry drying equipment; trellises; recreation equipment; outdoor cooking equipment; sidewalks; 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 percent (50%) of their surface area open when viewed from the perpendicular; and mailboxes.
2. **Driveways.** Driveways may cross, in a more or less perpendicular direction, for the purpose of providing vehicular access to the lot from an adjacent street.
3. **Barrier-free improvements.** Barrier-free access improvements to existing dwellings shall meet the required yard setbacks for the zoning district wherever possible. A waiver to allow barrier free access improvements within a required yard setback area may be granted by the Zoning Administrator upon the applicant's showing of the following:
 - a. The need for such access by an occupant of the dwelling or by an immediate family member of the occupant; and
 - b. The encroachment into the required setback is the minimum encroachment necessary to construct or install the barrier-free access.
4. **Entrance structures.** Entrance structures may be provided for residential developments, shopping centers, industrial parks, and similar developments. The structure(s) may consist of wall, columns, gates, and may be located within required yard setback areas, subject to the following:
 - a. 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 the Planning Commission shall have approved the location, design, and maintenance provisions for an entrance structure as part of a final site plan approval.
 - c. Entrance structures shall be maintained in good and safe condition.
 - 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 for regular maintenance of 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 setback requirements.
5. **Parking.** Off-street parking within required yard setbacks shall be subject to the standards of Article 61.0 (Off-Street Parking and Loading Requirements).
6. **Outdoor Storage, General.** Outdoor storage within a required yard setback shall be subject to the standards of Section 40.503 (Outdoor Storage, General).

H. Modifications to Rear Yard Standards.

The required rear yard setback for lots in the LI (Limited Industrial) and GI (General Industrial) zoning districts shall be reduced to a minimum of 25 feet where the rear yard abuts the sanitary landfill property in Section 12 or 13 of the Township.

(Section 30.203 amended: Effective 12/30/2017)

Section 30.204 Density Regulations.

The following additional residential density standards shall apply to all lots in the Township:

A. Residential Density Calculations.

The following shall be excluded from the total acreage used in calculating the net density of dwelling units in any zoning district that permits Residential Uses as part of a development project subject to site plan approval, condominium site plan approval, subdivision plat approval, or Special District Area Plan approval in accordance with this Ordinance or other Township ordinances:

1. Existing rights-of-way and easements;
2. Rights-of-way and easements of proposed public and private roads, and rights-of-way of local and collector roads; and
3. Floodplains, wetlands, bodies of water, watercourses, and county drains.

B. Maximum Residential Density.

The maximum net density of any residential development subject to development plan or subdivision plat approval in accordance with Article 64.0 (Site Plan Review), Article 55.0 (Condominium Regulations), or the Land Division Act and any Township subdivision regulations shall not exceed the maximum net dwelling unit density for the zoning district, as specified in Section 30.101 (Table of Dimensional Standards by District). The maximum net residential density for any Special District project shall be subject to the standards of Article 50.0 (Special District Regulations).

Section 30.205 Compliance with Dimensional Standards.

New lots created, new structures erected, and alterations to existing structures after the effective date of adoption or amendment of this Ordinance shall comply with all applicable dimensional standards of this Ordinance.

1. No structure shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the yard and area regulations of the district in which the structure is located, except where specifically provided for in this Ordinance.
2. No lot, adjacent lots in common ownership, required yard, parking area or other required open space shall be created, divided or reduced in dimensions or area below the minimum requirements of this Ordinance.
3. Every building hereafter erected on a lot or parcel of land created subsequent to the effective date of this Ordinance shall comply with the lot size, lot coverage, and setback requirements for the district in which it is located.
4. Existing yard setbacks shall not be reduced below the minimum requirements of this Ordinance.

Section 30.206 Number of Principal Dwellings per Lot.

Not more than one (1) principal, non-farm single-family detached dwelling shall be located on a lot, nor shall a single-family detached dwelling be located on the same lot with any other principal building or use, except as permitted in a Special District development or as permitted on farms for farm labor housing or a caretaker residence as regulated within this Ordinance. For single-family condominium developments, not more than one (1) principal detached dwelling shall be placed on each condominium lot.

Section 30.207 Access to Roads.

No dwelling shall be built on any lot that does not abut and have direct frontage on an approved road except as permitted herein via a private road or private drive subject to the requirements of the Township Private Road and Private Drive Ordinance (Ord. No. 94-2). Access to roads shall be subject to the following:

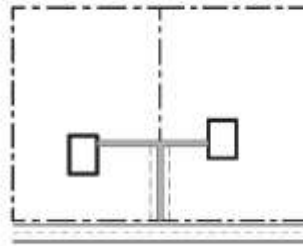
A. Access to Public or Private Roads

Each principal use or structure established in any zoning district after the effective date of adoption or amendment of this Ordinance shall be on a lot or parcel which has direct frontage on a public or private road, or has access to a public road through a private driveway that complies with the Township's Private Road and Private Driveway Ordinance (Ord. No. 94-2). Each lot created in any zoning district after the effective date of adoption or amendment of this Ordinance shall:

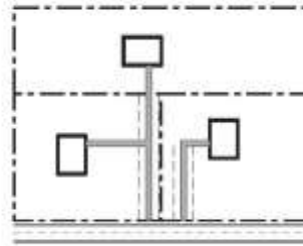
1. Abut a public road, an approved private road, or have approved access to a public road through a private driveway with a right-of-way at least 66 feet wide, unless a lesser width has been established and recorded prior to the effective date of this Ordinance.
2. Have minimum road frontage equal to the minimum required lot width of the zoning district; with the exception that:
 - a. A single private drive or shared private drive which meets the requirements of the Township's Private Road and Private Driveway Ordinance (Ord. No. 94-2),

across a lot that has the required road frontage, located within a 66 foot wide easement, may provide access to no more than one lot that does not have the required road frontage.

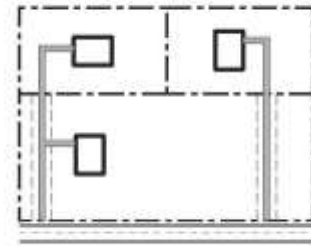
- b. No more than one easement for a private drive or shared private drive may be located on any one lot.



Shared drive
example permitted



Shared drive
example permitted



Multiple easements
on one lot **not
permitted**

B. Access for Emergency Services and Parking and Loading Areas.

Every building and structure located or relocated after the effective date of adoption or amendment of this Ordinance shall be so located on lots as to provide safe and convenient access for emergency purposes and fire protection vehicles, and for required off-street parking and loading areas.

C. Access to Uses Not Permitted in Residential Districts.

No land in any Residential Districts shall be used for vehicular or pedestrian access to land or structures in other zoning districts used for any purpose not permitted in the residential zoning district, except as provided in this subsection or otherwise authorized by this Ordinance. Where provision does not exist for safe access for emergency and public service vehicles and such access is not reasonably feasible except through privately-owned residentially zoned land, access reserved for and limited to such vehicles may be authorized by the Planning Commission, subject to such conditions and safeguards as the Planning Commission deems necessary to protect the tranquility and character of the residential lands so traversed.

D. Shared Driveways for Commercial Uses.

Two (2) or more contiguous parcels that are developed for COMMERCIAL USES, such as a shopping center, may share a driveway access easement. Such easements shall be a minimum of 66 feet wide, and the drive shall be paved with asphalt or cement concrete in accordance with Township engineering standards.

(Section 30.207 amended: Effective 12/30/2017)

Section 30.208 Corner Clearance Areas.

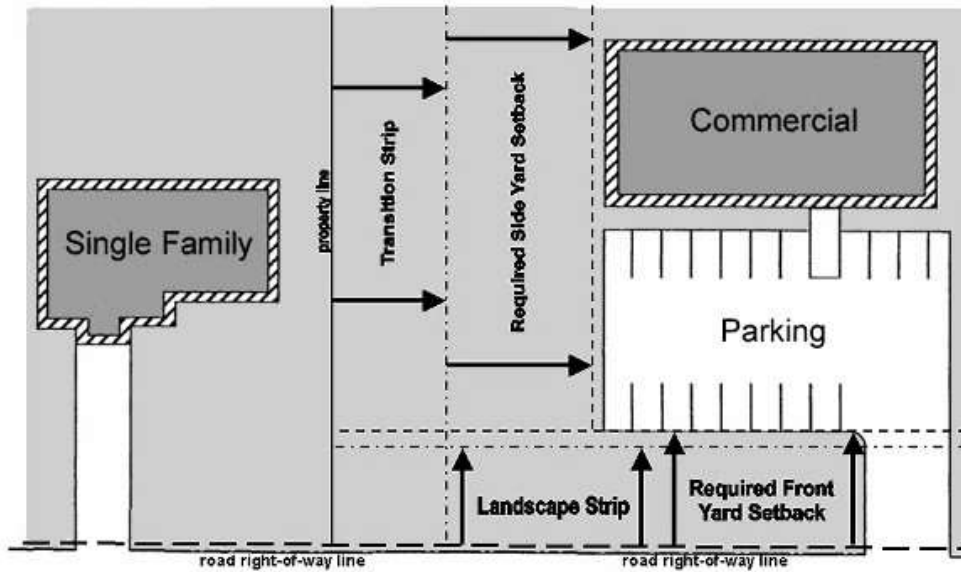
On a corner lot in any zoning district, no fence, wall, hedge, screen, sign, structure, or planting shall be placed in such manner as to materially impede the vision between a

height of two (2) feet and six (6) feet above the existing centerline road grade within a triangular area formed by the intersection of two (2) road right-of-way lines connected by a diagonal across the interior of such lines at the following distances from the point of intersection:

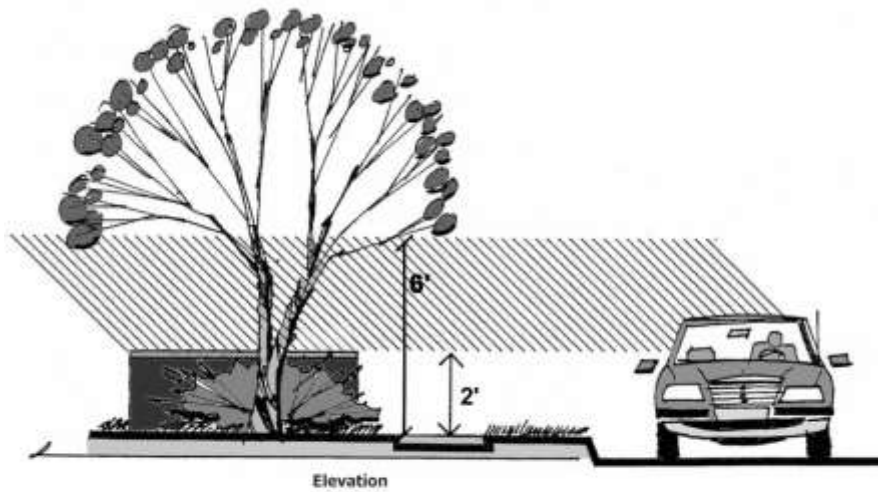
Corner Clearance Zones	
Type of Road Intersection	Minimum Corner Clearance Distance along Rights-of-Way
Any intersection of two (2) primary roadways	30 feet
Any intersection of a primary roadway and a collector or local roadway	25 feet
Any intersection of a collector roadway and a collector or local roadway	25 feet
Any intersection of local roadways	10 feet

1. Road classifications shall be as defined in the Township’s Master Plan and the master transportation plans for state or county road authorities.
2. Trees shall be permitted within a corner clearance zone, provided that limbs and foliage are trimmed so that they do not obstruct visibility or otherwise create a traffic hazard.

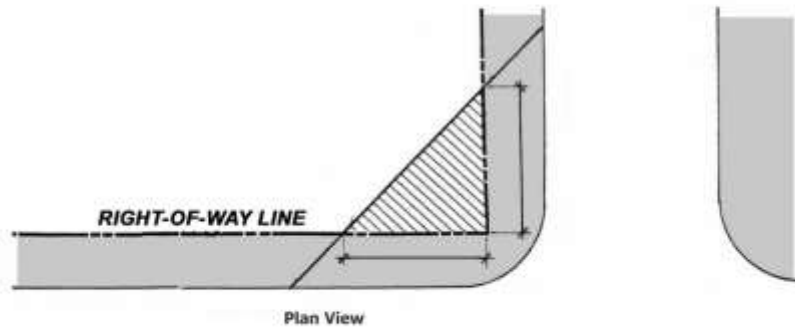
ILLUSTRATIONS



Transition and Landscape Strips



Elevation



Plan View

Corner Clearance Area

**ARTICLE 31.0-39.0
RESERVED**

ARTICLE 40.0 USE STANDARDS

Section 40.001 Intent.

Each use listed in this Article, whether permitted by right or subject to approval of a conditional use permit, shall be subject to the site development standards specified, in addition to applicable standards and requirements for the zoning district in which the use is located. The standards of this Article are intended to:

1. Alleviate any adverse impacts of a use that is of an area, intensity or type unique or atypical for the district in which the use is allowed.
2. Mitigate the impact of a use that possesses characteristics unique or atypical for the district in which the use is allowed.
3. Ensure that such uses will be compatible with surrounding land uses.
4. Promote the orderly development of the district and the Township as a whole.

Section 40.002 Scope of Regulations.

Land uses regulated by this Article shall only be allowed in the various zoning districts as specified in Article 20.0 (Land Use Table). Unless otherwise specified in this Article, all uses shall be subject to the applicable dimensional and use standards for the zoning district in which the use is located. All uses shall comply with the performance standards for noise, odor, and other impacts specified in Section 50.02 (Performance Standards). Conformance with these standards shall be subject to site plan approval, where required per this Article or Article 64.0 (Site Plan Review).

Section 40.003 Organization.

For the purposes of clarity and ease of use, the provisions of this Article have been organized into the following divisions:

SECTION 40.100	RURAL USES
SECTION 40.200	RESIDENTIAL USES
SECTION 40.300	OFFICE, SERVICE, AND COMMUNITY USES
SECTION 40.400	COMMERCIAL USES
SECTION 40.500	INDUSTRIAL, RESEARCH, AND LABORATORY USES
SECTION 40.600	OTHER USES

SECTION 40.100 RURAL USES

Section 40.101 Agricultural Services and Farm Supply Stores.

Agricultural service establishments, bulk feed and fertilizer supply outlets, farm supply stores, and similar uses shall be subject to the following:

1. A site plan, drawn to scale, showing all intended site uses, shall be submitted for review and approval per Article 64.0 (Site Plan Review).
2. Any retail store component of such uses shall conform with all parking, loading, screening, and other site development standards that apply to COMMERCIAL USES.
3. Farm products offered for sale shall include those grown or produced on land in Michigan, or made from products grown or produced on land in Michigan.
4. Any outdoor sales or display areas shall conform to the standards of Section 40.409 (Outdoor Sales or Display Areas).
5. Outdoor storage areas shall be adequately contained, and shall be screened from adjacent lots and road rights-of-way per Section 60.09D (Methods of Screening).
6. Storage, distribution, and processing of farm products as part of a permitted agricultural service establishment shall comply with the following:
 - a. Such uses shall not create a health or safety hazard, nuisance, or deleterious impact on surrounding areas due to appearance or operation.
 - b. Such uses shall be maintained so that odor, dust, or noise shall not constitute a nuisance or hazard to adjoining lots and uses.
 - c. Storage of loose materials shall be contained within the site to prevent off-site impacts from windblown debris.

Section 40.102 Farm-Based Tourism/Entertainment Activities or Farm Markets.

Farm-based tourism or entertainment-oriented facilities and activities and farm markets shall be subject to the following:

A. Use Standards.

Land uses permitted under this Section shall be consistent with the definitions of "farm-based tourism/entertainment activities" and "farm market" per Section 2.03 (Definitions), and shall be limited to the following:

1. Agricultural festivals and events.
2. Farm-based or seasonal recreational attractions, such as a petting farm or play area, corn mazes, hayrides, and seasonal displays.
3. Winery or cider mill.

4. Farm-based educational center, and indoor or outdoor facilities for group gatherings.
5. Accessory food service and retail sales, provided that such facilities are incidental in character as compared to the overall parcel size and scope of permitted uses.
6. Farm market, as defined in Section 2.03 (Definitions).
7. Similar facilities and activities, as accepted by the Planning Commission.

B. Additional Standards.

The following additional standards shall apply to all farm-based tourism or entertainment-oriented facilities or activities and farm markets:

1. A site plan, drawn to scale, showing all intended site uses, shall be submitted for review and approval per Article 64.0 (Site Plan Review). Such plan shall show the intended use and location of all structures, growing areas, parking facilities, roads and drives to be utilized by the public, pedestrian circulation, location of necessary sanitary facilities and service areas, and transition plantings or screening devices.
2. Screening shall be provided per Section 60.09D (Methods of Screening) for any off-site Residential Uses located within 200 feet of any area occupied by farm-based tourism/entertainment activities or a farm market. The Planning Commission may approve the use of existing vegetation or crop growing areas of a width of not less than 100 feet to satisfy this requirement.
3. All facilities and improvements for permitted farm-based tourism or entertainment activities shall be located outside of all road rights-of-way and required yard setback areas.
4. Noise levels shall not exceed 65 decibels at any lot line or road right-of-way.
5. All exterior lighting for permitted farm-based tourism or entertainment activities shall be fully-shielded and directed downward to minimize off-site glare and light pollution. Such lighting shall not exceed 0.5 footcandles in intensity as measured at any lot boundary or road right-of-way at a height of five (5) feet above grade.
6. The hours of operation of any outdoor entertainment facilities shall be subject to Planning Commission approval, taking into consideration anticipated noise levels, exterior lighting for the facility, the type(s) of off-site uses impacted by the facility, and the facility's proximity to lot boundaries and adjacent dwellings.

Section 40.103 Farm Products Direct Marketing Business.

Farm products direct marketing businesses shall be associated with an active farm operation in the Township. Such businesses may include "U-Pick" commercial agriculture operations, direct sales to area restaurants, residents, and retail stores, Internet-based sales of farm products, and similar businesses.

Section 40.104 Farming Operations.

A parcel may be used for general and specialized farming and agricultural activities, including the raising or growing of crops, livestock, poultry, bees and other farm animals, products and foodstuffs; and any farm building or structure used as part of the farming operation may be located thereon and used for the day-to-day operation of such activities, for the quartering, storage or preservation of said crops, livestock, poultry, bees, animals, products and foodstuffs until consumed on the premises or until moved to a place of collection, distribution or processing, and for the incidental sale of crops, products and foodstuffs raised or grown on said lot or in said building or structure, subject to the following:

1. The operation shall be maintained in conformance with the Right to Farm Act and Generally Accepted Agricultural Management Practices (GAAMPS) established by the Michigan Department of Agriculture.
2. Any land kept for the growing, stripping and removal of sod shall be reseeded after stripping by fall of the year in which it was stripped so as to reduce the actual or potential erosion of soil by water or wind.

Section 40.105 Greenhouse.

This Section shall not apply to a residential greenhouse structure accessory to a single-family dwelling. Such residential greenhouses shall conform to all requirements of Section 3.01 (Accessory Structures). The following shall apply to all other greenhouses:

1. Retail sales of greenhouse products shall be permitted as an accessory use, subject to site plan approval per Article 64.0 (Site Plan Review) and compliance with all parking, loading, screening, and other site development standards that apply to COMMERCIAL USES.
2. Storage, sales, and display areas shall comply with the minimum setback requirements for the zoning district in which the establishment is located.
3. Plant growing areas shall be located outside of all road rights-of-way and corner clearance areas as defined in Section 30.208 (Corner Clearance Areas).
4. The storage of loose materials shall be contained within the site to prevent off-site impacts from windblown debris.

Section 40.106 Kennel.

Kennels, animal shelters, animal day care operations, similar animal care facilities, and any other building, lot or premises with a population of or capacity to receive six (6) or more dogs over six (6) months in age shall be subject to the following:

A. General Standards for All Kennels.

The following general standards shall apply to all such facilities in the Township:

1. Persons granted approval to operate a kennel may also care for and house cats, rabbits or other domesticated animals in accordance with Township ordinances. A maximum of 50 animals shall be permitted in any kennel.

2. Such facilities shall comply with Township ordinances and any applicable licensing or other requirements of outside agencies with jurisdiction.
3. Structures or pens where animals are kept, outdoor runs, and exercise areas shall not be located in any required yard setback areas. Such areas shall be screened in accordance with Section 60.09D (Methods of Screening). All outdoor pens and animal runs shall be enclosed with a six (6) foot high safety fence.
4. All animals shall be enclosed within a building between 8:00 p.m. and 8:00 a.m. and during non-business hours.
5. Animals shall be adequately housed, fenced, and maintained so as not to be or become a public or private nuisance. The kennel shall be established and maintained in accordance with applicable sanitation regulations. The facility shall be so constructed and maintained that odors, dust, noise, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses. The Planning Commission may impose other conditions and limitations deemed necessary to prevent or mitigate possible nuisances related to noise or odor.

B. Small Kennel Standards.

The following additional standards shall apply to all such facilities with a population of or capacity to receive up to 12 dogs over six (6) months in age:

1. Such facilities shall have a minimum lot area of two (2) acres and a minimum lot width of 150 feet.
2. Structures or pens where animals are kept, outdoor runs, and exercise areas shall be set back a minimum of 100 feet from road rights-of-way, 30 feet from side and rear lot boundaries, and 50 feet from any watercourse.
3. Dogs kept as personal pets of the owner or operator of a small kennel shall be permitted within required setback areas, provided that all other standards of this Section are satisfied and the perimeter is secured to restrict the dog(s) from trespassing on abutting lots or road rights-of-way
4. Minor site plan approval shall be required for such facilities in accordance with Article 64.0 (Site Plan Review).

C. Large Kennel Standards.

The following additional standards shall apply to all such facilities with a population of or capacity to receive over 12 dogs over six (6) months in age:

1. Such facilities shall have a minimum lot area of five (5) acres and a minimum lot width of 150 feet.
2. Structures or pens where animals are kept, outdoor runs, and exercise areas shall be set back a minimum of 150 feet from road rights-of-way, 50 feet from side and rear lot boundaries, and 50 feet from any watercourse.
3. Animal pen surfaces shall be of concrete pitched to contain and drain run-off from cleaning to a septic tank or other County approved system.

4. Operation, maintenance, and waste management plans shall be submitted to the Township for approval as part of any conditional use permit or site plan approval application. At a minimum, one (1) responsible person shall be on-site at all times.
5. Preliminary and final site plan approval shall be required for such facilities in accordance with Article 64.0 (Site Plan Review).

Section 40.107 Landscape Businesses.

The following regulations shall apply to all landscape businesses:

1. Retail sales of nursery or landscape products shall be prohibited accessory to a landscape business in the Rural Districts.
2. The business shall have direct frontage on and direct access to a primary road, as classified by the master transportation plans of the Township, or county or state road authorities, except where the Planning Commission determines that no adverse impacts will result from an alternative road frontage or means of access. Such determination shall be based on anticipated levels of truck traffic, access needs, other operational characteristics, and other land uses abutting the anticipated travel routes.
3. Construction equipment or road-maintenance equipment shall not be considered part of permitted landscape business.
4. A landscape business 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 landscape business, but only if provided in combination with live plant material.
5. The following yard setback requirements shall apply to landscape businesses:
 - a. **Lot area.** Not less than five (5) acres in area.
 - b. **Lot width.** Not less than 300 feet in width.
 - c. **Front yard setback.** Not less than 65 feet.
 - d. **Side yard setback.** The least width of either yard shall not be less than 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 65 feet.
 - e. **Rear yard setback.** Not less than 50 feet.
6. A permanent greenbelt buffer or evergreen screen with a minimum width of 20 feet shall be established around the periphery of the business operation. The buffer shall include plant materials with year-round screening characteristics, and shall conform to Section 60.09 (Screening and Land Use Buffers).

Section 40.108 Nursery.

Nursery operations, as defined in Section 2.03 (Definitions), shall be subject to the following:

1. Limited on-site outdoor sales of unprocessed/prepared nursery products raised on the premises shall be permitted as an accessory use, subject to site plan approval per Article 64.0 (Site Plan Review). Such activities shall be incidental in character as compared to the overall parcel size and scope of permitted uses.
2. Any non-farm building or structure located on the parcel shall be secondary and incidental to the raising or growing of nursery 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.
3. Trucks, trailers or other equipment not used for on-site nursery operations or other permitted land uses in the zoning district shall be prohibited. Tree spades and other equipment necessary for the nursery operation shall be used only in accordance with the requirements of this Section.
4. Landscape supply yards, storage yards, and contracting facilities shall not be allowed as part of a nursery operation. Any operation exceeding the limitations of this Section shall be subject to approval as a landscape business per Section 40.108 (Landscape Businesses).

Section 40.109 Riding Arenas, Boarding Stables, and Non-Farm Keeping Of Animals.

Riding arenas, boarding stables, and non-farm raising and keeping of domesticated animals and livestock shall be subject to the following:

1. This activity shall remain an accessory use, incidental to the principal use of the lot for the principal dwelling of the property owner.
2. The keeping of up to two (2) large farm animals (such as horses, cattle, hogs, ponies, goats, or other similar livestock) shall be permitted on non-farm parcels that have a minimum lot area of two (2) acres and a minimum width of 150 feet. One (1) additional large farm animal shall be permitted per each additional acre for non-farm parcels up to ten (10) acres. The keeping of large farm animals on non-farm parcels of ten (10) acres or more shall conform to Section 60.02 (Performance Standards), and be maintained pursuant to the Right to Farm Act and applicable Generally Accepted Agricultural Management Practices (GAAMP) established by the Michigan Department of Agriculture.
3. Small livestock animals (such as chickens, rabbits, and similar animals) may be kept on non-farm parcels that have a minimum lot area of two (2) acres. The number of permitted animals and facilities for such animals shall conform to Section 60.02 (Performance Standards); be consistent with the definition of "accessory use" per Section 2.03 (Definitions); and be maintained pursuant to applicable GAAMP standards.
4. All livestock feed shall be stored in rodent proof containers, and all pens and shelters shall be maintained in a sanitary condition. Fenced enclosures shall be provided to prevent such animals from roaming-at-large off the premises.

5. All containers, shelters, pens, and enclosures shall conform to the minimum yard setbacks for the zoning district.

The standards of this Section shall not apply to keeping of animals as part of an active farm operation maintained in conformance with the Right to Farm Act and GAAMP standards.

Section 40.110 Roadside Stands.

Seasonal roadside stands shall be subject to the following:

1. A seasonal roadside stand shall be permitted accessory to any Rural Uses and as otherwise permitted per Article 20.0 (Land Use Table). Such use shall not create a commercial zoning district, nor shall it be deemed a commercial activity.
2. Operation of the roadside stand shall not exceed a period of eight (8) months per calendar year.
3. A roadside stand shall not be greater than 500 square feet in size
4. Suitable trash containers shall be placed on the premises for public use.
5. At least fifty percent (50%) of the produce and other agricultural products available for sale shall be natural, unprocessed produce raised or produced by the farmer operating the roadside stand.
6. The roadside stand shall be located outside of all road rights-of-way and set back a minimum of 35 feet from the near edge of the road pavement or improved gravel surface.
7. Off-street parking may be provided in the required front yard setback area. Parking shall conform to the regulations in Article 61.0 (Off-Street Parking and Loading Requirements), except that hard surfacing shall not be required. Screening shall not be required for seven (7) or fewer parking spaces.
8. Roadside stand signage shall conform to Article 62.0 (Sign Regulations).
9. Roadside stands exceeding the limitations of this Section shall be subject to conditional use approval as a farm-based tourism or entertainment facility per Section 40.102 (Farm-Based Tourism/Entertainment Activities or Farm Markets).

Section 40.111 Veterinary Clinics and Hospitals.

Veterinary clinics and hospitals shall comply with the following:

1. A site plan, drawn to scale, showing all intended site uses, shall be submitted for review and approval per Article 64.0 (Site Plan Review).
2. All activities shall be conducted within an enclosed building, except for an outdoor exercise area located outside of all required yard setback areas.
3. The facility shall be so constructed and maintained that odors, dust, noise, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.

4. Keeping of animals for overnight care shall be limited to the interior of a building.
5. Operation shall include proper control of animal waste, odor, and noise.

SECTION 40.200 RESIDENTIAL USES

Section 40.201 Accessory Dwelling.

It is the intent of this Section to permit dwellings accessory to certain non-residential uses under limited circumstances and subject to specific standards. The standards of this Section are intended to preserve the character and appearance of principal buildings that include one (1) or more accessory dwelling units. Accessory dwellings shall be subject to the following standards:

A. Approval Required.

Construction of any new accessory dwelling unit(s) shall be subject to site plan approval per Article 64.0 (Site Plan Review). The application shall include submittal of floor plans for the accessory dwelling(s) and principal building. Alteration of any existing, approved accessory dwelling unit(s) shall be subject to administrative approval per Section 57.03 (Certificates of Zoning Compliance).

B. Accessory to a Farm Operation.

One (1) accessory dwelling unit may be permitted accessory to an active farming or agricultural operation on the same lot with a principal dwelling in the Rural Districts, as allowed and provided for in Article 20.0 (Land Use Table), and subject to the following:

1. The accessory dwelling may be located within the principal dwelling, or may be located in a separate residential building on the same lot. All buildings shall conform to the requirements of Article 30.0 (Dimensional Standards).
2. Use of the accessory dwelling shall be limited to an on-site herdsman, farm operations manager, caretaker or similar employee of the farming or agricultural operation and immediate family members or dependents.
3. Parking shall be provided for the accessory dwelling per Article 61.0 (Off-Street Parking and Loading Requirements).

C. Accessory to Office, Service, and Community Uses and Commercial Uses.

One (1) or more accessory dwelling units may be permitted accessory to principal OFFICE, SERVICE, AND COMMUNITY USES, and COMMERCIAL USES as allowed and provided for in Article 20.0 (Land Use Table), and subject to the following:

1. The accessory dwelling unit(s) shall be located within the same building occupied or intended to be occupied by one (1) or more principal uses as permitted in the zoning district.
2. Where conditional use approval is required by this Ordinance, the number of accessory dwelling units shall be subject to Planning Commission approval.

3. Accessory dwelling units shall be prohibited on the ground floor or street level of the building, and shall be constructed with adequate sound and firewall separation from the principal use(s).
4. Each accessory dwelling unit shall have separate kitchen, bath, and toilet facilities and a private entrance. Where multiple accessory dwelling units are located in a building, such entrances may be provided from a common hallway.
5. Parking shall be provided for each accessory dwelling unit per Article 61.0 (Off-Street Parking and Loading Requirements).

D. Accessory to Industrial, Research, and Laboratory Uses.

One (1) accessory dwelling may be permitted accessory to principal INDUSTRIAL, RESEARCH, AND LABORATORY USES as allowed and provided for in Article 20.0 (Land Use Table), subject to the following:

1. The accessory dwelling may be located within the principal building, or may be located in a separate residential building on the same parcel or an abutting lot under the same ownership as the principal INDUSTRIAL, RESEARCH, AND LABORATORY USES permitted on the site.
2. Use of the accessory dwelling shall be limited to the owner, operator or manager of the principal use(s) of the parcel, or to on-site security personnel.
3. If located within a principal building, the dwelling shall have separate kitchen, bath, and toilet facilities and a private entrance; and shall be constructed with adequate sound and firewall separation from the principal use(s).

Section 40.202 Bed and Breakfast Inn.

Bed and breakfast inns shall comply with the following:

A. Approval Required.

Establishment of a new bed and breakfast inn shall be subject to site plan approval per Article 64.0 (Site Plan Review), in addition to any conditional use approval requirements per Article 20.0 (Land Use Table). Alteration of an existing, approved bed and breakfast inn shall be subject to administrative approval per Section 67.03 (Certificates of Zoning Compliance).

1. Floor plans for the bed and breakfast inn and principal building, and a property survey, drawn to scale, with dimensions, and showing property lines and all structures and other improvements shall be submitted with the application for approval.
2. Any approved conditional use for a bed and breakfast inn, where required by Article 20.0 (Land Use Table), shall not become effective, and a bed and breakfast inn shall not be operated for business, until all licenses required therefore have been issued.

B. General Requirements.

Bed and breakfast inns shall conform to the following requirements:

1. A bed and breakfast inn shall only be permitted in a single-family detached dwelling unit that is the principal dwelling unit on the property. A dwelling unit containing a bed and breakfast inn 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 inn is active. Not more than one person, other than members of the resident family, shall be employed in a bed and breakfast inn.
2. A dwelling unit containing a bed and breakfast inn shall comply with State of Michigan regulations for bed and breakfast inns, and applicable fire safety regulations, and shall be regularly maintained so as to remain in compliance with all applicable codes and regulations. The applicant for approval under this Ordinance shall provide written evidence of inspection and compliance with applicable codes and regulations to the Township at the time of application.
3. A dwelling to be used for a bed and breakfast inn shall have a minimum floor area of 2,000 square feet, excluding basement and garage floor areas. Each sleeping room shall have a minimum floor area of 120 square feet and shall not have more than two occupants. Not more than six (6) rooms shall be provided for bed and breakfast inns in one (1) single family detached dwelling.
4. Lavatories, toilets, and bathing facilities shall be available within the principal structure to all persons using the bed and breakfast inn in that structure. One (1) bathroom containing a lavatory, toilet, and bathtub or shower shall be provided for each two (2) sleeping rooms. Each such bathroom shall be separate from the living quarters of the resident family.
5. No kitchen or other food preparation area or facilities shall be provided in or available to the rooms in a bed and breakfast inn. Cooking facilities in a dwelling containing a bed and breakfast inn shall be limited to the residential kitchen.
6. Full breakfasts or continental breakfast service shall be limited to registered bed and breakfast guests. No other meals shall be provided to such guests, and service of alcoholic beverages shall be prohibited.
7. A single-family detached dwelling containing a bed and breakfast inn shall have no outside appearance of the presence of the inn, except for one (1) maximum five (5) foot high and six (6) square foot non-illuminated ground sign; in addition to a nameplate as permitted for a dwelling per Article 62.0 (Sign Regulations).
8. Bed and breakfast inn facilities shall not be used for receptions, weddings or similar celebrations and parties, other than private events for members of the resident's immediate family.
9. The maximum length of stay for any occupant of a bed and breakfast inn shall be 14 days in any period of 90 consecutive days.

Section 40.203 Farm Labor Housing.

Single-family dwelling units for housing for workers and their families during the season in which they are employed in the planting, harvesting, or processing of crops, herdsman or other activities associated with animal husbandry or dairy farming, or other essential but temporary agriculturally

related employment associated with an active farm operation shall comply with the following:

1. Construction, expansion, and alteration of farm labor housing shall be subject to site plan approval per Article 64.0 (Site Plan Review).
2. Farm labor housing shall comply with the Michigan Public Health Code (P.A. 368 of 1978, as amended), including any related state or county rules and regulations. Such housing shall comply with the State Construction Code and other codes and standards that apply to the type of construction. Proof of all required outside agency permits and approvals for construction, expansion or alteration of farm labor housing shall be provided to the Township.
3. The occupants shall be employed for farm labor by the farm operation owner at least fifty percent (50%) of the time while they occupy the housing.
4. All structures for farm labor housing shall comply with the standards of Article 30.0 (Dimensional Standards) for the zoning district, and all provisions of state laws regulating farm labor or migrant labor housing. The following additional required setbacks shall apply to farm labor housing:
 - a. Such housing shall be set back a minimum of 100 feet from all side and rear property lines and 75 feet from road rights-of-way.
 - b. Such housing shall be set back a minimum of 150 feet from any off-site single-family dwelling located on a separate parcel of property and owned by another individual or entity.
 - c. Legal nonconforming farm labor housing may be expanded or enlarged, provided such expansion or enlargement does not increase the nonconformity with respect to required setback distances.
5. The number of permitted farm labor housing units associated with a farm operation shall be limited to one (1) single-family dwelling unit per 5-50 acres; two (2) per 50-100 acres; three (3) per 100-200 acres; and four (4) per 200 acres or more.

Section 40.204 Home Occupations.

Home occupations shall be subject to the following:

A. Use Standards.

Home occupations shall conform to the following requirements:

1. The home occupation shall qualify for and receive all applicable local, state, and federal licenses, certificate, and permits.
2. Home occupations shall be limited to single-family detached dwellings, and to other owner-occupied dwellings. The home occupation shall be conducted only within the dwelling or within an accessory structure on the parcel.
3. A maximum of one (1) person other than members of the family residing on the premises shall be engaged in the home occupation.

4. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes.
 - a. The total floor area used by the home occupation, whether the home occupation is conducted within the dwelling unit or within an accessory building on the same lot, shall not exceed twenty five percent (25%) of the floor area of the dwelling unit.
 - b. There shall be no change in the appearance of the structure or premises, or other visible evidence of the home occupation. External and internal alterations not customary for a single-family dwelling shall be prohibited.
5. Traffic generated by a home occupation shall not be greater in volume and intensity than that normally expected within the neighborhood.
6. Parking for the home occupation shall not exceed two (2) spaces. Such spaces shall not be located in any required yard, and shall be subject to the standards of Article 61.0 (Off-Street Parking and Loading Requirements).
7. No signs shall be permitted for the home occupation, other than as permitted for a dwelling per Article 62.0 (Sign Regulations).
8. No article shall be sold on the premises except that which is prepared on-site or provided as incidental to the service or profession conducted therein.
9. Exterior display and storage of equipment or materials associated with or resulting from a home occupation shall be prohibited.
10. Customer or client visits, and deliveries associated with the home occupation shall be limited to between the hours of 7:00 a.m. and 8:00 p.m.

B. Permitted Home Occupations.

The following uses shall be permitted as home occupations:

1. Home offices for such professionals as architects, doctors, brokers, engineers, insurance agents, lawyers, realtors, accountants, writers, salespersons, and similar occupations.
2. Personal services, including beauty and barbershops (one-chair operations only) and animal grooming (provided there is no overnight keeping of animals).
3. Home office for a massage therapist, subject to the standards of Section 5.309 (Therapeutic Massage).
4. Music, dance, arts and crafts classes, and private tutoring and instruction for a maximum of five (5) pupils at any given time.
5. Studios and workshops for artists, sculptors, musicians, and photographers; and for weaving, lapidary, jewelry making, cabinetry, woodworking, weaving, sewing, tailoring and similar crafts.
6. Repair services, limited to watches and clocks, small appliances, computers, electronic devices, and similar small devices.

7. Restoration of classic or antique motor vehicles, boats, and similar equipment, provided that such activities do not violate Section 40.204C (Prohibited Uses).
8. A yard or garage sale for household or personal items of the principal residents of the dwelling shall be permitted as a temporary home occupation, provided that such activities shall not exceed a total of 15 days per calendar year.
9. Any home occupation not specifically listed may be approved by the Planning Commission with a conditional use permit, subject to the provisions of this Section and Article 63.0 (Conditional Uses).

C. Prohibited Uses.

The following uses are expressly prohibited as a home occupation:

1. Motor vehicle service centers or repair stations, welding shops, and storage or dismantling yards.
2. Kennels and veterinary clinics.
3. Medical or dental clinics.
4. Retail sales of merchandise, and eating or drinking establishments.
5. Mortuary and funeral homes.
6. Adult and sexually oriented businesses.
7. Any use or process that creates noise, vibration, glare, fumes, odor, electrical interference, or similar nuisances to persons off the premises; or any use involving electrical equipment processes that create visual or audible interference with any radio or television receivers off the premises or which cause fluctuations in line voltages off the premises.
8. Any use involving outdoor display or storage of materials, goods, supplies, or equipment; or the use of machinery, equipment or facilities not commonly incidental or accessory to a residential dwelling.
9. Any use that would potentially create or exacerbate any hazard of fire, explosion, or radioactivity.
10. Uses similar to the above listed uses, or any use which would, in the determination of the Planning Commission, result in nuisance factors as defined by this Ordinance.

D. Inspection and Enforcement.

All home occupations may be subject to inspection by the Zoning Administrator to verify compliance with this Section and Ordinance. Failure to comply with this Section and Ordinance may result in Township action to seek closure of the home occupation, and such other penalties as provided for in this Ordinance.

Section 40.205 Manufactured Housing Parks.

Manufactured housing parks shall be subject to all the rules and requirements of the Mobile

Home Commission Act (P.A. 96 of 1987, as amended), the Manufactured Housing Commission General Rules, and the following:

I. Regulations and Performance Standards.

The following regulations shall apply to all manufactured housing park residential districts.

- A. **Lot Area.** The minimum area of the lot that comprises the manufactured housing park shall be 15 acres.
- B. **Height Requirements.** Except as otherwise provided in Article 30.0 (Dimensional Standards), no building or structure shall exceed a height of 2-1/2 stories or 35 feet.

II. Planning and Development Regulations For Manufactured housing parks.

A. The business of selling new and/or used manufactured houses as a commercial operation in connection with the operation of manufactured housing parks shall be prohibited. New or used manufactured houses located on lots within the manufactured housing 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 manufactured house by a resident of the manufactured housing park provided the park's regulations permit the sale.

B. A manufactured house shall be in compliance with the following minimum distances:

- 1. Twenty (20) feet from any part of an attached or detached structure which is used for living purposes on an adjacent home site in the park.
- 2. Ten (10) feet from an attached or detached structure or accessory which is not used for living purposes of an adjacent manufactured house.
- 3. Ten (10) feet from an on-site parking space of an adjacent site.
- 4. Fifty (50) feet from any permanent building.
- 5. Ten (10) feet from the edge of an internal street.
- 6. Twenty (20) feet from the right-of-way line of a dedicated public street within the manufactured housing park.
- 7. Seven and one-half (7½) feet from a parking bay.
- 8. Seven feet (7) from a common pedestrian walkway.
- 9. Fifty-feet (50) from the right-of-way of a public road external to the manufactured housing park.

C. The maximum height of accessory structures in a manufactured housing park shall be fifteen (15) feet. The height of a storage building on a manufactured housing park site shall not exceed fifteen (15) feet or the height of the manufactured house which ever is less.

D. Parking Requirements

1. A minimum of two parking spaces shall be provided for each manufactured housing park site. The minimum number of parking spaces for conditional uses permitted in a manufactured housing park may be reduced to 2/3 the number required for such uses as set forth in Article 61.0, 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 home sites in the park, in a convenient location for the sites served thereby.

E. Streets.

1. Vehicular access to a manufactured housing park shall be provided by at least one hard surface public road.
2. Only streets within the manufactured housing park shall provide vehicular access to individual sites in the manufactured housing park.
3. Two-way streets shall have a minimum width of twenty-one (21) feet where no parallel parking is permitted, thirty-one (31) feet where parallel parking is permitted, along one side of the street, and forty-one (41) feet where parallel parking is permitted along both sides of the street.
4. The minimum width of a one-way street shall be thirteen (13) feet where no parallel parking is permitted, twenty-three (23) feet where parallel parking is permitted along one side, and thirty-three (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.

F. Outdoor Storage. Common storage areas for the storage of boats, motorcycles, recreational vehicles, and similar equipment may be provided in a manufactured housing park, but shall be limited for use only by residents of the manufactured housing 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 setback required on the perimeter of the manufactured housing park. Such storage area shall be screened from view from adjacent residential properties.

G. Site Constructed Buildings. All buildings constructed on site within a manufactured housing park must be constructed in compliance with the Salem Township Building, Electrical, Plumbing, and Mechanical and Cross-Connection Codes. Any addition to a manufactured housing park unit that is not certified as meeting the standards of the US Department of Housing and Urban Development

for manufactured houses shall comply with the Salem Township Building, Electrical, Plumbing, and Mechanical Codes. Certificates and permits shall be required as provided in Article 67, herein. An approved final site plan is required prior to construction of any principal structure, not including manufactured housing park units, in accordance with Article 64, herein.

H. Placement of a Manufactured housing park Unit

1. It shall be unlawful to park a manufactured housing park unit so that any part of such unit will obstruct a street or pedestrian walkway.
2. No manufactured house may be placed on a manufactured housing park site until a building permit has been issued by the Salem Township Building Department. A building permit shall not be issued until all required state approvals have been obtained.

I. Site Plan Review. Construction of a manufactured housing 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 twenty-four (24) inch by thirty-six (36) inch sheets and shall be of a scale not greater than one inch equals twenty (20) feet or less than one (1) inch equals two-hundred (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 two (2) foot contour intervals; existing natural features such as trees, wooded areas, streams, and wetlands; natural features to remain or to be removed; one hundred-(100) year flood hazard area.
7. Existing buildings, structures, and other improvements, including drives, utility poles and sewers, easements, pipelines, excavations, ditches, bridges, and 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 catchbasins; location of existing wells, septic tanks, and drainfields, if applicable.
10. Names and right-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 setbacks; total property area; dwelling unit density; schedule of dwelling units, by type; phasing information.
12. Grading plan, at a minimum contour interval of two (2) feet.
13. Location and exterior dimensions of proposed buildings and structures other than manufactured housing park dwellings; height and finished floor elevations of such buildings and structures; location of the unit and parking spaces on each manufactured housing park 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 Article 62.0-Sign Regulations 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 shall be developed to include:
 - a. Existing and proposed water mains, sanitary and storm sewers in the area, including sanitary sewer service areas;
 - b. The road network in the area;
 - c. The relationship of existing and proposed drainage courses and retention basins in the general area that impact or are impacted

by this development as well as an area wide drainage map showing all the sub-areas that affect this site (all drainage must be directed to retention ponds);

- d. The map should also be on a twenty-four (24) inch by thirty-six (36) inch sheet.
 - e. Landscape plan showing location, type, and size of plant materials.
 - f. Location, dimension, and materials of proposed retaining walls; fill materials; typical vertical sections.
- J. Occupancy** – A manufactured house in a manufactured housing park shall not be occupied until all required approvals have been obtained from the State of Michigan and a Certificate of occupancy is issued by the Salem Township Zoning Administrator.

Section 40.206 Multiple-Family Housing.

All multiple-family dwellings and developments, townhouses, stacked flats, senior and independent elderly housing, nursing homes, assisted living facilities, dependent elderly housing, dormitory housing, and other state-licensed and other managed residential facilities shall comply with the following:

A. General Standards.

- 1. **Site plan approval.** Construction, expansion, and alteration of multiple-family housing shall be subject to site plan approval per Article 64.0 (Site Plan Review).
- 2. **Minimum floor area per unit.** No multiple-family building shall hereafter be erected or altered unless each dwelling unit therein shall contain:

Type of Dwelling Unit	Minimum Floor Area per Unit
Efficiency or studio with no separate bedroom	400 square feet
One (1) or more bedrooms	350 square feet, plus 150 square feet per bedroom

- 3. **Distances between buildings.** In addition to the required yard setbacks for the zoning district, the following minimum distance shall be provided between two (2) or more residential buildings on a lot:

Orientation of Two (2) Adjacent Multiple-Family Buildings	Minimum Separation Distance
Front facade wall facing an adjacent front wall Front facade wall facing a rear wall	Three (3) times the height of the taller building, and not less than 70 feet
Side wall facing an adjacent side wall	One and one-half (1.5) times the height of the taller building, and not less than 35 feet

Orientation of Two (2) Adjacent Multiple-Family Buildings	Minimum Separation Distance
Front facade wall facing an adjacent side wall Rear wall facing an adjacent side wall Rear wall facing an adjacent rear wall	Two (2) times the height of the taller building, and not less than 45 feet

The Planning Commission shall be responsible for making the final identification of the front, side, and rear walls for purposes of this Section. The front facade wall of the building shall typically be the wall occupied by the primary or public entrance(s) to the building, or that face of the building having the greatest length. The rear wall shall typically be that face opposite the front, and the side walls shall typically be the faces having the smallest dimension.

4. **Pedestrian access.** Concrete sidewalks or paved pathways shall be provided from all building entrances to adjacent parking areas, public sidewalks, and recreation areas, along with barrier-free access ramps.
5. **Recreation areas.** Passive or active recreation areas (such as seating areas, playgrounds, swimming pools, walking paths and other recreational elements) shall be provided in accordance with the intended character of the development. Such areas shall be centrally and conveniently located to be physically and visibly accessible to residents, and shall not be located within any required yard setbacks or required building separation areas.
6. **Compatibility.** Multiple-family buildings shall be aesthetically compatible in design and appearance with housing in the neighborhood and the intended character of the area per the Master Plan.
 - a. Compatibility shall be determined by the Planning Commission according to the following standards:
 - (1) Exterior walls shall be finished with natural or simulated natural materials, common to dwellings in the Township such as, but not limited to beveled siding, brick or stone.
 - (2) The roof shall be finished with shingles, vertical seam or decorative metal roofing, or similar materials that have a finished appearance. Roof designs and roof materials shall be similar to those commonly found on dwellings in the Township.
 - b. The use of innovative designs and energy efficient materials and systems shall be encouraged, provided that the overall development is compatible with the intended character of the area per the Master Plan.

B. Senior Housing and Elderly Housing.

The following additional standards shall apply to senior and independent elderly housing, nursing homes, assisted living facilities, dependent elderly housing, and other state-licensed and other managed residential facilities:

1. **Accessory uses.** Accessory retail, restaurant, office, and service uses may be permitted within the principal building(s) for the exclusive use of residents, employees, and guests. No exterior signs of any type are permitted for these accessory uses.
2. **Compliance with regulations.** Such facilities shall be constructed, maintained, and operated in conformance with applicable local, state, and federal laws, and applicable licensing and certification requirements.
3. **Density.** The number of permitted dwelling units, rooms, or beds for nursing homes, assisted living facilities, and dependent elderly housing may exceed the maximum dwelling unit density standards for the zoning district, subject to Planning Commission approval as part of the conditional use approval.
4. **Compliance with Other Standards.** Such housing shall conform to State of Michigan and other outside agency requirements.

Section 40.207 Single- and Two-Family Dwelling Standards.

The intent of this Section is to ensure compliance of single-family detached dwellings and two-family (duplex) dwellings on individual lots with all applicable Ordinance standards for the protection of the public health, safety, and welfare; and to ensure that new dwellings on individual lots are aesthetically compatible with existing single-family dwellings in the surrounding area. The standards of this Section are not intended to apply to single-family dwellings located within a licensed and approved manufactured housing park in the MHP (Manufactured Housing Park) District. New single-family detached and two-family dwellings and additions to existing dwellings constructed or installed on lots in the Township, without regard to the type of construction, shall be subject to the following:

1. Each dwelling shall meet all applicable federal and state design, construction, and safety codes for the type of construction.
2. Each dwelling shall be placed on a permanent foundation wall meeting all requirements of the State Construction Code, subject to the following:
 - a. The foundation wall shall completely enclose the area under the dwelling. The enclosed area shall not be less than the ground floor area of the dwelling.
 - b. The dwelling shall be secured to the ground by an anchoring system that meets all State Construction Code and other applicable requirements before a Certificate of Occupancy is issued.
 - c. Any wheels, tongue, hitch, or other towing appurtenances attached to a manufactured dwelling shall be removed before anchoring the dwelling.
3. Each dwelling shall be connected to potable water and sanitary sewerage facilities per Section 3.18 (Water Supply And Sanitary Sewage Systems).
4. Each dwelling shall have, prior to any additions, a minimum floor area of 1,200 square feet, and a minimum exterior width of 24 feet.

5. The dwelling shall be aesthetically compatible in design and appearance with housing in the neighborhood and other single-family detached dwellings in the Township. Compatibility shall be determined in accordance with the following:
 - a. Exterior walls shall be finished with natural or simulated natural materials, common to dwellings in the Township such as, but not limited to, beveled siding, vertical siding, board and batten siding, or brick.
 - b. Front and rear or front and side exterior doors shall be provided. Permanent steps, porches or barrier free access shall be provided where there is a difference in elevation between a doorway and grade level.
 - c. The roof shall be finished with shingles, vertical seam or decorative metal roofing, or similar materials that have a finished appearance. Roof designs and roof materials shall be similar to those commonly found on dwellings in the Township. A roof drainage system shall be provided that will collect, and concentrate the discharge of, roof drainage, and will avoid drainage along the sides of the dwelling.
 - d. Roof-mounted solar energy conversion systems installed parallel to the roofline and integrated into the roof structure shall be considered an incidental part of the dwelling for purposes of this Section.
6. Other innovative designs and energy efficient materials and systems not listed in this Section, including an earth-sheltered home, may be accepted by the Zoning Administrator upon determination that the dwelling is aesthetically compatible with the neighborhood, based on its location, orientation, and visible appearance from the road right-of-way and abutting lots.
7. A building permit shall be required for construction of the foundation wall, for placement of the single-family detached dwelling on the lot, and for any addition(s) to the dwelling. A building permit shall not be issued until a Certificate of Zoning Compliance has been issued in accordance with Section 67.03 (Certificates of Zoning Compliance).
8. Additions to existing dwellings shall conform to all requirements of this Section and Ordinance.
9. A single-family detached dwelling shall not be used as an accessory building in any residential zoning district.

Section 40.208 Functional Equivalent of a Domestic Family; Additional Persons.

The limit upon the number of persons who may reside as the functional equivalent of a domestic family, as specifically defined in Section 2.03 (Definitions), may be increased or enlarged, subject to Conditional Use Permit approval and determination by the Planning Commission that the application and proposed use conforms to all of the following:

1. There are adequate provisions for off-street parking on the subject lot for each adult proposed to reside on the premises, and adequate storage area for each person proposed to reside on the premises.
2. The extent of increase or enlargement of the limit upon the number of persons shall not, considered cumulatively with existing and reasonable-projected population concentration in the area, place an unreasonable burden upon public services, facilities, or schools.
3. There shall be a minimum of one hundred twenty-five (125) square feet of usable floor area per person on the premises.
4. If the property in question is not serviced with publicly-owned and operated or municipal water or sanitary sewerage systems, any approval under this Section shall be contingent upon approval by the Washtenaw County Environmental Health Division of the number of persons on the premises in relation to the capacity of private on-site well and septic facilities.
5. If the Planning Commission grants an application under this Section, the determination shall include the specific number of persons authorized to reside on the property, and any minimum parking or storage requirements to be maintained.
6. The property owner shall be responsible for notifying the Zoning Administrator in writing of any increase in or enlargement of the number of persons residing or proposed to reside on the premises.

**SECTION 40.300
OFFICE, SERVICE, AND COMMUNITY USES**

Section 40.301 Accessory Office, Service, and Community Uses.

Where specific OFFICE, SERVICE, AND COMMUNITY USES are proposed accessory to another principal use in a zoning district, such uses shall be subject to the following restrictions, in addition to any other applicable use standards:

1. Such uses shall be located and designed so as to be clearly intended primarily for use by the occupants of the building and not for the use of the general public.
2. No signs for such accessory uses shall be permitted that are visible from a road right-of-way or adjacent lot.
3. Unless otherwise approved as part of a Planned Unit Development (PUD), all accessory OFFICE, SERVICE, AND COMMUNITY USES shall be located in the same principal building(s) containing the permitted principal use(s) that will be served. Outdoor private recreation facilities accessory to a principal use shall be located on the same lot as the principal use and not open to the general public.

Section 40.302 Day Care, Group Home, and Other State Licensed or Managed Residential Facilities.

The following regulations shall apply to group child day care homes, day care centers, group

homes, and other state licensed or managed residential facilities, except licensed group day care homes that lawfully operated before March 30, 1989:

1. The facility shall be appropriately licensed as required by the State of Michigan.
2. The facility, other than a day care center, shall not be located within 1,500 feet from another licensed group day care home, adult foster care home, substance abuse treatment center or any facility that houses an inmate population.
3. All outdoor play areas shall be enclosed by a fence not less than four (4) feet or more than six (6) feet in height and capable of containing the children within the play area. Outdoor play areas and playground equipment shall not be located in the front yard.
4. No signs shall be permitted for the facility, other than as permitted for a dwelling per Article 62.0 (Sign Regulations).
5. Off-street parking shall be provided for employees. Off-street parking shall also be provided at child day care facilities for drop-off and pick-up of children.
6. The facility shall be inspected for compliance prior to the issuance of a certificate of occupancy.
7. The appearance of the day care home or adult foster care group home premises shall be consistent with that of a single-family dwelling.
8. The operation of a group day care home shall not exceed 16 hours during any 24-hour period. The Planning Commission may limit operation of a group day care home between the hours of 10:00 p.m. and 6:00 a.m.
9. In accordance with Section 206 of the Michigan Zoning Enabling Act, the Planning Commission shall approve a conditional use permit for a group child day care home upon determination that the proposed use conforms to the requirements of this Section and Ordinance. The Planning Commission shall not impose additional conditions of approval beyond those listed in this Section.

Section 40.303 Funeral Parlor or Mortuary.

Funeral parlors and mortuaries shall be subject to the following standards:

1. **Assembly area.** An adequate assembly area shall be provided off-street for funeral processions and activities. All maneuvering areas shall be located within the site and may be incorporated into the required off-street parking. Road rights-of-way shall not be used for maneuvering or parking of vehicles.
2. **Caretaker's residence.** A caretaker's residence shall be permitted accessory to a funeral home or mortuary, subject to the requirements of Section 40.201 (Accessory Dwelling).

Section 40.304 Institutional Uses.

The following shall apply to all educational, social and religious institutions, public and private

elementary and secondary schools, institutions for higher education, auditoriums, and other places for assembly, and centers for cultural activities defined as institutional uses per Section 2.03 (Definitions):

1. **Height.** The highest point of stage towers or scenery lofts, church spires, cupolas, and domes may be erected to a height not exceeding twice the height of the building, provided that no such structure shall occupy more than twenty percent (20%) of the roof area of the building or be occupiable space for human activities or storage.
2. **Frontage and access.** Institutional uses shall have direct vehicle access to a primary road as classified by the master transportation plans of the Township, or county or state road authorities.
3. **Traffic impacts.** A traffic impact study and proposed mitigation measures may be required by the Planning Commission for facilities that have a seating capacity of over 500 persons.

Section 40.305 Private Recreational Facilities.

Private parks and recreational facilities (including but not limited to private parks, country clubs, golf courses, camping areas, golf driving ranges, and other privately-owned recreational facilities shall be subject to the following:

A. General Standards.

1. No building shall be located within 100 feet of any property line.
2. Facilities such as licensed restaurants and bars may be permitted as an accessory use when occupying an integral part of the main structure, provided there is no exterior display or advertising of said facilities.
3. Golf fairways, swimming pools, tennis courts, camp sites, and similar uses shall be located not less than 35 feet from any property line. The Planning Commission may require screening along the property lines per Section 60.09D (Methods of Screening).
4. Construction, expansion, and alteration of private recreational facilities shall be subject to site plan approval per Article 64.0 (Site Plan Review).

B. Golf Course and Driving Ranges.

The following requirements shall apply to all golf courses and driving ranges, in addition to the general standards above:

1. Golf driving ranges shall be prohibited in the Residential Districts.
2. A maintenance plan shall be submitted with the site plan approval application for a new or expanded golf course, which shall include the following information:
 - a. The entity responsible for long-term maintenance of the facility, and methods and anticipated funding sources for such maintenance.

- b. Details of the proposed landscape and lawn care maintenance program, which shall include the best available practices for protection of abutting properties and the environment of the Township.
3. Structures associated with such uses shall be set back a minimum of 100 feet from lot boundaries that abut Residential Districts or existing RESIDENTIAL USES.
4. The facility shall be designed and maintained to contain golf balls and other course activities within the site.
 - a. The use of netting or similar materials to contain errant golf balls within the site shall be prohibited, except where the Planning Commission determines that it would be compatible with surrounding uses.
 - b. The site plan shall include illustration of expected ball trajectories and dispersion patterns along fairways and for driving ranges located within 500 feet of a building, parking lot, lot boundary or road right-of-way.

C. Public and Private Campgrounds.

Facilities providing public or private camping facilities and amenities for individuals, families or groups on a daily, weekly or seasonal basis shall be subject to the following additional standards:

1. The minimum site area shall be 20 acres.
2. The site shall have direct accessibility to a paved public road.
3. A minimum 100 foot setback shall be established around the perimeter of the property for the purpose of buffering a public or private campground in relation to adjacent residentially zoned or used properties. The perimeter buffer shall be kept in its natural state. Where natural vegetation or land contour are insufficient to buffer the campground in relation to surrounding properties, the Township may require additional setback, landscaping or berming.
4. Manufactured housing units shall not be permitted within a campground, except as a permanent home or office for the owner, operator or manager.
5. The use and occupancy of a campground shall be in strict compliance with the requirements of outside agencies with jurisdiction.

Section 40.306 Sportsman's Clubs and Commercial Shooting Ranges.

Sportsman's clubs and commercial shooting ranges shall be subject to the following:

A. General Standards.

All sportsman's clubs and commercial shooting ranges shall be subject to the following:

1. A site plan, drawn to scale, showing all intended site uses, shall be submitted for review and approval per Article 64.0 (Site Plan Review).

2. The facility shall conform to the generally accepted operation practices adopted by the State of Michigan. Operation, safety, and environmental plans for the facility shall be submitted for review as part of the site plan approval application.
3. A list of the responsible officers of the organization shall be submitted annually to the Township Clerk. An updated list shall be submitted within 30 days of any changes in responsible officers. A list of qualified range supervisors shall be maintained by the responsible officers of the organization at all times.
4. "No trespassing" or "danger" signs designating the hazard, not less than twelve (12) inches by 18 inches nor more than four (4) square feet in area, shall be posted at each point of entry to the shooting areas. All signs shall conform to the generally accepted operation practices adopted by the State of Michigan.

B. Outdoor Facility Standards.

Outdoor sportsman's clubs and commercial shooting ranges shall be subject to the following additional standards:

1. A minimum six (6) foot high fence shall be erected around individual ranges, areas containing more than one (1) range, or the entire property to serve as a barrier and to discourage unauthorized entry.
2. "No trespassing" or "danger" signs designating the hazard, not less than twelve (12) inches by eighteen (18) inches nor more than four (4) square feet in area, and spaced not more than 150 feet apart, shall be posted along the perimeter of the property. All signs shall meet the requirements of the generally accepted operation practices adopted by the State of Michigan.

Section 40.307 Therapeutic Massage.

All massage therapy clinics and massage therapists working in the Township shall be licensed where such licenses are available, and shall be certified members of the American Massage and Therapy Association, International Myomassethics Federation or equivalent certifying organization accepted by the Township. Proof of such licenses or certifications shall be provided to the Township. All activities that meet the definition of an adult use or sexually oriented business shall be prohibited.

Section 40.308 Donation Drop Boxes.

Freestanding receptacles and drop boxes for donations of new or used household goods, clothing, and related items shall be subject to the following:

1. One (1) per lot shall be permitted, subject to approval per Section 67.03 (Certificates of Zoning Compliance). Additional donation drop boxes or receptacles shall be subject to approval as an outdoor sales or display area per Section 40.409 (Outdoor Sales or Display Areas).
2. Any application for approval under this Section shall include the name and contact information of the person(s) responsible for regular maintenance and upkeep of the facility and surrounding area. Outdated contact information or a failure to maintain the facility and surrounding area in a neat and orderly condition shall constitute grounds for the Township to seek removal of the drop

box or receptacle as a violation of this Ordinance, subject to the written warning requirement and procedures outlined in Section 67.10 (Ordinance Violations Bureau, Penalties, Sanctions, and Remedies for Violations).

3. The drop box or receptacle shall not be placed or maintained in any required yard setback area; or in any manner that would impede pedestrian or barrier free access, reduce the number of available parking spaces or interfere with vehicular circulation through the site.
4. The Zoning Administrator or Planning Commission may require screening where the drop box or receptacle would be visible from adjacent road rights-of-way, per Section 60.09D (Methods of Screening).

SECTION 40.400 COMMERCIAL USES

Section 40.401 Accessory COMMERCIAL USES.

Where specific COMMERCIAL USES are permitted as an accessory use in a zoning district, such uses shall be subject to the following, in addition to any other applicable use standards:

1. Such businesses shall be located and designed so as to be clearly intended primarily for use by the occupants of the building or employees of the principal use(s), and not for the use of the general public.
2. No signs for such businesses shall be permitted that are visible from a road right-of-way or adjacent lot.
3. Where permitted as an accessory use per Article 20.0 (Land Use Table), a pharmacy, drugstore, or medical supply store shall be located in the same principal building(s) containing a hospital or urgent care center.
4. Retail sales and display areas for items designed, assembled or manufactured on the premises, or related by use or design to such items, shall not exceed twenty-five percent (25%) of the gross floor area of the principal building.
5. Unless otherwise approved as part of a Planned Unit Development (PUD), all accessory COMMERCIAL USES shall be located in the same principal building(s) containing the permitted principal use(s) that will be served.

Section 40.402 Amusement Center.

Amusement centers that provide space for patrons to engage in the playing of mechanical amusement devices, recreational games, and similar recreational activities of a commercial character shall be subject to the following:

1. All amusement centers shall have direct vehicle access to a primary road as classified by the master transportation plans of the Township, or county or state road authorities.
2. Outdoor amusement centers also shall be subject to the standards of Section 40.409 (Outdoor Sales or Display Areas).

3. Pool and billiard parlors, pinball/video game parlors, and arcades without liquor sales shall be permitted as an amusement center.

Section 40.403 Big Box COMMERCIAL USES.

Big Box Commercial Uses as defined in Section 2.03 (Definitions) shall conform to the following:

1. **Access and circulation.** Vehicular circulation patterns shall be designed to eliminate potential conflicts between traffic generated by the site, and traffic on adjacent streets. The number and location of curb cuts shall be the minimum necessary to provide adequate access to the site.
 - a. Sites shall have frontage on a primary road as classified by the master transportation plans of the Township, or county or state road authorities. Vehicle access to private, local or unpaved roads shall be prohibited.
 - b. A traffic impact study and proposed mitigation measures shall be required.
2. **Outlots.** The site design, circulation, and parking layout of any outlot(s) shall be fully integrated with the design of the overall site. Separate curb cuts for any outlots shall be prohibited, except where determined to be necessary by the Planning Commission. The layout, design, and exterior façade materials of principal buildings on any outlot(s) shall be coordinated with other principal buildings on the overall site, as determined by the Planning Commission.
3. **Screening.** Screening shall be required from adjacent Rural Districts and Residential Districts and existing RESIDENTIAL USES per Section 60.09D (Methods of Screening).
4. **Pedestrian connectivity.** Building entrances, sidewalks, and outlots shall be arranged and designed to allow for convenient and safe pedestrian access and connectivity through the site. A minimum six (6) foot wide concrete sidewalk shall be provided through the parking areas to all public entrances in a manner that effectively separates pedestrians from vehicular traffic. Driveway crossings shall be clearly delineated with pavement striping.

Section 40.404 Car Washes.

Automobile, truck, and recreational vehicle wash facilities shall be subject to the following:

A. Use Standards.

1. All washing facilities shall be completely within an enclosed-building, and exit lanes shall be designed to prevent runoff from impacting adjacent properties or road rights-of-way.
2. Steam used in the cleaning process shall be contained within the building.
3. Vacuuming facilities shall be prohibited in a front yard, and shall be set back a minimum of 100 feet from any RESIDENTIAL USES.
4. The facility shall be so constructed and maintained that odors, dust, noise, exterior lighting, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.

5. The hours of operation of a car wash and any vacuuming facilities shall be subject to Planning Commission approval.

B. Ingress/Egress.

1. Sites shall have frontage on a primary road as classified by the master transportation plans of the Township, or county or state road authorities.
2. Driveways serving a wash facility shall be set back a minimum of 100 feet from the intersection of any two (2) public roads.
3. Road rights-of-way shall not be used for maneuvering or parking by vehicles to be serviced by the car wash.
4. To minimize traffic conflicts and road icing caused by runoff from vehicles, sufficient space shall be provided on the lot so that vehicles do not exit the wash building directly into the road right-of-way.
5. All maneuvering areas and stacking lanes shall be located within the car wash lot.

C. Screening.

Screening shall be required from adjacent Rural Districts and Residential Districts and existing RESIDENTIAL USES per Section 60.09D (Methods of Screening).

Section 40.405 Drive-in or Drive-through Facilities.

Drive-in and drive-through lanes, facilities or establishments shall be subject to the following:

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 the site, will not interfere with access to or egress from the site, and will not cause standing of vehicles in a public right-of-way.
2. Planning Commission determination that access to and egress from the site will not interfere with peak-hour traffic flow on the road(s) serving the site, based upon documentation provided with an application for site plan approval.
3. Such facilities shall be set back a minimum of 100 feet from abutting RESIDENTIAL USES. Screening shall be required from adjacent Rural Districts and Residential Districts and existing RESIDENTIAL USES per Section 60.09D (Methods of Screening).
4. Driveways serving a drive-in or drive-through facility shall be set back a minimum of 100 feet from the intersection of any two (2) public roads. No more than one (1) driveway shall be permitted per road frontage.
5. An internal bypass lane or similar means of exiting or avoiding the drive-through facility shall be provided, subject to Planning Commission approval.
6. Devices for the transmission of voices shall be directed and designed to prevent transmitted sound from being audible beyond the lot boundaries.
7. Sales of alcoholic beverages through any drive-through or drive-in service window or facility shall be prohibited.

8. Menu boards may be installed and maintained for the drive-through facility, provided that the location, size, and manner of illumination shall not create or exacerbate a traffic or pedestrian hazard. Such signs shall be located on the interior of the lot, and shall be shielded to minimize visibility from all road rights-of-way and abutting lots. The total sign area of all permitted menu boards shall not exceed 48 square feet.

Section 40.406 Motion Picture Cinema.

Indoor or outdoor motion picture cinemas shall be subject to the following:

A. General Requirements.

All indoor or outdoor motion picture cinemas shall conform to the following standards:

1. **Screening.** Screening shall be required from adjacent Rural Districts, Residential Districts and existing RESIDENTIAL USES per Section 60.09D (Methods of Screening).
2. **Access.** Sites shall have frontage on a primary road as classified by the master transportation plans of the Township, or county or state road authorities. Vehicle access to private, local or unpaved roads shall be prohibited.
3. **Traffic impacts.** A traffic impact study and proposed mitigation measures may be required by the Planning Commission for facilities that have a seating capacity of over 500 persons.

B. Additional Outdoor Cinema Requirements.

All outdoor cinemas and drive-in theaters shall conform to the following:

1. Such facilities shall not be located adjacent to any Residential Districts.
2. All traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements between the site and the public road(s).
3. All points of entrance or exit for vehicles shall be located no closer than 500 feet from the intersection of any two (2) road rights-of-way.
4. Adequate stacking lanes shall be provided so that vehicles waiting to enter the theater will not occupy driving lanes, parking lanes, or road rights-of-way.
5. The facility shall be fully enclosed by a solid screen fence or wall at least six (6) feet high. Strips of metal, plastic, or other materials inserted into wire fences shall not constitute a solid, screen-type fence and shall not be permitted as a substitute for this requirement. Fences or walls shall be set back at least 100 feet from any road rights-of-way.
6. Signs or other advertising material shall not be placed on any fences or walls in a manner visible from adjacent lots and road rights-of-way.

7. The facility shall be so constructed and maintained that odors, dust, noise, exterior lighting, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.

Section 40.407 Motor Vehicle Service Centers, Repair Stations, and Fueling Stations.

Motor vehicle service centers, repair stations, and fueling stations shall be subject to the following:

A. Use Standards.

1. Motor vehicle service centers, repair stations, and fueling stations shall be located on a primary road as classified by the master transportation plans of the Township, or county or state road authorities.
2. The minimum lot area for such uses shall be one (1) acre, and the minimum lot width for such uses shall be 175 feet.
3. Sales, display or rental of motor vehicles shall be prohibited, except where the service center or repair station is accessory to a permitted dealership showroom or outdoor dealership sales lot.
4. Hydraulic hoist, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure(s), and all auto repair activities shall take place within a completely enclosed structure(s). Hydraulic hoists shall be limited to surface-mounted units.
5. Open service bays and overhead doors shall not face towards any adjacent Residential Districts or existing RESIDENTIAL USES.
6. Display of temporary signs shall be prohibited where such signs are attached to the pump island canopy, light poles or similar structures.
7. Outdoor sales or display areas shall be limited to areas identified on an approved final site plan.
8. Required parking shall be calculated separately for each use, including any accessory convenience store or other permitted COMMERCIAL USES. Such calculations shall be based upon the floor area occupied by each use.

B. Pollution Prevention.

In addition to the requirements contained in Article 64.0 (Site Plan Review), the final site plan shall contain provisions for ventilation and the dispersion and removal of fumes, for the removal of hazardous chemicals and fluids, and for the containment of accidental spills and leaks of hazardous chemicals and fluids, including a detailed description of the oil and grit separator or other measures to be used to control and contain run-off.

1. There shall be no external evidence of service and repair operations, in the form of dust, odors, or noise, beyond the interior of the service building.
2. The entire area used for vehicle service shall be paved.
3. Buildings containing service and repair activities shall have appropriate filtering systems to prevent emission of odors.

C. Fueling Station Pump Islands.

In addition to the requirements contained in Article 64.0 (Site Plan Review), the preliminary site plan shall illustrate the height, proposed clearance, materials, and design for all pump island canopy structures.

1. The pump island canopy shall be architecturally and aesthetically compatible with the principal building and the surrounding area, as determined by the Planning Commission.
2. All lighting fixtures under the canopy shall be fully recessed into the canopy structure.
3. Pump islands shall be so arranged that ample space is available for motor vehicles that are required to wait.

D. Vehicle Access.

Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance for other ingress and egress drives or traffic generated by other buildings or uses.

1. Sidewalks shall be separated from vehicular circulation areas by curbs, wheel stops, or traffic islands. The portion of the property used for vehicular traffic shall be separated from landscaped areas by a curb.
2. The maximum widths of any driveway at the right-of-way line shall be 30 feet, and the interior angle of the driveway between the street curb line and the lot line shall be not less than 60 degrees.
3. The distance of any driveway from any property line shall be at least 20 feet, measured at the tangent points of the drive edge and the street curb return.
4. The distance between curb cuts shall be no less than 40 feet, measured between the tangent points of the drive edges and the street curb returns. On corner lots or where the facility has frontage on more than one (1) road right-of-way, not more than one (1) driveway shall be permitted per road frontage.

E. Incidental Outdoor Storage.

Storage of vehicles rendered inoperative, either through damage or disrepair or any other cause, and vehicles without current license plates, shall be limited to a period of not more than 30 calendar days, and then only for the purpose of temporary storage pending transfer to a junk yard or other premises for permanent disposition or disposal.

1. Outdoor storage of trash or other materials, including new or discarded vehicle parts, shall comply with the provisions of Section 60.04 (Storage of Materials and Trash Storage Areas).
2. Such storage shall not occur in front of the front building line.
3. Such inoperative vehicles shall not be sold or advertised for sale on the premises.
4. Outdoor storage shall be limited to areas identified on an approved final site plan.

F. Combined Uses.

Where motor vehicle service centers, repair stations or fueling stations are combined with a car wash, retail store, food service establishment, drive-through lane, or other permitted land uses, the regulations of this Ordinance for each land use shall apply to the site.

Section 40.408 Outdoor Cafés and Eating Areas.

Outdoor seating and/or service when associated with a restaurant shall be subject to the following requirements:

1. No such seating shall be located in a required yard setback, except as follows:
 - a. Consistent with the purpose of the Hamlet Center, as specified in Section 10.213 [Hamlet Center District (HCD)], outdoor cafes and eating areas in the Hamlet Center (HCD) District may be approved within a required yard setback as part of site plan approval. Adequate screening shall be provided from neighboring uses, as determined by the Planning Commission.
 - b. Outdoor cafes and eating areas may be approved within a required yard setback as part of a planned unit development (PUD), where such land uses are shown on the approved Area Plan with provisions for adequate screening from neighboring uses.

Where allowed adjacent to the road right-of-way, adequate separation from the roadway shall be provided, such as on-street parking, concrete curbing or other measures designed to maximize the safety of patrons.

2. Approval of the Washtenaw County Environmental Health Division or other agencies with jurisdiction as required.
3. A site plan shall be submitted indicating the area for and location of all outdoor seating, and demonstrating how adequate pedestrian and barrier free access will be maintained.
4. The maximum allowable seating for an outdoor seating area shall be established as a part of Planning Commission approval.
5. Parking shall be provided as required under Article 61.0 (Off-Street Parking and Loading Requirements).

Section 40.409 Outdoor Sales or Display Areas.

Outdoor dealership sales lots, and other open air businesses, outdoor sales or display areas, and temporary outdoor sales areas for a permanent business shall be subject to the following:

A. General Standards.

The following standards shall apply to all outdoor dealership sales lots, and other open air businesses, outdoor sales or display areas, including temporary outdoor sales areas for a permanent business:

1. The site plan shall show the location, duration, and extent of such sales. All sales activity and display of merchandise shall conform to the approved site plan.
2. No sales activity or display of merchandise shall be permitted in any road right-of-way, corner clearance area, required yard setback, landscape strip or transition buffer.
3. The sales operation shall be adequately separated from and shall not impede or adversely affect vehicular and pedestrian traffic flow or parking maneuvers.
4. One sign not to exceed eight (8) square feet may announce such sales. Such sign shall not be located in a required yard setback, landscape strip or transition buffer. Such a sign shall be temporary in nature, non-illuminated and subject to approval of a Certificate of Zoning Compliance by the Zoning Administrator.
5. The sign, merchandise, and all equipment used in such sales, and all resulting debris and waste shall be removed from the premises within three (3) days of termination of the sale.

B. Additional Standards for Temporary Sales Areas.

The following additional standards shall apply specifically to temporary outdoor sales areas accessory to the principal use and permanent business on the site:

1. The Planning Commission may restrict the number of permitted days and specific months during any calendar year for which such temporary sales shall be permitted as part of the conditional use approval (e.g. "a maximum of 15 days per calendar year during the months of June and September").
2. An approved conditional use approval for temporary outdoor sales runs with the land. To inform the Township of specific sales dates during a particular calendar year, the property or business owner shall annually apply for administrative approval per Section 67.03 (Certificates of Zoning Compliance).
 - a. Before issuing a Certificate, the Zoning Administrator shall verify that the proposed temporary sales location and time periods conform to the conditions of conditional use approval.
 - b. The Zoning Administrator may require a cash bond to guarantee site clean up to be provided to the Township, in an amount established by Township Board resolution, prior to the start of an approved sale.

Section 40.410 Secondhand Stores.

Secondhand stores, as defined in Section 2.03 (Definitions), shall be subject to the following:

1. **Outdoor sales or display areas.** Outdoor sales or display areas shall conform to the requirements of Section 40.409 (Outdoor Sales or Display Areas).
2. **Drop-off or donation areas.** Drop-off facilities for donated items shall be located within the principal building or an enclosed accessory structure. Outdoor drop-off areas shall be prohibited. Accessory drop boxes or receptacles for

donated items, whether on-site or off-site, shall be subject to the requirements of Section 40.308 (Donation Drop Boxes).

3. **Compliance with state law.** The facility shall be maintained and operated in compliance with applicable federal, state, and local laws and ordinance.

Section 40.411 Showroom for Display or Sale of Products.

Showrooms or sales and display areas for sales of products or services created by the principal business or operation shall be limited to a maximum of twenty-five percent (25%) of the usable floor area occupied by the principal use.

SECTION 40.500 INDUSTRIAL, RESEARCH, AND LABORATORY USES

Section 40.501 Intensive Industrial Operations.

Intensive industrial operations, as defined in Section 2.03 (Definitions) and specified in Article 20.0 (Land Use Table), shall be subject to the following:

A. General Standards.

Such uses shall comply with all standards established by this Ordinance, other applicable Township ordinances, and the Michigan Department of Environmental Quality, Washtenaw County Environmental Health Division, and other agencies with jurisdiction.

B. Impact Assessment.

The applicant shall submit an impact assessment with any plan submitted for review, which shall describe the expected impacts associated with the use and any mitigation measures to be employed. The assessment shall include the following minimum information and documentation:

1. Description of all planned or potential discharges of any type of wastewater to a storm sewer, drain, river, stream, wetland, and other surface water body or into the groundwater.
2. Description of storage area for any salt, oil or other potentially hazardous materials including common name, name of chemical components, location, maximum quantity expected on hand at any time, type of storage containers or base material, and anticipated procedure for use and handling.
3. Description of any transportation, on-site treatment, cleaning of equipment, and storage or disposal of hazardous waste or related containers.
4. Description of all secondary containment measures, including design, construction materials and specifications, and security measures
5. Description of the process for maintaining and recording of all shipping manifests.

All mitigation measures shall be subject to Planning Commission approval. The Planning Commission may impose conditions on the proposed use as determined necessary to minimize any adverse impact of the facility on nearby properties, as additional conditions of approval per Article 63.0 (Conditional Uses).

C. Development Standards.

To minimize impacts on neighboring land uses, road rights-of-way, and the Township as a whole, intensive industrial operations shall be subject to the following additional requirements:

1. Where such uses are located within 500 feet of any Residential Districts, a Planning Commission determination that the expected impacts associated with the use cannot be effectively mitigated at the proposed location shall constitute grounds for denial of a proposed intensive industrial operation.
2. Such uses shall be screened from all road rights-of-way and abutting uses in accordance with Section 60.09D (Methods of Screening).

Section 40.502 Junkyards.

Junkyards, salvage yards, and similar outdoor vehicle storage, dismantling or recycling facilities shall conform to all applicable federal, state, and local laws and regulations, and the following:

1. Such facilities shall be located on a primary road as classified by the master transportation plans of the Township, or county or state road authorities. Vehicle access to private or local roads shall be prohibited. Truck travel routes shall not pass through residential areas, unless such routes follow primary roads.
2. A site plan shall be provided at the time of the Conditional use approval application with the following information:
 - a. All information required by Article 64.0 (Site Plan Review);
 - b. A description of any materials processing, dismantling, and wrecking operations to be conducted within the facility; and of the location and nature of equipment for such operations, including any power driven processing equipment; and
 - c. Anticipated truck routes within the Township to and from the facility.
3. Junk materials shall be stored in organized rows with open intervals at least 20 feet wide between rows for purposes of fire protection access and visitor safety.
4. Junk materials shall not be stored in piles higher than the top of the fence surrounding the junkyard. Automobiles, trucks, and other vehicles shall not be stacked so as to prohibit fire protection and to protect the safety of visitors.
5. The junkyard shall be maintained in such a manner as to prevent the breeding or harboring of rats, insects, or other vermin.
6. Such facilities shall not be located on property contiguous to or across a road right-of-way from the boundary of any Rural Districts or Residential Districts.
7. The facility, when established and located within 1,000 feet of any Residential Districts or existing RESIDENTIAL USES, as measured on a straight line distance, shall not be open for business and shall not be operated 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 closed on Sundays and holidays.

8. On-site burning shall be prohibited.
9. Immediately after junk vehicles are brought to the junkyard, all flammable liquids contained in automobiles and other vehicles shall be drained in a paved, designated area with secondary containment complying with applicable regulations and standards. Such liquids and materials shall be contained or disposed of according to approved handling methods.
10. No tires shall be stored on the site.
11. All drives, parking areas, and loading-unloading areas shall be paved.
12. There shall be not more than one (1) entrance from each adjoining public road.
13. The facility shall be enclosed within a solid wall at least six (6) feet and no more than eight (8) feet in height, which shall not be located within the required yard setbacks. The Planning Commission may approve the substitution of a solid fence for all or part of a required wall, upon determination that a fence would be more appropriate for the abutting uses, topography or drainage patterns, preservation of natural features, or other circumstances. Strips of metal, plastic or other materials inserted into wire fences shall be prohibited. Gates shall also be made of solid, opaque material.
14. Power driven processing, dismantling, and wrecking operations may be restricted or prohibited by the Planning Commission as additional conditions of approval per Article 63.0 (Conditional Uses) to minimize impacts of such operations on neighboring properties.
 - a. Such operations shall operate within a wholly enclosed building or within an area enclosed on all sides by a solid fence or wall not less than eight (8) feet in height.
 - b. Such operations shall be set back a minimum of 150 feet from any Residential Districts or existing RESIDENTIAL USES.
 - c. Processing operations shall be limited to baling, crushing, compacting, grinding, shredding, and sorting of source-related recyclable materials.
 - d. Power-driven processing, dismantling, and wrecking facilities shall not operate on Saturdays, Sundays, or holidays.
15. All drives, parking areas, and loading/unloading areas shall be paved, watered, or treated so as to limit nuisances caused by windborne dust on neighboring properties and on public roads.
16. Noise levels shall not exceed 60 dBA as measured at the property line of the nearest residentially zoned or occupied property, or otherwise shall not exceed 70 dBA. No dust, fumes, smoke, vibration, or odor above ambient levels shall be

detectable on neighboring properties. To achieve this end, the Planning Commission may require odor-control devices or facilities.

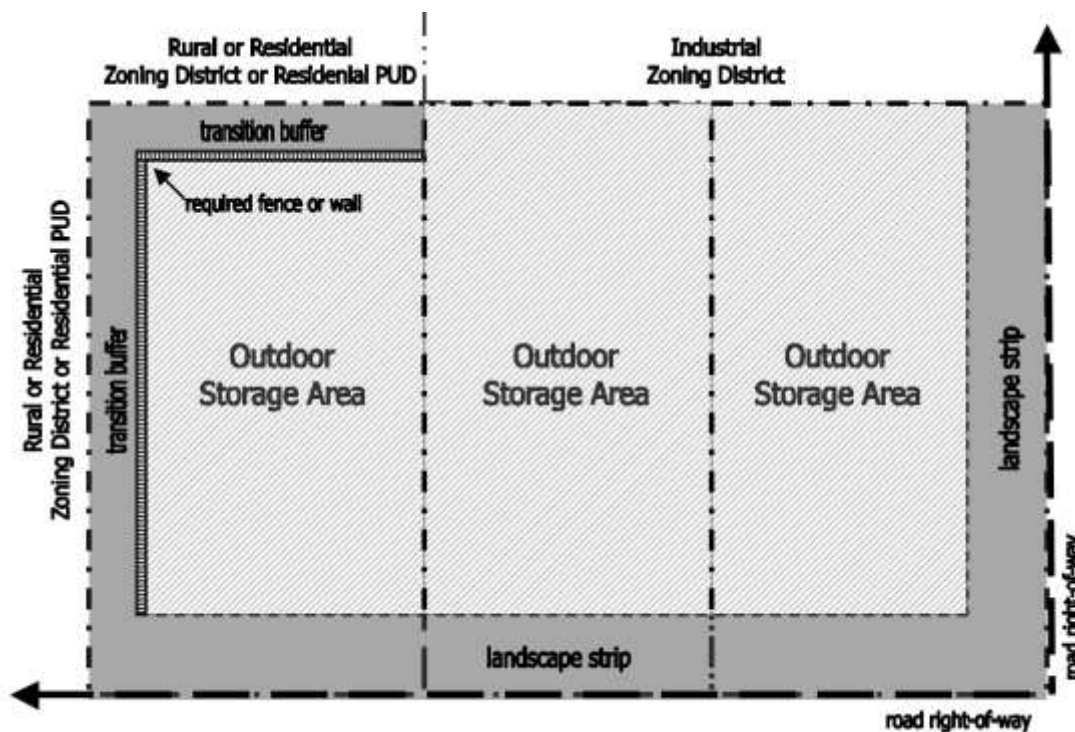
17. Space shall be provided on-site for the anticipated peak load of customers to circulate, park, and deposit materials. If the facility is open to the public, space shall be provided for a minimum of ten (10) customers or the peak load, whichever is higher.
18. Signs or other advertising materials shall not be placed on any fences or walls.

Section 40.503 Outdoor Storage, General.

Where permitted under the terms of this Ordinance, outdoor storage of products, materials, equipment, machinery, lumber, landscaping and building supplies or similar items shall be maintained in a manner consistent with the purposes of this Ordinance, per Section 1.03 (Purposes), and shall be further subject to the following:

1. Storage areas shall be located outside of all landscape strips and transition buffers for the district where the facility is located, as required by Article 30.0 (Dimensional Standards). No storage shall be permitted within any required parking or loading spaces. In the GI (General Industrial) District, such storage areas shall be permitted within the front yard area, provided that the Planning Commission may require additional screening from the road right-of-way in accordance with Section 60.09D (Methods of Screening).
2. The outside storage area shall have a gravel or paved surface, treated regularly to prevent erosion and blowing of dust, and shall include an approved stormwater management system.
3. Any area of the storage facility or subject lot that directly abuts any Rural Districts, Residential Districts, or any Planned Unit Development (PUD) District planned for RESIDENTIAL USES shall be enclosed within a solid wall or opaque fence at least seven (7) feet in height.
 - a. The required wall or fence shall be located outside of any required landscape strips or transition buffers (see "Screening of Outdoor Storage Areas" illustration).
 - b. Strips of metal, plastic or other materials inserted into wire fences shall be prohibited.
 - c. Gates shall also be made of solid, opaque material.
 - d. A landscaped berm and greenbelt may be substituted for a required wall or fence, when approved by the Planning Commission.
 - e. In the LI (Limited Industrial District), no materials shall be stored above the height of any perimeter wall, fence or berm.
4. Locations and sizes of storage areas, nature of stored items, and details of the enclosure, including description of materials, height, and typical elevation drawings shall be provided as part of site plan review.

5. Storage of soil, fertilizer, sand, mulch, gravel, stone, and similar materials shall be designed to ensure that such materials will be contained within the site to prevent off-site impacts from windblown debris.
6. Storage or disposal of used petrochemicals, junk vehicles, garbage or similar materials to be dismantled or recycled shall be prohibited.



Screening of Outdoor Storage Areas

Section 40.504 Self-Storage Warehouses.

The following regulations shall apply to self-storage warehouses:

1. The minimum lot area for mini-warehouses shall be two (2) acres, and the minimum lot width shall be 200 feet.
2. Such facilities shall be located on a primary road as classified by the master transportation plans of the Township, or county or state road authorities, except where the Planning Commission determines that no adverse impacts will result from road frontage on a non-primary road. Such determination shall be based on anticipated levels of truck traffic, access needs, other operational characteristics, and other land uses abutting the anticipated travel routes. Vehicle access to private or local roads shall be prohibited.
3. All structures, driveways, and other improvements shall be located outside of all required landscape strips, transition buffers, and yard setbacks for the zoning district, per Article 30.0 (Dimensional Standards) (see "Screening of Outdoor Storage Areas" illustration).

4. The minimum distance between self-storage buildings shall be 25 feet.
5. All areas intended for vehicular travel shall be paved with asphalt or concrete, as approved by the Planning Commission.
6. Exterior façade walls of all new storage buildings shall be of decorative masonry construction.
7. Any area of the storage facility or subject lot that directly abuts any Rural Districts, Residential Districts, or any Planned Unit Development (PUD) District planned for RESIDENTIAL USES shall be screened along the common lot boundaries per Section 60.09D (Methods of Screening).
8. Self-storage-warehouse establishments shall be limited to storage of household goods and non-hazardous commercial goods.
9. Storage of recreational vehicles and recreational equipment shall be permitted accessory to a self-storage warehouse establishment in a zoning district where general outdoor storage is permitted, subject to the requirements of Section 40.503 (Outdoor Storage, General).
10. A caretaker's residence may be provided as an accessory dwelling unit in accordance with Section 40.201 (Accessory Dwelling).

SECTION 40.600 OTHER USES

Section 40.601 Adult Uses and Sexually Oriented Businesses.

The purpose and intent of the Sections of this Ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the Township, and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics that cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting or downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of Township residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution, or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities that are prohibited by Township ordinance or state or federal law.

If any portion of this Ordinance relating to the regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

A. Standards and Additional Requirements.

1. No sexually oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within 1,000 feet of any principal or accessory structure of another sexually oriented business.
2. No sexually oriented business shall be located in any principal or accessory structure already containing a sexually oriented business.
3. No sexually oriented business shall be established on a parcel within 1,000 feet of a public park, school, child care facility, church or place of worship. The distance between a proposed sexually oriented business and public park, school, child care facility, church or place of worship or other sexually oriented business shall be measured in a straight line from the nearest property line upon which the proposed sexually oriented business is to be located to the nearest property line of the public park, school, child care facility, church or place of worship.
4. The proposed use shall conform to all applicable standards of the zoning district in which it is located, and all other applicable requirements of this Ordinance.
5. The proposed use must meet all applicable written and duly promulgated standards of the Township and outside agencies with jurisdiction, and that to the extent required, the approval of these agencies has been obtained or is reasonably assured.
6. Entrances to the sexually oriented business shall be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height as follows:
 - a. "Persons under the age of 18 are not permitted to enter the premises."
 - b. "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
7. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift, shall be displayed so as to be visible by a person of normal visual acuity from the nearest adjoining roadway or a neighboring property.
8. Hours of operation shall be limited to 10:00 a.m. to 10:00 p.m., Monday through Saturday.
9. All off-street parking areas shall comply with Article 61.0 (Off-Street Parking and Loading Requirements), and shall additionally be illuminated during all hours of operation, and until one (1) hour after the business closes.
10. Any booth, room or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of specified anatomical areas or specified sexual activities as defined in Section 2.03 (Definitions) shall be:

- a. Barrier-free accessible, as required by applicable codes and statutes;
- b. Unobstructed by any door, lock or other entrance and exit control device;
- c. Totally open to a public, lighted aisle on at least one side, with an unobstructed view at all times from the adjoining aisle of any occupant;
- d. Illuminated such that a person of normal visual activity looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle can clearly determine the number of people within; and
- e. Without holes or openings in any side or rear walls not relating to utility, ventilation or temperature control services or otherwise required by any applicable building code or authority.

B. Appeal to Zoning Board of Appeals.

If the Planning Commission denies site plan or other approval for a sexually oriented business, the applicant shall be entitled to prompt review by the Zoning Board of Appeals upon written request to the Zoning Administrator. The Zoning Board of Appeals shall convene a meeting with 30 business days of the Zoning Administrator's receipt of the applicant's request for review of the Planning Commission decision.

1. The Zoning Board of Appeals shall review the record of the proceedings conducted before the Planning Commission and determine whether the Planning Commission's decision:
 - a. Was based upon competent, material and substantial evidence; and
 - b. Complies with the procedural requirements of this Ordinance and with Michigan and federal law.

The Zoning Board of Appeals shall have all of the powers of the Planning Commission in reviewing the decision.

2. Within seven (7) business days of the hearing by the Zoning Board of Appeals on the applicant's request for review of the Planning Commission decision, the Zoning Board of Appeals shall issue a written decision either wholly or partially affirming, reversing or modifying the Planning Commission's denial and stating the grounds thereof. Failure to issue a decision within said period shall result in the approval of the matter appealed.

If the Zoning Board of Appeals affirms the Planning Commission's denial of an application to operate a sexually oriented business, the applicant may file an appeal to the County Circuit Court.

Section 40.602 Composting Center.

All composting centers shall be subject to the applicable requirements of the Salem Township Composting Ordinance No. 97-7-1.

Section 40.603 Extraction Operations.

The Township recognizes that sand, gravel, clay 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 region. To provide for the utilization of these resources in a manner compatible with nearby residential areas, protect human health and the environment, and ensure future capacity of the site for other permitted land uses, it is necessary to provide procedures and standards for mining, extraction, and site restoration at the conclusion of the extraction operation. These regulations are the minimum necessary to mitigate the unique and substantial impacts of such operations and related activities on the environment, welfare of adjacent properties and community as a whole. Without proper planning, extraction operations can disrupt the environment, impair water supply and quality, cause noise and dust nuisances, damage roads, and create conditions dangerous to Township residents. If not properly restored, mining and extraction operations can also leave land in a condition that is unsightly, unusable for other permitted purposes, and potentially hazardous.

A. Exemptions and Limitations.

This Section does not apply to the ordinary grading of land for the tilling and cultivation of soils for the growing of crops; necessary grading or excavation for construction of buildings or structures or related septic system on the lot under a permit from the Township; removal of minerals of less than 300 cubic yards per calendar year; and excavation within a public right-of-way, public road or drainage easement.

Mineral extraction shall include the mining, quarrying, excavation, or other removal or processing of sand, gravel, clay, soil, or other minerals from the mineral extraction site; and the processing of mined material from the site, including washing, sorting, crushing, aggregating, grinding, blending, mixing, and cutting. A mineral extraction permit shall not allow for other uses, such as but not limited to asphalt, cement or other manufacturing operations; or the processing of material from off-site.

B. Determination of No Very Serious Consequences.

Per Section 3205 of the Michigan Zoning Enabling Act, this Section shall not prevent mineral extraction as permitted by this Section and Ordinance unless very serious consequences would result from such extraction.

1. In determining under this subsection whether very serious consequences would result from the mineral extraction the standards referenced in the state act shall be applied and all of the following factors may be considered, if applicable:
 - a. The relationship of extraction and associated activities with existing land uses.
 - b. The impact on existing land uses in the vicinity of the property.
 - c. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
 - d. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.

- e. The overall public interest in the extraction of the specific natural resources on the property.
 - f. The impact on other identifiable health, safety, and welfare interests in the local unit of government.
2. The Planning Commission shall approve the extraction operation upon determination that:
- a. The applicant can comply with this Section and Ordinance.
 - b. The operation will not adversely affect the health, safety, and welfare of the general public.
 - c. The proposed operation will not adversely affect the water table or water quality or supply of any surrounding land.
 - d. The operation will not result in an impairment, pollution, or destruction of the air, water, natural resources or public trust therein.
 - e. The operation will not create a probable impairment of or unreasonable alteration in the course, quantity and quality of surface water, ground water or watershed anticipated to be impacted by the operation.
 - f. The operation will not unreasonably impact upon surrounding property or property along haul routes, in terms of noise, dust, air, water, odor, light or vibration, and further shall not unreasonably impact upon persons perceiving the operation in terms of aesthetics.
 - g. The proposed operation will not be incompatible with surrounding land uses in existence, or reasonably anticipated to be in existence during the operation, taking into consideration the duration and size of the operation and based upon application of generally accepted planning standards and principles.
 - h. The proposed operation will not unreasonably burden public services and facilities, and will not result in a demand beyond the existing or planned capacity for such services or facilities.
 - i. The applicant has provided adequate documentation showing the availability of all required insurance, ongoing operational fees, performance guarantees, and escrow deposits and accounts per this Section.

C. Permit Required.

It shall be unlawful for an owner, leaseholder or any other person or entity who owns, manages, leases or otherwise occupies the site of an extraction operation to conduct the operation without first having complied with and obtained all required permits and approvals pursuant to this Section and Ordinance and outside agencies with jurisdiction.

Any party having an interest in the land, including the owner, leaseholder, and operator,

shall be equally responsible for complying with these requirements. 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 Section and Ordinance. No person who has been issued a permit pursuant to this Section shall engage in activity contrary to the terms of the permit or contrary to the terms of this Section.

D. Application for Extraction Permit.

1. **Filing of application.** Applications for the extraction permit shall be filed with the Township Clerk by the owners and leaseholders, if any, of the land proposed for extraction 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.
2. **Amount of application fee.** The application fee and any required escrow deposit shall be set by resolution of the Township Board in accordance with Section 67.07 (Fees and Performance Guarantees) for the first ten (10) acres of contiguous land owned or leased for the purposes of extraction, and for each additional ten (10) acres or fraction thereof included on the application, including all required setbacks. Additional lands not contiguous or to be added at a future date shall require a separate application.
3. **Information and data required.** The following minimum required information shall be provided with the extraction permit application:
 - 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 (2) 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 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), the extent of dewatering influence, and the

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 State of Michigan.

The report shall also demonstrate the effect the proposed operation will have upon the watershed of the area. If waterbodies are to be created, the anticipated permanence of such, the depth of any lake, and other pertinent data shall be provided;

- 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 extraction 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. Soil erosion control methods and a dust control plan;
- k. Estimated total amount and types of material to be taken from the site, and estimated average and maximum amount of gravel, sand or other minerals to be removed each year of the plan for mineral excavation;
- l. Site clearance methods and debris clean-up;
- m. Treatment of ponded or surface water;
- n. Anticipated operating hours;
 - (1) Delineation of entrances, exits, and proposed truck haul routes to the Township's boundaries;
 - (2) Evidence that a security deposit has been supplied to the Country Road Commission in an amount sufficient for maintaining the truck haul route during the term of the license until reclamation has been completed;
 - (3) The estimated average and maximum number of trucks per day that are to haul minerals from the site each year of the plan;
- o. 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) Location of land uses/natural resources and public right-of-ways within 500 feet of the operation;
 - (4) Fencing and other security measures, including signage;
 - (5) Setbacks, and location of proposed structures and utilities;
 - (6) Location of sediment ponds, drainage diversions, and discharge points;
 - (7) Location and description of structures and stationary and/or portable equipment to be located on the site during mining operations;
 - (8) Location and description of soil types;
 - (9) Wooded areas and other natural features to be preserved;
 - (10) Locations, sizes and depths of test wells for monitoring water quality as may be required based upon conclusions of studies submitted with permit application.
- p. Descriptions of proposed pollution and erosion control measures;
- q. A restoration plan prepared by a professional engineer or registered landscape architect that includes the following minimum 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 slopes of all restored areas, including completed topography at contour intervals of not more than two (2) feet;
 - (4) A schedule integrating the areas of progressive rehabilitation with the final restoration plan;
 - (5) Proposed groundcover and other plantings to stabilize the soil surface and to beautify the restored areas;
 - (6) A description of the methods and materials to be utilized in restoring the site; and
 - (7) Sketch plan of the proposed use or uses of the restored site. A landfill or other disposal or refuse site is not a suitable or satisfactory future land use.

- r. Copies of all required permits or approvals from the State of Michigan and other outside agencies with jurisdiction for the extraction operation, reclamation, stormwater management, pollution control, on-site fuel storage or transfer, and related activities.
 - s. Per Section 3205(4) of the Michigan Zoning Enabling Act, the applicant shall provide documentation that there are valuable mineral resources located on the relevant property. Mineral resources shall be considered valuable for the purposes of this subsection if the applicant, by extracting the mineral resources, can receive revenue and reasonably expect to operate at a profit. The applicant shall further provide documentation that there is a need for the mineral resources by the applicant or in the market served by the applicant, and that no very serious consequences would result from the extraction of the mineral resources.
4. **Approval or denial of the permit.** The Planning Commission shall, once a complete application is submitted and fully reviewed, act within 60 days on the permit in one of the following ways:
- a. Approve the permit upon determination that the application and proposed operation conform to all applicable requirements of this Section and Ordinance, including Section 40.603B (Determination of No Very Serious Consequences).
 - b. Deny the permit based on a finding that the applicant has failed to demonstrate compliance with one (1) or more requirements of this Section or Ordinance, including Section 40.603B (Determination of No Very Serious Consequences).
 - c. Conditionally deny the permit 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 applicant when additional review is needed.
5. **Issuance of Permit.** If a permit is approved, the Zoning Administrator shall issue the permit in duplicate upon receiving all required performance guarantees, escrow deposits and accounts, and proof of insurance per this Section. One (1) duplicate original permit will be provided to the applicant, and the other will be maintained by the Township.
6. **Form of Permit.** The permit shall be prepared in duplicate originals and signed by the Zoning Administrator 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 plan approved by the Planning Commission.
- e. Signed commitments by all parties having an interest in the land and the operation affirming that they will comply with this Section and conditions of permit approval, and shall remain subject to required annual inspections by the Township's designated agent and reimbursement of the Township's cost for monitoring to determine compliance with the permit through annual operational fees.
- f. All required attachments to the application.

E. Right of Entry.

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 if any violation of any provisions of this Section or conditions of the permit exist. Refusal to permit that entry shall result in rejection of the application or revocation of the permit.

F. Ongoing Operational Fees, Performance Guarantees, and Escrow Account.

The permittee shall submit to the Township ongoing operational fees on an annual basis to fully reimburse all legal, engineering, consulting, and investigation costs incurred by the Township after establishing that a violations has taken place. The Planning Commission may review the amount of the ongoing fees every one (1) year, at which time the fee structure amount may be adjusted up or down to reflect the costs incurred in enforcing the provisions of this Section and monitoring the performance of the permittee.

Performance guarantees shall be furnished the Township and an escrow account established by the permittee prior to commencement of extraction operations to ensure proper rehabilitation and reclamation, in accordance with Section 67.07 (Fees and Performance Guarantees) and the following:

- 1. The performance guarantee shall be in an initial amount set by the Township Board, and the escrow shall be zero. The performance guarantee shall be reduced annually by the total amount deposited in the escrow.
 - a. A deposit shall be made to the escrow, within 30 calendar days after the end of each year following the commencement date of the permit, a sum equal to an amount set by the Township Board for all material removed from the extraction site. The escrow shall be maintained at a banking institution mutually agreed upon by the Township and the permittee, in a non-interest bearing account, and shall be in the joint names of the permittee and Salem Township.

- b. An annual report of all tonnage of all material removed from the extraction site shall be furnished to the Planning Commission by the permittee together with an annual account of the amount of annual funds deposited in the escrow account.
 - c. The total amount of money in the escrow account shall never be less than the total projected restoration costs for the disturbed areas of the site, adjusted for site conditions and inflation.
 2. The Planning Commission may review the total amount of the performance guarantees and escrow deposits every three (3) years, at which time the required amounts to be maintained by the permittee may be adjusted up or down to reflect the actual projected reclamation costs at that particular stage of the extraction operation.
 3. The permittee shall have the right to withdraw funds from the escrow by showing to the Planning Commission the amount of costs incurred for rehabilitation and reclamation of some or all of the site involved in the extraction operation. Upon review, the funds may be withdrawn from said account in the amount recommended by the Planning Commission and approved by the Township Board.
 4. In determining the areas to which the performance guarantees and escrow deposits shall apply, the following shall be included:
 - a. Any area stripped of topsoil or overburden;
 - b. Areas from which material is extracted;
 - c. Areas utilized for stockpiling extracted material, overburden and topsoil; and
 - d. Any other disturbed land determined by the Planning Commission as integral to the operation, which is directly deemed by it to warrant protection under a financial guarantee.
 5. The performance guarantees and escrow account shall remain in effect until such time as it is determined by official inspection that the acreage they guarantee has been completely rehabilitated in full conformance to the approved restoration plan, subject to Planning Commission recommendation and Township Board approval.

G. 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:

1. A minimum of four (4) annual aerial photographs of oblique perspectives from each compass point, depicting the entire site of the extraction operation with all site activities and areas of site rehabilitation and restoration identified.

2. Details of the extent of site rehabilitation anticipated for the coming year.
3. A list of equipment located on the site, either of permanent or temporary nature.
4. The amount and type of material extracted during the past year, and a percentage estimate of material left to be removed from the site.
5. Certified test well information for the site.

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

H. Other Permits.

The applicant shall obtain and file with the Township Clerk copies of any and all other permits required by other units of government before the commencement of any extraction operation.

I. Indemnity Insurance.

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

J. Specific Operating Requirements.

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

1. **Establishment of setback lines.** Before commencement of extraction operations on the site, four (4) inch by four (4) inch white painted posts, a minimum of five (5) feet in height above grade, shall be placed along the designated setback lines around the site. Such posts shall be placed at a maximum 100 feet apart and shall be located at all changes of boundary direction. The posts shall be placed at intervals so that from the location of any post two (2) additional posts are visible.
2. **Setback.** Excavation, washing, and stockpiling of extracted material shall not be conducted closer than 300 feet from any road right of way, 500 feet from any existing residence, and not less than 200 feet from any other property line of the site. The setback area shall not be used for any use related to the extraction 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 Planning Commission. The Planning Commission may

require additional setback where the outer boundary of the site abuts a body of water, so as to secure public safety and ensure water levels and quality.

3. **Placement of Processing Plants.** Any processing plant and all equipment and structures for sorting, crushing, loading, weighing or other operations shall not be located closer than 200 feet from any property line, 300 feet from the centerline of any public road, and 500 feet from any existing dwellings.
4. **Stockpiles of Topsoil.** Stockpiling of topsoil from the site may take place within setbacks that are not along boundaries of the site adjacent to existing dwellings or a public road right-of-way if granted by the Planning Commission.
5. **Access.** All means of access to the property shall be from major or secondary thoroughfares and shall not be from residential roadways.
6. **Fencing.** Before the commencement of any extraction operations, a 10/47/6 standard farm fence or similar fence type shall be erected around the perimeter of the active extraction site and maintained in good condition until excavation operations have been completed. A lockable gate shall be provided at all access points from the public road. Said gates shall be closed and locked at all times except during the permitted hours of operation.
7. **Signs.** The Planning Commission may require the posting of "Keep Out - Danger" or similar signs, every 50 feet along the entire perimeter fence.
8. **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 federal government at any adjacent property line of property not owned by the operator.
9. **Pollution of waters.** The removing of materials shall not cause pollution of any body of water or subsurface watercourse.
10. **Natural drainage.** The operations and related activities shall not adversely affect the natural drainage of the other properties in the area.
11. **Access roads.** All access points shall be paved for a minimum of 300 feet into the parcel from the edge of the public road. All trucks carrying extraction materials from the site shall, before leaving the site, be wheel washed.
12. **Slopes.** Finished slopes of the banks of the excavation shall not exceed a four (4) to one (1) slope. Where ponded water results from the operations, slopes must be maintained and extended into the water to a depth of eight (8) 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 Planning Commission may extend the above one (1) year period to such longer period as satisfactory under the circumstances. Sufficient topsoil shall be

stockpiled on the site so that the entire area, when excavation operations are completed, may be covered with a minimum of 6 inches of topsoil, and that such replacement of topsoil shall be made immediately following the termination of excavation operations. To prevent erosion of slopes, all replaced topsoil shall immediately be planted with grass or other groundcover acceptable to the Planning Commission.

13. **Elevation of plant site.** Any processing plant shall be located within the excavation area, in such a fashion, to reduce the visual and noise impact of the plant structure.
14. **Seeding of stockpiles.** Stockpiles of stripped topsoil and overburden shall be seeded with grass or other groundcover materials to prevent erosion.
15. **Domestic water supply and domestic sewage disposal systems.** Before the issuance of the permit authorized by this Section and the commencement of the extractive activities on the site, the applicant shall obtain approval, in writing, from the County Environmental Health Department or other outside agency with jurisdiction for the on-site domestic water supply and domestic sewage disposal systems when applicable. A copy of this permit with the plans for the systems shall be furnished to the Township.
16. **Documentation of domestic wells.** Where the extractive operation is to occur below grade level of the surrounding terrain, the operator shall be required, before any excavation occurring below grade level to verify and submit existing well logs within one-half (1/2) 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 necessary by the Township. The costs of said tests and analysis supplied shall be verified by the Township Engineer. All costs shall be borne by the operator.
17. **Markers.** All highway extraction trucks, except single or tandem axle trucks with single bottoms of twelve (12) yards or less capacity, shall be marked with the initials of the company and a number of not more than a three (3) digits on each individual truck and on the rear of each tractor-train. Such identification shall consist of black letters and numerals, at least twelve (12) inches high on a white background which must be clearly visible upon entering and leaving the extraction site.
18. **Dewatering.** 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 (6) feet in thickness and continuous across the site.

K. Blasting.

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

L. Hours of Operation.

Extraction 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 noon on Saturday. No transporting of aggregates or any materials from the site shall be permitted prior to 7:00 A.M. or after 5:00 P.M., Monday through Friday, and prior to 7:00 A.M. or after noon on Saturday. There shall be no extraction 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.

Repair of equipment on site shall be permitted as allowed under the terms of this Section.

M. Public Roads.

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 drivable condition at least equal to that which existed before the beginning of extraction 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.

N. Landscaping.

1. **Berm.** As soon as it is practicable, except where an entrance is indicated, the operator shall construct and maintain a landscaped berm around the entire perimeter of the site. The berm shall be a minimum height of ten (10) feet, unless increased by the Planning Commission, as measured from the elevation of the nearest road. The berm shall have an outside slope not to exceed one (1) foot vertical drop for each four (4) foot horizontal. 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 adjacent properties.
2. **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.
3. **Seeding and tree planting.** The operator shall plant and maintain appropriate groundcovers and a dense greenbelt buffer on the berm and adjacent disturbed areas in accordance with Section 60.09D (Methods of Screening).

O. Restoration and Reclamation.

Reclamation or restoration shall occur in accordance with the restoration plan submitted to and approved by the Township Board as part of the application process. Upon cessation of the extraction operations, the operator, within 365 calendar days, shall remove all structures, buildings, stockpiles, and equipment. Reclamation shall be completed by the operator within 365 calendar days after cessation of the extraction operation, whether cessation be by abandonment or otherwise.

P. Dumping of Materials on Site.

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 extraction operation unless specific written permission to do so has been obtained from the Township.

Q. Limitation on Area Subject to Extraction

The total area(s) undergoing mineral extraction processes and which have not been reclaimed or restored shall at no time exceed the lesser of 50 acres or forty percent (40%) of the entire land area approved for the extraction operation per this Section.

R. Public Nuisance.

Any violation of the provisions of this Section shall be deemed a public nuisance and shall be abated by a court of competent jurisdiction.

S. Interpretation.

The provisions of this Section shall be held to be minimum requirements for the promotion of public health, safety, or general welfare. It is not intended by this Section 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 Section imposes a greater restriction than is required by existing ordinance or by rules, regulations, or permits, the provisions of this Section shall control.

Section 40.604 Temporary Concrete or Asphalt Batch Plants.

This Section shall not apply to mobile batch plants, provided such plants are not placed in a fixed location while in use. Concrete or asphalt batch plants for temporary use at a fixed location during construction shall be subject to the following:

1. The batch plant operation shall be set back a minimum of 50 feet from all lot boundaries and road right-of-way boundaries.
2. The Planning Commission may limit the hours and days of operation where the batch plant is located within 1,000 feet of any existing RESIDENTIAL USES.
3. The maximum permitted period for any temporary batch plant shall be 365 calendar days. The Planning Commission may, upon written request from the plant owner or operator, approve one (1) extension of this approval period for up to an additional 180 calendar days.
4. No portion of the batch plant or its operation shall be located within a public or private road right-of-way. This subsection shall not apply to areas within a state trunkline highway right-of-way.
5. The batch plant shall only furnish concrete and/or asphalt to the specific development or construction project to which the plant is accessory as a temporary use.
6. The temporary plant and all trucks and related equipment shall be operated in a manner that minimizes dust, noise, and odor.

7. Within 30 calendar days of completion of the project, the plant owner or operator shall clear all temporary batch plant equipment, material, and debris from the site and restore it to its original condition or better; and repair or replace public improvements damaged during operation of the temporary plant.
8. The plant owner or operator shall deposit a performance guarantee sufficient to ensure restoration of the site and repair or replacement of damaged public improvements, unless the applicant demonstrates to the Planning Commission's satisfaction that such a guarantee is not warranted based on the anticipated impacts and scope of proposed work on the site.

Section 40.605 Utility Transmission and Distribution Lines.

Electricity transmission and distribution lines, gas and oil pipelines, and other utility structures, lines, and pipelines shall be subject to the following:

1. Storage of materials, equipment, vehicles, or supplies shall be prohibited on the premises, except as required during periods of maintenance and servicing.
2. No personnel shall be quartered or employed on the premises.
3. Structures or buildings shall be located, designed, constructed, and landscaped in such a manner as to conform as much as possible to the character of the surrounding area and zoning district.

Section 40.606 Temporary Uses Not Otherwise Regulated.

The Planning Commission shall have the authority to authorize the limited establishment of certain temporary uses for periods not to exceed 365 calendar days, subject to the following:

A. Limitations.

Planning Commission authorization shall be limited to only those temporary uses not otherwise permitted in any zoning district, and that do not require the erection of any capital improvements of a structural nature. Such authorization shall not include temporary construction structures, temporary residences, transient and amusement activities, garage sales, roadside stands, and other temporary uses otherwise regulated by this Ordinance.

B. Conditions of Temporary Use Approval.

The granting of a temporary use permit shall be subject to the following conditions:

1. The granting of the temporary use shall in no way constitute a change in the land uses permitted in the zoning district where the property is located.
2. The granting of a temporary use shall be based upon a finding that the location of the activity will not adversely impact adjoining properties, the character of the surrounding neighborhood, or the public health, safety, and general welfare.
3. The granting of a temporary use shall be in writing stipulating all conditions as to time, nature of use permitted, and arrangements for removing the permitted use at the termination of the temporary permit.

4. All setbacks, land coverage, off-street parking, and other requirements of the district shall be met.
5. In classifying uses as not requiring capital improvements, the Planning Commission shall determine that there are either demountable structures related to the permitted use of the land; or structures which do not require foundations, heating systems, or sanitary connections.
6. A cash performance guarantee, in an amount set by resolution of the Township Board, shall be deposited by the applicant to ensure the removal of the temporary use and restoration of the site upon expiration of the permit. If removal is complete by the expiration date specified, the entire sum shall be returned to the applicant; otherwise, the entire sum shall be forfeited to the Township. In determining the amount of the required guarantee, the Township Board may seek the advice and recommendation of professional consultants.
7. The Planning Commission may grant an extension of a temporary use permit for a period not to exceed an additional 365 calendar days.

Section 40.607 Volatile Biofuel Production.

Limited, farm-based production of certain biofuels shall be permitted in accordance with Section 3513 of the Michigan Zoning Enabling Act, and shall conform to the following requirements:

A. General Standards.

The following standards shall apply to all such facilities:

1. The biofuel production facility shall be accessory to and located on the same parcel as an active farm operation lawfully operating in the Township.
2. Biofuel production authorized by this Section shall be limited to a renewable fuel product, such as ethanol and bio-diesel, derived from recently living organisms or their metabolic byproducts. Farm-based production of methane or any fuel product from an anaerobic digester shall be prohibited.
3. No part of a biofuel production facility, including driveways and other site improvements, shall be located within any required yard setback area per Article 30.0 (Dimensional Standards). In addition, such facilities and improvements shall be set back a minimum of 100 feet from all lot boundaries and road rights-of-way.
4. Structures, facilities, and equipment used in the production or storage of biofuel shall comply with this Ordinance, other ordinances, and applicable state and federal laws and regulations.
5. Prior to the start of operation and upon any written request from the Township, the owner or operator of the biofuel production facility shall provide to the Zoning Administrator documentation of all necessary permits and approvals from the State of Michigan and other outside agencies with jurisdiction over any of the following:
 - a. Air pollution emissions;

- b. Transportation of biofuel or another product or by-product of production;
 - c. Use or reuse of additional products resulting from biofuel production;
 - d. Storage of raw materials, fuel or additional products used in or resulting from biofuel production; and
 - e. Verification that the facility includes sufficient storage for raw materials, fuel, and additional products resulting from biofuel production; or the capacity to dispose of additional products through land application, livestock consumption, sale or other lawful means.
 - f. Compliance with federal requirements associated with ethanol production of more than 10,000 proof gallons annually.
6. The operator of the facility shall keep a written record of the source(s) of the feedstock for the biofuel production facility, and the end users of the biofuel or another product or by-product produced by the biofuel production facility.
7. The operator of a facility with an annual production capacity of not more than 100,000 gallons of biofuel operating as a permitted use in the zoning district (without Special Use Permit approval) shall also provide an annual written report to the Zoning Administrator which demonstrates that:
- a. At least seventy-five percent (75%) of the feedstock was produced on the farm where the biofuel production facility is located; and
 - b. At least seventy-five percent (75%) of the biofuel or another product or byproduct produced by the biofuel production facility is used on that farm.
 - c. Operation of a biofuel production facility with an annual production capacity of not more than 100,000 gallons that does not conform to the percentage limitations of this subsection shall be subject to Conditional Use Permit approval in accordance with this Section and Ordinance.

B. Additional Standards for Certain Facilities.

In accordance with Section 3513 of the Michigan Zoning Enabling Act, the following additional standards shall apply only to large biofuel production facilities, which are facilities with an annual production capacity of more than 100,000 gallons of biofuel, and to any biofuel production facility subject to Conditional Use Permit approval in accordance with this Section or Ordinance:

- 1. Large biofuel production facilities shall be limited to a maximum annual biofuel production capacity of not more than 500,000 gallons.
- 2. Any application for approval of a such a facility shall include all of the following, in addition to the other applicable requirements of this Ordinance:
 - a. A detailed description of the process to be used to produce the biofuel.
 - b. The number of gallons of biofuel anticipated to be produced annually.

- c. An emergency access and fire protection plan, subject to review and recommendation by emergency response agencies serving the Township.
- d. Documentation of compliance with applicable requirements of this Ordinance, other ordinances, and state and federal laws and regulations.

C. Limitations on Special Use Permit Review.

In accordance with Section 3513 of the Michigan Zoning Enabling Act, Township review of any Conditional Use Permit application for a biofuel production facility shall be modified as follows:

- 1. **60-day time limit for a public hearing.** For any Conditional Use Permit application subject to the requirements of this Section, the Planning Commission shall hold a public hearing on the application in accordance with Section 67.11 (Public Hearing Procedures) within 60 calendar days after the filing date of a complete and accurate application.

The application shall be deemed to have been rejected as incomplete if no public hearing is held within this 60 calendar day period. An application deemed incomplete per this subsection may be resubmitted as a new application for the purpose of completing the review process. Such applications shall not be subject to the requirements of Section 63.10 (Reapplication).

- 2. **Limitation on conditions of approval.** The Planning Commission's authority to impose conditions on the approval of a biofuel production facility subject to this Section shall be limited to conditions necessary to verify that the facility conforms to all of the requirements of this Section.

**ARTICLE 41.0-49.0
RESERVED**

ARTICLE 50.0

SPECIAL DISTRICT REGULATIONS

Section 50.001 Authority to Establish Special Districts.

Special Districts, as defined in Article 10.0 (Zoning Districts) and established in accordance with Section 503 of the Michigan Zoning Enabling Act, are designed to accomplish the objectives of this Ordinance through development approval procedures that properly relate the type, design, and layout of development to the site and surrounding area, and are intended to achieve integration of the proposed development project with the characteristics of the project area.

These Special Districts are intended to permit flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the development and use of land, natural resources, energy, and the provision of public services and facilities; encourage useful open space; and provide better housing, employment, and shopping opportunities particularly suited to the needs of the residents of the Township.

The provisions of this Article are intended to result in land development substantially consistent with zoning standards generally applied to the proposed uses, while allowing for the option of Township approval for limited deviations from the applicable use or development standards of this Ordinance as applied to a particular site and development project.

Section 50.002 Scope.

Special District projects shall not materially add public service or facility loads beyond those contemplated in the Master Plan or other adopted policies or plans. All uses, structures, and properties shall comply with all applicable regulations and requirements of this Ordinance, except as provided within this Article.

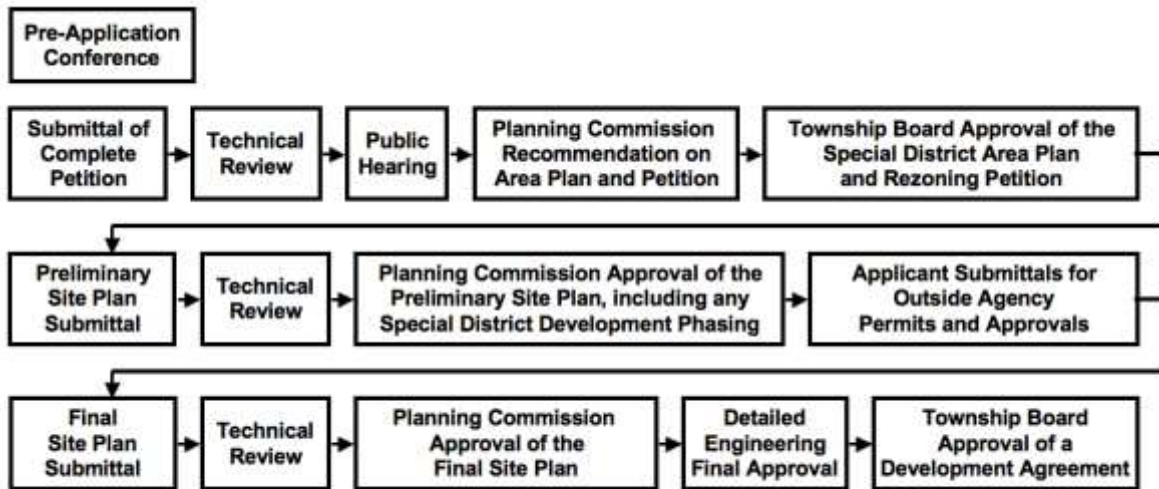
1. The location of all uses and buildings, all yards and transition strips, and all other information regarding uses of properties as shown on or as part of the Area Plan, and on approved final site plans, and any attached documents shall have the full force and permanence of this Ordinance as though such regulations were specifically set forth in this Ordinance.
2. A parcel of land that has been classified as a Special District by the Township Board shall not thereafter be developed or used except in accordance with the approved Area Plan and final site plan(s).
3. No construction, grading, cutting of trees or other vegetation, soil stripping, excavating, or other site improvements or changes shall commence, and no permit shall be issued therefore, on a lot with or under application for a Special District classification, until the requirements of this Article have been met.

Section 50.003 Regulatory Flexibility.

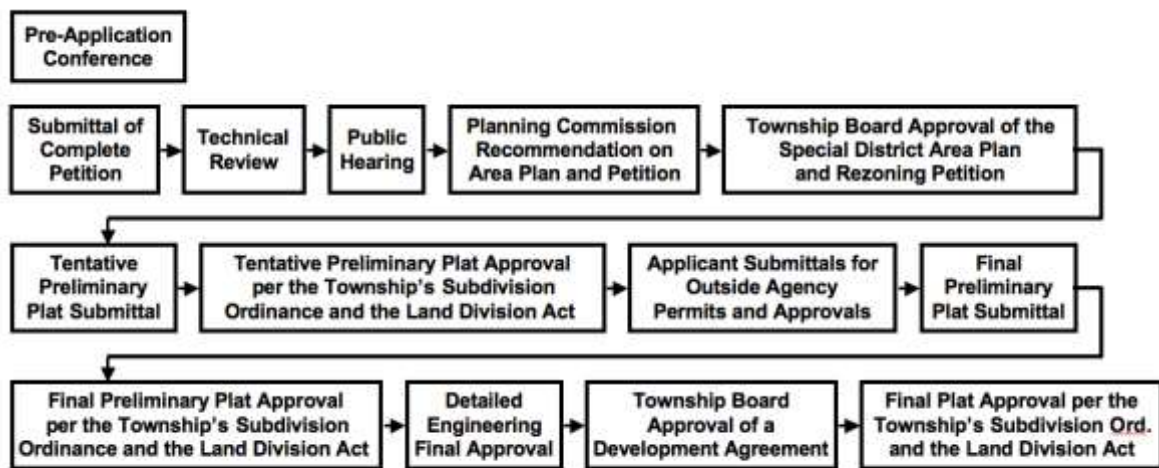
Unless otherwise waived or modified as part of an approval in accordance with this Section and Article, all standards of this Ordinance shall be applicable to uses and development in a Special District. To encourage flexibility and creativity in development consistent with the intent of this Article, limited deviations from specific Ordinance standards may be approved by the Township Board, after recommendation by the Planning Commission, as part of the approval of a Area

Plan, subject to the following:

1. Such deviations may include modifications to site design standards, dimensional standards, and any other development-related Ordinance requirements. Unless expressly authorized by a provision of this Article, deviations from the standards of this Article shall be prohibited.
2. Deviations from the list of permitted uses as specified in Article 20.0 (Land Use Table) or the maximum net dwelling unit density standards of Article 30.0 (Dimensional Standards) shall only be permitted as part of a Planned Unit Development (PUD) approval in accordance with the applicable PUD standards.
3. Permitted deviations shall be consistent with the intent and scope of this Article and the purposes of the district, compatible with the Master Plan, and result in a higher quality of development than would be possible without the deviation.
4. Permitted deviations shall be accompanied by adequate safeguards, features or planning mechanisms designed into the project for the purpose of achieving the objectives intended to be accomplished with respect to each of the regulations from which a deviation is sought.
5. Deviations from Ordinance requirements shall be permitted as part of an Urban Services District (USD), Residential Office Park (ROP) District or Hamlet Center District (HCD) approval to achieve the form-based objectives and policies of the Master Plan for these districts; ensure consistency with the Salem Hamlet Area Concept Plan and the Urban Service District Development Concept as depicted within the Master Plan; and provide for a human-scale and pedestrian-friendly environment in the relationship between form, mass, and scale of building facades and streetscapes.



Special District Approval Process - Site Plans



Special District Approval Process - Subdivision Plats

Section 50.101 Pre-Application Conference.

Prior to submission of an application for approval of a Special District classification, the potential applicant shall meet in a pre-application conference with the Zoning Administrator, Township Planner, and other appropriate Township officials and consultants. The purpose of the conference is to inform the Township of the proposed development concept, and to provide the potential applicant with information regarding land development policies, procedures, standards, and requirements of the Township and other agencies that may apply to the proposed development. To this end, the applicant is encouraged to present conceptual plans, site data, aerial photos, and other information that explains the development concept.

The potential applicant is also encouraged to meet in a pre-application conference with the Planning Commission to present conceptual plans, explain the development concept, and receive preliminary comments from the commissioners. The Township Board may establish a

fee for such conferences per Section 67.07 (Fees and Performance Guarantees). Statements made in such pre-application conferences shall not be legally binding commitments.

Section 50.102 Application for Special District Approval.

Applications for Special District approval shall be subject to the following:

A. Special District Approval Procedures.

Application for a Special District classification shall be as an amendment to the Official Zoning Map, subject to the following review and approval procedures:

1. **Initiating application.** An application for a Special District classification for a parcel of land may be made by the owner(s) of record of such parcel, or by one or more persons acting on behalf of the owner(s) of record of such parcel. The filing shall be in the name of and signed by all owners of record. The applicant shall provide evidence of ownership of all land in a proposed Special District, such as legal title or execution of a binding sales agreement, prior to approval of the application by the Township Board.
 - a. The Township Board or Planning Commission may initiate the process for a HCD (Hamlet Center), ROP (Residential Office Park), or USD (Urban Services) District classification.
 - b. A Area Plan shall be required as part of an application for Special District approval, with the minimum required information for such plans as specified in Section 64.07 (Required Site Plan Information).
 - c. All required review fees and escrow deposits shall be paid to the Township at the time the application is filed with the Clerk. An application submitted without the required fees and escrow deposits shall be considered incomplete, and shall be returned to the applicant.
2. **Completeness and technical review.** Prior to Planning Commission consideration, copies of the application shall be distributed to designated Township officials, the Township Planner, and other designated Township consultants for review and comment.
3. **Planning Commission study and public hearing.** Upon receipt of a complete and accurate application, the Planning Commission shall undertake a study of the Area Plan and application materials, and shall hold a public hearing on the application in accordance with Section 67.11 (Public Hearing Procedures). At the public hearing, the applicant shall present evidence regarding the following characteristics of the proposed development:
 - a. Objectives and purposes to be served, including how the development is compatible with the Township's Master Plan.
 - b. Scale and scope of the proposed development, including the general character and substance of proposed land uses and improvements and anticipated phasing of the development.
 - c. Compliance with all applicable Township ordinances and standards, as well as those of all outside agencies with jurisdiction, and an explanation

of the scope, intent, and need for any requested deviations from Zoning Ordinance requirements.

- d. A development and environmental impact assessment.
- e. Economic feasibility of the proposed uses.
- f. Community impact, in terms of streets and traffic, schools, recreation facilities, costs and revenues, and utility systems.

To this end, factual evidence and expert opinion shall be submitted by the applicant in the form of maps, charts, reports, models, and other materials; and in the form of testimony by architects, engineers, real estate agents, professional community planners, land economists, and other experts to describe the nature and extent of the proposal. Materials shall be submitted in sufficient quantity for review by the Planning Commission and other Township officials and consultants.

- 4. **Optional development impact study.** Following the public hearing and before making a report and recommendation to the Township Board, the Planning Commission may require that the applicant prepare and present a more detailed development impact study, which shall provide an assessment of the developmental, social, economic, and physical impacts of the project on the surrounding area and the Township as a whole.
 - a. Physical impacts shall include the anticipated effects of the development on the natural resources, natural features, hydrology, and ecology of the site and the surrounding area.
 - b. Economic impacts shall include analysis from an independent land economics expert with regard to market need for the proposed land use(s) and the economic feasibility of the project.
 - c. Developmental impacts shall include a traffic impact study, and an explanation of how off-site utilities will be provided to serve the project.
 - d. Information required for compliance with other ordinances need not be duplicated in the development impact study. If the Planning Commission determines that the applicant has already provided sufficient information upon which to make a recommendation to the Township Board, then a development impact study shall not be required.
- 5. **Planning Commission report and recommendation.** Following the public hearing, the Planning Commission shall complete its analysis of the application and take action to report its findings and recommendations to the Township Board. This report shall state the Planning Commission's findings of fact and conclusions on the application for Special District approval; including an analysis of the application's compatibility with the Master Plan, an analysis of any proposed deviations from applicable Zoning Ordinance standards, recommendation(s) for action, and any recommended conditions relating to an affirmative decision.

6. **Township Board action.** The Township Board shall review the application, report and recommendations of the Planning Commission, the public hearing record, and any other reports thereon. The Board shall then take action to adopt an amendatory ordinance to approve or approve with conditions the application and Area Plan, and to change the classification of the property on the Official Zoning Map to the Special District; or to deny the application or postpone action to a date certain for future consideration.
 - a. As part of its action, the Township Board shall state the basis for its decision and any conditions imposed on an affirmative decision.
 - b. If the Township Board shall deem advisable any changes, additions, or departures as to the proposed application, the Board may refer the request back to the Planning Commission for further review and recommendation within a time specified by the Board, prior to Township Board action thereon.
 - c. Reasonable conditions may be required with the approval of a Special District application and Area Plan. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity; to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land; and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
 - (1) Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the Township as a whole.
 - (2) Be necessary to meet the intent and purposes of this Article and Ordinance, be related to the objective of ensuring compliance with the standards of this Ordinance.
7. **Changes to the Official Zoning Map.** Following Township Board adoption of the amendatory ordinance and approval of the Area Plan, a notice of adoption shall be published in accordance with Section 68.06 (Notice of Adoption). Once the amendatory ordinance is effective, the Special District designation shall be noted on the Official Zoning Map in accordance with the procedures specified in Section 10.105B (Changes to Official Zoning Map).
8. **Area Plan agreement or statement.** On or immediately following the effective date of the amendatory ordinance establishing the Special District classification, the applicant and all owner(s) of record of all property included within the Special District or their legal representatives shall then sign a statement that the approved Area Plan and conditions of approval shall be binding upon the applicant and owner(s) of record and upon their heirs, successors and assigns.

- a. This may be executed as a separate statement, or as part of an overall Development Agreement for the project. The statement shall be incorporated into all future Development Agreements for any phase or part of the development.
- b. The approved Area Plan shall be recorded by the applicant in the county Register of Deeds office, with two certified copies of the recorded documents provided to the Township Clerk. No site plan for any phase or part of the development shall be officially received for review under this Ordinance until the Clerk has received such certified copies.

C. Standards of Application Review.

The Planning Commission shall determine and provide evidence in its report to the Township Board that the application meets the following standards:

1. **Master Plan policies.** The proposed development shall conform to the adopted Master Plan.
2. **Ordinance standards.** The proposed development shall conform to the intent, regulations, and standards of the proposed Special District and this Ordinance.
3. **Public facilities.** The proposed development shall be adequately served by public facilities and services, such as highways, streets, police and fire protection, drainage courses, water and sanitary sewer facilities, and refuse disposal, or that the persons or agencies responsible for the proposed development shall be able to provide, in a manner acceptable to the Township Board, such facilities and services.
4. **Open space and recreation areas.** The common open space, any other common properties, individual properties, and all other elements of a Special District are so planned that they will achieve a unified open space and recreation area system, with open space and all other elements in appropriate locations, suitably related to each other, the site, and the surrounding land.
5. **Common areas and improvements.** The applicant shall have made satisfactory provision to ensure that those areas shown on the plan for use by the public or by occupants of the development will be or have been irrevocably committed for that purpose. Provisions shall have been made to provide for the financing and maintenance of improvements shown on the plan for open space areas, and common use areas which are to be included within the development.
6. **Location and layout.** The location of the proposed uses, layout of the site, and its relation to streets giving access to it, shall be such that traffic to, from, and within the site, and assembly of persons in connection therewith, will not be hazardous or inconvenient to the project or the neighborhood. In applying this standard, the Planning Commission shall consider, among other things, convenient routes for pedestrian traffic, particularly of children, 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. **Compatibility of land uses.** The proposed use(s), mix of housing unit types and densities, or mix of residential and non-residential uses shall satisfy the intent of the proposed Special District, conform to applicable use standards and limitations, and be acceptable in terms of convenience, privacy, compatibility, and similar standards.
8. **Minimize adverse impacts.** That noise, odor, light, or other external effects from any source whatsoever, which is connected with the proposed use, will not adversely affect adjacent and neighboring lands and uses.
9. **Preservation of natural features.** The proposed development shall create a minimum disturbance to natural features and landforms.
10. **Roads.** Internal roads 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 roads. The plans shall provide for logical extensions of public roads and shall provide suitable street connections to adjacent parcels, where applicable.
11. **Pedestrian facilities.** Major pedestrian circulation shall be provided for within the site and shall interconnect all use areas, where applicable. The pedestrian system shall provide for logical extensions of pedestrian ways outside the site, and pedestrian connections to the site boundaries, where applicable.

D. Effect of Application and Area Plan Approval.

Approval of the Special District classification and Area Plan by the Township Board shall indicate its acceptance of the overall development concept and any requested deviations from Zoning Ordinance requirements. This shall include acceptance of the general site layout, conceptual building design and location(s), preliminary street network, permitted land uses, and the types, range(s) of dwelling and lot sizes, and maximum number of permitted dwelling units for residential projects.

1. Area Plan approval does not grant site plan approval, but does authorize the applicant to file a preliminary site plan per Section 50.103 (Site Plan Approval), or a preliminary plat for tentative approval in accordance with Section 50.104 (Subdivision Plat Approval).
2. Where new or additional information required for preliminary and/or final site plan approval is determined by the applicant or Planning Commission to necessitate changes to the site layout, building locations, street network, maximum number of permitted dwelling units, or permitted land uses on the site, such changes shall be subject to review and approval per Section 50.106 (Amendment and Revision).
3. The preliminary and final site plans for the project shall conform to the approved Area Plan and all Ordinance regulations for the Special District in which the project is located. Nonconformance to the approved Area Plan shall be considered grounds for denial of the site plan.

Section 50.103 Site Plan Approval.

Review and approval of a preliminary site plan and a final site plan shall be required for all Special District developments in accordance with the requirements of Article 64.0 (Site Plan Review) and the following:

1. The preliminary site plan shall cover the entire property involved in the Special District, and shall clearly indicate the location, size, and character of each development phase.
2. A final site plan shall be submitted for review and approval of each development phase, as shown on the approved preliminary site plan.
3. The preliminary and final site plans shall conform to the approved Area Plan, as determined by the Planning Commission.

Section 50.104 Subdivision Plat Approval.

Following approval of the Area Plan by the Township Board, a preliminary plat for all or part of a Special District may be submitted for review and approval in accordance with the standards of the state Land Division Act and Township subdivision regulations. The Township Board shall have the authority to deny or postpone an application for tentative approval of a preliminary plat if, in its opinion and after recommendation from the Planning Commission, such plat will result in premature development of the area involved or will result in improper rescheduling of various public improvements such as, but not limited to roads, utilities, and schools.

Section 50.105 Phasing of Development.

Development within a Special District may be divided into two (2) or more phases as delineated on the approved Area Plan. Such phasing shall be subject to the following requirements:

1. Where a project is proposed for construction in phases, the project shall be designed and sequenced such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure proper drainage and the protection of natural resources and the health, safety, and welfare of the users of the Special District development and the residents of the surrounding area.
2. A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services, or open spaces and recreation facilities; and shall be capable of substantial occupancy, operation, and maintenance upon completion of construction and development.
3. The development shall be phased so that:
 - a. Township, school district, and county property tax revenues resulting from such development will generally balance the expenditures required by public agencies to properly service the development.
 - b. No overloading of utility services or community facilities will result.

- c. The various amenities and services necessary to provide a safe, convenient, and healthful residential environment will be available upon completion of any single phase.
4. For developments that include residential and non-residential uses, phasing shall ensure that at least thirty-five percent (35%) of all proposed residential units are completed concurrent with the first phase of any non-residential construction; or if only one non-residential phase is proposed at least seventy-five percent (75%) of all proposed residential units shall be completed concurrent with the non-residential construction.
5. The Planning Commission may require the applicant to provide housing and commercial market analyses, traffic studies, and other information necessary for the Commission to properly and adequately analyze a Special District request for recommendation to the Township Board with respect to this requirement.
6. The Township Board may require the applicant to post a performance guarantee per Section 67.07C (Performance Guarantees) to ensure that vehicular and pedestrian ways, utility services, open space and recreation facilities, and other amenities and infrastructure planned for later phases of the development are completed in a timely fashion.
7. Development of a phase shall be completed within three (3) years of the date of the final site plan approval for that phase, otherwise the Planning Commission may reject final site plans for any subsequent phases unless good cause is shown for not completing the earlier phase(s).
8. The timing of construction or installation of all improvements necessary to support and service development phase(s) or to promote or protect the public health, safety and welfare consistent with the purposes of this Article and Ordinance shall be addressed in a final schedule as part of an approved Development Agreement for the overall project between the applicant/developer and the Township Board.

Section 50.106 Amendment and Revision.

Changes to an approved Special District application, Area Plan, preliminary site plan or final site plan shall be prohibited, except in accordance with this Section. The Planning Commission shall have authority to determine whether a requested change is major or minor, in accordance with this Section. The Planning Commission shall record its determination and reasons therefore in the minutes at the meeting at which the action is taken.

A. Major/Minor Change Review Procedure.

Requests for approval of a major or minor change to an approved application or Area Plan, preliminary site plan, or final site plan shall be made by the applicant in writing to the Planning Commission. The burden shall be on the applicant to show good cause for any requested change, subject to the standards of this Section.

1. The applicant shall clearly state the reasons for the request, which may be based upon changing social or economic conditions, potential improvements in layout or design features, unforeseen difficulties, or advantages mutually affecting the

interest of the Township and applicant; such as technical causes, site conditions, state or federal projects, or changes in state laws.

- a. The request shall be filed with the Township Clerk. The Clerk shall transmit the request to the Planning Commission for review and action.
 - b. All required review fees and escrow deposits shall be paid to the Township at the time the request is filed with the Clerk. A request submitted without the required fees and escrow deposits shall be considered incomplete, and shall be returned to the applicant.
2. The Planning Commission shall determine whether the requested change is major or minor, as defined in this Section.
- a. Major changes, as determined by the Planning Commission per Section 50.106B (Major Changes), shall require an amendment to the approved application and Area Plan. Submittal and approval of such amendments shall follow the procedures and standards for a new application per Section 50.102A (Special District Approval Procedures).
 - b. Minor changes, as determined by the Planning Commission per Section 50.106C (Minor Changes), shall require Planning Commission approval, including, at the Commission's discretion, revised site plan drawings.
 - (1) The applicant and owner(s) of record or legal representative of such owner(s) shall sign revised drawings requested by the Planning Commission as part of an approval of a minor change.
 - (2) The Planning Commission shall notify the Township Board and other applicable agencies if it approves a minor change.
3. All required review fees and escrow deposits shall be paid to the Township at the time the request is filed with the Clerk. A request submitted without the required fees and escrow deposits shall be considered incomplete, and shall be returned to the applicant.

B. Major Changes.

Changes to be considered major shall include, but shall not be limited to the following:

1. Change in concept of the development.
2. Change in use or character of the development.
3. Change in type of dwelling unit or other structure as identified on the approved Area Plan.
4. Increase in the number of dwelling units or other structures.
5. Increase in non-residential floor area of over five percent (5%).
6. Rearrangement of lots, blocks or building tracts.

7. Reduction in land area set aside for common area open space, natural resources, or the relocation of such area(s).
8. Increase in building height.
9. Any change that will have an adverse impact on neighboring properties or uses.

C. Minor Changes.

Where not determined to be major changes by the Planning Commission, the proposed amendment shall be considered a minor change subject only to Planning Commission approval. The Planning Commission may require that a revised site plan or individual plan sheet be submitted showing such minor change(s) for purposes of record. The Planning Commission shall notify the Township Board and other applicable agencies if it approves a minor change.

D. Changes Following Completion of the Development.

After the completion of any development within an approved Special District, alterations to existing uses or structures shall be handled on a case-by-case basis. Applicable sections of this Ordinance shall apply. Changes shall be consistent with the intent and character of the approved Special District Area Plan and final site plan(s).

Section 50.107 Expiration of Approval.

Approval of a Special District application, Area Plan, preliminary site plan, and final site plan shall remain effective for specific periods of time as defined in this Section and Ordinance:

A. Expiration of Area Plans.

An approved Special District Area Plan shall expire unless:

1. A final site plan is submitted to the Planning Commission within two (2) years of the date of Area Plan approval for review and approval of the first phase of the project, or of the entire property in the Special District if the development is not to occur in separate phases; and
2. If the development is to occur in separate phases, a final site plan for each subsequent phase is submitted to the Planning Commission for review and approval within three (3) years of the date of approval of the immediately preceding final site plan.

B. Expiration of Final Site Plan.

A Special District final site plan shall expire and be of no effect unless:

1. Within 365 calendar days of the date of final site plan approval by the Planning Commission, a fully executed Development Agreement has been recorded and the construction drawings have received detailed engineering final approval; and
2. Within 545 calendar days of the date of final site plan approval by the Planning Commission, construction has begun on the property and is diligently pursued in conformance with the approved final site plan.

C. Effects of Expiration.

If an approved Area Plan or final site plan expires as set forth in this Section, no further

permits for any development or use shall be issued until applicable requirements of this Article and Ordinance have been met. The Township Board may also revoke the right to develop under an expired Area Plan per Section 50.108 (Rescinding Special District Approval) and the following:

1. Revocation of an approved Area Plan shall be duly noted on the Official Zoning Map per Section 10.105B (Changes to Official Zoning Map).
2. If revoked by the Township Board, submittal and approval of a new Area Plan shall follow the procedures and standards for a new application per Section 50.102A (Special District Approval Procedures).
3. Said expiration shall also authorize the Township Board to initiate a zoning amendment to place the subject property into one or more zoning districts per Article 68.0 (Amendments).
4. If no action is taken by the Township Board, the Area Plan shall remain in effect, but new preliminary and final site plan approvals shall be required in accordance with the standards of this Article and Ordinance.

D. Extension of Area Plan Approval.

Upon written request received prior to the expiration date and a showing of good cause by the applicant, the Township Board may grant an extension of Area Plan approval for up to 365 calendar days, provided that the approved Area Plan remains in conformance with the intent and eligibility requirements of this Article, and adequately represents current conditions on and surrounding the site. The Township Board may refer the request to the Planning Commission for a recommendation within a time specified by the Board, prior to acting on the request.

E. Extension of Preliminary or Final Site Plan Approval.

Extension of preliminary or final site plan approval shall be subject to the provisions of Section 64.08 (Expiration of Site Plan Approval).

Section 50.108 Rescinding Special District Approval.

Approval of a Special District classification or Area Plan may be rescinded by the Township Board upon determination that the approved Area Plan or any applicable Zoning Ordinance or Development Agreement provisions have been violated; that the approved application or Area Plan has expired per Section 50.107 (Expiration of Approval); or that the site has not been improved, constructed or maintained in compliance with approved plans. Such action shall be subject to the following:

1. **Public hearing.** Such action may be taken only after a public hearing has been held by the Township Board in accordance with the procedures set forth in Section 67.11 (Public Hearing Procedures), at which time the developer of the project, the owner of an interest in land for which Special District approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.

2. **Determination.** Subsequent to the hearing, the decision of the Township Board with regard to the rescission shall be made and written notification provided to the developer, owner or designated agent.

Section 50.109 As Built Drawings.

As-built drawings shall be provided in accordance with Section 64.14 (As Built Drawings).

Section 50.110 Compliance Required.

Area Plans, preliminary site plans, final site plans, and Development Agreements approved under this Article and Ordinance shall have the full force, validity, and regulatory authority of this Zoning Ordinance.

1. No construction, grading, tree removal, topsoil stripping or other site improvements or alterations shall take place, and no permits shall be issued for development on a zoning lot under application for Special District approval until the requirements of this Article have been met.
2. To ensure compliance with all plans approved under this Article, requirements of this Article, development agreement provisions, and conditions attached to any approved plan, the Township may require that a performance guarantee be deposited with the Township, subject to the standards of Section 67.07C (Performance Guarantees).
3. Violation of any plan approved under this Article, or failure to comply with any requirements of this Article, development agreement provisions, or conditions attached to any approved plan shall be grounds for the Township Board or Zoning Administrator to order that all construction be stopped and all permits and certificates of occupancy be withheld until the violation is removed, or adequate guarantee of such removal is provided to the Board.
4. Violations of any plan approved under this Article, or failure to comply with any requirements of this Article, development agreement provisions, or conditions attached to any approved plan shall be deemed a violation of this Ordinance.

Section 50.201 Circulation and Access.

All developments and uses in Special Districts shall be subject to the applicable circulation and access standards of this Ordinance and the following:

A. Vehicular Access.

Each lot or principal building in a Special District shall have vehicular access from a public street or from a private road approved by the Township Board after recommendation from the Planning Commission as part of the Planning Commission's recommended action on a Special District application. Individual dwelling units shall not have direct vehicular access to a collector street or primary road as classified by the master transportation plans of the Township, or county or state road authorities.

B. Pedestrian Access.

Each lot or principal building in a Special District shall have pedestrian access from a

public or private sidewalk, where deemed appropriate by the Township Board after recommendation of the Planning Commission as part of the Planning Commission's recommended action on a Special District application. All parts of a Special District shall be interconnected by either sidewalks, pedestrian pathways, or other non-motorized transportation facilities that provide for safe and convenient movement of pedestrians.

C. Design and Construction of Streets.

Public and private roads shall be designed and constructed according to established standards for public roads, except where deviations from such standards are approved in accordance with this Section and Section 50.003 (Regulatory Flexibility). If private streets in a Special 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.

Deviations from applicable standards of design and construction for public and private streets within a Special District shall be appropriate to adequately provide the anticipated service required, as determined by the Township Board after recommendation from the Planning Commission.

1. Any deviation from applicable standards for public and private streets shall be subject to Township Board approval after Planning Commission recommendation.
2. Any proposed deviation from Washtenaw County Road Commission (WCRC) standards for public streets shall also be subject to WCRC approval.

Section 50.202 Public Improvements.

All developments and uses in Special Districts shall be subject to the applicable utility standards of this Ordinance and the following requirements for public improvements:

1. Each site in a Special District shall be provided with stormwater management facilities and systems meeting or exceeding applicable Township and Washtenaw County Water Resources Commissioner standards. Such facilities and systems shall be approved by and dedicated to the Washtenaw County Water Resources Commissioner's office, unless otherwise provided for as part of the development agreement.
2. Electrical, telephone, and cable television distribution lines shall be placed underground, unless the location(s) of overhead lines are approved as a deviation in accordance with Section 50.003 (Regulatory Flexibility). Surface-mounted transformers and similar equipment for the underground wires shall be shown on the final site plan, and shall be landscaped and screened from view.
3. The Township Board may, after recommendation from the Planning Commission, require the installation of street lighting on all or any portion of a road, sidewalk or non-motorized pathway where such installation is deemed to be in the interest of public health, safety and welfare.
4. Access to water supply and sanitary sewage treatment facilities for developments in the Special Districts shall be subject to the following:

- a. Each principal building in a Special District located in one of the "Special Use Areas" designated in Part 10 the Master Plan shall be connected to the Township's municipal water supply and sanitary sewer systems.
 - b. Principal buildings in a Planned Unit Development (PUD) District outside of the "Special Use Areas" designated in Part 10 the Master Plan may be connected to:
 - (1) An independent, on-site water well and septic system approved by the Washtenaw County Environmental Health Division; or
 - (2) A private community wastewater system (PWS) in compliance with the standards of this Article and Ordinance, other Township ordinances, and the requirements of any outside agencies with jurisdiction.
 - C. Each principal building in any other Special District shall be connected to an independent, on-site water well and septic system approved by the Washtenaw County Environmental Health Division.
5. The Township Board may, after recommendation from the Planning Commission, require the installation of an audio warning system at such locations as to adequately warn persons within the Special District of severe weather and other emergencies.

Section 50.203 Open Space Regulations.

The development shall be designed so as to promote preservation of natural resources and significant natural features on the site. Open space areas shall be conveniently and equitably located throughout a Special District in relation to the location of dwelling units, principal buildings, and natural features. Such areas shall have minimum dimensions which, in the Planning Commission's opinion, are usable for the functions intended and which will be maintainable. Recreational structures, drives, walkways, and similar improvements may be permitted in open space areas if, in the Planning Commission's opinion, they are related and necessary to the functions of the open space. Other buildings and improvements shall be prohibited from open space areas.

Section 50.204 Common Areas and Facilities.

The location, extent, and purpose of all common areas and facilities shall be clearly identified on the Area Plan, on the preliminary site plan, and on each final site plan. All such areas and facilities that are to be conveyed to any agency shall be clearly identified accordingly on the final site plans.

A. Dedication of Common Areas and Facilities.

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 the approved Area Plan and final site plan. 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, unless a binding agreement for dedication is provided in lieu of dedication.

B. Maintenance of Common Areas and Facilities.

Legal instruments setting forth a plan or manner of permanent care and maintenance of common areas and facilities shall be submitted to the Township for review and approval as part of the final site plan submittal. Recorded copies of said documents are to be provided to the Township Clerk immediately after recording by the applicant.

Where a Homeowners' Association (HOA) or equivalent entity is to be used to maintain and preserve common areas and facilities, the developer shall file with the Special District application copies of all proposed bylaws, articles of incorporation, covenants, and restrictions that will govern the HOA for Township approval.

Section 50.301 Planned Unit Development (PUD) Special District.

The Planned Unit Development (PUD) option encourages greater collaboration between the developer and the Township in the development process, and allows additional freedom for the developer to take an even more creative approach to land use and development than otherwise permitted under this Ordinance. The PUD option offers greater flexibility in the design of land development, maximizing the developer's ability to take advantage of natural topography, vegetation, watercourses, and other site features in designing the development.

Clustering and density bonus options available for residential PUD projects may result in a more efficient use of land and a reduction in development costs for street and utility systems. For potential homebuyers, the PUD option may result in an improved mix of housing types and compatible neighborhood arrangements, offering greater choice in living environments.

The following standards shall apply to Planned Unit Development (PUD) Districts:

A. Eligibility Criteria.

A Planned Unit Development may be approved in any location in the Township, subject to review and approval as provided for in this Article. To be eligible for approval as a Planned Unit Development, the applicant shall demonstrate, to the Township Board's satisfaction after recommendation from the Planning Commission, that the application and Area Plan are compatible with the following:

1. **Compatibility with the Special District intent.** The proposed development shall be consistent with the intent and scope of this Article and the purposes of the PUD District.
2. **Compatibility with the Master Plan.** The proposed development shall be compatible with the adopted Master Plan and consistent with the planned character of the proposed development area, as expressed in the Master Plan.
3. **Availability and capacity of public services.** The proposed type and intensity of use shall not exceed the existing or planned capacity of existing public services and facilities, including police and fire protection, traffic capacity of the Township's public roads, drainage and stormwater management facilities, availability of water, and suitability for septic or capacity of existing or planned utility facilities. The Township Board shall have the authority to deny or postpone a proposed development if, in its opinion and after recommendation

from the Planning Commission, such proposed development will result in premature development of the area involved or will result in improper rescheduling of various public improvements such as, but not limited to, roads, utilities, and schools.

4. **Sufficient land area for proposed uses.** The proposed PUD site shall include sufficient contiguous land area to comply with all applicable regulations of this Ordinance, to adequately serve the needs of all permitted uses in the PUD project, and to ensure compatibility between uses and the surrounding area. Additional non-contiguous land areas within the Township may be included as part of the proposed open space dedications for a PUD project.
5. **Single ownership or control.** The development shall be under single ownership or control such that there is a single person or entity having responsibility for completing and maintaining the project in conformity with this Article. This provision shall not prohibit a transfer of ownership or control; provided, however, if such a transfer occurs prior to completion of the project, such transfer, whether voluntary or involuntary, must be made to a single person or entity who shall formally assume to the Township, on documentation approved by the Township Attorney, the responsibility for completing the project in conformity with this Article, and who shall be bound by the terms and conditions of any approvals.
6. **Economic and other impacts.** The proposed development shall not impede the continued use or development of surrounding properties for uses that are permitted in this Ordinance or planned in the adopted Master Plan; and shall not impose an unreasonable burden upon surrounding properties, taking into consideration economic, aesthetic, traffic, noise, and other applicable and relevant planning or engineering considerations.
7. **Additional eligibility criteria.** The development shall achieve a clear and reasonably anticipated benefit, both to the ultimate users of the property in question and to the community, that would otherwise be unfeasible or unlikely to be achieved, including at least two (2) of the following:
 - a. **Conservation of open space.** When completed, a development containing more than five (5) acres shall have at least fifty percent (50%) of the gross acreage devoted to open space, which shall remain in its natural state 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.
 - b. **Preservation.** Long-term protection or preservation of natural, historical, architectural or other significant resources or features will be achieved, where such resources of the Township would otherwise be destroyed or degraded by development as permitted by the underlying zoning district(s).
 - c. **Nonconformities.** Reduction to a significant extent the nonconformity of a nonconforming use or structure, i.e., modification of a

nonconforming use or structure so that, to a significant extent, it is rendered materially more conforming, or materially less offensive, to the zoning district in which it is situated.

- d. **Design excellence.** Significant and material features of the development, as clearly demonstrated by the applicant, that represent unique design excellence that will result in a substantial benefit not otherwise available to the users of the project and community, e.g. the achievement of substantially improved safety for pedestrian and vehicular travel, the avoidance of significant drainage problems, or the like, where such features would otherwise be difficult or impossible to achieve.
- e. **Remediation and redevelopment.** Remediation and redevelopment of a site classified as a brownfield under state or federal law, or otherwise determined to be subject to unusual physical constraints or hardships that would prevent reasonable use or development in accordance with the strict application of Zoning Ordinance requirements.

B. Limitations on Uses.

Permitted principal and accessory uses in a PUD District shall be limited to the land uses listed in Article 20.0 (Land Use Table), subject to the standards of Article 40.0 (Use Standards) and the following use limitations:

- 1. Uses in a PUD District shall be limited to those compatible with the Township's Master Plan, and that are harmonious and compatible with, and not harmful, injurious, or objectionable to existing and future uses in the immediate area.
 - a. Adequate public health, safety, and welfare protection mechanisms shall be designed into the PUD to ensure compatibility of specific land uses and minimize off-site impacts.
 - b. The specific list of permitted land use(s) on the PUD Area Plan shall be subject to Township Board approval, after recommendation by the Planning Commission. All other uses shall be prohibited, unless otherwise permitted by this Ordinance.
- 2. In the Residential Districts or areas of the Township planned for Residential Uses in the Township's Master Plan, a non-residential use may be permitted, subject to Township Board approval after recommendation by the Planning Commission, and subject to the following limitations:
 - a. The overall development area of the PUD shall exceed 50 acres and include frontage on a major thoroughfare as classified by the master transportation plans of the Township, or county or state road authorities.
 - b. Non-residential structures and off-street parking shall be substantially screened from existing roads and adjoining Residential Districts or existing RESIDENTIAL USES.

- c. The total land area approved for non-residential uses shall not exceed five percent (5%) provided that the Township Board may, after recommendation by the Planning Commission, approve a greater area for sites planned for high density residential development in the Master Plan.
3. In the Business Districts and Other Districts, Residential Uses may be permitted, subject to Township Board approval after recommendation by the Planning Commission, and subject to the following limitations:
 - a. The overall development area of the PUD shall exceed 25 acres, and shall not be situated within or immediately adjacent to a LI (Light Industrial) or GI (General Industrial) District.
 - b. Residential Uses shall not constitute more than one-third (1/3) of the total land area of the PUD to be improved for all uses, excluding wetlands, watercourses, and floodplain areas.
 - c. Considering existing and reasonably anticipated future development, the Township finds that the use of residential units and associated vehicular and pedestrian access will be safe and convenient, and the development and use of the residential component of the PUD will promote a peaceful and secure environment for residential living.
4. Accessory apartments and similar dwelling units may be located above the street level of mixed-use buildings primarily occupied or intended to be occupied by Commercial Uses or Office, Service, and Community Uses in any PUD.
5. Commercial Uses, Industrial, Research, and Laboratory Uses and Other Uses as listed in Article 20.0 (Land Use Table) shall be prohibited as part of a PUD proposed in the Rural Districts.
6. Accessory recreational facilities and open space shall be permitted as part of any PUD, provided such use does not result in off-site impact of noise, traffic, or other impacts materially beyond that customarily expected in the surrounding area, taking into consideration surrounding land usage and zoning classifications.
7. Home occupations shall be permitted, shall be subject to the standards of Section 40.204 (Home Occupations).
8. Private community wastewater systems (PCWS) may be permitted as an accessory use within a development in the PUD District, under the following conditions:
 - a. The development shall be located outside of the "Special Use Areas" designated in Part 10 the Master Plan.
 - b. The PCWS shall comply with the standards of this Ordinance and all other applicable ordinances and regulations of the Township and outside agencies with jurisdiction.

- c. The development shall consist of a single land use type, as categorized by the Washtenaw County Environmental Health Division.
- d. Determination by the Township that use of a PCWS is necessary to facilitate permanent protection and conservation of important wetlands, natural features, open spaces, or agricultural lands in the Township.
- e. Any development in the PUD District for which a PCWS is proposed shall include permanent conservation of fifty percent (50%) or more of the land area proposed for development as agricultural land or open space.

C. Density Regulations.

The following dwelling unit density regulations shall apply within a PUD District:

- 1. **Maximum net residential density.** The maximum net dwelling unit density regulations that apply within a PUD District shall be based upon the density standards of the zoning district that the Planning Commission determines most nearly reflects the policies of the Master Plan, and may be increased pursuant to Sections 50.301D and 50.301E of this Article.
 - a. The standards of Section 30.204 (Density Regulations) shall apply to the dwelling unit density calculation.
 - b. To establish both the developable area and the base permissible density for the site, the applicant shall submit a traditional (non-PUD) site plan conforming to all applicable zoning ordinance regulations for the district in which the subject property is located showing the number of single-family lots which could reasonably be developed without PUD approval.
 - c. As part of the Area Plan approval, the density for residential uses in a non-residential zoning district shall be determined by the Township Board, following recommendation by the Planning Commission, in a manner consistent with the Master Plan, this Ordinance, and the impact such density would have upon water and sewer services, storm water drainage, road capacity and traffic, parks and recreation, fire and police services, schools, character of the area, and planned public and private improvements in the area.
- 2. **Lot coverage and floor area ratio calculations.** The maximum lot coverage for PUD District projects shall be in accordance with the following:
 - a. **With individual lots.** The maximum lot coverage for PUD District projects or portions thereof with individual lots (such as site condominium developments) shall be specified on the approved PUD Area Plan for the project. Such standards shall conform to the dimensional standards of the zoning district most consistent with the Master Plan designation(s) for the area, subject to any approved deviations per Section 50.003 (Regulatory Flexibility).

- b. **Without individual lots.** The maximum lot coverage shall not exceed twenty five percent (25%), subject to any approved deviations per Section 50.003 (Regulatory Flexibility).
- (1) Lot coverage and floor area ratio calculations for residential structures shall be based upon the acreage designated for such use.
 - (2) Land areas for such calculations may include acreage for private drives, parking and loading areas, open spaces around structures, landscape areas, and similar areas, but shall not include acreage in existing or planned public road rights-of-way.
 - (3) The lot coverage and floor area ratio calculations 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.

D. Density Bonus for Off-Site Open Space Preservation.

Section 503(3) of the Michigan Zoning Enabling Act grants the Township authority to approve a PUD District development that includes preservation of non-contiguous open space, effectively allowing transfers of permitted residential density from a planned conservation area to a proposed development area within the Township. The intent of this subsection is to encourage conservation of lands designated in the Township's Master Plan for agricultural land, open space or natural resources preservation by clustering permitted dwelling units into areas planned for more intensive residential development.

The Township Board may, after recommendation from the Planning Commission, permit a residential PUD project to include a density bonus above the number of dwelling units otherwise permitted by Section 50.301C (Density Regulations), subject to the following:

1. **Minimum conservation area.** The proposed PUD Area Plan and application shall include conservation of a minimum of 20 acres of non-contiguous farmland or open space within an area designated in the Township's Master Plan for agricultural land, open space or natural resources preservation.
2. **Maximum residential density.** The maximum permitted dwelling unit density within the proposed development area(s) of a residential PUD project, including permitted bonus dwelling units, shall conform to the planned maximum residential density for the development area(s) plus the open space conservation area(s) as shown on the PUD District Area Plan, consistent with the Master Plan designations for these areas.
3. **Standards for areas to be conserved.** Land proposed to be conserved shall be primarily used for farmland or active agricultural uses, or set aside for preservation of open space or significant natural resources. Such land may include one (1) rural residential dwelling and structures accessory to an active agricultural use on the same parcel. The Township Board may, after

recommendation from the Planning Commission, accept or reject any land area proposed for conservation.

4. **Conservation easement.** Non-contiguous land to be conserved as part of the residential PUD project shall be protected by a dedicated conservation easement, subject to the following:
 - a. The conservation easement shall ensure to the Township Board's satisfaction that conserved open space areas will be permanently preserved and irrevocably committed for that purpose.
 - b. The agency or entity intended to receive and hold the conservation easement holder shall be identified. The agency or entity shall demonstrate to the Township's satisfaction that it has the capability to hold and maintain the easement.
 - c. The conservation easement shall describe the permitted use(s) of the conserved open space, including specific restrictions regarding use, alteration, and permitted development activities. Outdoor recreational uses shall be permitted within conserved open space areas.
 - d. The landowner shall be responsible for maintaining the conserved land in accordance with the conservation easement provisions. Public access to the conserved land shall not be required for the conservation easement.
 - e. The conservation easement shall include procedures for periodic verification by the easement holder that the conserved land has been maintained in compliance with the conservation easement.
 - f. The conservation easement shall be recorded with the Washtenaw County Register of Deeds to provide record notice of the restrictions to all persons having a property interest in the conserved open space areas.

E. Density Bonus for Exemplary Project Design.

The Township Board may, after recommendation from the Planning Commission, permit a residential PUD project to include a density bonus of up to ten percent (10%) above the number of dwelling units otherwise permitted by Section 50.301C (Density Regulations), subject to the following:

1. **Maximum residential density.** The maximum permitted dwelling unit density within a residential PUD project, including permitted bonus dwelling units, shall not exceed one hundred ten percent (110%) of the planned maximum residential density for the subject land, as designated in the Master Plan.
2. **Bonus dwelling unit calculation.** The residential PUD project shall include a minimum of three (3) of the following elements or other elements, as accepted by the Township Board after recommendation from the Planning Commission. The Planning Commission's recommendation shall be based upon an assessment of the following elements, as applied to the specific characteristics of the PUD development and the applicable policies of the Master Plan:

- a. Provisions for a minimum of sixty percent (60%) of the gross land area of the development site to be permanently preserved as open space, with a minimum depth from existing road rights-of-way of at least 100 feet.
- b. Dedicated open space areas abutting a primary road as defined in the master transportation plans of the Township, or state or county road authorities, which shall be designed to preserve the rural appearance of the site from the road right-of-way with a minimum depth of 150 feet.
- c. On-site or off-site pedestrian walkways and access improvements substantially above the minimum required by this Ordinance.
- d. Improvements to public facilities, access, or utilities above the minimum required by this Ordinance, other Township ordinances, or other governmental agencies with jurisdiction.
- e. Provisions for new or improved recreation facilities substantially above the minimum required by this Ordinance.
- f. An integrated mixture of housing types or lot sizes.
- g. Rehabilitation and re-use of a blighted site, contamination removal or demolition of obsolete structures.
- h. Innovations in motorist or pedestrian safety, energy efficient design, or other project design elements that would result in a material benefit to all or a significant portion of the ultimate users or residents of the project.

F. Perimeter Open Space and Yard Requirements.

The following perimeter open space, transition buffer, and landscape strip requirements shall apply to PUD District projects:

1. **Transition buffer.** Transition buffers between land uses within the PUD District and along the perimeter of the PUD District shall be provided in accordance with Section 30.203F (Transition Buffer).
2. **Landscape strip.** Landscape strips shall be provided along and adjacent to all road rights-of-way within the PUD District and on the perimeter of the PUD District in accordance with Section 30.203E (Landscape Strip).
3. **Planned rights-of-way.** Where planned future road rights-of-way for existing roads within the PUD District and on the perimeter of the PUD District are larger than the existing right-of-way, all dimensional standard measurements shall be taken from the planned right-of-way, which shall be reserved for such use as part of the PUD District.
4. **Setbacks for individual lots within a PUD District.** Required yard setback areas for individual lots within a PUD District site condominium or subdivision plat project shall be specified on the approved Area Plan. Such yard setback areas shall conform to the dimensional standards of the zoning district most

consistent with the Master Plan designation(s) for the area, subject to any approved deviations per Section 50.003 (Regulatory Flexibility).

5. **Perimeter open space for PUD Districts without individual lots.** The following requirements shall apply to PUD District projects or portions thereof without individual lots, subject to any approved deviations per Section 50.003 (Regulatory Flexibility):
 - a. An open space setback area at least 50 feet wide shall be provided along the perimeter of the PUD District adjacent to all road rights-of-way.
 - b. An open space setback area at least 20 feet wide shall be provided along the perimeter of the PUD District not adjacent to a road right-of-way.
 - c. An open space setback area at least 35 feet wide shall be provided along the right-of-way of a collector street proposed within a PUD District, and a yard at least 50 feet wide shall be provided along the right-of-way of a primary road proposed within a PUD District.
 - d. Such open space setback area shall be landscaped in accordance with Section 60.09 (Screening and Land Use Buffers), and adequately and permanently maintained by the property owner, tenant, or organization responsible for maintaining common areas.

G. Height Regulations.

Unless otherwise approved by the Township Board after recommendation by the Planning Commission, no building shall exceed a height of three (3) stories or 45 feet. Approval of a taller building shall be in accordance with Section 50.003 (Regulatory Flexibility) and the following:

1. Approval shall be based on findings of fact regarding:
 - a. natural light;
 - b. air circulation;
 - c. airport and heliport flight patterns;
 - d. solar access rights for neighboring buildings and properties;
 - e. compatibility with surrounding uses, including viewsheds; and
 - f. recommendations from the Township Fire Chief or designated fire official regarding fire protection and safety.
2. Where the height of any building exceeds two and one-half (2 1/2) stories or 35 feet, the Township Board, upon recommendation from the Planning Commission, may require larger lot areas or setbacks to preserve the integrity of open areas, or to make the building more compatible with surrounding land uses.

3. The height of each building shall be clearly indicated on the Area Plan, preliminary site plan, and final site plan.

H. Cluster Residential.

Clustering of residential dwellings on to a portion of the land area of the PUD District without increasing the number of permitted dwelling units may be permitted where deemed appropriate by the Planning Commission in accordance with Section 50.003 (Regulatory Flexibility), provided that all other standards and requirements of the PUD District are met, and provided that the clustering of dwellings takes place primarily on interior portions of the district. Clustering of dwellings along the perimeter of the PUD District or along perimeter road rights-of-way shall be consistent with the Master Plan.

Section 50.302 Urban Services (USD) Special District.

Urban Services District shall mean a district established under this Article and Ordinance, characterized by a predominant presence, or a planned presence at a point in the future as determined by Township growth management planning and in accordance with the policies and implementation strategies of the Township's Master Plan, of such urban facilities and amenities as paved roads, publicly-owned and operated municipal water supply and municipal sanitary sewerage systems, and similar improvements designed to serve an urban-scale community and which provide reasonable opportunities for urban residential and non-residential activities and development.

Provision or expansion of publicly-owned and operated municipal water supply or municipal sanitary sewerage services within an Urban Services District shall be consistent with the policies and implementation strategies of the Township Master Plan and in compliance with development plans approved under this Ordinance. The following standards shall apply to the Urban Services (USD) Special District:

A. Eligibility Criteria.

To be eligible for approval as an Urban Services (USD) Special District, the proposed development shall be located within the delineated Urban Service District area as depicted on Map 17 in the Township Master Plan. The applicant shall demonstrate to the Planning Commission's satisfaction that the proposed development and land uses are consistent with Master Plan objectives and policies for this area, and the arrangement of land uses as depicted on Map 19 (Urban Service District Development Concept) in the Master Plan.

B. Limitation on Uses

Uses in a USD Special District shall be limited to those land uses as depicted on Map 19 (Urban Service District Development Concept) in the Master Plan, described in Part 10.03 (Gotfredson Road/M-14 Urban Service District) of the Master Plan, and specifically included in the list of permitted uses on an approved Area Plan.

C. Development Standards.

Development in the Urban Services District shall be consistent with the policies and design standards as depicted and described in Part 10.03 (Gotfredson Road/M-14 Urban Service District) of the Master Plan, and shall conform to the requirements of this Ordinance subject to any approved deviations per Section 50.003 (Regulatory Flexibility).

D. Height Regulations.

Unless otherwise approved by the Township Board after recommendation by the Planning Commission, no building shall exceed a height of three (3) stories or 55 feet. Approval of a taller building shall be in accordance with Section 50.003 (Regulatory Flexibility) and the following:

1. Approval shall be based on findings of fact regarding:
 - a. natural light;
 - b. air circulation;
 - c. airport and heliport flight patterns;
 - d. solar access rights for neighboring buildings and properties;
 - e. compatibility with surrounding uses, including viewsheds; and
 - f. recommendations from the Township Fire Chief or designated fire official regarding fire protection and safety.
2. The height of each building shall be clearly indicated on the Area Plan, preliminary site plan, and final site plan.

E. Building Composition Standards.

Buildings shall be designed in an attractive and interesting manner to define the intended image of the Urban Services District. Consistent architectural design, including building materials, architectural detailing, colors, scale, form, and other characteristics shall be carried throughout the development.

1. All sides of buildings within a development shall be equally attractive. Architectural details such as texture, pattern, color, and building form used on the front facade shall be incorporated on all visible building facades except those facing service courts or other areas generally not visible to the public.
2. Building massing, including the arrangement and placement buildings and site amenities, shall be varied to create a logical hierarchy of building forms. Long expanses of façade shall be broken up to create variation and shadow, and to establish a human scale and pedestrian orientation.
 - a. The building form and composition shall be designed to reduce the perceived height and bulk by dividing the building mass into smaller scale components.
 - (1) A solid building base may be achieved by elements such as low planters and walls, base planting, a base architectural veneer banding (wainscot) and treatments defined by a different material, texture or color.

- (2) Using features such as distinct and multiple architectural roof forms, clearly pronounced eaves, and distinct parapet designs and cornice treatments may achieve a well-defined building top.
- (3) The apparent mass of a building may be further reduced by the following techniques:
 - (a) Variations in roof form and parapet heights.
 - (b) Incorporating clearly pronounced recesses and projections.
 - (c) Introduction of wall plane off-sets, other reveals and projections, and subtle changes in wall texture and color.
 - (d) Use of deep set window and mullions, ground level arcades, and second floor galleries or balconies.
 - (e) Use of vertical accents or focal points.
- b. Building entrances should exhibit human scale detail, windows and other openings along the primary pedestrian areas through the use of colonnades, canopies, walkways, street-level display windows.

F. Mechanical Equipment Screening.

All exterior ground or building mounted mechanical equipment, including HVAC units, fans, vents, flues, and other similar devices, shall be screened from public view with landscaping or an architectural treatment compatible with the building architecture. The use of parapet walls or specially designed rooftop penthouse enclosures shall be the preferred methods of screening for rooftop mechanical equipment.

G. Screening, Buffering, and Perimeter Setbacks.

A transition buffer shall be provided around all or part of the perimeter of the delineated Urban Service District area as depicted on Map 17 in the Township Master Plan, as determined necessary by the Township Board after recommendation by the Planning Commission for the purpose of buffering the development in relation to existing public roads and surrounding properties. The dimension of the perimeter setback shall be established in the discretion of the Township Board after recommendation of the Planning Commission, taking into consideration the use or uses and zoning classifications in and adjacent to the development. The width of the buffer need not be uniform at all points on the perimeter of the development; provided that buffer areas adjacent to existing public roads shall be heavily wooded or otherwise landscaped to create a screening effect for developments within existing Residential Districts.

Non-residential land uses shall be buffered from abutting RURAL USES, RESIDENTIAL USES and open space areas in a manner consistent with generally accepted community planning and design principles. Noise reduction and visual screening mechanisms, such as landscaped berms or decorative walls, shall be employed where determined necessary by the Township Board after recommendation by the Planning Commission to promote development that is compatible with the surrounding area and consistent with the character of the area and the community.

H. Integrated Site Design.

Roads, sidewalks, signage, lighting, landscaping, building materials for the exterior of all structures, and other features of the project shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the community, and to minimize the adverse impact upon surrounding properties and existing uses.

Section 50.303 Research and Research Applications (RRA) Special District.

The following standards shall apply to Research and Research Applications (RRA) Special Districts:

A. Eligibility Criteria.

To be eligible for approval as a Research and Research Applications (RRA) Special District, the applicant shall demonstrate, to the Township Board's satisfaction after recommendation from the Planning Commission, that the application and Area Plan are compatible with the adopted Master Plan. An RRA Special District shall be located in areas of the Township designated in the Township Master Plan as suitable and desirable for research and technology uses.

The minimum land area for an initial designation in the RRA district shall be 200 acres. Any parcel of land, regardless of area, may be added to the initial land if contiguous thereto and if the Area Plan is amended accordingly.

B. Limitation on Uses.

Uses in a RRA Special District shall be limited to those uses permitted by Article 20.0 (Land Use Table) and specifically included in the list of authorized land uses on the approved Area Plan.

C. Transition Buffer.

A transition buffer at least 75 feet wide shall be provided along any perimeter of this district which does not abut a public road right-of-way. Where the adjacent land is designated by the Township Master Plan for agricultural or residential land uses, the required transition buffer shall have a minimum width of 100 feet.

A transition buffer at least 100 feet wide shall be provided along any existing or planned public road right-of-way, and along any perimeter of this district contiguous to or across the street from a lot in the Rural Districts or Residential Districts, including any PUD District incorporating RESIDENTIAL USES. The transition buffer area shall not be included as part of the required yard, and shall be improved with screening per Section 60.09D (Methods of Screening). In addition to the transition buffer area, the Planning Commission may require a fence to control access to the RRA Special District parcel.

The required transition buffer may be reduced in accordance with Section 50.003 (Regulatory Flexibility) and based on findings that topographic conditions, existing trees and other vegetation, proposed land grading and plant materials or other existing or proposed site conditions perform the same function as the required yards.

D. Distances Between Buildings.

The location of buildings and uses, and distances between buildings as shown by

dimensions, shall be clearly indicated on the Area Plan, preliminary site plan, where applicable, and final site plan, and shall control the development and continued use of the property. Distances between buildings shall be sufficient to meet fire regulations, and to provide for natural light, air circulation, and solar access.

E. Height Regulations.

Height regulations for the RRA Special District shall be subject to the following:

1. Height limit zones restricting building height to less than the maximum permitted per Article 30.0 (Dimensional Standards) may be established as part of Area Plan approval. Such zones shall be based on considerations of topography, natural light, air circulation, airport and heliport flight patterns, views, solar access rights for neighboring properties, relationship to adjacent buildings, and recommendations from the Township Fire Chief regarding fire protection and safety.
2. The Township Board, after recommendation by the Planning Commission and in accordance with Section 50.003 (Regulatory Flexibility), may approve a building height that exceeds the maximum permitted per Article 30.0 (Dimensional Standards). Larger lot areas or setbacks may be required to preserve the integrity of open spaces or to ensure the taller building is compatible with surrounding land uses.
3. The height of each building shall be clearly indicated on the Area Plan, preliminary site plan, where applicable, and final site plan.

Section 50.304 Hamlet Center (HCD) Special District.

The following standards shall apply to Hamlet Center (HCD) Special Districts:

A. Eligibility Criteria.

To be eligible for approval as a Hamlet Center (HCD) Special District, the proposed development shall be located within the Salem Hamlet Area as depicted in Part 10 of the Township Master Plan. The applicant shall demonstrate to the Planning Commission's satisfaction that the proposed development and land uses are consistent with the Salem Hamlet Area Plan policies and strategies as described in Part 10.02 of the Master Plan.

B. Approval Required.

The following additional standards shall apply to Area Plan approval in the HCD District:

1. **HCD District rezoning.** Parcels proposed to be rezoned to the HCD District and any new development shall be subject to Area Plan and site plan approval in accordance with this Article and Ordinance.
2. **Development in the HCD District.** Where the Township initiated the rezoning of a parcel to the HCD (Hamlet Center) District on the Official Zoning Map without a separate Area Plan approval, the Salem Hamlet Area Plan policies and strategies as described in Part 10.02 of the Township's Master Plan shall be considered the approved Area Plan for the parcel.

- a. Review of new development applications for such parcels under this Article shall begin with review of a major/minor change to the Area Plan per Section 50.106 (Amendment and Revision).
 - b. A proposed Area Plan determined by the Planning Commission to be consistent with the Master Plan policies and strategies for the Salem Hamlet shall be considered a "minor change" subject to Planning Commission approval.
 - c. Site plan approval for such developments shall be required in accordance with Section 64.02 (Site Plan Approval Required).
3. **Single-family dwelling on an existing lot.** Construction or alteration of a single-family dwelling or customary residential accessory structures on an existing lot shall be subject to approval per Section 67.03 (Certificates of Zoning Compliance).

C. Limitations on Uses.

Uses in a HCD District shall be limited to those permitted in the zoning district per Article 20.0 (Land Use Table), subject to the following:

1. Where the Township Board has approved a separate Area Plan for a parcel, permitted land uses shall be limited to those specified on the Area Plan.
2. Permitted uses in the HCD District shall be consistent with Master Plan objectives and policies for size, scale, and pedestrian orientation.
3. Mixed-use commercial-residential buildings are encouraged within the HCD District, provided that adequate facilities are available to serve all permitted uses on the site. Accessory apartments and similar dwelling units may be located above the street level of mixed-use buildings primarily occupied or intended to be occupied by COMMERCIAL USES or OFFICE, SERVICE, AND COMMUNITY USES on the street level.

D. Design Standards.

It is the purpose of this subsection to maintain the visual environment of the Township, protect the general welfare by ensuring that the Township's property values, appearance, character, and economic well-being are preserved through minimum site design and building composition standards. The following standards shall apply to new development and alterations to existing sites in the HCD District:

1. **Parking, access, and circulation.** Off-street parking shall be coordinated to encourage shared parking between individual land uses, and shall not dominate the visual appearance of sites within the HCD District.
 - a. Cross-access drives shall be provided between non-residential developments on individual lots to provide access to future uses and minimize the number of driveway approaches on Six Mile Road.

- b. All off-street parking areas shall be located within the interior of the development and to the side or rear of individual buildings. Off-street parking shall be prohibited closer to the Six Mile Road right-of-way than the front building line of the principal building.
 - c. On-street parking shall be provided along perimeter public roads where permitted by the Washtenaw County Road Commission, and at convenient locations along all internal roads and drives.
2. **Non-residential and mixed-use building exterior standards.** Proper building design, placement, and composition are essential to provide a comfortable, human-scale environment. It is the purpose of this subsection to maintain the visual environment of the Township, protect the general welfare, and ensure that the Salem Hamlet area's property values, appearance, character, and economic well-being are preserved. The composition and placement of new buildings in the HCD District shall be of a character, scale, and visual profile consistent with the Salem Hamlet Area Plan policies and strategies as described in Part 10.02 of the Master Plan, and the following:
- a. **Materials.** Building façade treatments are encouraged to provide architectural diversity and visual interest at a human scale representative of the existing character of Salem Hamlet. Building facades should employ the use of windows to alleviate blank walls on street frontages and use a variation of building materials. All exposed exterior surfaces of a building's front and side elevations, inclusive of window and door surfaces, shall be calculated to represent one hundred percent (100%) of the exterior wall surface.
 - b. **Public entrances.** Buildings shall have at least one (1) public entrance that faces a public road right-of-way or internal road within the development. Additional public entrances shall be permitted on the rear or side facade, including primary access to other uses in a multi-tenant building.
 - c. **Side and rear façades.** All sides of a building shall be complementary in design, details, and materials. Side and rear facades shall include building materials and architectural features similar to those present on the front facade of the building.
 - d. **Rooftop equipment screening.** Rooftop mechanical equipment, HVAC systems, elevator housings, and other equipment shall be screened from road rights-of-way and adjacent uses by a parapet wall or similar device that exceeds the height of the equipment and extends around the entire building.
 - e. **Security and safety equipment.** Exterior security gates or roll-down security doors shall be prohibited. Link or grill type security devices shall be permitted on the interior of the building. Such security equipment shall be recessed and completely concealed during regular business

hours, and shall be predominantly transparent to allow maximum visibility of the interior.

Section 50.305 Residential Office Park (ROP) Special District.

The following standards shall apply to the Residential Office Park (ROP) Special District:

A. Eligibility Criteria.

To be eligible for approval as a ROP Special District, the proposed development shall be located within the delineated Urban Service District area as depicted on Map 17 in the Township Master Plan. The applicant shall demonstrate to the Planning Commission's satisfaction that the proposed development and land uses are consistent with Master Plan objectives and policies for this area, and the arrangement of land uses as depicted on Map 19 (Urban Service District Development Concept) in the Master Plan.

B. Approval Required.

The following additional standards shall apply to Area Plan approval in the ROP District:

1. **ROP Special District rezoning.** Parcels proposed to be rezoned to the ROP District and any new development shall be subject to Area Plan and site plan approval in accordance with this Article and Ordinance.
2. **Development in the ROP District.** Where the Township initiated the rezoning of a parcel to the ROP District on the Official Zoning Map without a separate Area Plan approval, the Urban Service District Development Concept policies and strategies as described in Part 10 of the Township's Master Plan shall be considered the approved Area Plan for the parcel.
 - a. Review of new development applications for such parcels under this Article shall begin with review of a major/minor change to the Area Plan per Section 50.106 (Amendment and Revision).
 - b. A proposed Area Plan determined by the Planning Commission to be consistent with the Master Plan's Urban Service District Development Concept policies and strategies shall be considered a "minor change" subject to Planning Commission approval.
 - c. Site plan approval for such developments shall be required in accordance with Section 64.02 (Site Plan Approval Required).
 - d. Provision or expansion of publicly-owned and operated municipal water supply or municipal sanitary sewerage services within a ROP District shall be consistent with the policies and implementation strategies of the Township Master Plan and in compliance with development plans approved under this Ordinance.

C. Limitations on Uses.

Uses in a ROP District shall be limited to those permitted in the zoning district per Article 20.0 (Land Use Table). Where the Township Board has approved a separate Area Plan for a parcel, permitted land uses shall be further limited to those specified on the approved Area Plan.

D. Development Standards.

Development in the ROP Special District shall be consistent with the policies and design standards as depicted and described in Part 10.03 (Gotfredson Road/M-14 Urban Service District) of the Master Plan, and shall conform to the requirements of this Ordinance subject to any approved deviations per Section 50.003 (Regulatory Flexibility).

E. Building Composition Standards.

Every principal building constructed or remodeled in the ROP Special District shall have an exterior design on all facades compatible with and comparable to that of a single-family detached dwelling. To this end, the roofs of such buildings shall be gable, hip, gambrel, or mansard in design, and no roof shall have a pitch of less than two (2) on twelve (12) inches. All such buildings shall be finished in exterior materials of wood, aluminum or vinyl siding, or brick or stone veneer. Concrete block, curtain wall, and similar exterior finishes shall be prohibited.

F. Screening, Buffering, and Perimeter Setbacks.

A transition buffer shall be provided around the perimeter of the ROP District development area for the purpose of buffering the development from abutting Rural Districts, RURAL USES, Residential Districts, and RESIDENTIAL USES.

G. Integrated Site Design.

Roads, sidewalks, signage, lighting, landscaping, building materials for the exterior of all structures, and other features of the project shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the community, and to minimize the adverse impact upon surrounding properties and existing uses.

**ARTICLE 51.0-54.0
RESERVED**

ARTICLE 55.0

CONDOMINIUM REGULATIONS

Section 55.01 Purpose.

The purpose of this Article is to regulate projects that involve the property arrangement of interests in real property known as a condominium, consisting of two or more "units" and "common elements" created under the Michigan Condominium Act. New and conversion condominium projects shall conform to the requirements of this Ordinance, all other applicable Township regulations, and the Condominium Act. Each condominium project shall be reviewed in a manner consistent with equivalent projects within the zoning district.

Pursuant to the authority conferred by the Condominium Act, a "site condominium" shall be regulated by this Ordinance as closely as possible to a platted subdivision for purposes of enforcing the Township's site development standards. In this manner, an attempt is being made by the Township to avoid discrimination either for or against a project on the basis of the form of ownership. It is the intent of this Article to ensure that:

1. Single-family detached residential subdivision developments implemented under the provision of the Condominium Act shall be consistent with subdivision plats established in accordance with the Land Division Act and any Township subdivision regulations.
2. Review of condominium subdivision plans shall be accomplished, aside from procedural differences, with the objective and intent of achieving the same results as if the site were to be developed as a conventional subdivision plat.
3. Condominium subdivisions and all other condominium developments are to be developed in compliance with all applicable standards of this Ordinance and design standards equivalent to those found in the land Division Act and any Township subdivision regulations.

Section 55.02 Scope.

The standards set forth in this Article shall be considered minimum requirements. Where the adopted Master Deed, to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, or other provisions of this Ordinance or other applicable state laws or Township ordinances require higher standards, such higher standards shall apply.

Section 55.03 Types of Permitted Condominium Units.

The following types of condominium units shall be permitted under this Article, subject to conformance with all applicable standards of this Ordinance:

1. **Single-family detached units.** In the case of a condominium project in which the condominium units are intended for detached single-family residential purposes (site condominium), the condominium unit shall, to the extent feasible, and considering the manner in which "unit" is defined," be interpreted to be a "lot" under this Ordinance. Thus, in this Article, a site condominium unit shall be referred to as a "lot."

2. **Attached residential or multiple-family residential units.** Condominium buildings and units created by the construction of multiple or attached residential units containing individually owned condominium units, or by conversion of existing multiple-family or attached units or an existing building into residential condominium units shall conform with all requirements of this Ordinance for multiple-family dwellings.
3. **Non-residential condominium units.** A non-residential condominium project consisting of either new building construction or the conversion of an existing building into individual condominium units shall conform to all requirements of this Ordinance for the zoning district and type of land use.

Section 55.04 Condominium Site Plan Requirements.

Prior to recording of the Master Deed of the condominium project as required by Section 72 of the Condominium Act, each condominium project shall be subject to review and approval of preliminary and final condominium site plans by the Planning Commission in accordance with this ordinance. Pursuant to authority granted by Section 141 of the Condominium Act, review and approval of site plans for all condominium developments shall be subject to the procedures and standards of Article 64.0 (Site Plan Review), and the following:

A. Preliminary Condominium Site Plan Requirements.

A preliminary condominium site plan shall be filed for approval at the time the notice of proposed action is filed with the Township per Section 71 of the Condominium Act. The preliminary site plan shall include all information required for preliminary site plans per Section 64.07 (Required Site Plan Information).

B. Final Condominium Site Plan Requirements.

The final condominium site plan shall include all information required for final site plans per Section 64.07 (Required Site Plan Information), and all information required by the Condominium Act.

C. Site Condominium Developments.

In the case of a site condominium 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, building envelopes, and required yards shall be shown on the preliminary and final site plans. Principal buildings or detached dwellings on proposed condominium lots may be shown on the site plans, but shall not be required for site condominium development approval.

Section 55.05 Changes to an Approved Condominium.

Amendments or revisions to any condominium document or the approved final condominium site plan (Exhibit B, as required by the Condominium Act) shall be subject to review and approval in accordance with Section 64.12 (Amendment and Revision). In the event that the condominium development is located in a Special District or Planned Unit Development (PUD) District, such changes shall be subject to the amendment provisions of Section 50.106 (Amendment and Revision).

Section 55.06 Effect of Condominium Site Plan Approval.

At the discretion of the Township Board, approval of a final site plan may authorize the execution of a Development Agreement between the Township and the property owner(s)/developer(s) per Section 64.05G (Development Agreement). If no Development

Agreement is required by the Township Board, approval of the final site plan shall authorize issuance of a zoning compliance permit; authorizes the property owner(s)/developer(s) to submit plans for detailed engineering review; and authorizes issuance of building permits, provided all other requirements have been met.

1. No site work or construction shall begin prior to engineering approval, required preconstruction meeting(s), and the execution and recording of a Development Agreement.
2. If a building, structure or use to be placed on a condominium lot requires site plan approval per Section 64.02 (Site Plan Approval Required), a site plan for that building, structure or use shall be approved in accordance with Article 64.0 (Site Plan Review) before a building permit or Certificate of Zoning Compliance may be issued.

Section 55.07 Condominium Site Plan Expiration.

Expiration of preliminary and final condominium site plans shall be subject to the provisions of Section 64.08 (Expiration of Site Plan Approval). In the event that the condominium development is located in a Planned Unit Development (PUD) District, such changes shall be subject to Section 50.107 (Expiration of Approval).

Section 55.08 Rescinding Approval of a Condominium Site Plan.

Condominium site plan approval may be rescinded by the Planning Commission upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, plans, or conditions of approval. Such action shall be taken in accordance with Section 64.13 (Rescinding Site Plan Approval). In the event that the condominium development is located in a Planned Unit Development (PUD) District, such changes shall be subject to Section 50.108 (Rescinding Special District Approval).

Section 55.09 Density Regulations.

For the purposes of this Ordinance, each site condominium unit shall be interpreted to the extent feasible considering the definition of "unit," to be equivalent to a single lot and shall comply with all regulations of the zoning district in which it is located, as specified in Article 30.0 (Dimensional Standards). The dwelling unit density of the project shall be no greater than would be permitted if the parcel were subdivided and developed in accordance with the regulations of the zoning district in which it is located.

1. In the case of a site condominium containing single-family detached dwellings, not more than one (1) dwelling shall be located on a condominium lot, nor shall a dwelling be located on a condominium lot with any other principal building or use, except as permitted in a Planned Unit Development (PUD) District.
2. Required setbacks for individual condominium units or buildings shall be measured from the perimeter of the condominium lot or road right-of-way to the nearest part of the structure or building envelope.
3. Where detached units are not located on individual lots ("zero lot line condominium dwellings"), the following standards shall apply:
 - a. The maximum residential dwelling unit density for a site condominium development consisting all or part of zero lot line condominium dwellings

shall conform to the standards of Article 30.0 (Dimensional Standards) for the zoning district.

- b. Required yards shall be measured from:
- (1) The building envelope boundaries to abutting road rights-of-way;
 - (2) Required perimeter setback lines from parcel boundaries;
 - (3) Required setback lines from wetlands and watercourses; and
 - (4) The near edge of drainage easements, general common elements, dedicated open space areas, and similar site elements.

In no case shall required yard setback areas for such dwellings overlap or encroach into areas reserved for such site elements.

4. Lot coverage and floor area ratio shall be calculated using the net land area of the condominium lot.
5. Residential condominium developments shall conform to the dwelling unit density standards for the zoning district, as specified in Article 30.0 (Dimensional Standards).
6. A condominium is eligible to be developed in accordance with Section 60.21 (Residential Open Space Development Option).

Section 55.10 Design and Development Standards.

The following shall apply to all condominium units and developments in the Township:

A. Use Standards.

Uses within a condominium project shall be regulated by standards of the zoning district where the project is located.

B. Condominium Unit or Site Condominium Lot.

For purposes of this Article and Ordinance, each detached condominium unit or site condominium lot shall be considered the equivalent of a platted lot of record as defined in the Township's subdivision regulations. Such units or lots shall be located within a zoning district that permits the proposed use. Such units or lots shall conform to the requirements of this Ordinance for the zoning district, except for permitted outlots provided for an indicated and approved purpose.

1. Corner lots shall require front yard setbacks on each adjacent street. Lots abutting a mid-block cross access pedestrian way or other right-of-way shall be treated as corner lots.
2. Residential lots shall not open or face directly onto lots occupied or intended to be occupied by OFFICE, SERVICE, AND COMMUNITY USES, COMMERCIAL USES, and INDUSTRIAL, RESEARCH, AND LABORATORY USES. Residential lots shall not open or face directly onto freeway rights-of-way or primary roads as defined by the master transportation plans of the Township, or county or state road authorities. In such situations, residential lots shall be laid out in one of the following ways:

- a. Lots may back onto the above features, and corner lots may abut such features. Such lots shall be separated therefrom by a minimum 50 foot wide transition buffer with screen plantings along the abutting property line(s). The transition buffer shall not be part of the residential lot, but shall be part of the common area for the condominium development. The required transition buffer shall be located outside of any road rights-of-way and utility easements.
 - b. Lots may face onto a marginal access street.
 - c. Lots may face onto intersecting local roads with driveways opening onto the intersecting local roads.
 - d. Lots may be grouped around a cul-de-sac or loop street that opens onto a primary road or collector street.
3. **Lot frontage.** All lots shall abut, by their full frontage, on a public or private road. Lots extending through a block are prohibited except where they back directly onto freeway rights-of-way or primary roads as defined by the master transportation plans of the Township, or county or state road authorities.
4. **Lot lines.** Side lot lines shall generally be perpendicular to the right-of-way lines or radial to curved roads. All side and rear lot lines should be straight lines unless natural features or street curvature so prevent. The Planning Commission may approve lots that deviate from these requirements, upon determination that such deviations would result in better arrangement of lots.
5. **Lots to be buildable.** The lot arrangement shall be such that in constructing a building in compliance with this Ordinance, topography or other natural conditions will not create difficulties in locating the building and driveway and in providing adequate yard areas. The size, shape, and location of each lot shall have the following characteristics:
- a. A suitable site for placing a house without excessive grading.
 - b. On site suitability for either public or individual site sewer and water facilities.
 - c. A usable area for outdoor living and other outdoor activities.
 - d. Adequate surface drainage away from the house site and outdoor living areas.
 - e. Reasonable driveway grades.
 - f. Minimal general site grading with retention of significant trees and other vegetation.
 - g. Minimal use of acute angles and odd, non-geometric shapes as part of the lot.

6. **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.

C. Roads and Road Rights-of-Way.

The proposed development shall provide logical extensions of existing or planned roads and roads in the Township, and shall provide suitable road connections to adjacent parcels, where applicable. Street and block layout and design shall be subject to the following standards:

1. **Layout.** Road and street layout shall conform to the adopted Master Plan and the following:
 - a. Public and private roads in a condominium development shall be developed to the standards of the Washtenaw County Road Commission (WCRC). Limited deviations from specific standards may be authorized for private roads only as part of a Planned Unit Development (PUD) District condominium development.
 - b. The arrangement of roads in the development shall provide for the extension of an interconnected system of local and collector roads with adjacent developments where such extension is not precluded by topographic or other existing conditions.
 - (1) The layout shall also provide for proper projection of roads into adjoining properties not yet developed.
 - (2) The Planning Commission may require additional street connections to adjacent parcels above minimum applicable requirements, upon determination that such connections will improve the function or design of the development or reduce traffic impacts on the Township's primary road system.
 - c. The Planning Commission may require new collector roads or road extensions within or through a condominium development in accordance with the policies of the master transportation plans of the Township; or upon determination that such roads will improve the function or design of the development or reduce traffic impacts on the Township's primary road system.
 - d. Local roads shall be laid out so as to discourage their use by through traffic. This may be accomplished through the use of "T" or roundabout intersections, traffic calming devices, or similar design elements.
 - e. Roads shall be arranged in proper relation to topography so as to result in usable lots; safe roads and sidewalks; and reasonable street, driveway, and sidewalk grades.
 - f. All street construction shall be centered in the road right-of-way. Section line and quarter line roads shall be centered on these lines unless the Township Engineer or WCRC approves an exception.

2. **Rights-of-way.** Dedicated road rights-of-way shall be provided by the developer where necessary for new roads within the development, for changes to existing road rights-of-way mandated by the Township, or county or state road authorities with jurisdiction, and for the purposes of locating, installing, maintaining, and replacing of public utilities. Road rights-of-way shall be described separately from individual condominium lots, and shall be accurately delineated by bearings and distances on the final condominium site plan.
3. **Drainage.** All roads 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 residential condominium developments with a net dwelling density of less than one (1) unit per acre.
4. **Special treatment along primary roadways.** When a development abuts or contains a primary roadway, as defined in the master transportation plans of the Township, or county or state road authorities, the Planning Commission may require marginal access roads, a minimum 50 foot wide transition strip with screen plantings, or such other treatment as determined necessary for protection of residential properties, separation of through and local traffic, and preservation of the traffic-carrying capacity of the primary roadway(s).
5. **Marginal access roads.** Where marginal access roads are required, the proprietor shall dedicate property for the purpose of marginal access roads to the WCRC and shall be responsible for improving said roads according to WCRC standards. A landscaped median strip at least 20 feet wide shall be provided between a marginal access street and the adjacent road.
6. **Other required roads.** 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 (1) 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.
7. **Street names.** Street names shall be reviewed and accepted by the Township Assessor and outside agencies with jurisdiction. Roads shall have names, not merely numbers or letters. Roads shall not change direction by more than 90 degrees without a change in street name.
8. **Blocks.** Blocks generally shall be not less than 330 feet or more than 1,320 feet in length as measured from the centerlines of roads, subject to the following:
 - a. 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.
 - b. For blocks exceeding 660 feet in length, a cross access pedestrian way easement shall be provided through the block for the crossing of underground utilities and pedestrian traffic. A paved pedestrian path or sidewalk shall be provided within the easement.

- c. 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.

D. Access.

Pedestrian and vehicular access to residential lots in a condominium development shall conform to the following standards:

1. **Driveways.** Driveways and curb cuts shall conform to standards of the Washtenaw County Road Commission (WCRC) 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.
2. **Reserve strips.** Privately held reserve strips controlling access to roads shall be prohibited.
3. **Non-motorized transportation facilities.** Sidewalks, pedestrian pathways, and other non-motorized transportation facilities shall be developed and placed in compliance with applicable engineering standards of the Township, WCRC, and Michigan Department of Transportation (MDOT); and the following:
 - a. Road rights-of-way shall be sufficient to provide for sidewalks on both sides of all internal public and private roads within a condominium development.
 - b. Sidewalks shall be required along the entire length of all public road rights-of-way abutting the condominium development
 - c. Sidewalks shall be required on both sides of all internal public and private roads within a condominium development, except developments in Residential Districts with a net dwelling density of one (1) unit per acre or less.
 - d. Roads within a condominium development leading directly to a school shall have sidewalks on both sides of the street.
 - e. Logical connections to and extensions of sidewalks and pedestrian paths outside of the condominium project shall be provided, where applicable. Existing and proposed sidewalks within and along the perimeter of condominium developments shall be connected to existing public sidewalks on abutting parcels, and across road rights-of-way by crosswalks and barrier-free access ramps.
 - f. A pedestrian way shall be treated as an easement. Pedestrian ways and other non-motorized transportation facilities, other than sidewalks within road rights-of-way, shall be located within a minimum 20 foot wide access easement.

E. Natural Features.

All condominium developments shall conform to the natural features preservation

requirements of this Ordinance and other applicable Township ordinances, including Section 60.08 (Preservation of Natural Features).

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.

F. Trees.

Trees shall be provided in the margins of both sides of all roads in a condominium development, 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. The Planning Commission may also require the installation of trees according to the same distances in pedestrian ways.

1. 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.
2. Trees to be installed in the street margins or pedestrian ways shall be of a large deciduous type, and shall conform to the standards of Section 60.09 (Screening and Land Use Buffers). The Planning Commission may permit substitution of deciduous ornamental trees for some or all of the required street trees.

G. Reservation of Public Use Areas.

Where a proposed park, playground, open space, public school, library, or other public use area shown in the adopted Master Plan, is located in whole or in part in a proposed development, such area or areas shall be shown on the final site plan for the development.

1. 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.
2. Such areas, if not dedicated, shall be reserved by the owner(s)/developer(s) for future purchase by the Township or other appropriate public agency.
 - a. The precise nature, location, and extent of the reservation shall be determined prior to final site plan approval by the Planning Commission.
 - b. The reservation shall be valid for a period of 545 calendar days from the date of Planning Commission approval of the final condominium site plan; or such longer period as might be agreed to in writing by the owner(s)/developer(s) as part of a Development Agreement.
 - (1) Unless during such 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 owner(s)/developer(s) at the end of the period.

- (2) The reservation shall freeze the price per acre of the reserved area for such period at the average value per acre on the date when the plan was first filed with the Clerk.
- (3) The plan shall include provisions for incorporating the reserved area into the overall development, if said reserved area reverts to the owner(s)/developer(s).

H. Exterior Lighting.

Exterior lighting within a condominium development shall conform to the applicable standards of Section 60.03 (Exterior Lighting) and the following:

1. Exterior lighting shall be arranged and downshielded to prevent glare or reflection, nuisance, inconvenience, or hazardous interference of any kind with adjacent roads or adjacent properties and uses.
2. Streetlighting, where required or otherwise provided as part of a condominium development, shall conform to the following:
 - a. Streetlighting shall be required for all residential developments, except developments with a net dwelling density of one (1) unit per acre or less.
 - b. The Planning Commission may require streetlighting for condominium developments consisting of OFFICE, SERVICE, AND COMMUNITY USES, COMMERCIAL USES, or INDUSTRIAL, OR RESEARCH, AND LABORATORY USES.
 - c. Streetlighting shall have underground wiring, and shall be downshielded and designed to minimize glare.
 - d. Fixture standards shall meet the minimum specifications of the electric utility company serving that area of the proposed development.
 - e. Required streetlighting shall be installed prior to the occupancy of structures within the development.

I. Stormwater Management Facilities.

Developments shall provide for management of stormwater run-off from the developed site. New or expanded facilities shall be located so as to best conform to the layout of existing facilities. Drainage improvements shall conform to the Township's engineering standards and Washtenaw County Water Resources Commissioner requirements.

1. 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.
2. Adequate provisions shall be made for proper drainage of stormwater 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 standards of the County Water Resources Commissioner. Wherever possible, drainage should be provided by an open channel with landscaped 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 there from. 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 right-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 watercourses 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 be excluded in computing the net lot area.
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 County Water Resources Commissioner or other state or county agencies with jurisdiction. If, in the judgment of the Water Resources Commissioner, a natural water drainage way or impoundment area should be reserved, a storm drainage easement acceptable to the Water Resources Commissioner shall be provided.
7. The developer 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 development shall be in accordance with County Water Resource Commission standards and 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 development on existing downstream drainage facilities outside the development shall be reviewed by the developer with the County Water Resources Commissioner. Where it is anticipated that the additional run-off

resulting from development 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. Stormwater 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.

J. Potable Water and Sanitary Sewage or Septic Facilities.

Each condominium unit shall be connected to approved potable water supply and sanitary sewage treatment and disposal systems prior to occupancy, in accordance with the requirements of this Ordinance and the following:

1. **Water supply facilities.** Water supply facilities shall be designed and located according to the applicable standards of the Township and any outside agencies with jurisdiction.
 - a. New or expanded facilities shall be located so as to best conform to the layout of existing facilities.
 - b. On-site services and private water systems shall be designed according to applicable standards of the Washtenaw County Environmental Health Division (WCEHD) and the Township.
2. **Sanitary sewage facilities.** Where publicly owned and operated sanitary sewage facilities are available, sewers shall be installed to serve each lot. All sanitary sewer facilities shall be designed and constructed in accordance with the applicable standards of the Township and any outside agencies with jurisdiction.
 - a. New or expanded facilities shall be located so as to best conform to the layout of existing facilities.
 - b. Each lot in a development served by publicly owned and operated sanitary sewers shall be connected to a sanitary sewer line before occupancy of that lot shall be permitted.
 - c. If sanitary sewage facilities are not available, minimum lot sizes shall conform to requirements of the WCEHD, and individual, on-site septic systems shall be subject to WCEHD approval. In no case shall the minimum lot size be less than that required by the zoning district for the subject parcel(s).
 - d. The use of private community wastewater systems (PCWS), as defined in Section 2.03 (Definitions), shall be prohibited in condominium developments, except where approved by the Township as part of a Planned Unit Development (PUD) District.

K. 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.

1. Overhead lines may be permitted upon approval of 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/or character of the development, and only where such overhead lines are brought to the perimeter of the development.
2. This subsection 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.
3. 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 and approval before filing for final approval of the plan.
4. Utility placement within road rights-of-way shall not conflict with other underground lines.

L. Utility Easements.

The developer shall make arrangements for all necessary utility easements in accordance with the standards and specifications of the agency having jurisdiction over the utility lines or facilities, and the agency having jurisdiction over any road rights-of-way or publicly-owned property impacted by the utility installation. Such easements shall be so located as not to interfere with the use of any lot or other part of the development

Section 55.11 Manufactured Housing Park Condominium.

Where a manufactured housing park development falls within the definition of manufactured housing park condominium project 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 following:

1. All roads and driveways in the development shall conform to the standards set forth in Section 55.10C (Roads and Road Rights-of-Way). Direct vehicular access shall be prohibited from a residential lot to a collector road. Such access shall be provided by local residential roads within the development.
2. Collector road dimensions shall conform to Washtenaw County Road Commission specifications.
3. Each lot shall abut and have direct access to a public or private road.
4. Lots should be laid out so as to provide a variety of shapes and sizes and to prevent a monotonous character.
5. Sidewalks and pedestrian ways shall be provided in accordance with Section 55.10D (Access), except that sidewalks along roads may not be required when pedestrian ways provide acceptable alternative means of pedestrian movement.

6. All lots shall be connected to sanitary sewer and water systems approved by the Washtenaw County Environmental Health Department. Such facilities shall meet the requirements of this Ordinance and all other applicable Township ordinances and regulations.
7. Fuel oil and 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 development and to dwelling sites shall be underground and so designed as to conform to the State Construction Code and any other applicable codes and ordinances.
8. When a master satellite, wireless Internet or similar centralized antenna is provided, all lines extended to individual lots shall be underground. Such master antennae shall be so placed as not to be a nuisance to development, residents or surrounding areas, and shall comply with the provisions of Section 60.26 (Wireless Communication Facilities).

Section 55.12 Non-Residential Condominium.

Condominium developments consisting of OFFICE, SERVICE, AND COMMUNITY USES, COMMERCIAL USES, or INDUSTRIAL, RESEARCH, AND LABORATORY USES shall conform to the provisions of this Ordinance, except for the following modifications provided in this subsection:

1. **Roads.** Roads in a non-residential condominium development shall be paved and shall be designed and constructed to adequately handle truck traffic. Roads 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 areas, so as to minimize conflict of movement between the various types of traffic, including pedestrian traffic.
2. **Driveways.** Entry drives for the development shall be located and designed so as not to create congestion or hazardous conditions on public roads serving the development. Driveways from parking and loading areas shall intersect roads at a distance from intersections that is large enough to permit safe and convenient maneuvering of vehicles.
3. **Blocks.** The block size standards of this Section shall not apply to non-residential condominium developments. Blocks shall be designed to meet the requirements of fire protection, snow removal, other service and emergency vehicles, and the specific needs of the uses that will occupy the development.
4. **Lots.** Lots shall have access from internal roads within the development, or from marginal access roads. Such lots shall not open directly onto primary roads or collector roads.
5. **Sidewalks.** Sidewalks and 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.
6. **Transition buffers.** Transition buffers shall be provided along the perimeter of a non-residential condominium development as required by this Ordinance. 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.

7. **Expansion.** Any intended or contemplated future expansion of the development should be shown on the preliminary and final site plans.

Section 55.13 Special District Condominium Developments.

Developments in a Special District per Article 50.0 (Special District Regulations) may be granted certain approved deviations from this Article in accordance with Section 50.003 (Regulatory Flexibility). Such deviations are intended to accommodate the site planning, engineering, and other requirements of large, comprehensive developments with associated uses, where it can be clearly demonstrated that good cause for such deviation(s) exists.

Such deviations 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 of this Article.

Section 55.14 Relocation and Subdivision of Lot Boundaries.

The relocation of boundaries, subdivision of a condominium lot, and any other change in the dimensions of a condominium unit or site condominium lot, if permitted in the condominium documents, shall be considered an amendment to the condominium documents and condominium site plan. Relocation of condominium lot boundaries, as permitted in Section 48 of the Condominium Act, shall comply with the requirements of Article 30.0 (Dimensional Standards), and shall be subject to review as an amended condominium site plan per Article 64.0 (Site Plan Review).

Any property remaining after the formation of a new unit lot by the relocation of an existing condominium lot boundary, as permitted by Section 49 of the Condominium Act, shall comply with the requirements of Article 30.0 (Dimensional Standards) or shall be placed into common areas within the project. These requirements shall be made a part of the condominium bylaws and shall be recorded as part of the master deed.

Section 55.15 Monuments.

Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.

1. The Township Engineer may grant a delay in the setting of monuments or irons for a reasonable time, but not to exceed one (1) year, on condition that the developer deposit with the Township Treasurer 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 the Township Engineer.
2. 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.

3. If the developer defaults, the Township Board may 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.

Section 55.16 Construction in a General Common Element.

Any application for a Building Permit or zoning compliance permit for construction to be located in a general common element shall include written authorization for the application by the Condominium Association.

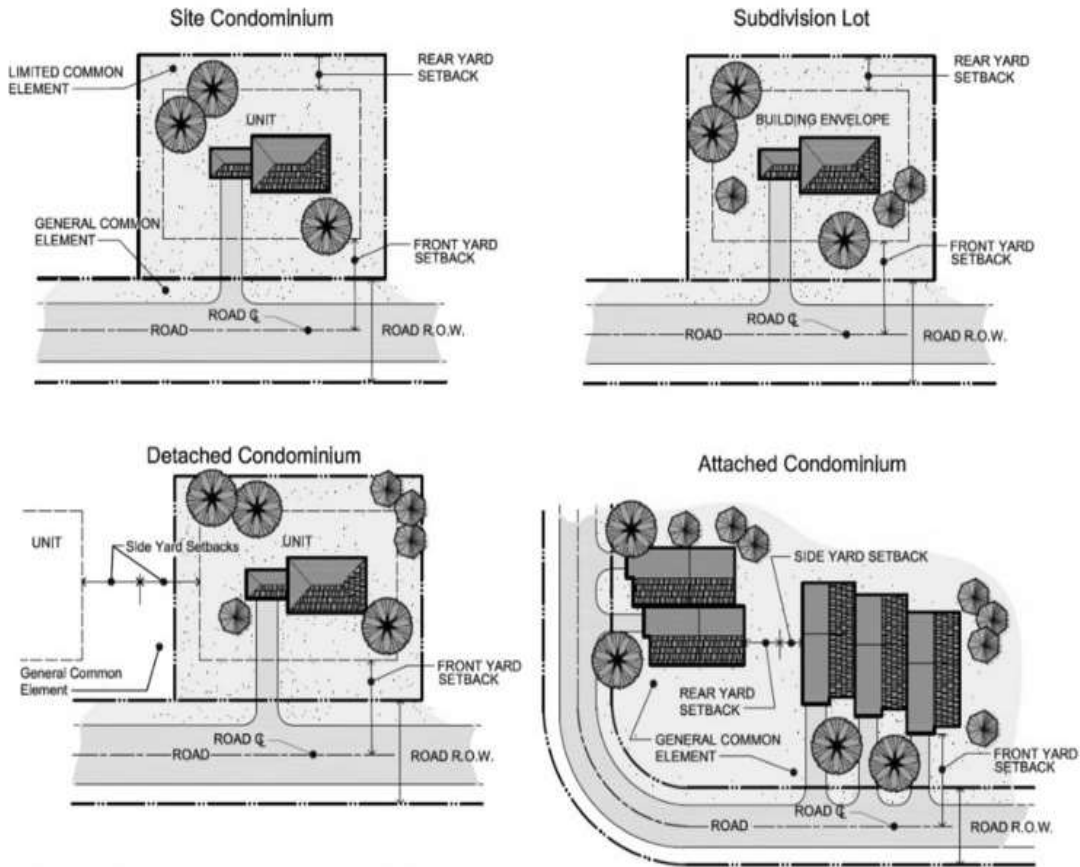
Section 55.17 Recording of Condominium Documents.

The owner(s)/developer(s) shall record all condominium documents and exhibits with the Washtenaw County Register of Deeds office in a manner and format acceptable to the County.

1. It shall be the responsibility of the developer or proprietor of a condominium project to furnish the following items to the Township Clerk:
 - a. Three (3) copies of the recorded Master Deed, Bylaws, and any other condominium documents, including Exhibit B, as required by the Condominium Act shall be transmitted to the Clerk.
 - b. The Township Clerk shall attach a certificate of approval to the copy to be sent to the applicant and the Zoning Inspector.
 - c. The Clerk's signed copy shall be placed on file at the Township office to be retained per State of Michigan retention guidelines.
 - d. The "as built" plans, sealed by a licensed professional engineer, landscape architect or similar certified professional, in digital and hardcopy formats acceptable to the Township Engineer.
2. The Zoning Administrator may withhold zoning permit approval for any structure within the condominium project, if such documents have not been submitted within 10 days after written request from the Zoning Administrator to do so.
3. A final Certificate of Occupancy for any building in an approved condominium development shall not be issued until the Master Deed, Bylaws, and any other condominium documents, including Exhibit B, as required by the Condominium Act, have been recorded with the Washtenaw County Register of Deeds and the recorded document filed with the Township Clerk.

ILLUSTRATIONS

Condominium Terminology



**ARTICLE 56.0-59.0
RESERVED**

ARTICLE 60.0

SUPPLEMENTAL REGULATIONS AND STANDARDS

Section 60.01 Purpose.

Schedules of specifications, regulations and standards governing various zoning districts, land uses, and land development activities have been incorporated in this Ordinance. There are, however, at times some unusual conditions attendant on land uses and zoning classifications that justify elaboration and particularization in the application of these specifications, regulations, and standards. It is the intent of this Article to establish the following supplemental regulations and standards, which shall apply to all zoning districts, land uses, and land development activities permitted under this Ordinance.

Section 60.02 Performance Standards.

Activities, operations and uses of land, structures or equipment that, because of potentially hazardous or objectionable features inherent in its exercise, produce an environmental impact or irritant to sensory perception that exceeds the standards of this Section shall be prohibited in Salem Township. The purpose of this Section is to establish controls on the impacts generated by permitted uses so as to prevent an unreasonable negative impact that might interfere with another person's use of his or her property, or that might cause harm to the public health safety, and welfare.

The provisions of this subsection shall not apply to farming equipment or emergency circumstances.

A. Scope.

No structure or land shall hereafter be used or occupied, and no structure or part thereof shall be erected, altered, reconstructed or moved after the effective date of this Ordinance, except in conformity with all applicable performance standards set forth in this Section. No site plan or other land use or development application shall be approved that is not in conformity with the requirements of this Section. The regulations of this Section shall govern, except where a higher standard is imposed by a federal state, county or local regulatory agency with jurisdiction.

B. Surface Water Flow.

Disruption to the existing or natural flow of water shall be subject to the regulations established in conjunction with the Michigan Environmental Protection Act (P.A. 451 of 1994, as amended), or other applicable state or federal regulations.

C. Dust, Smoke, Soot, Dirt, Fly Ash and Products of Wind Erosion.

Dust, smoke, soot, dirt, fly ash, and products of wind erosion shall be subject to the regulations established in conjunction with the Michigan Environmental Protection Act (P.A. 451 of 1994, as amended), or other applicable state or federal regulations.

D. Odor.

Odors shall not be allowed to escape into the atmosphere in concentrations which would be noxious or foul to a reasonable person, which produce a public nuisance or hazard on adjoining property, or which are documented to be detrimental to human,

plant, or animal life.

E. Glare and Heat.

Any operation or activity which produces glare shall be conducted so that direct and indirect illumination from the source of light does not exceed one (0.2) footcandle when measured at any point along the property line of the site on which the operation is located. Any operation that produces intense glare shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.

F. Fire and Safety Hazards.

The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all applicable state, county and local regulations, including the Michigan Fire Prevention Code (P.A. 207 of 1941, as amended).

G. Sewage Wastes and Water Pollution.

Sewage disposal (including septic systems) and water pollution shall be subject to the standards and regulations established by federal, state, county, and local regulatory agencies, including the Michigan Department of Health, the Michigan Department of Environmental Quality, the Washtenaw County Environmental Health Division, and the U.S. Environmental Protection Agency.

H. Gases.

Allowing the escape or emission of any gas in quantities that would be injurious or destructive to life or property, or that would be explosive, is prohibited if such escape or emission is not controlled in a manner that ensures the protection of life and property. Gaseous emissions shall be subject to regulations established in conjunction with the Michigan Environmental Protection Act (Public Act 451 of 1994, as amended), federal clean air regulations, and any other applicable state or federal regulations. Accordingly, gaseous emissions measured at the property line at ground level shall not exceed the levels based on the current National Ambient Air Quality Standards.

I. Electromagnetic Radiation and Radio Transmission.

Electronic equipment required in an industrial, commercial or other operation shall be designed and used in accordance with applicable rules and regulations established by the Federal Communications Commission (FCC). The operation of such equipment shall not interfere with the use of radio, television, or other electronic equipment on nearby property.

J. Radioactive Materials.

Radioactive material wastes and emissions shall not exceed levels established by occupational and health standards, and/or state and federal agencies that have jurisdiction. No operation shall be permitted that causes any individual outside of the lot lines to be exposed to any radiation exceeding the lowest concentration permitted for the general population by federal and state laws and regulations currently in effect.

K. Noise.

All land uses shall conform to applicable Township noise regulations.

L. Vibration.

Operating of any device that creates vibration that is above the vibration perception threshold of an individual at or beyond the property of the source shall be prohibited. For the purposes of this Section, vibration perception threshold means the minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or observation of moving objects.

M. Procedures for Determining Compliance.

In the event that the Township receives complaints or otherwise acquires evidence of possible violation of any of the performance standards set forth in this Section, the following procedures shall be used to investigate, and if necessary, resolve the violation:

1. **Official investigation.** Upon receipt of evidence of possible violation, the Zoning Administrator or designated Township consultant shall be empowered to make a determination whether there is reasonable cause to suspect the operation is indeed in violation of the performance standards.

Upon initiation of an official investigation, the Zoning Administrator or designated Township consultant shall be empowered to require the owner or operator of the facility in question to submit documentation consistent with the requirements of this Ordinance to make an objective determination regarding the possible violation. Failure of the owner or operator to supply such documentation shall constitute grounds for legal action to terminate the use or deny or rescind permits required for continued use of the land.

2. **Method of determination.** The Zoning Administrator or designated Township consultant shall take measurements, investigate the matter, and make an objective determination about any violations. Where required measurements and investigation can be accurately made using equipment and personnel normally available to the Township without extraordinary expense, such measurements and investigation shall be completed before notice of violation is issued. If necessary, skilled personnel and specialized equipment or instruments shall be secured to make the determination.

3. **Appropriate remedies.** If, after appropriate investigation, the Zoning Administrator or designated Township consultant determines that a violation does exist, written notice of the violation shall be provided to the owners or operators of the facility deemed responsible requesting that the violation be corrected within a specified time limit.

- a. **Correction of violation within time limit.** If the alleged violation is corrected within the specified time limit, the Zoning Administrator or designated Township consultant shall note "violation corrected" on the Township's copy of the notice, which shall be retained on file.

- b. **Violation not corrected and no reply from owner or operator.** If there is no reply from the owner or operator within the specified time limits and the alleged violation is not corrected, then the Township shall take such action as may be warranted to correct the violation in accordance with Section 67.09 (Violations) and Section 67.10 (Ordinance Violations Bureau, Penalties, Sanctions, and Remedies for Violations).
- c. **Reply requesting time extension.** If a reply is received within the specified time limit indicating that that more time is required to correct an alleged violation, the Township may grant an extension upon determining that the delay will not cause imminent peril to life, health, or property.
- d. **Reply requesting technical determination.** If a reply is received within the specified time limit which requests further review and technical analysis even though the alleged violations continue, then the Township may call in properly qualified experts to complete such analysis and confirm or refute the initial determination of violation.

Section 60.03 Exterior Lighting.

The purpose of this Section is to preserve the lawful nighttime use and enjoyment of land in the Township through the establishment and enforcement of reasonable and consistent exterior lighting standards. Exterior lighting shall be designed, installed, and maintained to control glare and light trespass; conserve energy; and prevent degradation of the nighttime visual environment. The standards of this Section are intended to protect the general welfare by allowing sufficient but not excessive lighting for parking areas, walkways, driveways, building entrances, loading areas, and common areas; minimize the adverse effects of inappropriate lighting; and provide for the safety and security of people and property in the Township.

A. Scope.

The standards of this Section shall apply to all exterior lighting sources; all light sources visible from any road right-of-way or adjacent lot; and all projects subject to site plan review per Article 64.0 (Site Plan Review), condominium site plan approval per Article 55.0 (Condominium Regulations), subdivision plat approval per the Land Division Act and Township subdivision regulations, and administrative approval per Section 67.03 (Certificates of Zoning Compliance), except as follows:

1. Lighting for farms, greenhouses, private riding stables, and single- and two-family (duplex) dwellings not exceeding 30 feet in height shall be otherwise exempt from requirements of this Section.
2. Holiday decorations displayed for temporary periods not to exceed 90 calendar days shall be exempt from the requirements of this Section.
3. Lighting for a permitted temporary circus, fair, carnival, or civic use shall be exempt from requirements of this Section.
4. This Section shall not apply to shielded pedestrian walkway lighting and shielded lighting of flags of the United States of America or State of Michigan.

5. This Section shall not apply to circumstances where federal or state laws take precedence, or where fire, police, emergency, or repair personnel need light for temporary or emergency situations.
6. This Section shall not apply to fossil fuel light produced directly or indirectly from the combustion of natural gas or other utility-type fossil fuels (e.g., gas lamps).

B. General Provisions.

The following general standards shall apply to all light sources regulated by this Section:

1. **Fully-shielded.** Exterior lighting shall be fully shielded, using concealed source fixtures directed downward and away from adjacent lots and road rights-of-way. All exterior light fixtures shall utilize full cutoff housings, louvers, glare shields, optics, reflectors or other measures to prevent off-site glare and minimize light pollution (see illustration).
2. **Glare and light trespass.** Exterior lighting shall be designed, constructed, and maintained in a manner that minimizes off-site glare, light trespass on neighboring lots, and traffic hazards for motorists.
3. **Intensity.** Maximum light intensity within any site shall not exceed:

Light Intensity	Maximum (footcandles)
Directly under the light fixture	25.0
At any point directly between two (2) or more light fixtures	3.0
At any lot boundary abutting any of the Rural Districts, Residential Districts or existing RESIDENTIAL USES	0.1
At any other lot boundary or any road right-of-way line	0.3

4. **Lamp wattage and energy efficient technologies.** Lamp wattages shall be consistent with the fixture’s style and function. The use of light emitting diode (LED) and other more energy efficient lighting technologies shall be encouraged, provided that light intensity levels shall conform to all requirements of this Section. Fixtures in parking lots and high traffic areas using low or high-pressure sodium, metal halide or similar lamp types shall be limited to a maximum lamp wattage of 250 watts per fixture up to 20 feet in height above grade. A maximum of 400 watts per fixture shall be permitted for fixtures exceeding 20 feet in height above grade.
5. **Decorative lighting.** Decorative light fixtures shall be permitted as an alternative to fully shielded fixtures where such fixtures would enhance the aesthetics of the site without causing off-site glare or light trespass, as determined by the Zoning Administrator or Planning Commission.
6. **Alterations of approved exterior lighting.** Exterior light sources and fixtures subject to this Section shall not be altered or replaced after approval has been granted, except where the Township Planner or Zoning Administrator has verified that the new or altered fixture conforms to the requirements of this Section.

7. **Prohibited lighting.** The following types of exterior lighting shall be prohibited:
- a. Exterior lighting sources and fixtures of a flashing, moving, animated or intermittent type.
 - b. Building or roof-mounted lighting intended to attract attention to the building or use and not strictly designed for security purposes.
 - c. Subdivision or site condominium streetlighting, except where authorized by the Township Board, after recommendation from the Planning Commission and a determination that such lighting is necessary for safety, security or aesthetic purposes.
 - d. Exterior illumination of buildings, parking lots or signs beyond the minimum necessary for security purposes during nighttime hours when the premises are closed and unoccupied.

C. Standards by Type of Fixture.

The following additional standards shall apply to specific types of exterior light fixtures, in addition to the provisions of Section 60.03B (General Standards):

1. **Freestanding pole lighting.** The maximum height of all freestanding, pole-mounted fixtures shall be directly proportional to the fixture's proximity to the boundary of a lot or parcel in any of the Rural Districts or Residential Districts, or occupied by any RURAL USES or RESIDENTIAL USES, as follows:

Fixture Location	Maximum Fixture Height
Less than 50 feet	16 feet
50 feet to 300 feet	18 feet
More than 300 feet	20 feet

2. **Architectural lighting.** Exterior illumination of building facades shall be limited to fully shielded fixtures directed towards the facade. All light from such fixtures shall be concentrated on the wall surface. Unshielded luminous tube (neon) or fluorescent lighting shall be prohibited as an architectural detail on the exterior of any structure; including but not limited to rooflines, cornices, eaves, windows, and door openings.
3. **Window lighting.** All interior light fixtures associated with non-residential uses and visible through a window from a road right-of-way or abutting lot shall be shielded to prevent glare impacts at the lot boundary or within the right-of-way. Unshielded luminous tube (neon) and fluorescent light fixtures shall be prohibited where the light source would be visible from an abutting lot or road right-of-way.

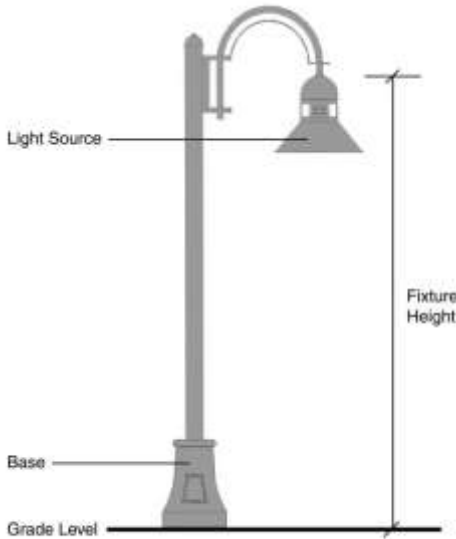
D. Measurements.

Exterior lighting intensity levels shall be measured on the horizontal plane at grade level within the site; and on the vertical plane of the lot or road right-of-way boundaries at a height of five (5) feet above grade. Fixture height shall be measured from grade level to the highest point of the light source (see illustration).

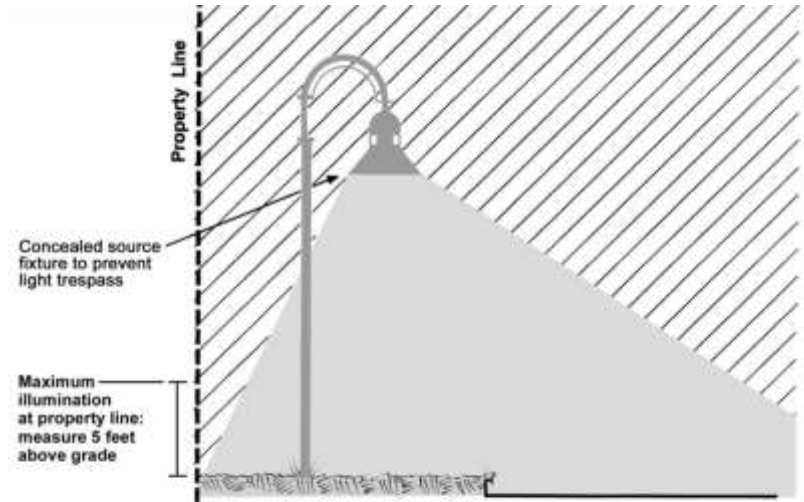
E. Exceptions.

The Township Board, after receiving a recommendation from the Planning Commission, may allow for an increased level of lighting above maximum permissible levels when the Board determines that the applicant has demonstrated that such lighting is necessary for safety and security purposes.

ILLUSTRATIONS



Light Fixture Height



Lighting Fixture Orientation and Shielding

Section 60.04 Storage of Materials and Trash Storage Areas.

Except for farm operations storing farm equipment or materials and where outside storage is otherwise permitted per Article 20.0 (Land Use Table), the location or storage of abandoned, discarded, unusable, or inoperative items, such as furniture, equipment or materials shall be limited to interior storage within a completely enclosed building. Garbage, trash, and similar refuse to be stored outside a building occupied or intended to be occupied by a multiple-family residential or non-residential use in any zoning district shall be kept within lidded containers approved by the Washtenaw County Environmental Health Division and stored within a screened enclosure. Such trash storage areas and enclosures shall be subject to the following:

1. Outdoor trash storage shall be limited to normal refuse collected on a regular basis and maintained in a neat, orderly and sanitary condition. In no instance shall any refuse be visible above required screening.
2. Outdoor trash storage areas shall be screened and enclosed as follows:
 - a. The enclosure shall be constructed of a solid, obscuring material, such as wood, concrete block, metal or brick, which is architecturally compatible

with the architectural materials used in the site development. The enclosure walls shall be a minimum of six (6) feet in height.

- b. The enclosure shall be secured by steel-reinforced and lockable gate at least six (6) feet in height, and constructed of opaque material compatible with the wall materials.
- c. Concrete-filled bollards or similar protective devices shall be installed at the opening and to the interior rear of the enclosed area to prevent damage to the walls.
- d. A concrete pad at least four (4) inches thick shall be provided under the trash storage area, extending out a minimum of ten (10) feet in front of the enclosure's gates.
- e. Such storage area shall be located and arranged as to minimize visibility from adjacent road rights-of-way.

Sections 60.05 – 60.07. Reserved.

Section 60.08 Natural Features Preservation.

This Section is intended to establish minimum regulations necessary to protect groundwater recharge and inflow areas, preserve quality of receiving surface waters and wetlands, minimize soil erosion and siltation, and preserve woodlands and individual trees, in keeping with the Michigan Constitution of 1963 [Article IV, Section 52 (Natural Resources; Conservation, Pollution, Impairment, Destruction)]. The regulations of this Section are based upon the Township's police power for the protection of the public health, safety and welfare, and the authority granted in the Michigan Planning Enabling Act, Michigan Zoning Enabling Act, Land Division Act, and other state statutes.

A. Review Standards.

The Planning Commission shall consider and make findings of fact based upon the following criteria as part of the review of a development subject to this Section:

1. Sufficient information has been provided to determine that the proposed development conforms to all applicable standards of this Section.
2. The applicant has satisfied all applicable standards for the type of development.
3. The protection and conservation of natural resources from pollution, impairment or destruction is of paramount concern. Therefore, natural features regulated by this Section shall have priority over development when there are location alternatives on the development site for proposed structures and other improvements that would permit reasonable use and development of the land in accordance with this Ordinance and other Township ordinances.
4. The integrity of woodland areas and other natural features regulated by this Section shall be maintained, regardless of whether such features cross lot lines.
5. Where natural features regulated by this Section are proposed to be altered or removed, the applicant has demonstrated that the applicant has considered and

pursued all development options available under this Ordinance to preserve such features in a manner that would permit reasonable use and development of the land in accordance with this Ordinance and other Township ordinances.

6. The proposed alteration and/or removal of natural features regulated by this Section is the minimum necessary to allow reasonable use and development of the parcel(s) in accordance with this Ordinance and other Township ordinances.
7. Proposed measures to mitigate the alteration and/or removal of natural features regulated by this Section are sufficient and conform to Ordinance requirements.
8. The proposed protection measures will minimize disturbance of preserved trees and woodlands, and prevent damage to protected natural features from erosion and siltation and/or construction activities.
9. Where the proposed activity involves residential development, the residential structures shall be designed, located, and constructed in a manner that minimizes impacts upon and the need for mitigation of natural features.
10. Notwithstanding the foregoing, no application shall be denied solely on the basis that significant natural features exist on the parcel subject to this Section.

B. Watercourses and Wetlands.

The standards of this subsection shall apply to all parcels proposed for development requiring review and approval of a concept development plan, site plan, site condominium plan or subdivision plat under this Ordinance or other Township ordinances. The standards of this subsection shall also apply to development of a private road, and any construction project requiring a certificate of zoning compliance under this Ordinance. The following minimum setbacks from wetlands and certain watercourses shall be required for the purpose of protecting groundwater recharge areas, protecting the quality of receiving waters, and minimizing erosion and siltation:

1. **Setback from ponds, lakes, rivers, and streams.** A minimum open space setback of 50 feet shall be maintained from the ordinary high water mark of any lake, river or stream. A minimum open space setback of 25 feet shall be maintained from the ordinary high water mark of any pond.
2. **Setback from wetlands.** A minimum open space setback of 50 feet shall be maintained from the boundary or edge of any wetland, as defined and regulated in the Township Wetlands Ordinance, unless the applicant demonstrates to the Planning Commission's satisfaction that a reduced minimum setback of 25 feet is adequate to protect the wetland area based on topography, site design or other site elements. Where a residential development subject to this Section includes common open space areas, the boundaries of individual lots shall be located entirely outside of required wetland setback areas.
3. **Setback from county drains.** A minimum open space setback of 25 feet shall be maintained from the boundary of any dedicated county drain easement not otherwise regulated by this subsection, or a minimum of 50 feet from the centerline of any county drain without a dedicated easement. If a river or

stream is also designated as a county drain, the standards for rivers and streams shall apply.

4. **Standards for such open space setback areas.** The following standards shall apply to all open space setback areas required under this subsection:
 - a. Detention basins and similar stormwater management facilities may be constructed within a required setback, provided that appropriate replacement plantings are provided and maintained.
 - b. Docks and similar waterfront structures may be constructed within a required setback, subject to applicable Township ordinances and requirements of outside agencies with jurisdiction.
 - c. Trails, paths, boardwalks, and similar passive recreational improvements may be constructed within a required setback, provided that appropriate measures are taken to minimize soil erosion.
 - d. Farming operations and agricultural activities as regulated by the Right to Farm Act and the Generally Accepted Agricultural Management Practices (GAAMPS) established by the Michigan Department of Agriculture shall be permitted within a required setback.
 - e. Planting of trees and other vegetation and maintenance of previously established lawn areas, provided that there shall be no use of fertilizers.
 - f. Removal of trees and other vegetation shall be limited to removal of invasive or poisonous species and dead or diseased trees, and minimal land clearing and grubbing for activities permitted by this subsection.
 - g. Fences may be placed within required setback areas, provided that no fence shall impede surface drainage or water flow.
 - h. No road, driveway, sidewalk or similar improvement shall be located in a required open space setback, except to cross in a more or less perpendicular direction for the purpose of providing access to the property from an adjacent street right-of-way.
 - i. The following activities shall be prohibited within any open space setback area required under this subsection:
 - (1) Drainage by ditching, underdrains or other systems.
 - (2) Deposition of any materials, including soil, compost, gravel, garbage, concrete or asphalt debris, and other fill materials.
 - (3) Removal of soils or minerals.
 - (4) Construction or relocation of any parking lot, ground sign, dwelling, building, or other permanent structure.
 - j. Before development, land clearing, filling, or any property alteration, the developer or builder shall install and maintain erosion control measures,

temporary fencing or other suitable barriers to protect open space setback areas required under this subsection.

5. No person shall obstruct, drain or otherwise alter the area, water level, vegetation, or natural conditions of any watercourse, wetland or county drain, whether filled or partly filled with water or dry in certain seasons, or alter the bank, shoreline or bottomlands of any lake, river or stream except in conformance with Township ordinances and the requirements of outside agencies with jurisdiction.

C. Slopes.

No development shall be permitted in areas where the soil is highly erodible, or in any area with existing steep slopes of twenty percent (20%) or greater, unless the applicant demonstrates to the Planning Commission's satisfaction that anticipated impacts on such areas will be adequately mitigated as part of the proposed development. This standard shall apply to all parcels proposed for development requiring review and approval of an area plan, site plan, site condominium plan or subdivision plat under this Ordinance or other Township ordinances. The standards of this subsection shall also apply to development of a private road, and any construction project requiring a certificate of zoning compliance under this Ordinance.

D. Tree and Woodlands Protection.

The standards of this subsection shall apply to all parcels proposed for development requiring review and approval of a concept development plan, site plan, site condominium plan or subdivision plat under this Ordinance or other Township ordinances. The standards of this subsection shall also apply to development of a private road, and any construction project requiring a certificate of zoning compliance under this Ordinance.

The following tree and woodland preservation and mitigation standards shall apply to all developments subject to this Section:

1. **Intent.** Rapid growth, the spread of development, and increasing demands upon natural resources have encroached upon, despoiled, or eliminated many of the trees and other forms of vegetation, and associated processes, that constitute important physical, aesthetic, recreational, and economic assets to existing and future residents of the Township. Specifically, the Township finds that woodlands and trees:
 - a. Protect public health by conserving water quality, reducing noise and the mental and physical damage related to noise pollution, absorbing air pollutants and contamination, providing buffering to reduce wind and storm impacts, and maintaining visual screening with its accompanying summer cooling effect.
 - b. Improve public safety through prevention of erosion and siltation, and minimization of the risk of property damage from flooding.
 - c. Contribute significantly to the general welfare of the Township by maintaining natural beauty, providing recreational and educational opportunities, and representing an irreplaceable heritage for the future.

- d. Are matters of paramount public concern, as provided by the Michigan Constitution (1963, Article IV, Section 52), and the Natural Resource and Environmental Protection Act of 1994 (P.A. 451 of 1994, as amended).
2. **Purpose.** The woodlands and landmark tree preservation and mitigation standards of this Section are hereby established for the following purposes:
 - a. To provide for the protection, preservation, replacement, proper maintenance, and use of trees and woodlands located in the Township; minimize disturbance; prevent damage from erosion and siltation and/or construction activities; and prevent loss of wildlife habitat and vegetation. In this regard, it is the intent of this Section to protect the integrity of woodlands as a whole, recognizing that woodlands serve as part of an ecosystem, and to place priority on preservation of woodlands and trees.
 - b. To protect the woodlands and trees of the Township, support local property values, and promote the natural beauty of the Township.
 - c. To prevent owners or developers of property from removing trees from land prior to or in anticipation of development.
 - d. To provide for the replacement of trees removed, where no reasonable alternative site development is available.
 - e. To respond to public concern for natural resources preservation in the interest of public health, safety, and welfare of Township residents.
3. **Development policies.** The following statements of Township policy shall guide the granting or denial of an application subject to this subsection:
 - a. **Preservation and conservation.** Tree preservation and conservation shall be of paramount importance, provided that an application shall not be denied solely because of the presence of trees on-site.
 - b. **Developmental alternatives.** Preservation and conservation of wooded areas, trees, similar woody vegetation, wildlife, and related natural resources and processes shall have priority over development when there are feasible and prudent location alternatives on site for proposed buildings, structures or other site improvements.
 - c. **Diversity of species.** Diversity of tree species shall be maintained where essential to preserving a wooded area.
 - d. **Maintain natural setting.** Where the proposed activity involves residential development, residential units shall, to the extent reasonably feasible, be designed and constructed to blend into the natural landscape.
4. **Required plan information.** Procedural and time requirements of this Section shall be incorporated into applicable review processes at the same time as the associated development or use application pursuant to this Ordinance or other Township ordinances is under review by the Township. The following information shall be provided with the application for approval:

- a. **Aerial photo.** The most current available aerial photograph of the site, at a scale not less than one (1) inch equals 100 feet.
- b. **U.S.G.S. map.** United States Geological Survey (U.S.G.S.) quadrant map of the site.
- c. **Tree inventory.** Tree location survey, in a form acceptable to the Planning Commission as identified by the Township Planner, including but not limited to the following:
 - (1) A topographical map at the same scale as the related site plan, plat or survey drawing for the division of the land.
 - (2) All existing trees on the parcel to be inventoried by an actual field survey and shown on the topographical map by type, location and crown spread drawn to scale.
 - (a) Existing individual deciduous trees of six (6) inch Diameter Breast Height (D.B.H). or larger and individual evergreen trees six (6) feet in height or higher, shall be shown on the topographical map with the ground elevation at the base of each tree.
 - (b) All existing trees shall be superimposed on the related site plan, plat or survey drawing for division of land.
 - (c) Groups of trees whose individual bases are located at a ground elevation within one (1) foot of each other may be shown on the topographical map as a group with the overall crown spread drawn to scale, by predominant species, with estimated number and size of each predominant species, and with an average base elevation of each group.
 - (d) The inventory shall include existing trees, all individual deciduous trees of six (6) inch D.B.H. or larger and individual evergreen trees six (6) feet in height or higher, within adjoining street rights-of-way and 25 feet beyond the property.
 - (3) Individual trees shown on the topographical map shall be tagged in the field with identifying numbers using only non-corrosive metal tags. No other materials shall be accepted for such tags. Groups of trees shall be tagged sufficiently to identify the group upon field inspection. Such identifying numbers shall be shown on the topographical map.
 - (4) All existing trees proposed to remain, to be relocated, or to be removed, shall be so designated by the identifying number.
 - (5) If existing trees are to be relocated, the proposed locations for such trees, together with a statement setting forth how such trees

are to be removed, protected, and sorted during land clearance, development, and construction; and how they are to be maintained after construction.

- (6) A statement setting forth how existing trees not to be relocated are to be protected during land clearance and construction; and on a permanent basis thereafter, including proposed use of tree wells, protective barriers, tunneling, and retaining walls. Details of proposed protective measures shall be noted on the final site plan for the development.
- (7) The number of trees on the tree location survey to be removed, and the percentage of all trees on the site before and after the proposed removal.
- (8) Such other information and detail as to vegetation as may be requested by the Township.

All information shall be provided by a registered land surveyor, registered engineer, registered landscape architect or certified arborist who must verify the contents by seal or signature, whichever applies.

- d. **Tree removal evaluation.** An evaluation of the quality of woodland area and trees to be removed, including but limited to the following:
 - (1) Tree species (including diversity of tree species).
 - (2) Tree size and density.
 - (3) Health and vigor of the trees.
 - (4) Soil conditions and drainage characteristics of the site.
 - (5) Other factors such as the value of the woodland area as a scenic asset, wind block, noise buffer or other environmental benefits.
 - e. **Grading plan.** A general grading plan prepared by a registered engineer or land surveyor showing the anticipated drainage patterns, including the location of any areas where cut and fill operations are likely to occur and their potential impact on the viability of the existing trees.
5. **General Requirements.** Any development subject to this Section shall not conduct land clearing or grubbing activities; remove, transplant, damage, or destroy any tree or similar woody vegetation of any D.B.H. in a woodland; or remove, transplant, damage, or destroy any individual tree of six (6) inch D.B.H. or larger, except in accordance with the following:
- a. The development shall preserve and leave standing a minimum of eighty percent (80%) of the total number of individual trees of six (6) inch D.B.H. or larger within the development site as currently existing or that have existed on the subject site within the last five (5) years. To the extent removal is necessary, the following trees shall not be included in this percentage calculation:

- (1) Trees contained within the footprint(s) of the principal building(s) or dwelling(s), where no reasonable alternative building location(s) can be identified after consideration of all development options available under this Ordinance.
 - (a) For purposes of this subsection, each building footprint shall consist of the area proposed to be enclosed by the exterior walls of the principal building or dwelling, plus a reasonable area beyond such walls up to 15 feet, outside of any required setback or easement.
 - (b) With the objectives of preserving trees and allowing reasonable development, the 15 feet beyond each side wall may be reallocated, provided that the total distance on both sides of the exterior walls is a minimum of 30 feet. The same treatment shall be authorized for areas beyond the front and back walls.
- (2) Trees within required drainage or utility improvement areas, or within driveway and sidewalk areas, where the Township Engineer has determined there is no reasonable alternative based upon plans presented by the applicant and on-site inspection.
- (3) Where the prospective owner of a dwelling unit has requested the builder in writing to remove the trees to facilitate the homeowner making certain specified improvements that must be undertaken within 365 calendar days of the date of the certificate of occupancy for the dwelling unit.
 - b. Upon determination that trees regulated by this Section have been removed within the past five (5) years, the Township Planner or designee shall use historical aerial photos and other available data to determine the number, characteristics, and extent of such trees. The Township Planner shall calculate the amount of additional tree mitigation required for such removed trees under this Section, which shall be subject to acceptance by the Planning Commission.
 - c. Where the proposed activity consists of land clearing, it shall be limited to designated road rights-of-way, drainage and utility easements, building and driveway envelopes, and other areas (such as off-street parking and loading and unloading areas) necessary for site improvements, considering the development options available under this Ordinance.
 - d. Any additional governmental review or actions that may take place after site plan approval, which may result in tree removal under the jurisdiction of this Section, shall be subject to the requirements of this Section.

Where a developer has submitted and obtained approval of a development, as required under this Section, such tree preservation designation, together with any additional terms and conditions attached to the approval, shall satisfy the requirements of this Section.

6. **Exceptions.** Notwithstanding the requirements of paragraph 5 above, the following activities shall be permitted unless otherwise prohibited by statute or other ordinance provision:
- a. **Agricultural uses.** Tree removal or transplanting as part of ongoing agricultural operations, provided that the agricultural use has been in operation for a continuous period of five (5) years.
 - b. **Commercial nursery.** Tree removal or transplanting occurring during use of land for the operation of a commercial nursery that is licensed with the State of Michigan and has been in operation on the property for three years or more, or the property owner records an affidavit that the commercial nursery shall continue in active operation for a period of no less than five (5) years.
 - c. **Emergencies.** Actions made necessary by an emergency, such as tornado, windstorm, flood, freeze, dangerous and infectious insect infestation or disease, or other disaster, in order to prevent injury or damage to persons or property or restore order, and where it would be contrary to the interest of the public, or to the health or safety of one or more persons, to defer cutting pending submission and processing of a permit application.
 - d. **Governmental agencies.** Tree trimming, removal, or transplanting performed by, or on behalf of, governmental entities or agencies.
 - e. **Public utilities.** Repair or maintenance work performed by public utilities necessitating the trimming or cutting of trees.
 - f. **Dead or damaged trees.** Removal or trimming of dead or damaged trees, provided the Township has first confirmed the dead or damaged condition upon request of the property owner.
 - g. **Nominal activity.** Where the activity involves the removal or transplanting of three (3) or fewer trees having six (6) inches or greater d.b.h. within a one year period, and is not related to the development of a parcel or construction of a building or structure.
 - h. **Residential development.** Tree removal or cutting on a single family residential lot after 6 months of occupancy of the residence.
 - i. **Tree management.** Where a tree management plan prepared by a State of Michigan registered forester or other natural resource professional that is qualified to prepare such a plan is submitted to and approved by the Zoning Administrator per Section 67.03 (Certificates of Zoning Compliance), tree cutting may occur in accordance with the plan.
 - (1) To qualify under this exception, tree management activity shall be for the purpose of reducing tree density to promote and maintain the health and viability of the remaining trees and/or for forest or woodland improvements generally; for promotion of wildlife habitat; for facilitation of appropriate forest-related or woodland-

related recreational activities, including but not limited to hunting; and for other similarly acceptable silvicultural practices.

- (2) The management plan shall include the means by which cut trees shall be removed from the property with the least possible damage to remaining trees.
- (3) The person seeking an exemption shall be responsible for Township costs for consultant review(s) of the plan per Section 67.07B (Escrow Deposits for Variable Costs and Expenses).

7. Landmark and historic tree requirements. Landmark trees and historic trees as designated below shall be protected under this subsection, and shall be subject to additional conservation and replacement requirements where authorized to be removed as part of a development plan approval.

- a. Any Township property owners may nominate a tree within their own lot boundaries for designation as a "historic tree." The Planning Commission may designate a tree, upon nomination, as a historic tree upon a finding that one (1) or more of the following characteristics exist:
 - (1) The tree is the predominant tree within a distinct scenic or aesthetically valued setting.
 - (2) The tree is of unusual age or size for that species in this climatic and geographic location. (Examples include trees listed on the Register of Big Trees or the Michigan Botanical Club as large trees.)
 - (3) The tree has gained prominence due to unusual form or botanical characteristics.
 - (4) The tree has some historical significance to the Township.
- b. The Township encourages clustering of lots and buildings, and the creative arrangement of development areas to preserve the following landmark trees, historic trees, and associated woodlands:

Common Name	Species	Landmark Tree (D.B.H.)
All Trees	any species	24 inches
Historic Trees	As designated by the Planning Commission	any size
Basswood	<i>Tilia americana</i>	18 inches
Beech	<i>Fagus grandifolia</i>	18 inches
Buckeye, Ohio	<i>Aesculus glabra</i>	18 inches
Catalpa	<i>Catalpa</i> spp.	18 inches
Cedar of Lebanon	<i>Cedrus</i> spp.	18 inches
Cherry, Black	<i>Prunus serotina</i>	18 inches
Cottonwood	<i>Populus deltoides</i>	18 inches

Common Name	Species	Landmark Tree (D.B.H.)
Elm, American	<i>Ulmus americana</i>	18 inches
Fir	<i>Abies</i> spp.	18 inches
Fir, Douglas	<i>Pseudotsuga menziesii</i>	18 inches
Kentucky Coffee Tree	<i>Gymnocladus dioicus</i>	18 inches
Pine	<i>Pinus</i> spp.	18 inches
Spruce	<i>Picea</i> spp.	18 inches
Sycamore or London Plane	<i>Platanus</i> spp.	18 inches
Tulip-tree	<i>Liriodendron tulipifera</i>	18 inches
Walnut, Black	<i>Juglans nigra</i>	18 inches
Hickory, various	<i>Carya</i> spp.	16 inches
Locust, Honey	<i>Gleditsia triacanthos</i>	16 inches
Maple	<i>Acer</i> spp.	16 inches
Oak	<i>Quercus</i> spp.	16 inches
Cedar, White (Arborvitae)	<i>Thuja occidentalis</i>	12 inches
Cedar, Red	<i>Juniperus virginiana</i>	12 inches
Baldcypress	<i>Taxodium distichum</i>	12 inches
Birch	<i>Betula</i> spp.	12 inches
Black Tupelo	<i>Nyssa sylvatica</i>	12 inches
Cherry	<i>Prunus</i> spp.	12 inches
Crabapple	<i>Malus</i> spp.	12 inches
Dawn Redwood	<i>Metasequoia glyptostroboides</i>	12 inches
Ginkgo	<i>Ginkgo biloba</i>	12 inches
Hackberry	<i>Celtis occidentalis</i>	12 inches
Hawthorn	<i>Crataegus</i> spp.	12 inches
Hemlock, Eastern	<i>Tsuga canadensis</i>	12 inches
Larch/Tamarack	<i>Larix laricina</i>	12 inches
Pear	<i>Pyrus</i> spp.	12 inches
Persimmon	<i>Diospyros virginiana</i>	12 inches
Poplar (Aspen)	<i>Populus</i> spp. (except <i>alba</i> , <i>deltoides</i>)	12 inches
Sassafras	<i>Sassafras albidum</i>	12 inches
Sweetgum	<i>Liquidambar styraciflua</i>	12 inches
Yellowwood	<i>Cladrastis lutea/kentukea</i>	12 inches
Cedar	<i>Juniperus</i> spp.	Eight (8) inches
Redbud	<i>Cercis canadensis</i>	Eight (8) inches
Dogwood, Flowering	<i>Cornus florida</i>	Eight (8) inches
Hornbeam, Blue Beech	<i>Carpinus</i> spp.	Eight (8) inches
Ironwood	<i>Ostrya virginiana</i>	Eight (8) inches
Maple, Mountain/Striped	<i>Acer spicatum/pensylvanicum</i>	Eight (8) inches
Pawpaw	<i>Asimina triloba</i>	Eight (8) inches
American Chestnut	<i>Castanea dentata</i>	Six (6) inches
Butternut	<i>Juglans cinerea</i>	Six (6) inches

Common Name	Species	Landmark Tree (D.B.H.)
Witch-hazel	<i>Hammamelis virginiana</i>	Four (4) inches

8. **Tree relocation or replacement.** Each protected tree required to be preserved under the standards of this subsection that is authorized to be removed as part of development plan approval shall be replaced or relocated in accordance with the following:
- a. **Replacement tree requirements.** Replacement trees shall have shade potential or other characteristics comparable to the removed trees, be Michigan Department of Agriculture Nursery Grade No. 1 or better, and be approved by the Township prior to planting.
 - (1) Trees required for landscaping, screening or buffering purposes under this Ordinance shall not be counted towards the replacement trees required under this subsection.
 - (2) Replacement trees shall be native to Michigan, except for species prohibited by Section 60.09H (Prohibited Plant Materials), and shall be suitable for the habitat and location.
 - (3) Trees usable for replacement trees may be transplanted on site using appropriate and accepted procedures and precautions.
 - (4) Replacement trees shall be staked, fertilized, and mulched; and guaranteed by the applicant for three (3) years after planting.
 - (5) The minimum starting size or height of replacement trees shall conform to the standards of Section 60.09C (Standards for Size and Variety of Plant Materials).
 - b. **Replacement tree location.** The location of any replacement tree shall be on the same parcel as the removed tree wherever feasible, as determined by the Township.
 - (1) If the tree replacement on the same parcel is not feasible, the Township may designate another planting location for the replacement tree within the Township.
 - (2) If tree relocation or replacement is not feasible on the parcel or at another approved location within the Township, the Township may elect to accept deposit into a tree-planting fund maintained by the Township of an amount equal to or exceeding the total estimated cost for tree replacement and maintenance that would otherwise be required. These funds shall be utilized for the planting, maintenance, and preservation of trees and woodland areas within the Township.
 - c. **Replacement ratio.** Removed trees shall be relocated or replaced in accordance with the following schedule:

Size of Removed Tree	Replacement Ratio (number of replacement trees per removed tree)
Coniferous (height)	
Six (6) to ten (10) feet	three to one (3:1)
Ten (10) to 14 feet	four to one (4:1)
More than 14 feet	six to one (6:1)
Landmark or historic coniferous tree	one (1) tree per foot of removed tree height
Deciduous (D.B.H.)	
Six (6) to ten (10) inches	three to one (3:1)
Ten (10) to 14 inches	four to one (4:1)
More than 14 inches	six to one (6:1)
Landmark or historic deciduous tree	one (1) tree per inch of removed tree D.B.H.

9. **Installation and maintenance.** Installation and maintenance of replacement trees shall conform to the requirements of Section 60.09I (Plant Material Installation and Maintenance), and the following:
- a. Replacement trees shall be staked, fertilized, watered, and mulched to ensure their survival in a healthy, growing condition and replaced at the developer’s expense if they die within three (3) years.
 - b. The developer shall post a performance guarantee with the Township, per Section 67.07C (Performance Guarantee) for the preservation or installation of required trees in an amount estimated by the developer and approved by the Township Engineer to assure preservation or installation of the trees for a period of three (3) years from the date of the receiving written notification from the developer that the last required tree has been planted or preserved and inspected by the Township.
 - (1) This guarantee shall be submitted to the Township Treasurer prior to the issuance of the first building permit.
 - (2) The guarantee shall state “Security for installation of trees for (name of development) according to Section 60.08D (Woodlands and Tree Preservation) of the Salem Township Zoning Ordinance.”
 - (3) The developer shall be responsible for replacing any tree determined by the developer, Zoning Administrator or designated Township representative to be diseased, dead or dying within three (3) years after such tree's installation.
 - (4) The developer shall be responsible for replacing any tree used to satisfy the preservation or replacement requirements of this Section that is found to be dead, dying or severely damaged due to on-site construction activity within three (3) years after final approval of a site plan or subdivision plat. Such identified tree(s)

shall be replaced in accordance with the replacement ratio specified in this Section.

- (5) Three (3) years after all tree planting has been completed, the Township shall release the guarantee after a final inspection and less any funds needed for final tree replacement purposes.
10. **Tree protection during construction.** No person may conduct any activity within the drip line of any protected tree designated to remain, including, but not limited to, placing solvents, building material, construction equipment, vehicles or soil deposits within the drip line.
 - a. **Marking of trees to be removed or relocated.** All trees that have been approved for removal shall be so identified on site by fluorescent orange spray paint (chalk base) or by red flagging tape prior to any activity. Trees selected for transplanting shall be flagged with a separate distinguishing color.
 - a. **Attachments to trees.** During construction, no person shall attach any device to any remaining protected tree except for the protection of a tree in accordance with forestry procedures.
 - b. **Protective barrier.** Before development, land clearing, filling or any land alteration subject to this Section, the applicant shall erect and maintain suitable barriers of wood, metal or other substantial material to protect all trees designated to remain until the Township authorizes their removal or issues a final certificate of occupancy; except as follows:
 - (1) Removal of brush, invasive species, and other land grubbing activities within the protected area of a landmark tree shall be done only by hand. No tracked or wheeled vehicles or machinery shall be permitted within this area.
 - (2) Road right-of-way, utility easements, and areas separate from the construction or land clearing area may be cordoned by placing stakes a minimum of 50 feet apart and tying ribbon, plastic tape, rope, etc., from stake to stake along the outside perimeters of areas to be cleared.
2. **Inspections.** To ensure compliance with this Section, the Township may perform periodic inspections of subject lots during all phases of construction and development, as well as for three (3) calendar years after completion of the development project. The Township may employ a certified arborist or other consultant to inspect and verify the health and condition of any tree designated to remain, any transplanted tree, and any replacement trees under this Section. The applicant shall be responsible for the cost of such inspections.

Section 60.09 Screening and Land Use Buffers.

Screening and land use buffers are necessary for the protection and enhancement of the environment, and to ensure reasonable compatibility between land uses of differing intensity or impacts. Screening elements enhance the visual environment; preserve natural features;

protect property values; alleviate the impact of noise, traffic, and more intensive land uses; and minimize visual impacts of parking lots, loading areas and storage areas. Screening and buffering also contribute to a healthy development pattern, and increase the level of privacy for residential uses in the Township.

The purposes of this Section are to establish minimum standards for the design, installation, and maintenance of screening elements and plant materials; and to establish reasonable standards for screening of specific areas from road rights-of-way and adjacent lots. It is the intent of this Section that required screening and buffering elements shall be immediately effective in achieving the purpose of this Section, and shall maintain that effectiveness as the plant materials mature.

A. Scope.

The standards of this Section shall be considered the minimum necessary to achieve the purposes of this Section and Ordinance. The standards of this Section shall apply to all uses, lots, and sites altered, developed or expanded after the effective date of this Ordinance that are subject to site plan approval under this Ordinance. Where existing sites have been developed without adequate screening or buffering, the purposes of this Section shall be achieved through improvements that are in reasonable proportion to the scale and scope of proposed building and other site improvements.

B. General Plant Material Standards.

The following standards shall apply to all landscaping and screening elements required by provisions of this Ordinance or determined necessary by the Planning Commission as part of site plan approval:

1. **Visibility.** Landscaping and screening materials and layout shall conform to the requirements of Section 30.208 (Corner Clearance Areas), and shall not conflict with visibility for motorists or pedestrian access.
2. **Plantings near utility lines and fire hydrants.** Required plant materials and screening shall be arranged to avoid conflicts with underground and overhead utility lines, and access to or visibility of fire hydrants. The anticipated height at maturity of trees planted near overhead lines shall not exceed the line height.
3. **Protection.** Where pavement and landscape areas interface, concrete curbing or similar measures shall be provided to protect plants from encroachment.
4. **Plant material standards.** The following shall apply to all plant materials:
 - a. All plant material shall conform to size and description set forth in the current edition of "American Standard for Nursery Stock" sponsored by the American Association of Nurserymen, Inc. and approved by the American National Standards Institute, Inc.
 - b. Plant material shall be true to name in conformance to the current edition of "Standardized Plant Names" from the American Joint Committee on Horticultural Nomenclature or other Township accepted source.
 - c. All plant material shall be nursery grown; hardy to the climate of Michigan; appropriate for the soil, climatic and environmental conditions;

and resistant to disease and insect attack. Artificial plant material shall be prohibited within required screening areas.

- d. The use of plant materials native to southern Lower Peninsula of Michigan is encouraged.
5. **Groundcovers.** The following shall apply to all groundcover materials:
- a. Lawn areas shall be planted in species of grass normally grown as permanent lawns in Michigan. Grass may be sodded or hydro-seeded, provided that adequate measures are taken to minimize soil erosion. Sod or seed shall be clean and free of weeds and noxious pests or disease.
 - b. The creative use of groundcover alternatives is encouraged; such as native prairie grasses, wildflowers, and similar plantings. Groundcover used in lieu of grass shall be planted to present a finished appearance after one (1) growing season.
 - c. Synthetic materials shall not be used as a permitted groundcover. Use of stone and gravel as a groundcover shall be limited to decorative accents within a planting bed, subject to Planning Commission approval.
6. **Mulch.** Planting beds shall present a finished appearance; with shredded hardwood bark mulch or similar natural material at a minimum depth of three (3) inches. Mulch used around trees and shrubs shall be a minimum of four (4) inches deep, and shall be pulled one (1) inch away from tree trunks. An effective edge treatment shall be provided to contain and prevent migration of the mulch.
7. **Topsoil.** A minimum four (4) inches of topsoil shall be provided for all lawn areas, ground covers and planting beds.

C. Standards for Size and Variety of Plant Materials.

To ensure adequate variety and avoid monotony and uniformity within a site, required plant materials shall not include more than thirty percent (30%) of any single plant species; and shall comply with the following schedule for minimum sizes at planting:

Screening Materials	Minimum Size at Installation
Deciduous Shade Trees	2½ - 3.0 caliper-inches diameter
Evergreen Trees	6.0 feet overall height
Deciduous Ornamental Trees	2.0 caliper-inches diameter or 6.0 feet overall height
Shrubs	30 inches in height or 24 inches in spread

D. Methods of Screening.

Required landscaping and screening elements shall be provided by one (1) or more of following methods as best suited to the existing conditions, subject to Planning Commission approval:

- 1. **Greenbelt buffer.** The purpose of this method is to establish a buffer between adjacent land uses, or between uses and adjacent road rights-of-way. This method is intended to provide a partial visual screen, particularly where the

adjacent uses (including uses that are adjacent across a road right-of-way) are less intense than the use of the subject site. Greenbelt buffers shall consist of the following (see illustration):

- a. Greenbelts shall have a minimum width of ten (10) feet, and may be interrupted only to provide for pedestrian or vehicular access.
 - b. Greenbelts shall be sodded, hydro-seeded or planted with groundcovers.
 - c. A mixture of deciduous shade trees, ornamental trees, evergreen trees, and shrubs shall be planted along the greenbelt buffer at a minimum concentration of one (1) tree and three (3) shrubs per 15 linear feet of greenbelt length. The Planning Commission may require additional plantings to achieve the screening objectives of this Section.
 - d. Such required plant materials may be placed at uniform intervals, at random or in groupings.
 - e. The greenbelt length shall be measured along the centerline of the greenbelt for its entire length, inclusive of all driveways.
2. **Hedgerow.** The purpose of this method is to visually screen parking lots, adjacent uses, and road rights-of-way. This method is intended to create an effective obscuring screen within a limited land area. This method shall consist of shrubs planted and maintained as a continuous visual screen, subject to the following (see illustration):
- a. The maximum permitted spacing between individual plants shall not exceed three (3) feet on-center, unless a different separation distance is determined by the Township Planner to be more appropriate for the type of shrub proposed.
 - b. Plant height at maturity shall be adequate for the screening function.
 - c. Low height shrubs [two (2) to four (4) feet in height] shall be used to provide necessary ground-level screening to block headlight glare or similar low-level impacts.
 - d. Larger shrubs [exceeding four (4) feet in height] shall be used to establish a landscaped barrier between land uses of differing intensities, or to provide more complete screening.
3. **Fence.** The purpose of this method is to visually screen parking lots, outdoor storage areas, and similar uses where the predominant impacts are at or below eye level. This method shall consist of an ornamental, rail or privacy fence constructed along the lot or zoning district boundary, or around the perimeter of the area to be screened, subject to the following (see illustration):
- a. Required fences shall have a minimum height of three (3) feet and not exceed six (6) feet in height unless a higher fence height is otherwise required by this Ordinance or determined necessary by the Planning Commission to provide adequate screening.

- b. The fence materials, height, location, and design shall be consistent with existing fences on adjacent lots, and shall be subject to Planning Commission approval.
4. **Berm.** The purpose of this method is to effectively screen visual and noise impacts using natural-appearing landforms. This method is intended to provide an obscuring screen to block noise and light from adjacent uses or road rights-of-way, or to create a buffer between developed and undeveloped areas. Berms shall consist of a combination of a sculpted earth mound and plantings, which shall meet the following standards (see illustration):
 - a. Berms shall have side slopes no steeper than four (4) feet horizontal to one (1) foot vertical (4:1 ratio).
 - b. Berms shall have a minimum height of three (3) feet above the grade elevation. Overall berm height shall be adequate for the intended screening function. Grade elevation shall be the ground elevation at the nearest lot line adjacent to the proposed berm.
 - c. The interior face of the berm may be constructed as an earthen slope, or may be retained by means of a wall, terrace or similar means acceptable to the Planning Commission.
 - d. The berm shall be designed and graded to blend with existing topography, and sodded, hydro-seeded or planted with groundcovers.
 - e. The Planning Commission may require greenbelt buffer plantings on the berm in accordance with the requirements of this Section.
 - f. For the purpose of determining any required plant materials, the length of any required berm shall be measured from one toe of the berm (the farthest point at one end of the berm's long dimension where the berm height equals the surrounding grade level) along the berm's centerline to the toe at the opposite end of the berm.
5. **Evergreen screen.** The purpose of this method is to create a dense obscuring screen that meets the objectives of this Section. This method is intended to establish a year-round screening barrier between land uses of differing intensities, to effectively block noise and light, or to completely separate developed and undeveloped portions of a site.

This method shall consist of closely spaced evergreen trees with year-round screening characteristics. Such trees shall be planted a maximum of 15 feet apart in at least two (2) staggered rows (see illustration).
6. **Masonry wall.** The purpose of this method is to create a solid, year-round barrier and obscuring screen to effectively block noise, light, and other impacts between land uses of differing intensities. Such walls shall be subject to the following (see illustration):
 - a. Masonry walls shall have a minimum height of two (2) feet, and shall not exceed six (6) feet in height above grade unless a higher wall height is

otherwise required by this Ordinance or determined by the Planning Commission to be necessary to provide adequate screening.

- b. Walls shall be solid in character, and capped with stone or concrete.
- c. Wall materials shall be coordinated with the principal building materials on the site. The Planning Commission may require that decorative masonry (brick, stone, or decorative block) materials be incorporated into the wall design and construction.

E. Parking Lot Landscaping and Perimeter Screening.

Parking lot landscaping and perimeter screening shall be arranged to improve the safety of pedestrian and motorists; guide traffic movement; define egress/ingress points, traffic circulation, and fire lanes; and improve the appearance of the parking area. Parking lot landscaping and perimeter screening shall be subject to the following:

1. **Perimeter screening.** Parking lots shall be screened from all abutting RURAL USES, RESIDENTIAL USES, residential zoning districts, and road rights-of-way per Section 60.09D (Methods of Screening).
2. **Snow storage area.** Adequate snow storage area shall be provided within the site. Plant materials in snow storage areas shall be hardy, salt-tolerant species characterized by low maintenance requirements.
3. **Landscaping within parking lots.** Landscaped islands shall be provided at the ends of parking rows, and as otherwise required by this Ordinance or the Planning Commission to break up large expanses of pavement and guide traffic flow. Landscaped islands shall be subject to the following (see illustration):
 - a. Planting islands shall have a minimum width of ten (10) feet, and a minimum area of 180 square feet.
 - b. A minimum of two (2) deciduous shade or ornamental trees shall be provided for each planting island. Shrubs and groundcover plantings shall be used to cover remaining areas of the island. The Planning Commission may require additional plantings to achieve the objectives of this Section.
 - c. All landscaping and perimeter screening, except designated snow storage areas, shall be protected from vehicle encroachment with concrete curbing or similar permanent means.
 - d. The use of rain gardens, bioswales, and similar naturalized stormwater management systems with appropriate plantings is encouraged, provided that such systems shall conform to any Township engineering standards.

F. Loading, Storage, and Service Area Screening.

Loading, storage, and service areas, public utility and essential service uses and structures, ground equipment shelters, ground-mounted transformers, generators, and HVAC units, electric sub-stations, gas regulator stations, and similar facilities shall be screened from road rights-of-way and adjacent uses in accordance with Section 60.09D (Methods of Screening).

G. Detention and Retention Basin Screening.

Where a detention or retention basin, or similar stormwater management facility is required, such facilities shall comply with the following:

1. To the extent possible, basin configurations shall be incorporated into the natural topography. Where this is not practical, the basin shall be shaped to emulate a naturally formed or free form depression. The basin edge shall consist of sculptured landforms to filter and soften views of the basin.
2. Basins shall be designed to avoid the need for perimeter fencing. Where such fencing is necessary, the location and design shall be subject to Planning Commission approval.
3. Basins shall be planted with a mixture of groundcover and wetland-based plantings native to Michigan, such as native grasses or wildflowers.
4. A perimeter greenbelt buffer shall be provided in accordance with this Section and the following:
 - a. Plantings shall be clustered around the basin to achieve a variety of plant materials, and to replicate a natural environment. Deciduous shade trees shall be clustered around the south and west sides of the basin to provide shade and minimize solar heating of the water.
 - b. Trees shall be planted above the freeboard line of the basin. Any plantings proposed below the freeboard line shall be tolerant of wet or moist soil conditions. The location of plant materials shall take into consideration the need to provide access for routine basin maintenance.

H. Prohibited Plant Materials.

The following trees are not considered desirable plant materials because of various problems, except where removal of existing trees would result in a loss of screening or buffering, or where noted below:

Species	Common Name
<i>Acer negundo</i>	Box Elder
<i>Ulmus x</i>	Elm varieties; except disease-resistant cultivars, such as 'Regal', 'Pioneer', 'Homestead', 'Jacan' and 'Accolade'
<i>Aesculus x</i>	Horse Chestnut; except for use in greenbelts and transition zones between developed and un-developed areas of a site
<i>Populus x</i>	Poplar varieties
<i>Elaeagnus x</i>	Olive varieties
<i>Salix x</i>	Willow varieties; except in appropriate wetland ecosystems
<i>Catalpa x</i>	Catalpa varieties; except for use in greenbelts and transition zones between developed and un-developed areas of a site
<i>Ailanthus altissima</i>	Tree of Heaven
<i>Ginkgo biloba</i>	Ginkgo (female); male trees are acceptable
<i>Robinia pseudoacacia</i>	Black locust
<i>Morus alba</i>	Mulberry (white)

Species	Common Name
<i>Acer saccharinum</i>	Silver Maple
<i>Juglans nigra</i>	Black Walnut; except for use in greenbelts and transition zones between developed and un-developed areas of a site
<i>Fraxinus x</i>	Ash varieties

I. Plant Material Installation and Maintenance.

Screening elements and plant materials shall be installed consistent with American Association of Nurserymen standards, the approved site plan, and the following:

1. **Deadline for installation.** Installation of required screening elements and plant materials shall be completed within 365 calendar days from the date of site plan approval for the project.
2. **Extension.** The Township Planner or Zoning Administrator may extend the deadline to allow installation of required plant materials by the end of the next planting season, upon determination that weather conditions, development phasing, or other factors would jeopardize required plant materials and prevent their installation by the deadline specified in this Section.
3. **Performance guarantee.** A performance guarantee shall be required, per Section 67.07C (Performance Guarantees), to cover the cost of installing required screening elements and plant materials, unless the applicant demonstrates to the Planning Commission’s satisfaction that such a guarantee is not warranted based on the anticipated impacts and scope of proposed work on the site. After installation has been completed, the Township Planner or Zoning Administrator shall conduct an inspection of the plant materials before the guarantee may be released.
4. **Maintenance.** All screening elements and plant materials shall be maintained in accordance with the approved site plan, and the following:
 - a. Maintenance procedures and frequencies to be followed shall be specified on the site plan, along with the manner in which the effectiveness, health, and intended functions of the screening elements and plant materials on the site will be ensured.
 - b. Adequate provisions shall be made to supply water to all required plant materials as necessary to ensure proper growth and development.
 - c. Plant materials shall be kept in a neat, orderly and healthy growing condition, free from weeds, debris and refuse. Tree stakes, guy wires and tree wrap shall be removed after one (1) year.
 - d. Pruning of plant materials shall be limited to the minimum necessary to ensure proper maturation of plants to achieve their intended purpose.
 - e. All required screening elements and plant materials shall be planted and maintained in accordance with an approved site plan. Failure to maintain

required screening, including the removal and replacement of dead or diseased plant materials, shall be a violation of this Ordinance.

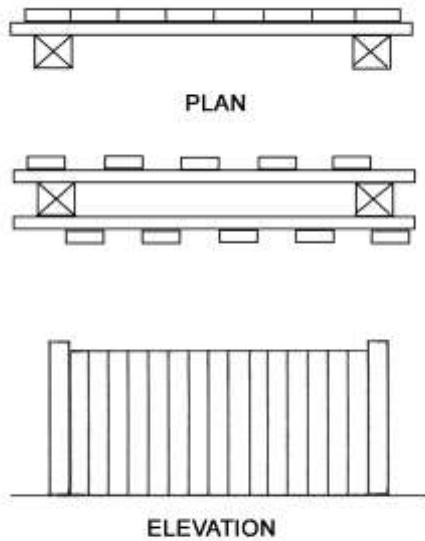
- f. The replacement or removal of plant materials in a manner not consistent with an approved site plan shall be a violation of this Ordinance.

K. Modifications.

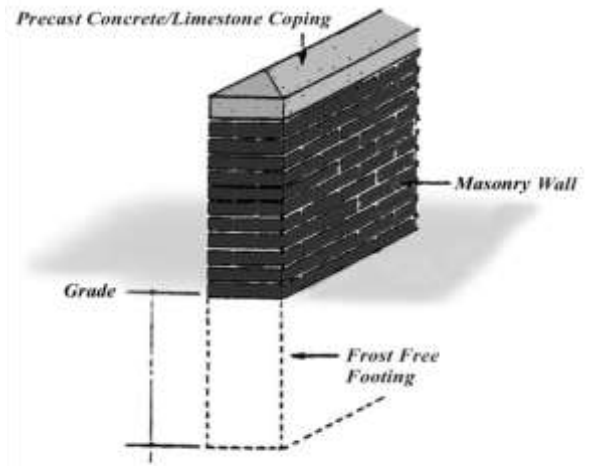
The Planning Commission shall have the authority to approve alternative designs or plant materials as part of final site plan approval, and shall have the authority to determine how the standards of this Section apply to existing conditions and redevelopment sites. Such actions shall be subject to the following:

1. **Alternative designs or materials.** The Planning Commission may approve alternative landscape designs or plant materials upon determination that the alternative would meet the purpose and objectives of this Section.
2. **Existing conditions.** The Planning Commission shall have the authority to determine that requirements of this Section have been satisfied by existing topography, vegetation or other means acceptable to the Commission.
3. **Redevelopment sites.** Where an existing building is undergoing renovation, expansion, or change in use, required landscaping and screening improvements shall be in reasonable proportion to the size and configuration of the site and the scale of proposed improvements, as determined by the Planning Commission in accordance with the purpose and objectives of this Section.

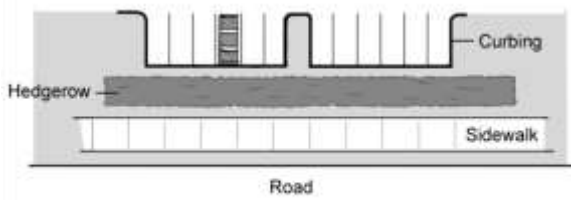
ILLUSTRATIONS



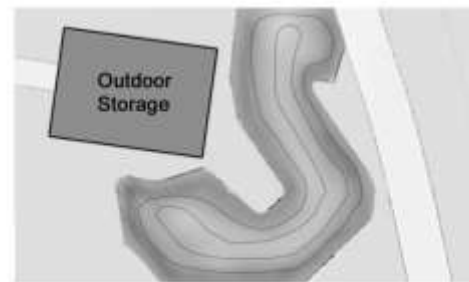
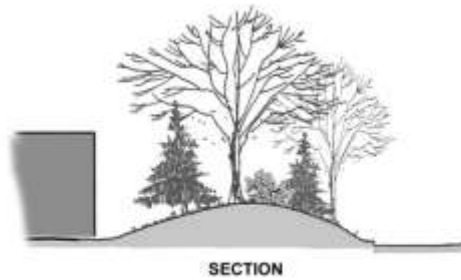
Fence



Screen Wall

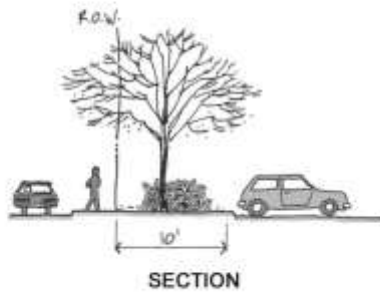
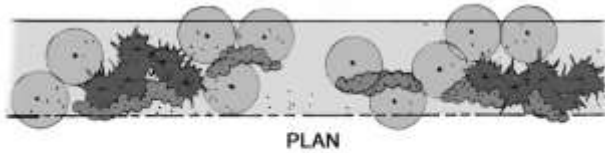


Hedgerow

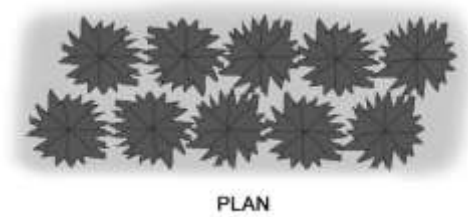


Berm

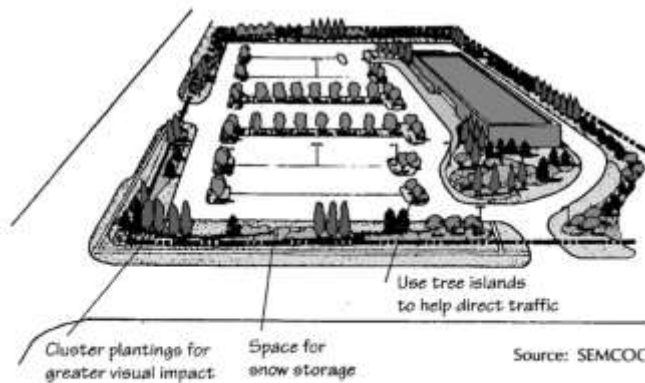
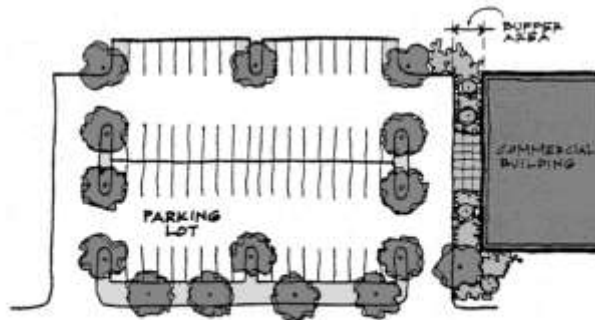
ILLUSTRATIONS



Greenbelt Buffer



Evergreen Screen



Landscaping Within Parking Lots

Section 60.10 Land Filling and Alteration.

Filling, dumping, removal, adjusting, or balancing of land, whether obtained on the land involved or from outside the premises, shall be subject to the following:

A. Permit Required.

A permit shall be required from the Zoning Administrator per Section 67.03 (Certificates of Zoning Compliance) for any filling, dumping, removal, adjusting or balancing of land in any zoning district, whether obtained on the subject parcel or from off-premises, under the following circumstances:

1. The material exceeds 300 cubic yards;
2. The land involved is less than 500 feet from a lake or stream;
3. The land involved exceeds one (1) acre in area;

Any filling material shall be non-hazardous or non-contaminated, and composed only of gravel, clay, natural rock, crushed or processed concrete, earth, or topsoil. Accepted material shall be placed or removed in such a manner as to not adversely affect the existing use or occupancy of abutting lands and the normal development thereof and not to impair, obstruct, divert, or change any drain, creek, river, or other watercourse on the land involved or any abutting lands, and not to encroach or occur upon the flood plain thereof.

B. Site Plan, Plat, or Condominium.

A separate certificate of zoning compliance shall not be required for filling, dumping, removal, adjusting or balancing of land proposed as part of a development subject to Township review and approval of a subdivision plat, site plan or other development plan approval under this Ordinance, provided that the development conforms to the standards of this Section.

C. Performance Guarantees.

A performance guarantee shall be posted with the Township, per Section 67.07C (Performance Guarantee), upon Zoning Administrator approval and prior to commencement of any work on the lot.

D. Dumping of Waste, Junk, or Similar Materials.

The use of land for the storage, collection, or accumulation of used construction materials, or for the dumping or disposal of junk, offal, refuse, ash, garbage, rubbish, waste material, including construction materials such as asphalt, or industrial by-products shall not be permitted in any district, unless otherwise permitted by this Ordinance or the laws or regulations of outside agencies with jurisdiction.

This Section shall not apply to common household gardening, farming, general ground care of a residential or agricultural character, and normal soil changes for basement or foundation construction

E. Excavation.

The excavation or continued existence of unprotected holes, pits or wells that constitute or are reasonably likely to constitute a danger or menace to the public health, safety, and welfare is prohibited. This restriction shall not apply to Township approved excavations that are properly protected with fencing, guard rails, and warning signs.

F. Exemptions.

The following are exemptions from the regulations of this Section:

1. Normal maintenance of existing roadways and driveways, such as grading.
2. Normal maintenance of existing land uses, such as equestrian tracks and arenas.
3. Excavation for the purpose of construction of single family dwellings that are not part of a platted subdivision or condominium.
4. Normal bona fide agricultural practices.

G. Application.

An application to the Zoning Administrator for approval of activities permitted by this Section shall contain the following minimum information, in addition to that required by Section 67.03 (Certificates of Zoning Compliance):

1. Legal description of the premises.
2. Name and address of owners of adjacent premises.
3. Written description of the nature of the proposed filling, dumping, removal, adjusting, or balancing to be undertaken, including the quantity of fill or removal and the composition of same.
4. A scale drawing of the premises with property lines and dimensions; adjacent public roads, drains, creeks, rivers or other watercourses and the flood area or plain thereof on the premises and on adjacent premises; existing landmarks and topographical features; and areas to be filled or subject to removal.
5. Statement of intended land use(s) following the completion of the filling or removal, and the expected time needed to complete the filling or removal.
6. A copy of any required soil erosion control permit or approval outside agencies with jurisdiction shall be submitted to the Zoning Administrator prior to approval.

The applicant shall also be responsible for Township costs for necessary consultant review(s) per Section 67.07B (Escrow Deposits for Variable Costs and Expenses).

G. Approval.

The Zoning Administrator shall distribute the application materials to the Township Planner and designated Township consultants for review and comment. Approval shall be granted by the Zoning Administrator upon determination that the application and proposed activities:

1. Are consistent with the Master Plan, as confirmed by the Township Planner.
2. Comply with all applicable standards of this Section and Ordinance, and other applicable Township ordinances and state and federal statutes.
3. Will not interfere with or discourage the appropriate development and use of adjacent land or adversely impact the public health, safety and general welfare.

4. Will not result in pollution, or in impairment or destruction of natural resources.
5. Will result either in an improvement to or have no significant adverse impact upon existing drainage patterns and any floodplain characteristics.
6. Include adequate provisions for prevention of soil erosion and water pollution; and for replacement of disturbed groundcover and site restoration.

Sections 60.11 - 60.17 Reserved.

Section 60.18 Flood Hazard Regulations

This Section shall apply to all parcels located in flood hazard areas of the Township proposed for development requiring review and approval of a concept development plan, site plan, site condominium plan or subdivision plat under this Ordinance or other Township ordinances. The standards of this Section shall also apply to development of a private road, and any construction project requiring a certificate of zoning compliance under this Ordinance.

A. Purpose.

The Federal Emergency Management Agency (FEMA) has identified flood hazard areas in the Township. It is the purpose of this Section to reduce hazards to persons and damage to property in such areas and to comply with federal and state requirements for such areas. This Section is designed to achieve the following purposes:

1. Protect human life, prevent or minimize property losses, and reduce public costs of rescue and relief efforts from the effects of flood conditions.
2. Restrict or prohibit uses that, when located in designated flood hazard areas, are dangerous to health, safety, and property in times of flooding, or cause excessive increases in flood heights or velocities.
3. Require that uses and structures vulnerable to floods including public facilities, in designated flood hazard areas be protected against flood damage at the time of construction.
4. Permit reasonable use of property located within designated flood hazard areas.

B. Application of Regulations.

All designated flood hazard areas shall be subject to the provisions of this Section. The current Flood Boundary and Floodway Map and the flood profiles contained in the flood insurance study shall be relied upon for the administration of this Section.

1. The precise location of floodways and designated flood hazard areas shall be determined from information as particularly specified on the Flood Boundary and Floodway Map, together with the flood profiles contained in the flood insurance study; by site surveys; and through use of available base flood elevation data from sources accepted by the Township.
2. Conflicts between this Section and provisions of any other ordinance or outside agency regulation shall be resolved in favor of the more stringent requirement.

3. No certificate of zoning compliance shall be issued for any lot, use or structure subject to compliance with this Section until all requirements of this Section and Ordinance have been met, as determined by the Zoning Administrator.

C. Information Required.

The following minimum information shall be provided with a certificate of zoning compliance application for any lot, use or structure in a designated flood hazard area:

1. Elevation of the lowest habitable floor and basement of all structures, referenced to USGS data.
2. If a structure is to be floodproofed, the elevation to which floodproofing will be utilized, referenced to USGS data. In such case a certificate of a professional engineer or architect registered in the State of Michigan shall be submitted indicating that the floodproofing criteria of this Section will be met.
3. A description of alteration or relocation of any watercourse.
4. Proof of floodplain permit approval or letter of no authority from the State of Michigan or other outside agency with jurisdiction.
5. Base flood elevation data for any lot subject to the Land Division Act.
6. Other information determined necessary to verify compliance with this Section.

D. General Standards for Designated Flood Hazard Areas.

The following standards shall apply to all land within a designated flood hazard area:

1. All new construction and substantial improvements, including placement of modular or manufactured housing on a lot, shall be designed and anchored to prevent flotation, collapse or lateral movement of the structure; and constructed with materials and utility equipment resistant to flood damage using methods and practices that minimize the potential for flood damage.
2. New and replacement water supply systems shall be designed and constructed to prevent infiltration of floodwaters.
3. New and replacement sanitary sewage disposal systems shall be designed and constructed to prevent infiltration of floodwaters, and discharges from the system into floodwaters. On-site disposal systems shall be located to avoid impairment to the system or contamination from the system during flooding.
4. Public utilities and facilities shall be designed, constructed, and located to minimize the potential for flood damage.
5. Adequate positive drainage away from all structures shall be provided to reduce exposure to flood hazards.
6. A watercourse within a designated flood hazard area shall not be relocated until approval has been obtained from the State of Michigan or other outside agency with jurisdiction.

E. Specific Standards for Designated Flood Hazard Areas Excluding Floodways.

The following additional standards shall apply to designated flood hazard areas outside of a floodway:

1. The lowest floor level, including basement, of all new construction and substantial improvements to residential structures, including placement of modular or manufactured housing on a lot, shall have an elevation at least 18 inches above the base flood level.
2. All new construction and substantial improvements of nonresidential structures shall meet either of the following standards:
 - a. The lowest floor, including basement, shall have an elevation at least one (1) foot above the base flood level; or
 - b. The portion of the structure, including utility and sanitary facilities below the base flood level, shall be watertight with walls substantially impermeable to the passage of water. Structural components shall have the capability to resist hydrostatic and hydrodynamic loads and the effects of buoyancy. A professional engineer or architect registered in the state of Michigan shall certify that this standard has been met, and that the floodproofing methods employed are adequate to withstand the flood depths, pressures, velocities, impact, uplift forces, and other factors associated with a base flood at the location of the structure.

F. Specific Standards for Floodways.

The following additional standards shall apply to land located within the floodway portion of a designated flood hazard area:

1. Land use and development activities otherwise permitted in the zoning district but that would require encroachments, including fill, new construction, substantial improvements, and other development activity shall be prohibited in a floodway, unless an exception is granted in accordance with this subsection.
2. Exceptions to this subsection may be granted by the Zoning Administrator only upon certification by a professional engineer registered in the State of Michigan that the land use or development will not result in any increase in flood levels during the discharge of base flood, and that the activities comply with applicable requirements of all outside agencies with jurisdiction.

Section 60.19 Impact Assessment

The submission of an Impact Assessment is necessary to provide relevant information concerning the effects that a proposed project may have on the community, and to provide the data necessary to make a rational determination on the request.

A. Scope.

An Impact Assessment is required to explain the purposes of the request and to indicate what the proposal would add to the current Township's Master Plan. The Assessment shall evaluate the proposal's impact upon:

1. The natural environment of the area.
2. Traffic operations and safety.
3. Utilities and public facilities including storm sewers, sanitary sewers or water mains.
4. Recreation, school and public safety needs.
5. Future land use of the surrounding area.

The requirements set forth in this Section shall not relieve the project's sponsor from complying with other land development standards of this Ordinance or any other ordinance enacted by the Township or other agency with jurisdiction.

B. When Required.

An Impact Assessment shall be required and shall be submitted by a petitioner whenever the following matters are petitioned for consideration:

1. Requests for rezoning when such request represents a departure from Master Plan recommendations and policies applicable to the parcel(s).
2. Any Planned Unit Development (PUD) or other Special District project where the subject land area exceeds 80 acres, or upon determination by the Planning Commission that such an assessment is necessary based on the intensity of the proposed land uses or scope of the proposed development or land alterations.
3. All subdivision plats and site condominiums.

C. Traffic Impact Study.

A traffic impact study shall be submitted for a project under any of the following situations:

1. All situations noted in Section 60.19B (When Required).
2. Projects with frontage along major thoroughfares as designated in the Master Plan that would be expected to generate 50 directional vehicle trips (i.e. 50 inbound or 50 outbound trips) during the peak hour of the traffic generator or the peak hour on the adjacent roads.
3. Projects that would be expected to generate 100 direction vehicle trips (i.e. 100 inbound or 100 outbound trips) during the peak hour of the traffic generator or peak hour on adjacent streets. Forecasted trip generation shall be based upon equations/rates outlined in the most recent Institute of Transportation Engineer's (ITE) Trip Generation manual. The ITE data may be supplemented by actuate trip generation data from similar establishments in Michigan.

D. Minimum Contents of a Traffic Impact Study.

The following shall be submitted to the Planning Commission for review and evaluation. The Planning Commission shall determine the applicability and necessity of the following items as they pertain to a specific project or rezoning request:

1. Existing conditions, including existing daily and peak hour traffic volumes on adjacent street(s). Intersections in the vicinity that are expected to be impacted,

as identified by the Township, and a description of any site distance limitations along the right-of-way frontage. Existing traffic counts shall be taken on a Tuesday, Wednesday or Thursday of non-holiday weeks. Additional counts may also be required, such as on a Saturday for a proposed commercial development. The traffic count data shall accurately represent a typical day reflecting average or higher than average volume conditions for the area under study. Traffic data over one (1) year old will not be accepted without documentation that volumes have not changed more than two percent (2%).

2. Forecasted trip generation of the proposed use for the a.m. and p.m. peak hour and average daily traffic generated, based on the data and procedures outlined in the most recent Institute for Traffic Engineers Trip Generation Manual. The applicant may also use other commonly accepted sources of data or supplement the standard data with data from similar projects in Michigan.
3. Where a requested zoning change is a departure from the Master Plan designation for the area, the study should contrast the traffic impacts of typical uses permitted in the requested zoning district with uses permitted in the current zoning district and uses recommended for the area in the Master Plan.
4. For any project with a completion date beyond one (1) year at the time of the traffic study, the analysis shall also include a scenario analyzing forecasted traffic at date of completion along the adjacent road network, using a forecast based on historic annual percentage increases or on expected development in the area. Traffic impact assessments shall acknowledge the traffic impacts of other uses approved but not yet constructed that may affect traffic operations for the subject site, as determined by the Township.
5. The projected traffic generated shall be distributed (inbound v. outbound, left turn v. right turn) onto the existing road network to project turning movements at site driveways and nearby intersections, and illustrated in the report. A description of the application of standard engineering procedures for determining the distribution should also be attached.
6. Capacity analysis at the proposed driveway(s) using the procedures outlined in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board. Before and after capacity analyses shall also be performed at all road intersections where the expected traffic will comprise at least five percent (5%) of the existing intersection capacity, and/or for roadway sections and intersections experiencing congestion or a relatively high accident rate; as determined by the Township or Washtenaw County Road Commission.
7. Traffic accident data for the most recent three (3) years for intersections analyzed in the study shall be summarized in collision diagrams. The Township may require traffic accident data if the segment of roadway adjacent to or near the site has experienced accident problems.
8. A map and description of the location and design of proposed access (driveways and intersections), including any sight distance limitations, dimensions from adjacent driveways, and intersections within 250 feet; and other data to

demonstrate that the design and number of driveways proposed are the minimum necessary, will provide safe and efficient traffic operation, and conform to the standards of this Ordinance.

9. An analysis of the potential need for bypass lanes or deceleration tapers/lanes, including attachment of any correspondence by the Washtenaw County Road Commission.
10. A general description and illustration with arrows of internal site circulation, truck circulation, and how the site plan minimizes the amount of impervious surface.
11. Documentation of approval for size and location of fire lanes and emergency vehicle access by the Fire Department.
12. A general description of pedestrian circulation on and across the roadways including any pedestrian facilities provided.

Section 60.20 Reserved.

Section 60.21 Residential Open Space Development Option.

This Section establishes provisions under which a landowner may exercise the option for a single-family residential development with open space preservation in accordance with Section 506 of the Michigan Zoning Enabling Act.

A. Purpose and Scope

Land in the Agricultural-Rural District and all Residential Districts may, at the developer's option, be developed in accordance with this open space development option, the requirements of this Section, and other applicable standards of this Ordinance. The purpose of this development option is to preserve agricultural lands, significant natural features, and open space in the Township by providing an alternative method for residential development.

The intent of this Section is to allow the same number of home sites to be developed per Article 30.0 (Dimensional Standards), but clustered on no more than fifty percent (50%) of the land area otherwise required. The remaining unused land would exist perpetually in a undeveloped state by means of a conservation easement or similar legal means that runs with the land.

B. Qualifying Conditions.

To be eligible for approval as a residential open space development, the applicant shall demonstrate to the Planning Commission's satisfaction that all of the following criteria have been satisfied:

1. The land is zoned for single-family residential development at a density of two (2) or fewer dwelling units per acre if not served by a publicly-owned and operated or municipal sanitary sewer system; or a density of four (4) or fewer dwelling units per acre if served by such a system.
2. The development of land under this Section shall not depend upon the extension of a publicly-owned and operated or municipal sanitary sewer or water system.

3. The development of land under this Section shall only occur on contiguous land not subject to any pre-existing, permanent land conservation encumbrance.
4. Clustering of the dwelling units shall occur in a manner that preserves the basic amenities and qualities normally associated with single-family living (including privacy, personal open space, and adequate natural lighting and ventilation), while still allowing for innovative site layout and open space areas.
5. Natural amenities exist on the site, which would be preserved through use of the open space development option. Such assets may include prime farmlands, woodlands, natural stands of large trees, wildlife corridors, natural habitat areas or unusual topographic features.

C. Development Review.

Applications for approval under this open space development option shall be reviewed following the same procedures used for review and approval of:

1. A subdivision plat under the provisions of the Land Division Act and any Township subdivision regulations;
2. A condominium subdivision (site condominium) development under Article 55.0 (Condominium Regulations) and the Condominium Act; or
3. A detailed site plan per Article 64.0 (Site Plan Review) for applications that include a proposed metes and bounds (unplatted) land division under the provisions of the Land Division Act.

D. Required Information.

Applications for approval of a residential development under this open space development option shall not be accepted for review, and shall be returned to the applicant. At a minimum, such applications shall include the following:

1. **Fees.** Appropriate fees and escrow deposits for development review, as set by resolution of the Township Board.
2. **Density plan.** The applicant shall submit a conceptual plan for the purpose of demonstrating the number of units, which could be developed under the existing zoning using traditional techniques, subject to the following:
 - a. This density plan shall conform to all applicable standards of this Ordinance for single-family residential development, including all standards of Article 30.0 (Dimensional Standards).
 - b. The plan shall identify all portions of land that are unbuildable for residential purposes due to the presence of wetlands, steep slopes, floodplains or other features.
 - c. The plan layout shall show the location and width of all necessary road rights-of-way and stormwater management areas serving the conceptual development lots.
 - d. Land area(s) intended for non-residential uses shall be identified on the

density plan and excluded from the residential density determination.

3. **Conservation easement.** Documentation of the irrevocable legal instrument that runs with the land to ensure that the open space will be maintained in an open and undeveloped state in perpetuity.
4. **Development plan.** The development plan shall include all information required for the type of development approval requested, and the following:
 - a. Details of proposed methods of providing potable water and sanitary sewage treatment and disposal services to individual lots and uses within the development. If septic tanks and drainfields are proposed as part of the development, the proposed location(s) shall be indicated on the plan.
 - b. Location of all utility and stormwater management facilities necessary to serve the development.
 - c. The total number of acres to be developed; percentage of development area to total site area; and location and layout of each proposed lot (including building envelope, setbacks, and lot area, width, and frontage).
 - d. The location and layout of all land areas to remain undeveloped, plus the total number of acres of land to remain undeveloped and percentage of undeveloped area to total site area.
 - e. Location and intended use of all proposed non-residential structures and improvements.
 - f. Any additional information requested by the Township Planner or Planning Commission to demonstrate compliance with this Section.

E. Development Standards.

Every lot developed or to be developed with the open space development option shall comply fully with all of the following requirements:

1. **Permitted residential density.** The open space development shall not exceed the maximum number of lots permitted for the parent parcel per Article 30.0 (Dimensional Standards), as shown on the approved density plan.
2. **Permitted non-residential uses.** No reduction in the number of dwelling units shall be required for lots reserved for permitted non-residential uses in the zoning district, provided that the land area reserved for permitted non-residential uses shall not exceed that shown on the approved density plan. Such non-residential uses shall be subject to all applicable dimensional and use standards of this Ordinance, and shall not encroach into the required open space area.
3. **Minimum required open space.** A minimum of fifty percent (50%) of the gross land area of the development site shall be retained and maintained in perpetuity as permanent open space.
4. **Variety in dwelling unit design.** Variety in the design of individual units shall be provided by the use of design details that do not appear to be continuous or

repetitious. Overly repetitious exterior design patterns, as determined by the Planning Commission, shall be prohibited.

5. **Dimensional standards.** At the landowner’s option, modifications to the standards of Article 30.0 (Dimensional Standards) shall be permitted as part of an approved open space development option, subject to the following:

Standard		Modification
Minimum setbacks	Front yard	25 feet
	Side yard	none, provided that dwellings shall be set back a minimum of 25 feet apart
	Rear yard	15 feet
Minimum lot area		as approved by the Washtenaw County Environmental Health Division
Minimum lot width/road frontage		25 feet at the road right-of-way line
Maximum ground floor coverage		none
Maximum floor area ratio		none

F. Standards for Open Space.

At least fifty percent (50%) of the land proposed for development under this Section shall remain perpetually in an undeveloped state by means of a conservation easement or similar legal instrument that runs with the land, as approved by the Township. Such open space preservation area(s) shall conform to the following standards:

1. Open space shall be arranged to maximize preservation of agricultural lands, woodlands, natural stands of large trees, wildlife corridors, natural habitat areas, steep slopes and unusual topographic features, and other natural resources.
2. Undeveloped lands shall be arranged to interconnect with and be contiguous to existing or planned open space areas on abutting parcels, to the maximum extent feasible.
3. Use of preserved open space shall be limited to RURAL USES, outdoor recreation, hunting (where permitted), recreational trails, parks and playgrounds, and similar uses, as determined by the Planning Commission.
4. At the landowner’s option, all or part of the open space may be dedicated to the use of the public or transferred to public ownership. The Planning Commission shall be prohibited from requiring such a dedication as part of an approval under this Section. Any proposed transfer of open space ownership to public ownership shall be subject to approval of the receiving jurisdiction.
5. All structures shall be located outside of designated open space areas. Only those structures or improvements that are consistent with the approved development plan and the terms of the conservation easement shall be permitted within the designated open space area.
6. The following areas shall not be considered in the calculation for open space:

- a. Areas within road and other rights-of-way, and utility, drainage or similar public easements.
 - b. Areas occupied by permitted non-residential uses, golf courses, parking lots, stormwater detention or retention basins, private community wastewater systems (PWS), and similar facilities.
 - c. Required yard setback areas for individual lots.
7. Parties with an ownership interest shall be responsible for maintenance and upkeep, including control of weeds and invasive species, removal of debris and litter, and similar maintenance tasks. Failure to adequately maintain such open space shall constitute a violation of this Ordinance.

G. Conservation Standards.

The applicant shall provide a copy of the conservation easement or similar legal instrument that would run with the land and have the legal effect of preserving in perpetuity in an undeveloped state the open space required by this Section. The legal instrument shall be subject to the following minimum requirements:

1. **Approval and recording.** After Township approval, the applicant shall record the conservation easement or similar legal instrument with the Washtenaw County Register of Deeds office, and shall provide proof of recording and a copy of the recorded documents to the Township.
2. **Irrevocable conveyance.** At a minimum, the instrument shall be irrevocable, shall run with the land, and shall convey all rights to develop the land to a land conservation organization, condominium association, governmental institution, or other governmental or legal entity qualified and able to receive and hold conservation easements in accordance with applicable federal and state laws.
3. **Permitted uses and development.** The instrument shall specify the allowable use(s) of the open space.
4. **Development plan.** The instrument shall require that the open space be maintained in perpetuity in an undeveloped state, without structures or other improvements, except as shown on the approved development plan. The development plan shall be attached to the recorded instrument as an exhibit.
5. **Maintenance.** The instrument shall require that the open space be maintained by parties who have an ownership interest in the open space; shall provide standards for scheduled maintenance of the open space; and shall allow for maintenance to be undertaken by the Township or the easement holder in the event that the open space is inadequately maintained or determined to be a public nuisance, with the assessment of costs upon the property owners.

Sections 60.22 – 60-25 Reserved.

Section 60.26 Wireless Communication Facilities.

The purpose of this Section is to carry out the will of the United States Congress by permitting facilities within the Township that are necessary for the operation of wireless communications

systems, and facilitating adequate and efficient provisions for wireless communications facility sites. It is the intent of this Section to:

1. Permit the location of wireless communication facilities within given geographical areas of the Township, while protecting the safety and character of nearby residential areas and the Township as a whole;
2. Require collocation of transmission and receiving apparatus and antennae on existing towers, unless it can be reasonably demonstrated that such collocation is not technically feasible;
3. Require new and replacement wireless communication towers to include provisions for collocation wherever technically feasible;
4. Limit adverse visual impacts through careful design, siting, landscaping and screening elements, and innovative camouflaging techniques;
5. Prevent potential damage to adjacent properties from tower failure, and promote the timely removal of facilities upon the discontinuance of use;
6. Require wireless communication towers and antennae to be configured in a way that minimizes adverse visual impacts, through careful design, siting, landscape screening, and innovative camouflaging techniques;
7. Establish consistent review procedures and information requirements for construction, alteration, and enlargement of wireless communication facilities;
8. Permit administrative review and approval of certain types of projects that have a limited scope and impact, such as amateur radio antennae, satellite dish antennae, and collocation of additional antennae on an existing, approved wireless communications tower; and

A. Type of Review Required.

Wireless communications facilities shall be subject to review and approval in accordance with the following table:

Type of Wireless Communications Facility	Required Review and Approval		
	Conditional Use Approval	Certificate of Zoning Compliance	Exempt
NEW TOWERS AND ANTENNAE			
Construction of a wireless communication tower or ground equipment enclosure.	●		
Antenna(e) installation on an existing principal building or accessory structure that includes use of a ground equipment enclosure area outside of the existing building or structure.	●		

Type of Wireless Communications Facility	Required Review and Approval		
	Conditional Use Approval	Certificate of Zoning Compliance	Exempt
Antenna(e) installation on an existing principal building or accessory structure where accessory equipment is installed and maintained within the existing building or structure.		●	
EXISTING TOWERS			
Alteration or enlargement of a wireless communication tower conforming to maximum height requirements that includes an increase in the overall tower height by more than 20 feet or 10% of its original height, whichever is greater. Also see Section 60.26D (Special Provisions for Review of Certain Alterations and Collocations)	●		
Alteration or enlargement of a wireless communication tower conforming to maximum height requirements and without increasing the overall tower height by more than 20 feet or 10% of its original height, whichever is greater.		●	
Expansion of a previously approved ground equipment enclosure to a total area greater than 2,500 square feet. Also see Section 60.26D (Special Provisions for Review of Certain Alterations and Collocations)	●		
Expansion of a previously approved ground equipment enclosure area to a total area less than or equal to 2,500 square feet.		●	
Construction or expansion of ground equipment building(s) within an approved ground equipment enclosure.		●	
Collocation of new antennae on an existing tower conforming to maximum height requirements that includes an increase in the overall tower height by more than 20 feet or 10% of its original height, whichever is greater. Also see Section 60.26D (Special Provisions for Review of Certain Alterations and Collocations)	●		
Collocation of new antennae on an existing tower conforming to maximum height requirements and without increasing the overall tower height by more than 20 feet or 10% of its original height, whichever is greater.		●	
Installation of new ground equipment within an approved ground equipment building or enclosure.		●	

Type of Wireless Communications Facility	Required Review and Approval		
	Conditional Use Approval	Certificate of Zoning Compliance	Exempt
SATELLITE DISH ANTENNAE			
Installation of a satellite dish antenna with a diameter 1.5 meters or larger.		●	
Installation of a satellite dish antenna with a diameter less than 1.5 meters.			●
AMATEUR RADIO ANTENNAE			
Installation of an amateur radio transmission and reception antenna or antenna structure.		●	
Installation of a citizen band radio base station antenna structure, contractor's business antenna structure, television reception antenna or wireless Internet antenna for personal use, or similar facility exceeding 14 feet in height.		●	
Installation of short wave facilities, amateur radio reception-only antenna, television reception antenna or wireless Internet antenna for personal use, or similar facility up to a maximum height of 14 feet above structure height.			●
Installation of municipal and other facilities subject to federal or state preemption of local regulatory authority.			●
OTHER PROJECTS			
Repair or service of existing wireless communications facilities, provided that all work complies with applicable regulations and approved plans.			●
Telecommunication facilities as defined by the METRO Act (P.A. 48 of 2002, as amended).			●

B. Exempt Facilities.

Nothing in this Section shall be construed in such a manner to conflict with the regulatory process established for telecommunication facilities as defined and regulated by the METRO Act (P.A. 48 of 2002, as amended). Facilities exempt from review per Section 60.26A (Type of Review Required) shall be permitted by right, subject to the applicable federal and state regulations.

C. Facilities Subject to Zoning Administrator Approval.

Facilities subject to certificate of zoning compliance approval per Section 60.26A (Type of Review Required) shall require review and approval by the Zoning Administrator in accordance with the applicable standards of this Section and Section 67.03 (Certificates of Zoning Compliance).

D. Special Provisions for Review of Certain Alterations and Collocations.

In accordance with Section 3514 of the Michigan Zoning Enabling Act, Township review of proposed alterations to existing wireless communication towers or ground equipment enclosures subject to conditional use approval per Section 60.26A (Type of Review Required) and referencing this subsection shall be modified as follows:

1. **60-day time limit on Planning Commission action.** The Planning Commission shall complete its review and take final action on the application in accordance with Section 63.05B (Approval or Denial) within 60 calendar days after the date that the application is considered to be administratively complete. The application shall be deemed approved if the Planning Commission takes no final action within this 60 calendar day period.
2. **Limitation on conditions of approval.** Planning Commission authority under Section 60.26E.6. and Section 63.07 (Conditions of Approval) to impose conditions on any approval of an application subject to the additional requirements of this subsection shall be limited to:
 - a. Verifying compliance with the applicable requirements of this Ordinance.
 - b. Ensuring that the wireless communication facility meets the requirements of federal and state laws and other Township ordinances before the facility begins operation.

E. Conditional Use Permits for Wireless Communication Facilities.

Wireless communications facilities subject to conditional use approval per Section 60.26A (Type of Review Required) shall require review and approval of a Conditional Use Permit by the Planning Commission, subject to the standards of this Section and Article 63.0 (Conditional Uses).

1. **Special provisions.** In accordance with Section 3514 of the Michigan Zoning Enabling Act, Township review of any application for a Conditional Use Permit per Section 60.26A (Type of Review Required) shall be modified as follows:
 - a. **Limitation on review fees.** A fee required to accompany an application for a Conditional Use Permit under this Section shall not exceed the Township's actual, reasonable costs to review and process the application or \$1,000.00, whichever is less.
 - b. **14-day time limit to determine eligibility and completeness.** After an application for a Conditional Use Permit under this Section is filed in accordance with Section 63.03 (Application Procedure), the Clerk shall immediately transmit a copy of the application materials and plans to the Township Planner to determine whether the application is administratively complete per Section 63.03B (Eligibility).
 - (1) The Township Planner shall transmit a written response to the Clerk and the applicant within 14 business days stating either that the application is administratively complete or listing the specific information needed for a complete application.

- (2) The application shall be deemed administratively complete if no written response is transmitted to the Clerk and applicant within the 14 business day period.
2. **90-day time limit on Planning Commission action.** For any Conditional Use Permit application not subject to the additional requirements of Section 60.26D (Special Provisions for Review of Certain Alterations and Collocations), the Planning Commission shall complete its review and take final action in accordance with Section 63.05B (Approval or Denial) within 90 calendar days after the date that the application is considered to be administratively complete. The application shall be deemed approved if the Planning Commission takes no final action within this 90 calendar day period.
3. **Modifications to an approved Conditional Use Permit.** Alteration or enlargement of an existing wireless communication tower or expansion of an approved ground equipment enclosure area shall be subject to review and approval as a modification to a previously approved Conditional Use Permit.
4. **New Conditional Use Permit required.** All other wireless communication facilities subject to Conditional Use Permit approval shall require review and approval of a new Permit by the Planning Commission.
5. **Information required.** In addition to any information required by Article 63.0 (Conditional Uses), applicants for a Conditional Use Permit for a wireless communication facility shall submit the following information:
 - a. **Site inventory.** Each applicant shall provide an inventory of the existing towers, antennae, or sites approved for towers or antennae that are either within the Township or within one (1) mile of the border thereof, including specific information about the location, height, and design of each tower, and the following:
 - (1) The separation distance between the proposed wireless communication facility and other structures shown on the site inventory. The applicant shall also identify the type of construction and owner(s)/operator(s) of existing towers, if known.
 - (2) A description of the feasible location(s) of future wireless communication facilities proposed or anticipated by the applicant within the Township, based on existing physical, engineering, technological, or geographical limitations in the event the proposed tower is erected.
 - (3) The Master Plan classification of the site and all properties within the on the site inventory area.

Such information may be shared with other applicants applying for approvals under this Section or other organizations seeking to locate towers or antennae within the Township. The sharing of such information shall not constitute a representation or warrant by the Township that such sites are available or suitable.

- b. **Site plan.** A preliminary and a final site plan shall be submitted that include the following minimum required information, and any other information deemed by the Planning Commission to be necessary to assess compliance with this Section:
- (1) All applicable information required for preliminary and final site plan approval per Article 64.0 (Site Plan Review).
 - (2) The location, type and height of the proposed tower; on-site and abutting land uses and zoning, including across road rights-of-way; adjacent roadways and proposed means of access; on-site topography and parking; setbacks from lot lines; and elevation drawings of the proposed tower and any other structures.
 - (3) A maintenance plan to ensure long term, continuous maintenance to a reasonably prudent standard, and any applicable maintenance agreement identifying who will be responsible for maintenance of the facility, including access, landscaping, screening, and security improvements.
 - (4) Legal description of the parent parcel and any leased area.
 - (5) Setback distances between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
 - (6) Fencing and screening details, proposed methods of camouflage where applicable, and details of any tower illumination.
 - (7) A landscape plan showing the specific sizes, species, amounts, and planting details for proposed landscape materials.
- c. **Removal agreement.** The applicant shall submit a signed and notarized removal agreement for the future removal of the facility in accordance with Section 60.26M (Cessation of Operation). The applicant shall submit an estimate for the cost of removal of the facility and restoration of the site, certified by a licensed professional engineer and verified by the Township Engineer.
- d. **Tax-related information.** The applicant shall supply to the Township Assessor all tax-related information as requested for appraisal purposes. Upon receipt of requested information, the Assessor shall provide notice to the Planning Commission that this condition has been satisfied.
- e. **Franchise information.** Written documentation shall be provided to certify that all franchises required by law for the construction and operation of the wireless communication facility have been obtained. A copy of such franchises shall be filed with the Township.
- f. **Collocation information.** A notarized statement by the applicant indicating whether the proposed tower will accommodate collocation of additional antennae for future users.

- g. **Additional required information.**
- (1) Identification of the entities providing the backhaul network for the tower(s) described in the application and other sites owned or operated by the applicant in the Township.
 - (2) 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 proposed wireless communication services.
 - (3) Technical analyses setting forth the minimum height necessary for reasonable communication by the applicant, and evaluating alternative designs that may require fewer towers and/or lower tower heights.
 - (4) 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.
6. **Conditions of approval.** In granting a Conditional Use Permit, the Planning Commission may impose conditions to the extent that the Planning Commission determines are necessary to minimize any adverse impact of the facility on nearby properties, in addition to the conditions of approval specified in Article 63.0 (Conditional Uses). The Planning Commission may also require that a performance guarantee be posted with the Township as a condition of Conditional Use Permit approval, subject to the following:
- a. The purpose of this guarantee is to ensure the facility's future removal and site restoration if the owner or operator fails to do so as required by Section 60.26M (Cessation of Operation).
 - b. The security shall be in the form of: cash, surety bond, or letter of credit, together with a written and notarized agreement in the form approved by the Township providing for the future removal of the facility.
 - c. The security shall be in an amount equal to the greater of \$5,000 or the cost estimate for removal of the facility and restoration of the site, as certified by a licensed professional engineer and verified by the Township Engineer.
7. **Factors to consider in granting a Conditional Use Permit.** In addition to any standards for consideration of Conditional Use Permit applications contained in Article 63.0 (Conditional Uses), the Planning Commission shall consider the following factors in determining whether to issue a Conditional Use Permit. The Planning Commission may waive or reduce one (1) or more of these criteria upon determination that the purposes of this Section are better served thereby:
- a. Height of the proposed tower.
 - b. Proximity of the tower to dwellings 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 and ground equipment enclosure area, 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.
8. **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(e). An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology.

The Township may employ specialized experts to review data submitted by the applicant. The applicant shall incur all costs associated with such review. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna(e) may consist of any of the following:

- a. No existing towers or structures are located within the geographic area that meet the 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 the applicant's proposed antenna and related equipment.
- d. The applicant's proposed antenna(e) would cause electromagnetic interference with antennae on existing towers or structures, or the antennae on existing towers or structures would cause interference with the applicant's proposed antenna(e).
- 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.

F. General Regulations.

All wireless communication facilities shall be subject to the following regulations:

1. **Grounded.** Antennae and metal structures shall be grounded for protection against a direct strike by lightning. The electrical wiring and connections on all structures shall comply with all applicable local, state, and federal statutes, regulations, and standards.
2. **Wind load.** Structures with antennae shall be designed to withstand a uniform wind loading as prescribed in the State Construction Code.
3. **State and federal regulations.** All wireless communication facilities shall meet or exceed applicable federal and state regulations and standards, subject to the following:
 - a. If more restrictive federal or state regulations or standards are adopted in the future, then the facility owner or operator shall bring the facility into compliance with such revised standards and regulations within 180 calendar days of their effective date, unless a different compliance schedule is mandated by the controlling state or federal agency.
 - b. If, upon inspection, the Township determines that a facility constitutes a danger to persons or property, then the facility owner or operator shall have 30 calendar days from the date of receipt of such notice from the Township to remove the facility or bring it into compliance with applicable standards.
 - c. Failure to take such action as required shall be considered a violation of this Ordinance, and shall constitute grounds for the facility's removal at the owner's expense. The facility owner and operator shall be responsible for all costs for testing and compliance verification.
4. **Franchises.** Owners or operators of wireless communication facilities shall certify that all franchises required by law for the construction or operation of a wireless communication system have been obtained, and shall file a copy of all required franchises with the Township.
5. **Engineering certification.** Any civil, mechanical or structural engineering information supplied by the applicant shall be certified by a licensed professional engineer.
6. **Not essential services.** Structures 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.

7. **Signage.** The wireless communication facility shall not be used for advertising purposes and shall contain no signs except a permitted nameplate and as otherwise required by the Federal Aviation Administration (FAA).
8. **Climb prevention.** All wireless communication towers and antenna structures shall be protected by anti-climbing devices; such as security fences or anti-climbing devices. Anchor points for guy wires or anchoring points shall be enclosed by a fence or shall be located within the confines of a yard that is completely fenced.

G. Standards for Wireless Communication Towers.

Wireless communication towers shall be subject to the following:

1. **Permitted zoning districts.** Wireless communications towers shall only be permitted on parcels in the Agricultural-Rural (A-R), Limited Industrial (LI), General Industrial (GI), and PSP (Public/Semi-Public Services) Districts.
2. **Collocation.** The applicant shall submit evidence that there are no reasonable and suitable alternatives for location of equipment on an existing tower within the service area of the proposed tower.
3. **Setbacks.** The tower and support structure shall be set back a minimum distance equal to the height of the tower from all lot boundaries, road rights-of-way, and the boundary of all Rural Districts, Residential Districts, and Planned Unit Development (PUD) Districts incorporating RESIDENTIAL USES. Guys and accessory buildings shall satisfy the minimum zoning district dimensional standards.
4. **Separation between towers.** No tower shall be located within two (2) miles of another commercial communication unless it can be demonstrated by the applicant that there is a need for an additional wireless communication tower.
 - a. The Planning Commission shall make the determination of necessity based on the technical requirements of the tower, the service needs of the Township residents, and other factors as may be appropriate on a case by case basis.
 - b. The Planning Commission may employ specialized experts to review the data submitted by the applicant to support the location. The applicant shall incur all costs associated with such review.
 - c. Under no circumstance shall a wireless communication tower be permitted to locate less than one (1) mile from another wireless communication tower.
5. **Access.** Unobstructed access, constructed in accordance with all provisions of this Ordinance, shall be provided to the tower and ground equipment building and enclosure to ensure service by police, fire, and emergency vehicles.
6. **Structural design and installation.** 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 structures must meet all applicable standards of the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC).

- a. To ensure its structural integrity, the owner of a tower shall ensure that it is maintained in compliance with the State Construction Code, other applicable building, fire, and electrical codes, and applicable standards for structures as published by the Electronic Industries Association.
 - b. All signal and remote control conductors extending substantially horizontally above the ground between a tower or antennae and a structure, or between structures, shall be at least eight (8) feet above the ground at all points, unless buried underground.
 - c. The base of the tower shall occupy no more than 500 square feet.
7. **Lighting.** Structures shall not be artificially illuminated, unless required by the FAA or other applicable authority. Any required lighting shall be the minimum necessary for the purpose, and shall be shielded from ground level visibility to the maximum extent feasible. Fixtures with red or other highly saturated color filters or light sources shall be utilized to minimize off-site. The use of strobe lights on a tower shall be prohibited in the absence of a demonstrated need.
8. **Height.** Tower structures shall be less than 200 feet in height, as measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antennae. Other structures within the ground equipment enclosure shall not exceed the maximum permitted height for the respective zoning district.
9. **Design.** The design of the tower, antennae, ground equipment building(s) and enclosure shall use, to the maximum extent possible, materials, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
- a. The area of the proposed ground equipment enclosure shall be the minimum necessary to accommodate all proposed and planned future users of the facility.
 - b. The antennae shall be painted to match the exterior treatment of the tower.
 - c. The paint scheme of the tower and antennae shall be designed to minimize off-site visibility of the facility.
 - d. Advertising, signs, and identification intended to be visible from the ground or other structures shall be prohibited, except as required for emergency purposes.
 - e. Metal structures shall be constructed of or treated with corrosive-resistant material.

10. **Fencing and screening.** The tower and ground equipment enclosure shall be secured by fencing and screened with a dense evergreen screen per Section 60.09D (Methods of Screening) along each side of such fencing and building.
 - a. The screening shall be maintained in good condition at all times so as to continue its effectiveness.
 - b. Existing mature on-site vegetation and natural landforms shall be preserved to the maximum extent feasible.
 - c. The Planning Commission may waive the screening requirements of this subsection where natural growth around the property perimeter may provide sufficient buffer, such as facilities sited on large, wooded lots.
11. **Employees.** No employees shall be located on the site on a permanent basis to service or maintain the tower or antennae. Occasional or temporary repair and service activities are excluded from this restriction.

H. Standards for Antennae Located on Principal Buildings and Accessory Structures.

Antennae shall be permitted on principal buildings or accessory structures in any zoning district, subject to approval per Section 60.26A (Type of Review Required) and the following standards:

1. The antenna and support structure shall not extend into any required yard setback areas, and shall not exceed the structure height by more than ten (10) feet.
2. The antennae, supporting structure, and electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the principal building or accessory structure, so as to make the antenna and related equipment as visually unobtrusive as possible.
3. The antenna and support structure shall not be illuminated, unless required by the FAA or other agency with jurisdiction.
4. Such antenna shall be securely attached and anchored to the structure. Structural improvements needed to support the added weight of the antenna and support structure shall conform to State Construction Code standards.
5. All accessory ground equipment shall be located within the building or structure, except where otherwise permitted as part of a Conditional Use Permit approval.

I. Standards for Satellite Dish Antennae.

Satellite dish antennae shall be permitted in any zoning district, subject to approval per Section 60.26A (Type of Review Required) and the following standards:

1. Such antennae shall be accessory to a principal building on the same lot, and shall be located in the rear yard area.

2. Satellite dish antennae shall be limited to lots with adequate lot area to accommodate the minimum requirements setback of this subsection.
3. One (1) satellite dish antenna shall be permitted per lot. The antenna shall conform to the minimum yard setbacks of the zoning district where the antenna is located.
4. Construction and placement of satellite dish antennae shall meet manufacturers' specifications, and shall conform to the State Construction Code and all applicable electrical and fire codes.
5. Satellite dish antennae with a diameter of 1.5 meters or larger and located within 100 feet of a road right-of-way or the boundary of a lot occupied by a dwelling shall be screened by a wall, fence, berm, evergreen plantings, or combination of these elements so as not to be visible from the neighboring residence or road. If the antenna is a mesh type, screening need not exceed six (6) feet in height.

J. Standards for Amateur Radio Antennae.

Amateur radio antennae shall be permitted in any zoning district, subject to approval per Section 60.26A (Type of Review Required) and the following standards:

1. Such antennae shall be accessory to a principal building on the same lot, and shall be located in the rear yard area.
2. Amateur radio antennae shall be limited to lots with adequate lot area to accommodate the minimum requirements setback of this subsection.
3. A maximum of one (1) amateur radio antenna shall be permitted per zoning lot, with a maximum height of 90 feet and a minimum setback from all lot boundaries equal to one hundred percent (100%) of its height.
4. For retractable, telescoping, or tilt-down antennae, the minimum required setback distance shall be equal to the height of the antenna structure in the "down" or retracted position. Such antennae shall be maintained in the "down" or retracted position when not in use.

K. Existing Wireless Communications Facilities.

Wireless communications facilities existing prior to the effective date of this Ordinance shall be allowed to continue, provided that such facilities are maintained in accordance with applicable federal, state, and county laws and regulations, and all approved plans, permits, and conditions of approval. Collocation of additional antennae on such existing towers shall be permitted in accordance with the requirements of this Section and Ordinance.

L. Rescinding Approval.

Failure of the owner, operator or leaseholder of an approved wireless communications facility to renew or replace any required performance guarantee or insurance certificates, provide information to the Township about the facility as required by this Section, or maintain and operate the facility in compliance with the provisions of this Section shall be grounds for the Township to rescind any previous approval to construct or operate the facility. Such action shall be subject to the following:

1. **Public hearing.** Such action may be taken only after a public hearing has been held by the Planning Commission in accordance with Section 67.11 (Public Hearing Procedures), at which time the owner or operator of the wireless communications facility shall be given an opportunity to present evidence in opposition to rescission.
2. **Determination.** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescinding of approval shall be made and written notification provided to said owner, operator or designated agent.

M. Cessation of Operation.

The owner or operator shall remove a wireless communications facility for which approval has been rescinded, that has ceased operation for more than 180 contiguous days, or that has been determined by the Township to be abandoned, subject to the following:

1. For purposes of this subsection, the removal of all antennae or other equipment from the facility, or the cessation of operational transmission or reception of radio signals shall be considered as the beginning of a period of non-use.
2. Such facilities shall be removed within 90 calendar days of receipt of notice from the Township requesting such removal. Failure of the owner or operator to respond within 90 calendar days of such a request shall be grounds for the Township to rescind any previous approval to construct or operate the facility.
3. Failure by the owner to remove such facilities in accordance with this Section or an approved removal agreement shall be grounds for the Township to remove the facility at the owner's expense, and to make use of any performance guarantee or other security provided for that purpose.
4. Removal of the tower shall include removal of any structures in the ground, including concrete footings, support structures, or other appurtenances such as ground radial systems. In-ground structures and appurtenances shall be removed to a depth of 48 inches, and the land re-graded and restored to the original grade prior to the removal.
5. The Township reserves the right to require submittal of evidence of ongoing operation at any time after construction or installation of an approved wireless communication facility.
6. Any wireless communication facility that is not operated for a continuous period of 365 calendar days shall be deemed abandoned.

Sections 60.27 – 60.29 Reserved

Section 60.30 Development Agreement.

A Development Agreement may be entered into between the Township and the owner(s)/developer(s) of any property subject to final site plan approval or equivalent final development plan approval under this Ordinance or other Township ordinances, and prior to the commencement of or any site work or construction. The cost to prepare and record this Agreement shall be borne by the owner(s)/developer(s). Preparation and approval of a

Development Agreement shall be subject to the following:

A. Contents of a Development Agreement.

At a minimum, a Development Agreement shall:

1. Set forth any conditions of development approval to be met by an applicant or developer with respect to an approved project;
2. Provide for any dedication of easements, rights-of-way, and other dedications incorporated into the approved project;
3. Provide for maintenance of any common facilities and open space areas;
4. Identify any covenants, deed restrictions, and other limitations to be imposed upon the uses of the land and structures;
5. Describe the phasing and timing of development activities;
6. Detail the cost of installing all required infrastructure improvements and utilities, and manner for enforcement of any assessments and costs;
7. Describe any required escrow accounts or performance guarantees; and
8. Address other issues that the Township and owner(s)/developer(s) deem appropriate.

B. Approval of a Development Agreement.

The proposed Development Agreement may be subject to review by designated Township officials and consultants; and shall be subject to approval by the Township Board. Following approval, the owner(s)/developer(s) shall record the approved Development Agreement in the Washtenaw County Register of Deeds office, and shall provide two (2) recorded copies of the recorded Agreement to the Township Clerk.

Section 60.31 Wind Energy Conversion Systems.

This Section is intended to permit the effective and efficient use of wind energy conversion systems (WECS) in a manner that protects the public health, safety, and welfare of neighboring property owners and the residents of the Township. The siting, design, location, and installation regulations of this Section have been determined to be the minimum necessary to meet the intent and purposes of this Section and Ordinance. In no case shall the establishment of this Section guarantee wind rights or establish access to the wind. Wind energy conversion systems (WECS) in the Township shall be subject to the following:

A. Agricultural WECS Approval.

Agricultural WECS shall be permitted accessory to a permitted farm or agricultural operation on a lot of record in the A-R (Agricultural-Rural) zoning district, subject to Zoning Administrator approval in accordance with Section 67.03 (Certificates of Zoning Compliance) and the following:

1. The parcel where the agricultural WECS is proposed to be located shall have a minimum lot area of two (2) acres. The number of permitted agricultural WECS per parcel shall be subject to the following:

Lot Area	Maximum Number of Permitted WECS
2.0 to 40.0 acres	one (1)
Over 40.0 acres	two (2)

2. Agricultural WECS under this subsection shall not exceed a maximum height of 75 feet, measured from the base of the structure to the highest reach of its blade.
3. All agricultural WECS projects shall be set back from lot boundaries, road rights-of-way, and principal building(s) a minimum distance equal to one hundred fifty percent (150%) of the height of the structure.
4. All agricultural WECS project towers or poles shall be protected by anti-climbing devices; such as fences with locking portals at least six feet high; anti-climbing devices 12 feet from base of pole; or anchor points for guy wires supporting tower shall be enclosed by a six-foot high fence or shall be located within the confines of a yard that is completely fenced.
5. The agricultural WECS shall not cause interference with microwave transmissions, residential television reception or radio reception.
6. All agricultural WECS projects shall adhere to all applicable electrical codes and standards, shall remove fuel sources (such as vegetation) from the immediate vicinity of electrical gear and connections, and shall utilize twistable cables on turbines.
7. The noise level measured at the property line of the property on which the agricultural WECS project has been installed shall not exceed 55 decibels.
8. Agricultural WECS shall be painted a neutral color that minimizes off-site visibility, provided that historical-style agricultural WECS not exceeding 50 feet in height with a fan containing more than twelve (12) blades and not exceeding ten (10) feet in diameter shall be exempted from this requirement.
9. Upon determination by the Zoning Administrator that an application to install agricultural WECS on more than one (1) parcel under common ownership or control meets the "commercial WECS" definition per Section 2.03 (Definitions), the commercial WECS standards and approval process shall apply.

B. Other WECS Approval.

All agricultural WECS exceeding 75 feet in height, all private WECS, and all commercial WECS shall require Conditional Use Permit approval in accordance with Article 63.0 (Conditional Uses) and the standards of this Section. The following additional information shall be submitted with any application for WECS approval:

1. Documentation of any potential interference that the proposed WECS may cause with microwave transmissions, residential television reception or radio reception.

2. Documentation of compliance with applicable federal and state regulations for the installation.
3. A plan for the long-term, continuous maintenance of the facility, including who will be responsible for maintenance of the facility, including access, landscaping, screening, and security improvements.
4. Elevation drawings of the proposed WECS and any associated facilities. The drawings shall identify the type, design, materials, and height for the proposed WECS and associated facilities; and the name and location of the WECS manufacturer, if applicable.
5. Written certification shall be provided from a professional engineer licensed by the State of Michigan demonstrating:
 - a. The manner in which the structure will fall in the event of accident, damage or failure, and that the setback area will accommodate the facility and provide an adequate buffer from adjacent parcels;
 - b. That the facility is designed in accordance with applicable dead load and wind pressure standards; and
 - c. That the facility is designed to conform to the State Construction Code and all other applicable building, electrical, and fire codes.

C. Permitted Locations.

Wind energy conversion systems shall only be permitted on parcels with a minimum lot area of two (2) acres in the A-R (Agricultural-Rural) District and the PSP (Public/Semi-Public Uses) District.

D. General WECS Standards.

The following standards shall apply to private and commercial WECS in the Township:

1. **Design safety certification.** A Professional Engineer registered in the State of Michigan shall certify the safety of the design of all private and commercial WECS towers. 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 shall certify that the rotor and overspeed control design and fabrication conform to applicable design standards. No changes or alterations from certified design shall be permitted unless accompanied by a Professional Engineer's statement of certification.
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 requirements of this Section and Ordinance, and other applicable Township ordinances.
5. **Setbacks.** All private and commercial WECS projects shall be set back from lot boundaries, road rights-of-way, and principal building(s) a minimum distance equal to 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 standards of Article 63.0 (Conditional Uses) and compliance with Federal Aviation Administration (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 shall be protected by anti-climbing devices; such as fences with locking portals at least six feet high; anti-climbing devices 12 feet from base of pole; or anchor points for guy wires supporting tower shall be enclosed by a six-foot high fence or shall be located within the confines of a yard that is completely fenced.
9. **Interference.** The private or commercial WECS shall not cause interference with microwave transmissions, wireless communications, residential television reception, or radio reception.
10. **Fire risk.** All private and commercial WECS projects shall adhere to all applicable electrical codes and standards, shall remove fuel sources (such as vegetation) from the immediate vicinity of electrical gear and connections, and shall 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 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. Shadow Flicker Standards.

WECS owners and operators shall be responsible for any off-site impacts from the visible shadow flicker effect when rotating blades of the wind generator cast shadows on the ground and nearby structures during daylight hours, causing a repeating pattern of light and shadow:

1. Private and commercial WECS units shall be located within the subject parcel so as to prevent shadow flicker from passing over any off-site road right-of-way, occupied dwelling, or other principal building during daylight hours from one (1) hour after sunrise to one (1) hour before sunset.
2. A letter from the private or commercial WECS owner or contractor installing the WECS verifying that the unit(s) will comply with this subsection shall be included with any application for approval under this Section.
3. To minimize off-site impacts from shadow flicker, the Planning Commission may require additional perimeter greenbelt screening per Section 60.09D (Methods of Screening), limit hours of private or commercial WECS operation, or place other conditions on a Conditional Use Permit approval in accordance with Article 63.07F (Conditions of Approval.).
4. The Planning Commission or Township Board may require submittal of a shadow casting study, including maps and/or a computer animation in a format compatible with Township computer systems, with an application for Special Use Permit approval of one (1) or more commercial WECS units. At a minimum, the study shall identify the projected shadow arcs and all areas anticipated to be impacted by shadow flicker from the proposed commercial WECS units over one (1) calendar year, including:
 - a. All land areas anticipated to be impacted during daylight hours from one (1) hour after sunrise to one (1) hour before sunset.
 - b. Additional land areas anticipated to be impacted during the first one (1) hour after sunrise and the last one (1) hour before sunset.
 - c. Approximate locations of all dwellings and other principal buildings within the shadow flicker impact areas.
5. Three (3) or more documented complaints of shadow flicker passing over any off-site road right-of-way, occupied dwelling or other principal building received and verified by the Zoning Administrator within any 365 calendar day period shall be grounds for the Township to require that the private or commercial WECS unit be shut down and secured against movement during the hours and seasons of the year when such off-site impacts have occurred.

F. Additional Standards for Commercial WECS Projects.

The following additional standards shall apply to all commercial wind energy conversion systems in the Township:

1. **Color.** Towers and blades shall be painted a neutral color that minimizes off-site visibility, or as 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 by the Township to be placed at the base of all commercial WECS projects. Such signs shall be located a maximum of 300 feet apart and at all points of site ingress and egress.
4. **Annual inspection.** Every commercial WECS project shall 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 the Zoning Administrator and considered a part of the continuing Conditional Use Permit approval.
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.
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 special use permit shall provide assurances that the WECS project does not negatively impact the path of migratory birds.
7. **Decommissioning plan and escrow.** Commercial WECS projects shall include 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 180 calendar days 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 performance guarantee in accordance with the requirements of Section 67.07C (Performance Guarantees).
- b. The Township shall have access to the performance guarantee for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within 180 calendar days 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 61.0

OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 61.01 Purpose.

The purpose of this Article is to protect water quality and the capacity of drainage and stormwater management systems; to limit the number of off-street parking spaces and amount of impervious surfaces that may be permitted on a parcel of land or accessory to a use or building; to establish flexible minimum and maximum standards for off-street parking and loading; and to promote the use of shared parking facilities and cross-access between sites.

Section 61.02 Scope.

The regulations of this Article shall be met in all districts and shown on a site plan as required by Article 64.0 (Site Plan Review) whenever any use is established; any structure is erected, enlarged, or increased in capacity; or any existing use is changed to a different use, expanded, extended, or increased in intensity.

Section 61.03 General Regulations.

The following standards shall apply to all off-street parking and loading facilities:

A. Use and Alteration of Parking or Loading Facilities.

Any area designated as required off-street parking, stacking, or loading spaces or otherwise provided for the purpose of complying with this Article and Ordinance shall not be changed to any other use or relinquished or reduced in any manner below the requirements established by this Ordinance, unless adequate spaces meeting the standards of this Article have first been provided at another location acceptable to the Township. Use of such spaces shall be further subject to the following:

1. No commercial activity, storage of merchandise or selling of any kind shall be conducted within required parking areas, except as authorized by this Ordinance.
2. Parking lots and loading areas shall not be used for vehicle repairs, dumping of refuse, or storage of any parts, equipment or materials.
3. Parking of an operable motor vehicle shall not exceed a continuous period of more than 48 consecutive hours.

B. Unlicensed or Inoperable Vehicles Parking or Storage.

Unlicensed or inoperable motor vehicles shall be parked or stored within a completely enclosed structure, except where otherwise permitted by this Ordinance as a principal or accessory use.

C. Location of Required Parking.

Required off-street parking facilities shall be located on the same lot as the principal building or use for which the parking is intended, or on another lot wherein the parking facilities are within 300 feet of a primary entrance to the principal building or use for which the parking is intended; except as follows:

1. The minimum required parking spaces for each single-family or two-family dwelling shall be located on the premises of the dwelling; or

2. The required parking facilities are in accordance with Section 61.09A (Shared Parking Facilities).

D. Residential District Parking Requirements.

Off-street parking in the Residential Districts, Special Districts, and any Planned Unit Development (PUD) incorporating Residential Uses shall be subject to the following:

1. Residential parking facilities shall be provided in an accessory garage, carport, driveway, defined parking area or bay, or combination thereof. Parking of motor vehicles at any other location in the front, side or rear yards of any dwelling unit shall be prohibited.
2. Parking of motor vehicles accessory to single-family or two-family dwellings shall be limited to passenger vehicles and a maximum of one (1) commercial vehicle per dwelling unit of a light delivery type not exceeding 10,000 pounds gross vehicle weight (GVW).
3. Recreational vehicles and equipment may be parked anywhere in a driveway or parking area on a residential lot for a period not to exceed 72 hours during loading or unloading. Such vehicles and equipment shall otherwise be parked or stored behind the front line of the dwelling.
4. Recreational vehicles and equipment shall not be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

E. Rural District Parking Requirements.

Off-street parking in the Rural Districts shall be subject to the following:

1. Parking facilities shall be provided in an accessory garage, carport, driveway, defined parking area or bay, or combination thereof.
2. Recreational vehicles and equipment shall be parked or stored behind the front line of the dwelling.
3. Parking of motor vehicles, recreational vehicles, and equipment within the required yard setback areas of the lot shall be prohibited.

The provisions of this subsection shall not apply to parking of vehicles and equipment accessory to an active farm operation.

Section 61.04 Standards for Parking and Loading Calculations.

The following standards shall apply to all parking calculations:

1. **Multiple or mixed uses.** Where more than one (1) principal use exists or is proposed to occupy a site (such as a motor vehicle fueling station with a convenience store and car wash, a restaurant with a drive-through lane, or a mixed-use commercial/residential building), the parking requirements for each use shall be calculated separately. The total parking obligation for the site shall equal the cumulative total of the parking requirements for the individual uses, subject to the provisions of Section 61.09 (Flexibility in Application).

2. **Floor area.** Where floor area is the unit for determining the required number of off-street parking spaces, "floor area" shall mean the gross floor area (GFA), except that the floor area need not include any area used for parking within the principal building and need not include any floor area used for incidental service installations of mechanical equipment, penthouses housing ventilators and heating systems, and similar uses.
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 (1) additional space.
4. **Employees.** For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift or busiest period of the workday.
5. **Capacity or permitted occupancy.** For requirements stated in terms of capacity or maximum permitted occupancy, the number shall be determined on the basis of the largest occupancy ratings by the State Construction Code, or applicable local, county or state fire or health codes.
6. **Uses not specifically mentioned.** For those uses not specifically mentioned in this Article, the requirements of a similar use shall apply. The Planning Commission shall make the interpretation.
7. **Exempt.** Rural Uses and Residential Uses not specifically listed in this Section and all public utility and essential service uses shall be exempt from the required parking standards of this Section.

Section 61.05 Schedule Of Off-Street Parking Requirements.

Determinations of the minimum number of required off-street parking spaces and maximum number of permitted spaces by type of use shall be determined in accordance with the following schedule:

A. Minimum Requirements.

Off-street parking, stacking, and loading spaces shall be provided for specific uses of land and structures in the Township in accordance with the minimum requirements of this Article.

B. Maximum Parking Requirements.

The maximum amount of off-street parking permitted for any use shall not exceed one hundred thirty percent (130%) of the minimum parking requirements of this Section. This requirement shall not apply to spaces reserved for off-site uses as part of a shared parking facility agreement per Section 61.09A (Shared Parking Facilities).

C. Schedule of Off-Street Parking Requirements.

Off-street parking, stacking, and loading spaces shall be provided for specific uses of land and structures in the Township in accordance with the following:

Use	Minimum Required Parking
RURAL USES	
Farm-Based Tourism or Entertainment Activities	One (1) per four (4) seats or eight (8) feet of benches, based upon the maximum seating capacity of the primary assembly space; or one (1) per four (4) persons allowed within the maximum capacity of the facility.
Agricultural Service Establishments, Bulk Feed and Fertilizer Supply, Farm Implement Sales or Repair, and Farm Market	One (1) per 400 square feet of floor area, plus one (1) per on-duty employee.
Landscaping and Maintenance/Snow Removal Operations	One (1) per on-duty employee, plus required spaces for the dwelling or offices.
Roadside Stand	One (1) per 100 square feet of display area.
Veterinary Clinic, Animal Hospital, or Kennel	One (1) per 500 square feet of floor area, plus one (1) per on-duty employee.
RESIDENTIAL USES	
Adult Foster Care Small or Large Group Home, State Licensed Residential Facilities, and Other Managed Residential Facilities	One (1) per resident sleeping room, plus one (1) per on-duty employee.
Bed and Breakfast Inn	One (1) per guest sleeping room, plus any required spaces for the dwelling.
Elderly and Senior Housing – Independent	One (1) per dwelling unit plus one (1) per on-duty employee.
Elderly Housing – Assisted Living Facilities; or Dependent, Nursing or Rehabilitative Care	One (1) per two (2) dwelling units or four (4) beds, plus one (1) per on-duty employee.
Family and Group Child Day Care Home, or Adult Foster Care Family Home	One (1) per on-duty employee, plus any required spaces for the dwelling.
Manufactured Housing Parks	Two (2) per dwelling.
Multiple-Family Housing, Town-houses, and Stacked Flats	One and one-half (1.5) per dwelling unit with up to two bedrooms, and two (2) per three-bedroom or larger dwelling unit.
Two-Family (Duplex) Dwellings	
Single-Family Dwellings, Detached	Two (2) per dwelling.
OFFICE, SERVICE, AND COMMUNITY USES	
Barber Shop, Beauty Salon or Nail Care	One (1) per service chair or station, plus one (1) per on-duty employee.
Tattoo Parlor or Body Piercing Salon	
Campgrounds and Recreational Vehicle Parks	One (1) at each campsite, plus any required spaces for accessory COMMERCIAL USES or other uses.
Cemetery	One (1) per on-duty employee, plus required parking for any accessory office or other uses.
Day Care Center – Child or Adult	One (1) parking space per six (6) children of state licensed or authorized capacity, plus one (1) parking space per on-duty employee, plus one (1) stacking space in a designated drop-off/pick-up area per 12 children of state licensed or authorized capacity.
OFFICE, SERVICE, AND COMMUNITY USES (continued)	
Fire, Police or Ambulance, Stations	One (1) per on-duty employee, plus any required spaces for storage of vehicles.
Funeral Parlor or Mortuary	One (1) per four (4) persons allowed within the maximum

Use	Minimum Required Parking
	building occupancy.
Health Club or Fitness Center	One (1) per four (4) persons allowed within the maximum building occupancy, or one (1) per 300 square feet of floor area.
Hospital or Urgent Care Center	One (1) per two (2) beds (excluding bassinets), plus one (1) per on-duty employee.
Information Technology Businesses & Facilities	One (1) per 400 square feet of floor area.
Institutional Uses (churches, schools, civic clubs, etc.)	One (1) per four (4) seats or eight (8) feet of benches, based upon the maximum seating capacity of the primary assembly space; or One (1) per on-duty employee, plus one (1) per four (4) persons allowed within the maximum building occupancy.
Laundromat or Dry Cleaners	One (1) per five (5) washing/drying machines, or 300 square feet of floor area for uses without machines for individual use, plus one (1) per on-duty employee.
Medical, Urgent Care Center, Osteopathic, Chiropractic, Optical or Dental Office, Clinic or Laboratory; Massage Therapist or Physical Therapist	One (1) per 200 square feet of floor area.
Offices for Professional, Service or Administrative Uses	One (1) per 300 square feet of floor area.
Government Offices	
Recreation Facilities, Indoor	One (1) per four (4) persons allowed within the maximum occupancy.
Recreation Facilities, Outdoor	For golf courses: Four (4) per hole, plus one (1) per on-duty employee.
	For golf driving ranges: Two (2) per practice station, plus one (1) per on-duty employee.
	For facilities with a known maximum occupancy: One (1) per four (4) persons allowed within the maximum occupancy.
	For membership organizations: One (1) per two (2) individual or family memberships, based upon the anticipated maximum membership level.
	For parks, playgrounds, tot lots, and similar uses: One (1), plus one (1) per acre of gross land area.
	For all other uses: One (1) per 7,500 square feet of land area.
OFFICE, SERVICE, AND COMMUNITY USES (continued)	
Schools	Elementary and junior high schools - private or public: 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.

Use	Minimum Required Parking
	Trade schools and other schools primarily serving commuter students: One (1) space for each two (2) students, plus one (1) space for each staff member.
Studios for Filmmaking and Video Production	One (1) per four (4) persons allowed within the maximum building occupancy.
Workshop Studios for Crafts, Photography, Art, Woodworking, Decorative Metalworking, Small Appliance Repair, Tailoring, Dressmaking, Millinery, Shoe Repair, and Similar Activities	One (1) per 400 square feet of floor area.
COMMERCIAL USES	
Amusement Center, Indoor	For bowling alleys: Three (3) per bowling lane, plus one (1) per on-duty employee.
	For all other uses: One (1) per four (4) persons allowed within the maximum building occupancy.
Amusement Center, Outdoor	For miniature golf, batting cages or similar uses: One (1) per hole, batting cage, or similar station, plus one (1) per on-duty employee.
	For all other uses: One (1) per 7,500 square feet of land area.
Bank, Credit Union or Similar Financial Institution	One (1) per 300 square feet of floor area.
Car Wash	For self-serve facilities: Two (2) parking spaces, plus one (1) parking space per on-duty employee, plus two (2) stacking space per service bay.
	For automated facilities: Two (2) parking spaces, plus one (1) parking space per on-duty employee, plus stacking spaces equal to four (4) times the maximum capacity of the facility (determined by dividing total service lane length in feet by 25 feet).
Dealership – Indoor Showroom	One (1) per 500 square feet of floor area of the sales room, plus one (1) per on-duty employee.
Drive-in or Drive-through Facilities	Two (2) per service window, booth, cubicle or stall, plus six (6) stacking spaces per service lane.
Hotel or Inn	One (1) per occupancy unit, plus one (1) per on-duty employee.
COMMERCIAL USES (continued)	
Manufactured Housing Sales	One (1) per 4,000 square feet of outdoor sales or display area, plus one (1) per on-duty employee.
Motion Picture Cinema, Indoor	One (1) per three (3) seats, based upon the maximum seating capacity of the primary assembly space, plus one (1) per on-duty employee.
Motion Picture Cinema, Outdoor	One (1) per vehicle allowed within the maximum occupancy, or per three (3) persons where individual seating is provided, plus one (1) per on-duty employee.

Use	Minimum Required Parking
Motor Vehicle Fueling Station	One (1) parking space per on-duty employee, plus one (1) parking space at each fueling location, plus one (1) stacking space per two (2) fueling locations.
Motor Vehicle Service Center or Repair Stations	One (1) parking space per on-duty employee, plus one (1) parking space per service bay, plus one (1) stacking space per service bay.
Open Air Business, Outdoor Display Area, Garden Center, or Dealership Sales Lot	For dealership sales lots: One (1) per 4,000 square feet of outdoor dealership sales lot area.
	For all other uses: One (1) per 1,000 square feet of outdoor sales or display area.
Restaurants and Food Service Establishments, Carry-Out Only	One (1) per 200 square feet of floor area, plus one (1) per on-duty employee.
Restaurants and Food Service Establishments, with Dine-In Seating	One (1) per four (4) seats, based upon the maximum seating capacity, plus one (1) per on-duty employee.
Outdoor Café or Eating Area	
Retail Stores and Commercial Uses not otherwise listed in this table	One (1) per 250 square feet of floor area.
Tavern, Pub, Brewpub or other establishment serving food and alcoholic beverages and/or providing entertainment	One (1) per three (3) persons allowed, based upon the maximum seating capacity of the primary assembly space, plus one (1) per on-duty employee.
INDUSTRIAL, RESEARCH, AND LABORATORY USES	
Industrial, Research, and Laboratory Uses not otherwise listed in this table – established for a known user.	Five (5), plus one (1) per on-duty employee, plus required parking for any accessory office or other uses.
Industrial, Research, and Laboratory Uses not otherwise listed in this table – established on speculation, or where the end user or number of anticipated employees is not known.	Five (5), plus one (1) per 2,000 square feet of floor area for the proposed principal use(s), plus required parking for any accessory office or other uses.
Outdoor Storage, General	One and one-half (1.5) per on-duty employee, plus required parking for any accessory office or other uses.
Outdoor Storage of Recreational Vehicles	
Outdoor Storage, Dismantling or Recycling of Motor or Recreational Vehicles, Boats, Construction or Farming Machinery, Manufactured Houses; Towing Yards; or Similar Uses	
Self-Storage Warehouses	Two (2) for the caretaker’s dwelling, plus one (1) per 300 square feet of floor area in the principal building.
OTHER USES	
Controlled Uses	One (1) per 200 square feet of floor area.
Composting Centers	One and one-half (1.5) per on-duty employee, plus required parking for any accessory office or other uses.
Extractive and Earth Removal Operations	
Landfill, Sanitary	One and one-half (1.5) per on-duty employee, plus required parking for any accessory office or other uses.
Concrete or Asphalt Mixing or Production Plants	

Use	Minimum Required Parking
Public Works and Road Maintenance Yards	One (1) per on-duty employee, plus required parking for any accessory office or other uses.
Recycling Collection Facility	One and one-half (1.5) per on-duty employee, plus required parking for any accessory office or other uses.

Section 61.06 Design Requirements for Parking Areas.

Every parcel of land hereafter used for public or private off-street parking facilities a parking area shall be designed, constructed, and maintained in accordance with the following:

A. Barrier-Free Parking Requirements.

Barrier-free parking spaces shall be provided at convenient locations within each parking area built to accommodate five (5) or more vehicles per applicable state regulations.

B. Landscaping and Screening.

Any off-street parking area providing spaces for five (5) or more vehicles shall be landscaped, and effectively screened from all lot boundaries and road rights-of-way per Section 60.09 (Screening and Land Use Buffers).

C. Setback.

Off-street parking facilities shall conform to the minimum setback requirements:

1. Off-street parking spaces and all driveways for all land uses except single-family and two-family dwellings shall be set back a minimum of ten (10) feet from all lot boundaries, unless a wall, screen, or compact planting strip is provided per Section 60.09 (Screening and Land Use Buffers).
2. Off-street parking spaces within a required front yard setback area shall be landscaped, and effectively screened from all lot boundaries and road rights-of-way per Section 60.09 (Screening and Land Use Buffers).
3. Off-street parking shall be allowed in the front yard and front and side yards on corner lots, provided that no parking spaces shall be located within any required landscape strip or transition buffer per Section 30.203 (Yard Standards).

D. Ingress/Egress.

Adequate means of ingress and egress shall be provided for all parking and loading facilities by means of clearly limited and defined drives, curb cuts, and maneuvering lanes. Driveways and aisles for any off-street parking area built to accommodate more than five (5) vehicles shall comply with the following requirements:

1. Aisles for access to all parking spaces on two-way aisles shall be designed and clearly marked for two-way traffic flow. Aisles for angle parking spaces shall be limited to one-way movement, and shall be clearly marked as such.
2. Ingress and egress to a parking lot shall not be across land located in the Rural Districts or Residential Districts, if the parking lot is located in any Business Districts or Other Districts.

3. Off-street parking facilities that make it necessary for vehicles to back out directly into a road right-of-way shall be prohibited, provided that this shall not apply to off-street parking for single-family and two-family dwellings.
4. Not more than 15 parking spaces in the Residential Districts and not more than 20 parking spaces in any other zoning district shall be permitted in a continuous row without interruption by a landscaped island or similar site element per Section 60.09 (Screening and Land Use Buffers).
5. Lanes for entering and exiting traffic shall be clearly marked. Exit lanes shall include adequate area for traffic waiting to exit the site.

E. Exterior Lighting.

Light fixtures used to illuminate off-street parking and loading facilities shall conform to the requirements of Section 60.03 (Exterior Lighting).

F. Pavement, Striping, and Signage.

Off-street parking facilities, off-street loading, unloading, or standing spaces, barrier free parking spaces, access aisles, and pedestrian paths from parking lots to building entrances shall be paved with concrete, plant-mixed bituminous asphalt or similar materials in accordance with the standards of this Ordinance and the Township's engineering standards. Pavement striping and signage shall be provided in accordance with applicable State Construction Code and Township requirements.

G. Stacking Spaces.

Where required by this Article, stacking spaces shall be ten (10) feet wide by 20 feet long. Stacking spaces shall not intrude into any road right-of-way or maneuvering lane for an off-street parking lot.

H. Grading and Drainage.

Driveways and off-street parking areas shall be graded and provided with adequate stormwater management and drainage facilities to dispose of surface waters in accordance with applicable construction and design standards established by the Township, Washtenaw County Road Commission, and Washtenaw County Water Resources Commissioner. Surface water shall not drain on to abutting properties, toward buildings or across a public road, except in accordance with an approved drainage plan.

I. Parking Layout.

The layout of off-street parking shall be in accordance with the following minimum requirements (see "Parking Layout" illustration):

Parking Pattern (degrees)	Maneuvering Lane Width	Parking Space Width	Parking Space Length
0° (parallel)	12 feet (two-way)	8.0 feet	22 feet
45°	15 feet (one-way)	9.0 feet	20 feet
60°	20 feet (one-way)	9.0 feet	20 feet

Parking Pattern (degrees)	Maneuvering Lane Width	Parking Space Width	Parking Space Length
90°	20 feet (two-way)	9.0 feet	20 feet

1. Parking space dimensions shall be exclusive of access drives or aisles, and shall be of usable shape and condition. Nothing in these regulations shall prevent all or part of any required parking to be provided by ten (10) foot wide spaces.
2. Maneuvering lanes and aisles shall be designed to meet applicable Township and outside agency engineering standards for emergency vehicle access.
3. Off-street parking facilities for trucks, recreational vehicles, and similar large vehicles shall be of sufficient size to adequately serve such vehicles without interfering with other vehicles that use the same facilities. Such truck spaces shall not be less than twelve (12) feet in width and 55 feet in length.

J. Shared Access Standards.

The purpose of this subsection is to protect the substantial public investment in the Township’s road system by preserving the traffic capacity of existing roads, promote safe and efficient travel within the Township, and ensure reasonable vehicular access to properties, though not always the most direct access. Primary vehicle access to parcels in the Business Districts or occupied by OFFICE, SERVICE, AND COMMUNITY USES or COMMERCIAL USES may be provided by the development and use of shared driveways, cross-access drives, service drives, and similar means of shared access, subject to the following:

1. **Access to Roads.** Such shared access shall conform to the standards of Section 30.207 (Access to Roads). New shared driveways, cross-access drives, and service drives shall be aligned with existing drives on adjacent lots where feasible, and parallel or perpendicular to the road right-of-way.
2. **Cross-access easement.** Shared driveways, cross-access drives, and service drives shall be located within a dedicated access easement that permits traffic circulation between lots. The property owners shall record the approved easement in the Washtenaw County Register of Deeds office, and shall provide at least one (1) copy of the recorded document to the Township Clerk.
3. **Maintenance.** The easement area shall remain clear of obstructions. Each property owner shall be jointly and severally responsible for maintenance of the shared access.

Section 61.07 Off-Street Loading Requirements.

In connection with every building or part thereof hereafter erected, except single and two-family dwellings, off-street loading and unloading spaces for uses which customarily receive or distribute material or merchandise by vehicle shall be provided on the same lot with such buildings. Off-street loading spaces are hereby required in order to avoid interference with public use of roads and parking areas, subject to the following:

A. Specifications for Loading, Unloading, or Standing Areas.

Every parcel of land hereafter used as a loading, unloading, and/or standing area shall be developed and maintained in accordance with the following regulations:

1. Each off-street loading, unloading, or standing space shall be of sufficient size and configuration to accommodate the largest type of delivery vehicle anticipated for the proposed use:
 - a. For express package carriers, vans, and similar delivery vehicles, such space shall be not less than ten (10) feet in width and 25 feet in length and, if a roofed space, not less than 15 feet in height.
 - b. For larger delivery vehicles, such space shall be not less than ten (10) feet in width and 55 feet in length and, if a roofed space, not less than 15 feet in height.
2. In no event shall any part of a required front yard or street side yard be occupied by a loading, unloading, or standing space.
3. A loading, unloading, or standing space may occupy all or any part of any required side or rear yard, provided that all such spaces shall be set back a minimum of 50 feet from any Rural Districts, Residential Districts, or any Planned Unit Development (PUD) that includes RESIDENTIAL USES; except where enclosed within a building or completely screened from all lot boundaries and road rights-of-way per Section 60.09 (Screening and Land Use Buffers). Such spaces shall be prohibited within any required front setback.
4. All off-street loading, unloading, and standing areas shall be drained so as to prevent surface drainage onto abutting properties, toward buildings, or onto public streets. All loading dock approaches shall be paved so as to provide a permanent, durable, and dustless surface.
5. Ingress and egress to loading, unloading, and standing areas shall be provided by means of clearly defined drives. Ingress and egress to a loading, unloading, and standing area for a non-residential use shall be set back a minimum of 50 feet from the boundary of any Rural Districts, Residential Districts, or any Planned Unit Development (PUD) that includes RESIDENTIAL USES.
6. Loading spaces shall be located within or immediately adjacent to the building to be served.
7. Off-street loading, unloading, or standing areas that make it necessary for vehicles to back directly into a road right-of-way shall be prohibited. All maneuvering of trucks, automobiles, and other vehicles shall take place on the site and not within a road right-of-way.

B. Schedule of Loading, Unloading, and Standing Requirements.

The minimum number of off-street loading, unloading, and standing spaces shall be determined in accordance with the following schedule:

1. One (1) space for the first 5,000 square feet of gross floor area, plus one (1) space for each additional 20,000 square feet of gross floor area or fraction thereof.
2. Required off-street parking spaces shall not be included in the counting of required loading, unloading, or standing spaces.
3. In the case of two (2) or more uses on one (1) lot or parcel, the total requirements for off-street loading, unloading, and standing facilities shall be the sum of the various uses computed separately.

Section 61.08 Construction and Maintenance.

Construction, alteration, and maintenance of off-street parking and loading facilities shall be in accordance with an approved final site plan and the following:

A. Construction.

Plans and specifications showing required off-street parking and loading spaces, including the means of access, ingress, egress, and circulation, shall be submitted to the Zoning Administrator for review at the time of application for a building permit or certificate of zoning compliance. If a site plan is required per Article 64.0 (Site Plan Review), such plans shall be submitted for Planning Commission approval.

1. In the event that required paving cannot be completed because of cold or inclement weather, the Township may require submittal of a performance guarantee to ensure completion.
2. Copies of any permits or written approvals from the Washtenaw County Road Commission, Washtenaw County Water Resources Commissioner or other agency with jurisdiction shall be provided to the Township prior to the issuance of a zoning compliance permit.

B. Maintenance.

All parking and loading areas shall be maintained in accordance with the provisions of this Article, an approved site plan and the following:

1. Alterations to an approved parking or loading facility that are not in accordance with an approved site plan shall be considered a violation of this Ordinance.
2. All parking areas, perimeter landscaped areas, and required screening shall be kept free from tall grass, weeds, trash, and debris. Surfacing, curbing, lighting fixtures, signage, and related improvements shall be kept in good repair.

Section 61.09 Flexibility in Application.

The Township recognizes that, due to the specific requirements of any given development, inflexible application of the standards of this Article may result in development with inadequate parking or parking far in excess of that which is needed. The former situation may lead to traffic congestion or unauthorized parking on adjacent streets or neighboring sites. The latter situation may result in excessive paving and stormwater runoff and a waste of space that could be more productively used, or set aside as open space.

Limited modifications to the standards of this Article shall be permitted as part of site plan approval whenever the Planning Commission determines that such deviations are more likely to provide a sufficient but not excessive number of parking spaces to accommodate the specific characteristics of the use in question. Such modifications shall be subject to the following:

A. Shared Parking Facilities.

Parking facilities for one (1) land use shall not be considered as providing the required parking facilities for any other land use, unless a shared parking facility meeting the following conditions has been approved as part of a final site plan approval:

1. The Township Planner has reviewed the proposed shared parking facility and determined that the operating hours of the uses do not overlap, or that the peak activity for each use will occur at different periods of the day or week.
2. Where shared parking facilities are provided, the minimum number of required parking spaces shall not be less than the sum of the minimum required number of spaces for the largest user of parking, plus one-half (1/2) of the minimum required number of spaces for each additional use as specified in this Article.
3. Where shared parking facilities are provided, the minimum required parking for each multiple-family and non-residential land use shall be located within 300 feet of a primary entrance to the principal building or use for which the parking is intended, and within 150 feet for each single-family or two-family dwelling.
4. A shared parking agreement between the property owners has been submitted and found to be acceptable by the Township Planner and Township Attorney.

The property owners shall record the approved agreement in the Washtenaw County Register of Deeds office, and shall provide at least one (1) copy of the recorded document to the Township Clerk.

B. Exceeding Maximum Number of Required Spaces.

Exceeding the maximum parking space requirements of this Article shall be prohibited, except where the Planning Commission determines that additional parking is necessary to accommodate the use on a typical day of operation, based upon evidence supplied by the applicant. The Planning Commission may require the applicant to provide a detailed evaluation of parking needs for the proposed use, or additional documentation of demonstrated parking needs for equivalent operations or facilities at other locations.

C. Deferment of Parking Spaces.

Where an applicant demonstrates to the satisfaction of the Planning Commission that the minimum required number of parking spaces is excessive, the Planning Commission may approve the construction of a lesser number of parking spaces, provided that the deferred parking is shown on the site plan and set aside as open space. This open space shall be in addition to and separate from any other required open space.

Deferred parking spaces shall be constructed in accordance with the approved site plan upon written request by the Township after the Township Planner or Zoning Administrator has documented three (3) incidents of problem parking on the site or

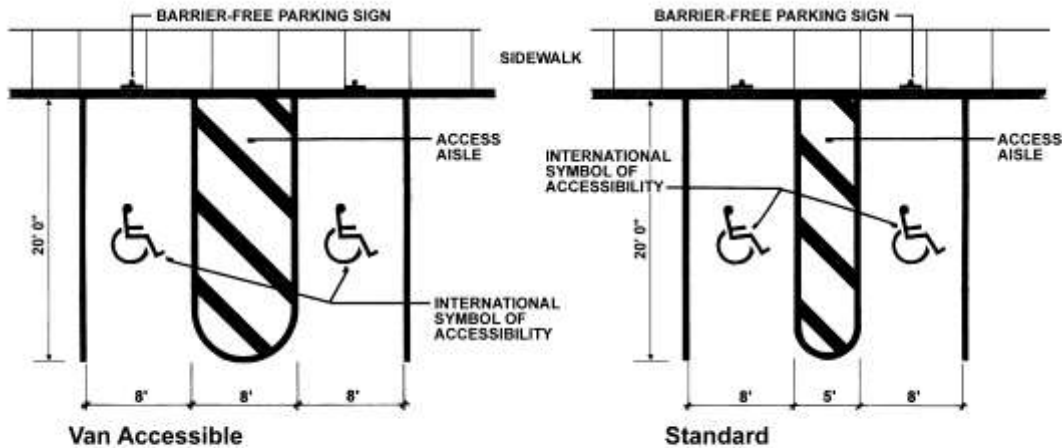
upon determination by the property owner that additional parking is required.

D. Modification of Paving Requirements.

The Planning Commission may approve an alternative paving material or surface for all or part of a parking, loading, unloading, or standing facility, subject to the following:

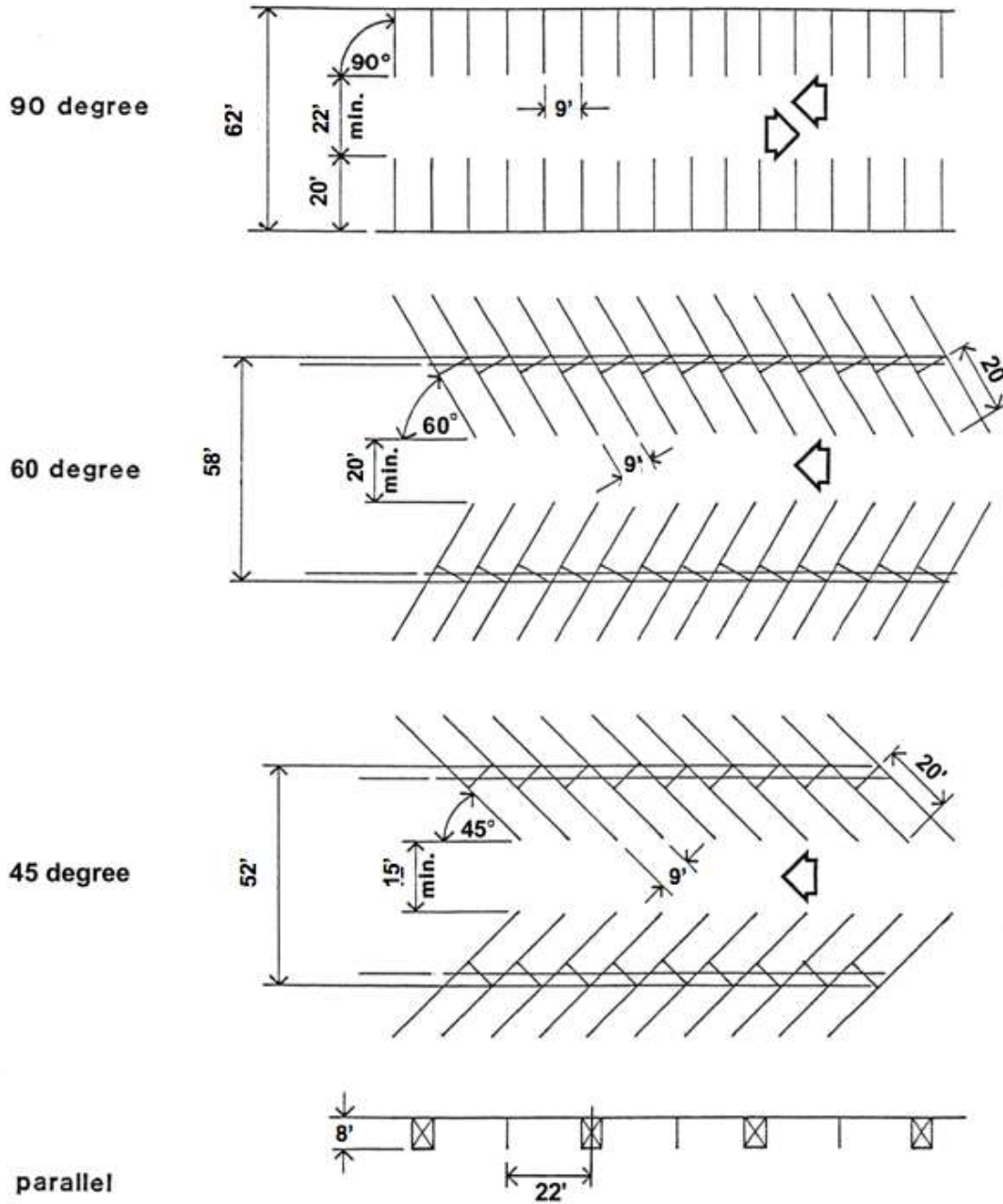
1. The Planning Commission shall determine that the alternative paving material or surface is more appropriate for a particular site or use.
2. Alternative paving material or surface for barrier free parking spaces, access aisles, and pedestrian paths from parking lots to building entrances shall be prohibited.
3. Alternative paving materials shall be limited to graded and compacted gravel, crushed limestone, or similar materials that would provide a durable surface and are acceptable to the Township Engineer.

ILLUSTRATIONS



Barrier-Free Parking Space Layout

ILLUSTRATIONS



Parking Layout

ARTICLE 62.0 SIGNS

Section 62.01 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 Salem Township, to protect health and safety, and to protect the public welfare. All signs in the Township shall be designed, constructed, and maintained in a manner appropriate in appearance with the intended character of their vicinity so as not to adversely affect the intended character of the zoning district where the sign is located.

The primary function of signage, as it relates to this Ordinance, is to identify a particular use or business occupying a lot or building in the Township. While reasonable use of signage may promote commerce, unrestricted signage does not benefit individual businesses or property owners or the community as a whole. A proliferation of signs in the Township would unduly distract or endanger motorists and pedestrians, cause the deterioration of business or residential areas, obstruct vision, negatively impact property values, and reduce the effectiveness of both business signage and signs needed to direct and warn the public. It is the further intent of this Article to:

1. Encourage free expression of ideas and dissemination of messages, regardless of content, using signs that are compatible with their surroundings and legible under the circumstances in which they are designed to be seen.
2. Regulate the construction, alteration, repair, and maintenance of all signs with respect to safety, location, dimensions, height, and method of illumination.
3. Permit such signs as will not, by reason of their size, location, or manner of display, endanger public health or safety; confuse or mislead traffic; or obstruct vision necessary for traffic and pedestrian safety.
4. Minimize the proliferation of visual clutter and preserve the appearance of the Township by preventing the placement of oversized signs that are out of scale with surrounding buildings and uses.
5. Seek the removal of unlawful and abandoned signs, and encourage the replacement or removal of nonconforming signs that are incompatible with the purpose of this Article.
6. Recognize the Township's character and scale to protect scenic areas and view sheds, native plants, and landscapes, and dark night sky.

The provisions of this Article shall be considered to be the minimum necessary to meet the intent and purposes of this Article and Ordinance, and to promote and protect the public health, safety, comfort, morals, and convenience.

Section 62.02 General Standards.

The following general standards shall apply to signs in all zoning districts:

A. Compliance Required.

Signs erected, altered, and maintained in the Township shall conform to the standards of this Article. In no case shall any sign exceed the maximum sign height and sign area standards that apply to the type of sign or an equivalent sign regulated by this Article.

B. Standards of Measurement.

Dimensional standards and measurements for signs shall be subject to the following:

1. **Sign height.** The distance from the average level of the ground or pavement directly below the sign to the highest point of the sign structure, including any supportive or decorative elements (see illustration).
2. **Sign setback.** Setbacks shall be measured from the closest road right-of-way or front lot line to the nearest edge of the sign, which ever is greater.
3. **Sign area.** Measurements of permitted sign area shall be in accordance with the following standards:
 - a. The surface area of a sign shall include the total area within a regular geometric figure (circle, triangle, rectangle or square) enclosing the extreme limits of letters, symbols or other materials forming an integral part of the display, plus the surface area of any board, panel, or similar sign copy area to which the letters, symbols or other materials are attached (see illustration).
 - b. For an internally illuminated sign, the entire illuminated surface area of a sign face shall be included in the measurement of sign area.
 - c. Where two (2) sign faces are placed back to back no more than 24 inches apart, then the sign area shall equal the area of one (1) face. If the sign faces are different sizes, then use the area of the larger face.
 - d. Where two (2) sign faces are placed more than 24 inches apart at any point or a sign has more than two (2) sign faces, then the sign area shall equal the total area of all sign faces.
4. **Signable area.** The signable area of a building shall equal the area of the building's street level façade (see illustration).
 - a. **Signable area for multi-tenant buildings.** Where more than one business or use occupies space on the street level façade, the total signable area allowed for the building shall be divided among the businesses or uses in proportion to the size of each occupied space.
 - b. **Signable area for buildings on corner lots.** Where a building has two (2) or more street level facades (such as on a corner lot), each street level façade shall be considered as a separate signable area for purposes of this Article (e.g., a building that faces two (2) road rights-of-way shall have two (2) signable areas).

C. Construction and Maintenance.

All signs shall be constructed or installed in compliance with the State Construction Code and other applicable building, fire, and electrical codes; shall be maintained in good repair and working order; and shall present a neat and orderly appearance. All signs shall be of sturdy construction to withstand normal natural elements, and shall be properly maintained at all times.

1. Corrosion-prone materials shall be painted as necessary to prevent corrosion.
2. All sign faces shall be smooth, and no nails, tacks or wires shall be permitted to protrude from any sign. This shall not exclude the use of block letters, decorative elements or other devices that may extend over or in front of the sign structure.
3. Building-mounted and ground signs shall be maintained with all necessary structural and decorative components, including supports, sign frame, and electrical equipment. Signs that are in a ripped or worn condition shall be classified as damaged signs for purposes of this Article.
4. All sign copy areas shall be intact, and illuminated signs shall be capable of immediate illumination. Signs with damaged, incomplete or missing sign copy areas or non-functional or damaged illumination elements shall be classified as damaged signs for purposes of this Article.

D. Placement Requirements.

The following placement standards shall apply to all signs:

1. No sign may extend above any parapet or be placed upon, cantilevered over or otherwise suspended above any roof surface. For purposes of this Article, roof surfaces constructed at an angle of 75 degrees or more from horizontal (such as mansard roofs) shall be regarded as wall space.
2. No sign attached to a building, other than a permitted awning sign, shall project more than one (1) foot from the building wall.
3. Signs shall not be located within nor extend over any road right-of-way or corner clearance area, except where specifically authorized by this Article. This restriction shall include any future planned rights-of-way, as defined by the master transportation plans for the Township, or county or state road authorities.
4. All signs shall be set back at least ten (10) feet horizontal distance from any utility pole, overhead wire, transformer or streetlight.

E. Hazards and Obstructions.

Signs shall not be designed or maintained in a manner that would confuse or mislead motorists or pedestrians, create traffic or pedestrian hazards, obstruct free and clear vision or interfere with any traffic control device. No sign shall be erected or maintained so as to prevent ingress or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe, fire escape or other means of ingress or egress.

F. Use.

All signs shall be accessory to the principal use of the lot where the sign is located, and shall not impair the use of adjacent properties. Any sign permitted by this Article may contain a non-commercial message.

G. Illumination.

Internal and external sign illumination shall be permitted, subject to the following:

1. **External sign illumination.** Where permitted under this Article, external illumination of signs shall be subject to the following:
 - a. The light source(s) shall be fully shielded to prevent upward illumination or glare, directed towards the sign face, and designed to concentrate all light on the sign copy area (see illustration at end of Article); and
 - b. The light source(s) shall be arranged and shaded so as not to project onto the public right-of-way and interfere with traffic or project onto adjacent property.
2. **Internal sign illumination.** Where permitted under this Article, internal illumination of signs shall be subject to the following:
 - a. The sign faces shall be more than fifty percent (50%) covered by semi-opaque colors and materials with a color value and saturation of fifty percent (50%) or higher (see illustration).
 - b. Sign illumination intensity shall not exceed three (3) footcandles as measured ten (10) feet from the sign.
 - c. Internal illumination of signs accessory to RURAL USES and RESIDENTIAL USES shall be prohibited.
3. **Other Limitations.** Sign illumination shall be provided solely by electrical means or devices, and shall not be of a flashing, intermittent, moving or animated type. Illumination involving searchlights, strings of lights or movements of lights or other devices shall be prohibited.

H. Changeable Copy Area or Electronic Message Board.

A changeable copy area or electronic message board shall be allowed as part of a permitted building-mounted sign or ground sign, subject to the following:

1. To ensure compliance with the internal illumination standards of Section 62.02G (Illumination) and minimize glare from the bright background of such signs, the changeable copy area shall not exceed fifty percent (50%) of the total sign area.
2. To ensure compliance with Section 62.02I (Animated Copy Prohibited) and minimize visual distractions and hazards for motorists, pedestrians, and property, an electronic message board shall be limited to a display cycle interval of 30 seconds or longer for automated changes to the sign copy area.

3. All electronic message boards shall operate in full conformance with the internal illumination standards of Section 62.02G (Illumination). Three (3) or more complaints received within any 365 calendar day period shall be grounds for the Zoning Administrator to issue an order to:
 - b. Remove the electronic message board as an unlawful sign per Section 62.11 (Sign Removal by Township Action); or
 - c. Prohibit automated changes in the electronic sign copy area for up to one (1) year.

I. Animated Copy Prohibited.

To minimize visual distractions and hazards for motorists, pedestrians, and property; animated copy, as defined in Section 2.03 (Definitions), shall be prohibited as part of any sign allowed under this Ordinance.

Section 62.03 Signs Allowed Without a Permit.

The following signs are exempt from Section 62.09 (Sign Permit) requirements, and shall be permitted accessory to a permitted use in any zoning district. Such signs shall be subject to all other applicable standards of this Article:

A. Temporary Signs Within Road Rights-of-Way.

Temporary signs proposed to be located within or over road rights-of-way, including street banners or signs associated with a public event or festival, shall be subject to Township Board approval. The Township Board may establish policies for the display and removal of such signs, and may require payment of an inspection fee or performance guarantee to ensure timely removal. Placement in the right-of-way shall be consistent with Washtenaw County Road Commission requirements.

B. Address Numbers and Nameplate.

All principal buildings shall display their assigned address number in a manner legible from the road right-of-way. In addition, one (1) nameplate shall be permitted per principal building to provide for the further identification of the building, use or occupants. The nameplate shall not exceed four (4) square-feet in area, and shall be attached flat against the building wall.

C. Construction Signs.

Temporary construction signs shall be subject to the following:

Standards	Construction Signs
Maximum number of permitted signs	One (1) sign per road frontage of the zoning lot.
Minimum required setbacks	Outside of any road rights-of-way and ten (10) feet from the edge of pavement for any internal access drive.
Maximum sign area	32.0 square feet
Maximum sign height	6.0 feet
Method of illumination	External light sources only.
Display period	The sign shall not be erected prior to final site plan or final preliminary plat approval, and shall be removed within 14

Standards	Construction Signs
	calendar days of completion of the project’s final phase, or upon expiration of site plan or permit approval.

D. Other Temporary Signs.

Temporary signs not otherwise provided for in this Section shall be subject to the following standards:

1. **Maximum height and sign area.** Such temporary signs shall be permitted in accordance with the following table of standards for maximum permitted height and total sign area per lot:

Use Group	Maximum Sign Area for All Signs	Maximum Sign Height
Rural Uses	32.0 square feet	6.0 feet
Residential Uses	12.0 square feet	6.0 feet
Office, Service, and Community Uses	18.0 square feet	6.0 feet
Commercial Uses	18.0 square feet	6.0 feet
Industrial, Research, and Laboratory Uses	18.0 square feet	6.0 feet
Other Uses	12.0 square feet	6.0 feet
Note: Use groups are as defined in Article 20 (Land Use Table)		

2. **Removal.** Such signs shall be removed by the property or business owner, agent or person responsible for creating or placing the sign on the lot within seven (7) calendar days following completion or discontinuation of the event, action or activity to which the sign pertains.
3. **Right-of-way.** Such temporary signs shall be located outside of all road rights-of-way.
4. **Damaged or unsafe temporary signs.** The owner, agent or person responsible for creating or placing the sign on the lot shall immediately remove such signs determined by the Zoning Administrator to be in a damaged or unsafe condition. Failure to remove a sign in such condition shall be considered a violation of this Ordinance.

E. Other Signs and Sign-Related Activities.

The following types of signs and sign-related activities shall be permitted accessory to a permitted use in any zoning district:

1. Painting, servicing, cleaning, normal maintenance, and minor repairs of an existing sign, provided that the approved design is not altered and all work is in compliance with applicable Ordinance requirements.

2. One (1) window sign accessory to a principal non-residential use not exceeding four (4) square-feet in area and may be illuminated. Additional window signs may be permitted in accordance with Section 62.05 (Building Mounted Signs).
3. Memorial signs, tablets or markers that are cut into the face of masonry surfaces or constructed of bronze or other incombustible materials, and are integrated into the façade wall of a building.
4. Flags bearing the official design of a nation, state, municipality, educational institution, award or non-profit organization.
5. Pennants installed by the Township on or over public roads.
6. Signs of a duly constituted governmental body; signs required to be maintained by law or governmental order, rule or regulation; signs identifying public access, municipal facilities and similar official markers; and incidental signs displayed for the direction, safety or convenience of the public.
7. Traffic safety and control and similar signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices; and essential service signs denoting utilities, hazards, and precautions.
8. Signs on the interior of a building not legible from the building exterior, and other incidental signs not visible from public road rights-of-way.
9. Changes to sign copy within an approved changeable copy area.
10. Incidental signs carried by or affixed to clothing worn by persons; and incidental signs on vehicles, trailers, and similar transitory devices that are in motion or associated with and regularly used in the course of conducting the principal use located on the premises shall not exceed 48 hours at a stationary location.
11. Signs delineating the boundaries of private property, provided the area of each sign shall not exceed two (2) square feet.
12. Seasonal decorations for a maximum of 60 calendar days, provided traffic visibility are not affected.

Section 62.04 Signs Allowed With a Permit.

The following signs shall be permitted accessory to a permitted use in any zoning district, subject to approval of a sign permit in accordance with Section 62.09 (Sign Permits):

A. Site Entry Features with Signage.

Site entry features with signage may be erected at the entrance to a residential subdivision, condominium or multiple-family development; manufactured housing park; or multi-tenant office, research or business campus, subject to the following (see illustration):

1. Site entry features may consist of walls, columns, gates, and similar design elements, and may be located within required yard setback areas. Site entry features shall be located outside of any road rights-of-way and a minimum of ten (10) feet from the edge of pavement for any internal access drive.

2. The location, design, and maintenance provisions for the site entry features shall be subject to site plan approval per Article 64.0 (Site Plan Review). Site entry features to be added to an existing site shall be subject to approval of an amended site plan in accordance with Section 64.12 (Amendment and Revision).
3. The location and design of an entrance structure shall not interfere with pedestrian, bicycle, or vehicular traffic movement, and shall conform to the requirements of Section 30.208 (Corner Clearance Areas).
4. A maximum of one (1) sign shall be permitted on a site entry features per side of a road entrance from a public road classified as a primary roadway by the master transportation plans of the Township, or county or state road authorities, subject to the following:

Standards	Site Entry Features with Signage
Maximum sign area	24.0 square feet per sign
Maximum sign height	6.0 feet
Method of illumination	External light sources only.

B. Building Directory.

Where a single building on a single lot is occupied by more than one (1) business, dwelling or other use above the street level façade (such as a multiple-tenant office or commercial building), a building directory sign may be erected on the street level façade for these uses, subject to the following (see illustration):

1. The building directory shall be separate from any permitted signs accessory to the uses occupying the street level façade.
2. The maximum sign area shall not exceed three percent (3%) of the signable area of the building.
3. Illumination of such signs shall be limited to external light sources.

Section 62.05 Building-Mounted Signs.

The intent of this Section is to establish consistent and reasonable standards for the location, size and range of permitted types of signs located on buildings in the Township. The following standards shall apply to building-mounted signs in any zoning district:

Standards	Type of Permitted Signs			
	Wall	Awning	Projecting	Window
Permit required?	yes	yes	yes	no
Internal or external illumination permitted?	yes	yes	yes	see Section 62.03E.2.
Maximum number of sign faces per building-mounted sign	one (1)	one (1)	two (2)	one (1)

Standards	Type of Permitted Signs			
	Wall	Awning	Projecting	Window
Minimum sign height	none	7.5 feet	8.0 feet	none
Maximum permitted sign area of all building-mounted signs	10% of the signable area of the building space occupied by the use (see illustration)			10% of the street level window surface area (also see Section 62.03E.2.)

1. **Prohibitions.** Building-mounted signs shall be prohibited on accessory structures, agricultural buildings, and accessory to RESIDENTIAL USES in any zoning district.
2. **Permit approval.** Approval of a sign permit in accordance with Section 62.09 (Sign Permits) shall be required to erect, alter or relocate a wall, awning or projecting sign in the Township.
3. **Window signs.** Window signs shall be restricted to interior window surfaces. A Sign permit shall not be required for permitted window signs under this Section.
4. **Location.** All building-mounted signs shall be located entirely within the street level façade(s). Where more than one (1) wall sign is displayed, a minimum horizontal separation of two (2) feet shall be provided between signs.
5. **Rear public entrance sign.** One (1) additional building-mounted sign not exceeding four (4) square feet in area shall be permitted for each rear public entrance. This sign area shall be in addition to the building-mounted sign area otherwise permitted under this Section.
6. **Painted wall signs.** Signs applied with paint or similar substance on an exterior surface of a structure shall be considered a building-mounted sign subject to the standards of this Section. Prior to painting a sign on a wall, the wall surface shall be freshly painted with a continuous base color.
7. **Awning signs.** Awning signs shall be restricted to the surface area of the awning’s valance, which is the band of material hanging perpendicular to the ground (see illustration). Awning materials for an internally illuminated awning sign shall be opaque, except for any permitted sign area. Awning signs shall be included as part of the overall allowed signage area of the building signable area.
8. **Projecting signs.** Projecting signs shall be further subject to the following (see illustration):
 - a. Such signs shall project from the wall at an angle of 90 degrees.
 - b. A maximum of one (1) projecting sign shall be permitted per use, with a maximum sign area of 24 square feet per sign face.
 - c. Such signs shall be secured to the building by metal anchors, bolts, supports, rods or braces, in a structural fashion, that meets all applicable

building codes. The Township may require certification of the design by a professional engineer registered in the State of Michigan.

- d. Projecting signs may extend out from the building wall a maximum of four (4) feet, and shall be pinned away from the building wall at least six (6) inches.
- e. No part of the sign extends into or over a road right-of-way.

Section 62.06 Ground Signs.

The intent of this Section is to establish consistent and reasonable standards for the height, location and size of ground signs in the Township, and to minimize the proliferation of excessive or out-of-scale ground signage that would compete for the attention of motorists, or create traffic hazards or visual blight within the Township. The following shall apply to ground signs accessory to non-residential uses in any zoning district:

A. Ground Sign Standards.

Maximum Ground Sign Height	Minimum Sign Setback from Buildings and Road Rights-of-Way	Maximum Sign Area per Ground Sign	Maximum Number of Ground Signs per Zoning Lot
10 feet	equal to actual sign height	36.0 square feet	1

- 1. Approval of a sign permit in accordance with Section 62.09 (Sign Permits) shall be required to erect, alter or relocate a ground sign in the Township.
- 2. Ground signs shall be prohibited within corner clearance areas, as defined in Section 30.208 (Corner Clearance Areas).
- 3. Setbacks shall be measured from the near edge of the planned future road right-of-way, as defined by the master transportation plans of the Township, or county or state road authorities.
- 4. A maximum of two (2) sign faces shall be permitted per ground sign.
- 5. No part of a ground sign shall be located within a required side yard or within ten (10) feet of a side lot line.
- 6. Ground sign shall be set back a minimum of 50 feet from any existing residential dwellings on abutting zoning lots.
- 7. No ground sign shall be placed in such a manner as to prevent any motorist on a curve of a road from obtaining a clear view of approaching vehicles for a distance of 500 feet along the road.
- 8. Use of a ground sign and site entry features with signage (see Section 62.04A) together on the same zoning lot accessory to the same principal uses shall be prohibited.

B. Permitted Modifications.

The following modifications to the standards of this Section have been established to:

1. Preserve the character and appearance of the Township's lower intensity use districts through more restrictive standards;
2. Ensure that permitted signage is in reasonable proportion to the land use intensity; and
3. Provide for the specific signage needs of multi-tenant shopping centers and uses that abut primary roadways as defined by the master transportation plans of the Township, or county or state road authorities.

Modifiers shall be cumulative down each column of the following table, as applied to a particular land use or zoning lot:

SIGN CALCULATIONS CHART

		Maximum Sign Height	Minimum Sign Setback	Maximum Sign Area per Sign	Maximum Number of Signs
Permitted Modifiers		10 feet	equal to actual sign height	36.0 square feet	1
Cumulative Modifiers	Located in the Rural Districts (R-C and A-R)	- 4 feet	no change	- 18 square feet	no change
	Located in the Residential Districts (ER, LR, SR, MR, and MHP)	- 4 feet	no change	- 18 square feet	no change
	Located in the Hamlet Center (HCD) District	- 4 feet	no change	- 8 square feet	no change
	Located in the Public/Semi-Public Services (PSP) District	- 2 feet	no change	- 8 square feet	no change
	Total lot frontage on all public road rights-of-way is less than 150 feet	no change	no change	- 6 square feet	no change
	Total lot frontage on two (2) or more public road rights-of-way is in excess of 500 feet in length	no change	no change	no change	+ 1 additional sign
	Sign abuts a primary paved roadway with a posted speed limit greater than 50 miles per hour	+ 2 feet	no change	+ 12 square feet	no change
	Sign abuts a public road with an existing right-of-way width greater than 90 feet	+ 2 feet	no change	+ 8 square feet	no change
	Lot is occupied by a multi-tenant office building, shopping center or similar group of at least five (5) independent non-residential uses	no change	no change	+ 44 square feet	no change
Total Permitted with Modifiers:		_____ feet	_____ feet	_____ square feet	_____ sign(s)

Section 62.07 Sign Permit Requirements

It shall be unlawful for any person to erect, alter, or relocate any sign, sign structure or sign area subject to permit approval under the provisions of this Article, without first obtaining appropriate permit(s) from the Township and paying the required permit fee according to the schedule of fees established by the Township Board.

A. Sign Permits.

Where a provision of this Article requires approval of a sign permit, such approval shall be subject to the zoning compliance permit provisions of Article 67.0 (Administration and Enforcement) and the following:

1. The Zoning Administrator shall be responsible for verifying compliance with this Article, prior to issuing a sign permit under this Section.
2. Other permits may be required in accordance with applicable building and electrical codes.
3. Issuance of a building or electrical permit shall not exempt the permit holder from compliance with the requirements of this Section and Article.

B. Required Information for Sign Permit Applications.

The following shall be provided with any sign permit application:

1. **Application information.** Permit applications shall include the following information:
 - a. The name, address and telephone numbers for the applicant, property owner, and sign contractor; address or property location where the sign is to be located; and written consent of the property or sign owner to perform the proposed work.
 - b. Where a proposed sign would encroach into a road right-of-way, copies of permits or approvals from the Township Board and any other agency with jurisdiction.
 - c. Any other information required by the Zoning Administrator to show full compliance with this Ordinance.
2. **Plot plan.** A plot plan shall include a parcel survey, easements, dimensions, locations of all structures, and all existing and proposed signs on the zoning lot. If building-mounted signs are proposed, elevation drawings of all buildings on the site shall be provided showing all existing and proposed building-mounted signs.
3. **Sign details.** Specifications and drawings showing the materials, design, dimensions, structural supports, and method of illumination.
4. **License and insurance.** Every person who engages in the erecting, altering or dismantling of permanent signs in the Township shall first submit proof of appropriate licenses or certifications, and a liability insurance policy that indemnifies Salem Township and its prior, present and future employees, officials, representatives and from all damage suits or other actions brought or claimed against the erector for injuries or damages to persons or property sustained by any person or persons through any act of omission or negligence of said erector, his servants, agents or employees. Said policy shall contain a clause whereby it cannot be canceled or changed until after written notice has been filed with the Township at least 30 days prior to the date of cancellation.

Section 62.08 Billboards.

Billboard signs, as defined in Section 2.03 (Definitions), shall be subject to the following:

A. Findings.

The Township has made the following determinations related to billboard signs:

1. Placement of signs on lots or structures that exceed the maximum permitted standards of this Article for ground signs would result in visual pollution and obstructions of light and air for adjoining lots and uses, and would be inappropriate to the intended character and sound development of the Township.
2. Additional billboard signs, beyond those existing as of the date of adoption of this Ordinance, along primary roadways as classified by the master transportation plans of the Township or county or state road authorities would reduce the effectiveness of permitted signs, create visual clutter, compete for the visual attention of motorists, and increase hazards for motorists and pedestrians.
3. Billboard signs, beyond those existing as of the date of adoption of this Ordinance, along the M-14 freeway would increase visual clutter and be inconsistent with the planned future use and development of the Gotfredson Road/M-14 Urban Service District as designated in the Township's Master Plan.
4. Billboard signs are not appropriate in the Rural Districts, because such signs would detract from the visual appearance and rural/recreational character of these zoning districts, which is attractive to visitors and residents and a benefit to the local economy.
5. Billboard signs are not appropriate in the Residential Districts and Planned Unit Development (PUD) Districts where RESIDENTIAL USES are permitted, because the intense commercial nature of the advertising activity would be harmful to property values and incompatible with quality of life in residential areas.
6. Billboard signs are not appropriate in the Business Districts, Other Districts, and Planned Unit Development (PUD) Districts where OFFICE, SERVICE, AND COMMUNITY USES, COMMERCIAL USES, and INDUSTRIAL, RESEARCH, AND LABORATORY USES are permitted, because such signs would be out-of-scale with the structures and character of the districts, incompatible with abutting residential and recreational uses, and harmful to the promotion of commerce in the districts.
7. The placement of new billboard signs within or adjacent to the Salem Hamlet Area, as defined in the Township's Master Plan, would detract from the unique character of this area and be inconsistent with the land use and development policies for this area as specified in the Master Plan.
8. The placement of new billboard signs in the Township is contrary to the purposes of this Article and the Township's Master Plan.

B. New Billboards Prohibited.

In accordance with the above findings, new billboard signs shall be prohibited in the Township.

C. Existing Billboards.

Billboard signs lawfully existing in the Township on the date of adoption of this Ordinance shall be permitted to continue, subject to the provisions of Section 62.10 (Nonconforming Signs). The Zoning Administrator shall be responsible for maintaining

an inventory of the location and condition of existing billboard signs in the Township.

Section 62.09 Prohibited Signs.

The following types of signs are prohibited in all districts:

1. Signs that resemble and could be confused with an official highway, traffic or government sign, signal or traffic control device; or that obscure a sign, signal or traffic control device displayed by public authority to provide traffic instruction, direction or public information.
2. Signs painted on or attached to trees, utility poles, fences or streetlights.
3. Signs placed upon or across any road or other right-of-way, except as otherwise provided for in this Article.
4. Except as authorized by Section 62.02H (Changeable Copy Area or Electronic Message Board), signs that:
 - a. Incorporate string lights; flashing, moving or intermittent lights of changing degrees or intensity; exposed incandescent bulbs; animation; unshielded luminous tube lighting; or LED type lighting; or that
 - b. Have any visible moving parts, mechanical movement, rotation, or other apparent visible movement achieved by electrical or mechanical means or by action of normal wind currents; and signs that discharge any audible sound, odor or visible matter.
5. Roof signs, inflatable signs, and portable signs.
6. Building-mounted signs that obstruct window or door openings, inhibit ingress or egress, or interfere with building ventilation.
7. Signs displayed without required permits or outside of permitted size, location or time period limitations.
8. Non-accessory and off-premises signs, including billboard signs per Section 62.07 (Billboards), except as otherwise provided for in this Article.
9. Abandoned or unlawful signs, displays of obscene material on any sign, and any other sign not expressly permitted by this Article.

Section 62.10 Nonconforming Signs.

All existing signs that do not conform to the provisions of this Article shall be permitted to continue as nonconforming signs until removed or altered, subject to the following:

A. Good Working Order.

Nonconforming signs shall be maintained in accordance with the requirements for all signs specified in Section 62.02 (General Standards), to the maximum extent feasible. Nonconforming signs shall be maintained with all necessary structural and decorative components, including supports, sign frame, and electrical equipment. All sign copy areas shall be intact, and illuminated signs shall be capable of immediate illumination.

B. Servicing.

Painting, servicing, cleaning or minor repairs to a nonconforming sign shall be permitted, provided that the sign is restored to its original design and all work is in compliance with the requirements for all signs specified in Section 62.02 (General Standards).

C. Alterations.

Alterations to nonconforming signs shall be prohibited, except as follows:

1. **Sign copy area.** The sign copy area of a nonconforming sign may be altered, including replacement of sign panels and changes to the sign copy, provided that the degree of nonconformity is not increased, and provided that any sign illumination is brought into compliance with the provisions of Section 62.02G (Illumination).
2. **Billboard signs.** A nonconforming billboard sign may be altered, including replacement of sign panels and changes to the sign copy, provided that the sign area and height are not increased, and provided that any sign illumination is brought into compliance with the provisions of Section 62.02G (Illumination).
3. **Sign frame or structural elements.** Alterations to the sign frame or structural elements of a nonconforming sign shall be permitted, subject to the following:
 - a. The sign shall be brought into compliance with the maximum sign height and sign area standards for the location and type of sign, as specified in this Article.
 - b. Where a ground sign is nonconforming with respect to a required setback, the existing sign's wiring and support structure(s) may be re-used, subject to the following:
 - (1) The sign shall be located outside of any existing or planned future road right-of-way, as defined by the master transportation plans for the Township, county or state road authorities.
 - (2) The sign shall be located outside of any corner clearance area, as defined by Section 30.208 (Corner Clearance Areas).
 - (3) The existing sign setback distance shall be maintained or increased by the permitted alterations.

Section 62.11 Sign Removal by Township Action.

A. Abandoned or Unlawful Signs.

The Zoning Administrator shall have the authority to determine whether a sign is unlawful, according to this Ordinance, or has been abandoned, as defined in Section 2.03 (Definitions), subject to appeal by an aggrieved person to the Zoning Board of Appeals. The Zoning Administrator may order the removal of such signs in accordance with the following:

1. **Determination.** Written notification of the determination and any order for removal shall be provided by certified mail to the owner, operator or person having beneficial use of the property upon which the sign is located.
2. **Removal.** Abandoned or unlawful signs shall be removed within 15 calendar days after written notification and order for removal by the Zoning Administrator. All support structures and components shall be completely removed.
 - a. Failure to remove the sign shall constitute grounds for the Township to seek court approval to remove the sign at the property owner's expense.
 - b. The owner shall reimburse the Township for removal costs, or the Township may place a lien on the property for necessary removal costs.

B. Damaged Signs.

Signs determined to be in a damaged condition by the Zoning Administrator shall be repaired or removed within seven (7) calendar days after written notification. If such action is not taken by the owner, operator or person having beneficial use of the property where the sign is located, the Zoning Administrator shall have the authority to order the repair or removal of the damaged sign. The owner shall reimburse the Township for repair or removal costs, or the Township may place a lien on the property for such expenses.

C. Unsafe Signs.

The Zoning Administrator may order the removal of any sign determined to be unsafe without prior notice. After removal, the Zoning Administrator shall notify the property owner by certified mail of the action taken and the reasons for the action. The owner shall reimburse the Township for removal, storage and reclamation costs, or the Township may place a lien on the property for such expenses.

D. Nonconforming Signs.

The elimination of nonconforming signs in the Township is hereby declared to be for a public purpose and for a public use. The Township may purchase nonconforming signs for the purpose of removal, or may initiate condemnation proceedings for nonconforming signs determined to be in violation of Section 62.10 (Nonconforming Signs) requirements.

E. Temporary Signs.

Temporary signs affixed within a road right-of-way or corner clearance zone, without a valid permit, or after permit expiration, may be removed by the Township without notice. Signs removed shall be held by the Township for seven (7) calendar days, after which the sign may be discarded.

Section 62.12 Exceptions.

The Zoning Board of Appeals shall have the authority to grant an exception from the strict application of these regulations in accordance with the following procedures and standards:

A. Applications and Review Procedures.

Any party who has been denied a permit for a proposed sign may file a request for an exception to this Article with the Board of Appeals within 60 calendar days of the decision. Applications for exceptions from provisions of this Article shall be submitted and reviewed

in accordance with Section 66.03 (General Procedures of the Board of Appeals), and the following:

B. Exception Standards for Signs.

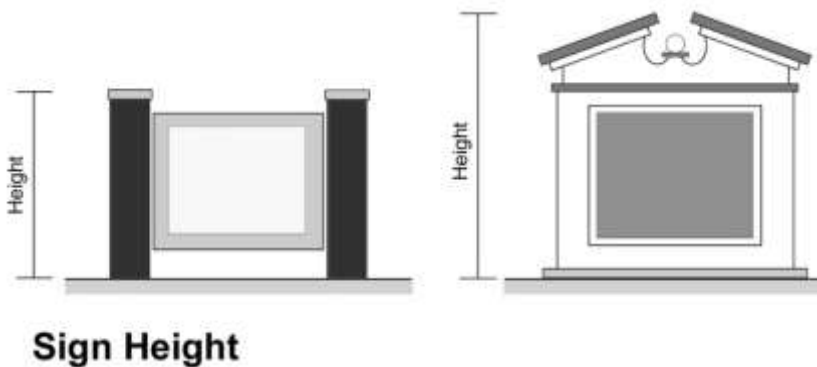
The Board of Appeals shall consider the following exception standards, the intent and purposes of this Article, and any other factors deemed relevant in determining whether to grant an exception to particular requirements of this Article:

1. **Obstructions.** Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger public health or safety.
2. **Visibility.** A conforming sign would be blocked from the sight of passing motorists due to existing buildings, trees or other obstructions.
3. **Site features.** Construction of a conforming sign would require significant tree removal or extensive topographic changes.
4. **Aesthetics.** The exception shall not adversely impact the character or appearance of the building or lot, the surrounding area, and the zoning district.
5. **Intent.** The exception shall not impair the intent and purposes of this Article.
6. **Minimum necessary action.** The exception shall be the minimum necessary to allow reasonable use, visibility, or readability of the sign.

C. Findings and Conditions.

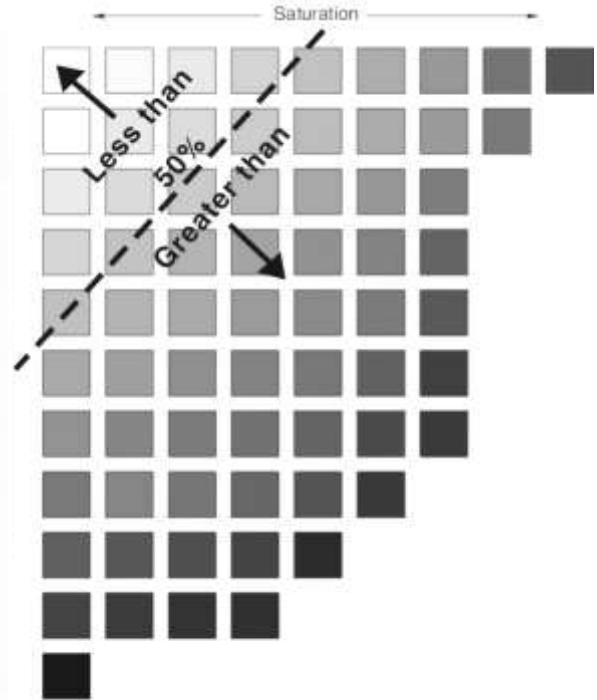
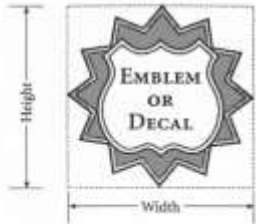
In a motion granting or denying a sign exception, the Board of Appeals shall state the specific findings of fact and conclusions or grounds for the decision. The Board of Appeals may attach conditions to a sign exception approval in accordance with the intent and purpose of this Article.

ILLUSTRATIONS



Signable Area

ILLUSTRATIONS



Computation of Sign Area

Color Value and Saturation



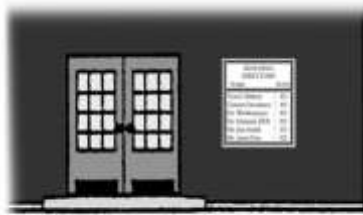
External illumination
only



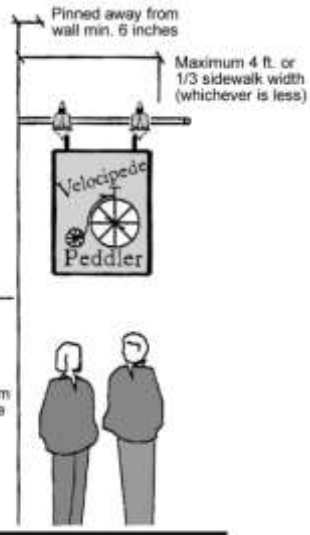
Internal illumination
permitted

Sign Illumination

ILLUSTRATIONS



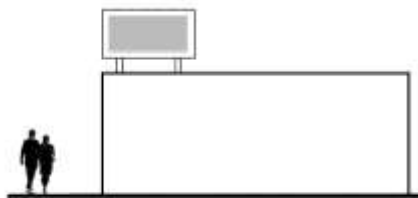
Building Directory



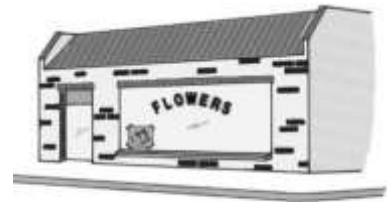
Projecting Sign Detail



Awning Sign



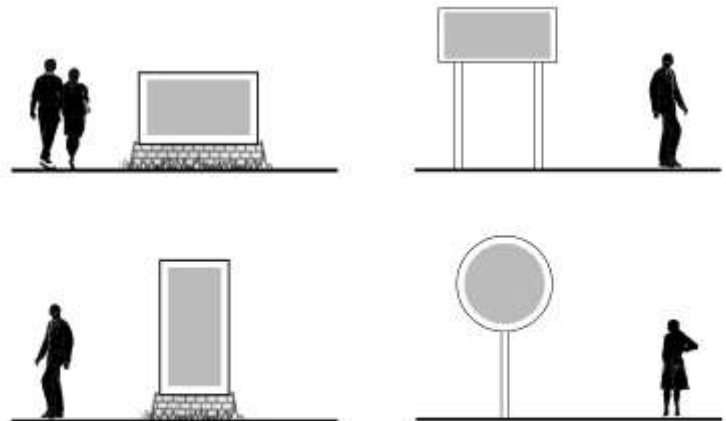
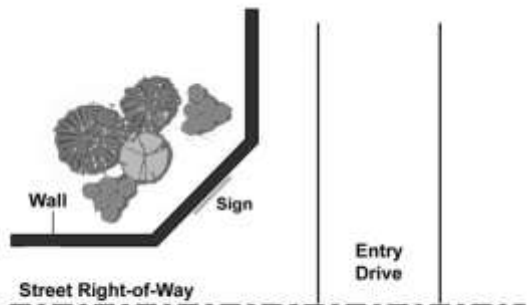
Roof Sign



Window Sign



Site Entry Feature With Signage



Various Types of Ground Signs

ARTICLE 63.0 CONDITIONAL USES

Section 63.01 Intent and Scope.

The formulation and enactment of this Ordinance is based upon the division of the Township into various zoning districts where certain mutually compatible uses are permitted by right. In addition to such permitted principal uses, there are certain other uses that may be essential or desirable for the welfare of the community and its citizenry or substantial parts of it. Such conditional uses are appropriate and not essentially incompatible with the uses permitted by right in a zoning district, but not at every or any location therein, or without restrictions or conditions being imposed by reason of special problems or issues presented by the use or its particular location in relation to neighboring properties.

This Article is intended to provide a consistent and uniform method for review of conditional use permit applications, ensure full compliance with the standards contained in this Ordinance, achieve efficient use of land, prevent adverse impacts on neighboring properties and districts, and facilitate development in accordance with the objectives of the Master Plan.

This Ordinance, therefore, requires approval of a conditional use permit for every use listed in the several zoning districts as conditional uses. This Article specifies the procedures and standards to be followed in granting such permits. No conditional use shall commence until a conditional use permit is issued in accordance with this Article.

Section 63.02 Authority to Grant Permits.

The Planning Commission shall have the authority to grant conditional use permits and to attach conditions to a permit. Only those uses listed in each zoning district as conditional uses shall be considered for conditional use permit review and approval.

Section 63.03 Application Procedure.

Conditional use permit applications shall be submitted in accordance with the following:

A. Filing of Application.

Application for a conditional use permit shall be made by filing a complete and accurate application form, required information, and required review fee and escrow deposit with the Township Clerk. The Clerk shall transmit a copy of the application materials to designated Township officials and consultants and the Planning Commission.

B. Eligibility.

The application shall be submitted by the operator of the use or owner of an interest in the land or structure(s) for which conditional use permit approval is sought, or by the owner's designated agent. Applications that are found by the Township Planner or Planning Commission to be incomplete or inaccurate shall be returned to the applicant without further consideration.

C. Required Fees and Escrow Deposits.

The Township Board shall establish, by resolution or ordinance, fees and escrow deposits for review of conditional use permit applications. Required fees and escrow

deposits shall be paid to the Township Treasurer at the time of the filing of the application. No fee or escrow deposit shall be required for conditional use permit applications proposed or requested by the Township. No action shall be taken on any petition or appeal for which required fees have not been paid in full.

D. Completeness and Technical Review.

Prior to Planning Commission consideration, the Clerk shall forward copies of the application materials to the Township Planner and other designated Township officials and consultants for review and comment. Applications that are found by the Township to be incomplete or inaccurate shall be returned to the applicant without further consideration.

E. Planning Commission Review and Public Hearing.

Upon receipt of a complete and accurate application for a conditional use permit from the Clerk, the Planning Commission shall undertake a study of the application. A public hearing shall be held on the petition and notice shall be given in accordance with Section 67.11 (Public Hearing Procedures).

Section 63.04 Information Required.

An application for a conditional use permit shall contain the following information:

1. Names and signatures, addresses and telephone numbers for the applicant and the property owner, and proof of ownership.
2. The applicant's interest in the subject property. If the applicant is not the owner in fee simple title, the name and address of the owner(s) and the signed consent of the owner(s) to the conditional use application.
3. Address, location, legal description, and tax identification number of the parcel.
4. A detailed description of the proposed use.
5. Supporting statements, evidence, data, information, and exhibits that address the standards and requirements of this Section and Ordinance that apply to the proposed use, including Section 63.06 (Conditional Use Standards).
6. A scaled and accurate survey drawing, correlated with the legal description and showing all existing buildings, drives and other improvements; along with a site plan meeting the requirements of Article 64.0 (Site Plan Review). The Planning Commission may modify these requirements based upon the type of land use being requested within the Special Use application.
7. Appropriate review fees, as determined by resolution of the Township Board. No action shall be taken on any application for which required fees have not been paid in full.
8. Any other information deemed necessary by the Township Planner or Planning Commission to determine compliance with this Ordinance.

Section 63.05 Planning Commission Action.

After to the public hearing, the Planning Commission shall, at a public meeting, review the application for a conditional use permit and the information provided at the public hearing through public comment, together with any reports and recommendations from Township officials, the Township Planner, other designated Township consultants, and any outside agencies with jurisdiction.

A. Postponing.

Upon determination by the Planning Commission that the conditional use permit application is not sufficiently complete for approval or denial, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone further consideration of the application to a date certain.

B. Approval or Denial.

The Planning Commission shall approve, approve with conditions, or deny a conditional use permit application. Upon determination that the conditional use permit application conforms to all applicable standards of this Article and Ordinance, other applicable ordinances, and state and federal statutes, the conditional use permit shall be approved.

The Planning Commission's decision, all findings of fact and conclusions forming 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.

Section 63.06 Conditional Use Standards.

No conditional use permit shall be granted unless the Planning Commission makes affirmative findings of fact and records adequate data, information, and evidence showing that:

1. The proposed use is consistent with the Township's Master Plan, and complies with all applicable standards of this Ordinance and other applicable ordinances and state and federal statutes.
2. Taking into consideration the size, location and character of the proposed land use, viewed within the context of surrounding land uses and land use planning for such area, the proposed use shall be compatible and harmonious, as determined by the application of generally accepted planning standards and principles, with:
 - a. Surrounding land uses;
 - b. Orderly development of the surrounding neighborhood and zoning district; and
 - c. Future uses reasonably anticipated in the area.
3. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location

and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle interfacing.

4. The proposed use shall not unreasonably impact upon surrounding property in terms of noise, dust, fumes, smoke, air, water, odor, light or vibration, and shall not unreasonably impact upon a person perceiving the operation in terms of aesthetics. Where such concerns can be remedied by way of design, construction or use, the proposed use shall be designed, constructed and used so as to eliminate the effects of the use which would otherwise substantiate denial thereof, taking into consideration the location, size, intensity, layout and periods of operation of such use.
5. The proposed use shall be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
6. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.
7. The proposed use is to be so designed, located, planned and operated such that the public health, safety and welfare will be protected.
8. The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing or other permitted land uses in the zoning district or the present or intended character of the area.
9. The proposed use shall not result in an impairment, pollution or destruction of the air, water, natural resources or public trust therein.
10. The proposed use shall not unreasonably burden the capacity of public services or facilities.
11. The proposed use will have adequate service by public services and facilities, and shall not unduly burden public facilities or municipal water supply or sanitary sewerage systems.

Section 63.07 Conditions of Approval.

The Planning Commission may impose conditions or limitations upon a conditional use permit approval in accordance with the following:

A. Conditions.

In granting a conditional use permit, the Planning Commission shall impose any conditions it deems necessary to achieve the objectives and standards of this Ordinance and the Master Plan, the standards of the Michigan Zoning Enabling Act, and the public health, safety, and welfare.

1. These may include conditions necessary to ensure that:
 - a. Public services and facilities affected by a proposed conditional use will be capable of accommodating increased service and facility loads caused by the proposed conditional use;
 - b. The natural environment will be protected and natural resources and energy conserved;
 - c. The proposed use is compatible with adjacent land uses; and
 - d. The proposed use promotes the use of land in a socially and economically desirable manner.
2. Conditions imposed shall meet the following requirements:
 - a. The conditions shall be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the proposed land use or activity, residents and landowners immediately adjacent to the proposed conditional use, and the community as a whole.
 - b. The conditions shall be related to the valid exercise of the police power of the Township, and purposes that are affected by the proposed conditional use.
 - c. The conditions imposed shall be necessary to meet the intent and purpose of the Ordinance, shall be related to the standards established in the Ordinance for conditional uses, and shall be necessary to ensure compliance with those standards.

B. Record of Conditions.

Conditions imposed with respect to the approval of a land use or activity shall be written in the record of the approval action and shall remain unchanged except upon the mutual consent of the Township and the landowner as approved in accordance with this Article.

Section 63.08 Compliance with Conditional Use Permit Approval.

It shall be the responsibility of the property owner and operator of the use for which conditional use permit approval has been granted to develop, operate, and maintain the use, including the site, structures and all site elements, in accordance with the provisions of this Ordinance and all conditions of conditional use permit approval until the use is discontinued. Failure to comply with Ordinance requirements or conditions of approval shall be considered a violation of this Ordinance, subject to the penalties specified in Article 67.0 (Administration and Enforcement); and shall constitute grounds for rescinding conditional use permit approval in accordance with Section 63.11 (Rescinding Conditional Use Permit Approval).

The Zoning Administrator, Township Planner or other Township designee may make periodic investigations of developments for which a conditional use permit has been approved.

Section 63.09 Alteration and Expansion

An approved conditional use permit, including all attached conditions, shall run with the parcel in the approval and shall remain unchanged except upon mutual consent of the Planning Commission and the landowner. Any alteration or expansion of an existing conditional use shall require approval of a conditional use permit in accordance with this Article.

Any use lawfully existing on the date of adoption of this Ordinance or an amendment thereof that is considered or permitted as a conditional use under this Ordinance or amendment may continue as a nonconforming use subject to Article 65.0 (Nonconformities) without approvals required in this Article. This nonconforming status shall be deemed removed upon approval of a conditional use permit in accordance with this Article.

Section 63.10 Reapplication.

A conditional use permit application that has been denied wholly or in part by the Planning Commission shall not be resubmitted for a period of 365 calendar days from the date of denial, except on grounds of new evidence not available to the applicant at the time of the original application or proof of changed conditions found by the Planning Commission to be valid.

Section 63.11 Rescinding Conditional Use Permit Approval.

Approval of a conditional use permit may be rescinded by the Planning Commission upon determination that the use has not been improved, constructed or maintained in compliance with this Ordinance, approved permits, site plans or conditions of site plan or conditional use permit approval. Such action shall be subject to the following:

1. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 67.11 (Public Hearing Procedures), at which time the operator of the use or owner of an interest in the land or structure(s) for which conditional use permit approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
2. **Determination.** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescission shall be made and written notification provided to said owner, operator or designated agent.

ARTICLE 64.0

SITE PLAN REVIEW

Section 64.01 Purpose.

The purpose of this Article is to establish procedures and standards that provide a consistent method for review of site plans; and to ensure that development in the Township conforms to all applicable standards of this Ordinance and is consistent with the adopted policies of the Township's Master Plan. Flexible review standards have been established to ensure that the type of review and amount of required information is proportional to the project's scale and use intensity. It is the further purpose of this Article to encourage cooperation and consultation between the Township and the applicant; to protect natural resources; and to minimize adverse impacts from development activity on adjacent properties and the Township as a whole.

The Planning Commission shall have the authority to review and take action on minor site plan, preliminary site plan, and final site plan applications in accordance with the standards of this Article and Ordinance.

1. **Minor site plan.** The requirements for a minor site plan submittal, as specified in Section 64.07 (Required Site Plan Information), have been reduced from that required for preliminary and final site plans to allow for efficient and economical review of a limited range of low intensity projects that do not require significant changes to topography, drainage, or other engineering details.
2. **Preliminary site plan.** The requirements for a preliminary site plan submittal, as specified in Section 64.07 (Required Site Plan Information), are less than that required for final site plans and are intended to allow for review of the general character of the proposed use(s), general site layout, and location of structures and other site improvements; and to confirm that the overall development will conform to all Ordinance requirements.
3. **Final site plan.** A final site plan is a detailed construction document based upon an approved preliminary site plan, prepared by a registered design professional, with approval from all applicable review agencies, and meeting all requirements of this Article and Ordinance.
4. **Site plan approval required.** Until all required site plans have been approved in accordance with this Article, the Zoning Administrator shall not issue a Certificate of Zoning Compliance and the Building Official shall not issue a building permit for construction of or addition to any structure, or for the establishment or expansion of any land use for which site plan approval is required. Except as permitted in accordance with this Article, no grading, grubbing, cutting of trees or other vegetation, excavation, land-filling, or construction of improvements shall commence for any development for which site plan approval is required until all required site plans have been approved.

Section 64.02 Site Plan Approval Required.

Three (3) separate review processes (preliminary/final site plan, minor site plan, and administrative approval) have been established in keeping with the purpose of this Article:

A. Preliminary/Final Site Plan Approval.

The following development projects and uses shall require review and approval of detailed preliminary and final site plans by the Planning Commission prior to establishment, construction, expansion or structural alteration of any structure or use:

1. Special land uses, as specified in Article 20.0 (Land Use Table), except for those eligible for minor site plan approval per Section 64.02B (Minor Site Plan Approval).
2. All Rural Uses, as specified in Article 20.0 (Land Use Table), for which site plan approval is required per Article 40.0 (Use Standards). All Rural Uses subject to the Right to Farm Act shall be exempt from site plan approval.
3. All Residential Uses, as specified in Article 20.0 (Land Use Table), for which site plan approval is required per Article 40.0 (Use Standards). The following RESIDENTIAL USES shall be exempt from site plan approval:
 - a. One (1) single-family detached dwelling and customary accessory structures on an existing residential lot of record.
 - b. One (1) two-family or duplex dwelling and customary accessory structures on an existing residential lot of record.
 - c. Family day care homes; adult foster care family homes and small group homes; and child foster family homes and family group homes, as licensed by the State of Michigan.
 - d. Home occupations as listed in Section 40.204 (Home Occupations).
4. All Office, Service, and Community Uses, Commercial Uses, and Industrial, Research, and Laboratory, as specified in Article 20.0 (Land Use Table).
5. All Other Uses, as specified in Article 20.0 (Land Use Table), except accessory structures and uses, temporary construction buildings and uses, and essential service and public utility facilities.
6. Construction, expansion or alteration of a manufactured housing park, as defined in Section 2.03 (Definitions), shall be subject to preliminary plan approval in accordance with the procedures and standards of Section 40.205 (Manufactured Housing Parks).
7. Construction, expansion or alteration of a condominium development, as defined in Section 2.03 (Definitions), shall be subject to condominium site plan approval in accordance with the procedures and standards of Article 55.0 (Condominium Regulations).
8. Construction, expansion or alteration of a Special District or planned unit development project shall be subject to development plan approval in accordance with the procedures and standards of Article 50.0 Special District Regulations).

9. Any other projects for which site plan approval is required under this Ordinance or other Township ordinances.

B. Minor Site Plan Approval.

The following projects and uses shall be eligible for review and approval of a minor site plan by the Planning Commission prior to establishment, construction, expansion or structural alteration of any structure or use:

1. Farm-based tourism/entertainment activities.
2. Public or commercial riding stables.
3. Accessory dwelling.
4. Adult foster care large group home.
5. Bed and breakfast inn.
6. Child day care home, group.
7. Home occupations not listed in Section 40.204 (Home Occupations).
8. Landscaping and maintenance/snow removal operations in a Rural District.
9. A change of use for an existing building, construction of an addition to an existing building, or expansion of lawful land use, subject to the following:
 - a. The site has previously received site plan approval.
 - b. The proposed use will not require access changes, additional parking beyond that available on-site, or other substantial modifications to an existing building or site.
 - c. No variances to the requirements of this Ordinance are required.
 - d. The proposed addition or expansion would not increase the total square footage of the building or area occupied by the use by more than twenty percent (20%) or 2,000 square feet, whichever is less.
10. Similar projects and uses, as accepted by the Zoning Administrator.

The Planning Commission shall have the authority to require submittal of a preliminary and a final site plan for projects and uses otherwise eligible for minor site plan approval where, in its opinion, the complexity or size of the proposed project or use warrants a more intensive review and additional required information.

C. Administrative Approval.

The following activities are eligible for administrative review and approval by the Township Planner and Zoning Administrator. The Zoning Administrator or applicant shall have the option to request Planning Commission consideration of a project otherwise eligible for administrative approval:

1. Incidental changes during construction due to unanticipated site constraints or outside agency requirements, and minor landscaping changes or species substitutions, consistent with an approved final site plan.
2. Incidental building modifications that do not significantly alter the facade, height or floor area of a multiple-family or non-residential building.
3. Changes to a site required to comply with State Construction Code requirements.
4. Incidental alterations to sidewalk or pedestrian pathways, or barrier-free improvements.
5. Construction of fences, exterior lighting improvements, or installation of screening around a waste receptacle, mechanical unit or similar equipment for a multiple-family or non-residential use.
6. Construction of one (1) accessory structure with a floor area of 500 square feet or less associated with a principal land use subject to site plan approval.
7. Any parking lot or addition thereto of five (5) or fewer parking spaces.
8. Re-occupancy of an existing building that has been vacant for more than 30 calendar days, subject to the following:
 - a. Any variances to the requirements of this Ordinance have been previously approved.
 - b. The proposed use will be conducted within a completely enclosed building, and will not require access changes or other substantial modifications to the existing site.
9. Addition or replacement of antennae and associated equipment on a previously approved communication tower.

Section 64.03 Pre-Application Meeting.

Applicants are encouraged to request a pre-application meeting with the Township Planner and designated Township consultants to discuss a conceptual site plan, site issues, and application of Ordinance standards, prior to submitting a site plan application for formal review.

1. Conceptual plans shall include sufficient detail to determine relationships of the site to nearby land, intensity of intended uses, layout of proposed structures and site improvements, and adequacy of access, parking, and other facilities.
2. The Township may require payment of a fee or escrow deposit for the meeting.
3. Comments or suggestions regarding a conceptual site plan shall constitute neither approval nor a disapproval of the plan, nor shall the Township be bound by such comments or suggestions during any subsequent site plan review.

Section 64.04 Applications for Site Plan Approval.

Any person with a legal interest in a lot may apply for site plan approval. If the applicant is not the fee simple owner of the property, the applicant shall submit a statement signed by all of the owners consenting to the application for site plan approval.

A. Application Submittal.

Application shall be made by filing the completed application form and twelve (12) sets of site plan drawing(s) with the Township Clerk, along with payment of required review fees and escrow deposits to the Township Treasurer.

1. Any application or site plan that does not satisfy the information requirements of this Article shall be considered incomplete, and shall be returned to the applicant.
2. Upon receipt of all required application materials, the Clerk shall forward the site plan and application materials to the Planning Commission, with copies to the Township Planner and other designated Township officials and consultants.
3. Preliminary and final site plans shall be prepared by an architect, community planner, engineer, landscape architect, or land surveyor registered or licensed in the State of Michigan and shall bear the professional seal of the preparer.
4. Certain application requirements may be waived by the Zoning Administrator regarding minor site plan approval.

B. Information Required.

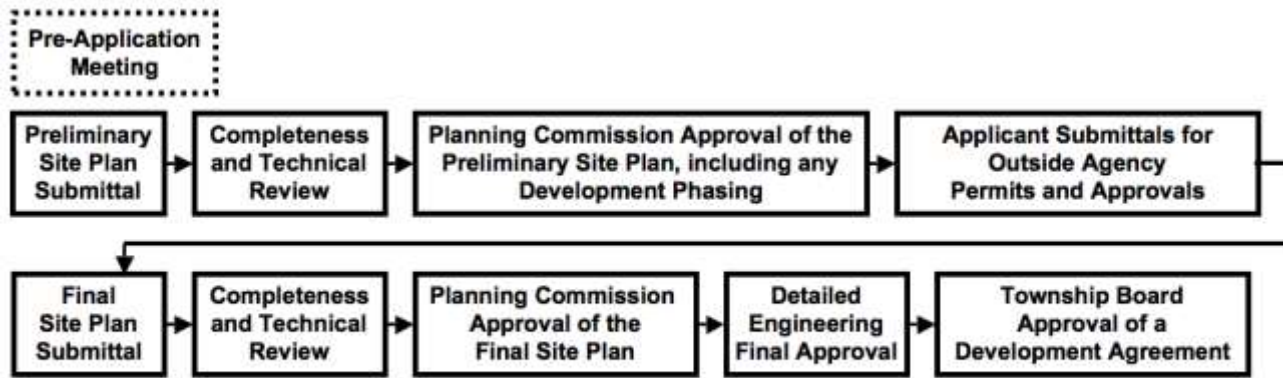
Each application for site plan approval shall include all required information for the type of site plan under review, as specified in Section 64.07 (Required Site Plan Information).

C. Completeness and Technical Review.

Prior to Planning Commission consideration, copies of the site plan and application materials shall be distributed to designated Township officials, the Township Planner, and other designated Township consultants for review and comment.

D. Review Processes.

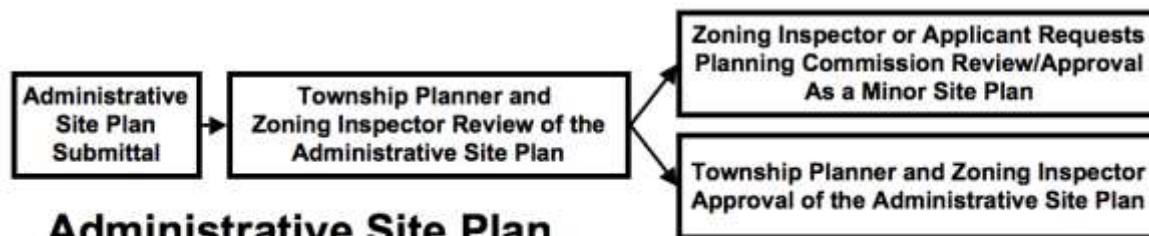
The following are summaries of the site plan approval processes under this Article:



Preliminary and Final Site Plan Approval Process



Minor Site Plan Approval Process



Administrative Site Plan Approval Process

Section 64.05 Planning Commission Action.

The Planning Commission shall review the minor, preliminary, or final site plan and application materials at a public meeting, together with any reports and recommendations from Township officials, the Township Planner, other designated Township consultants, and any other officials or outside agencies with jurisdiction.

A. Standards for Site Plan Approval.

In reviewing a site plan, the Planning Commission shall determine whether the applicable standards for the type of site plan under review, as specified in Section 64.10 (Standards of Site Plan Approval), have been met by the applicant.

B. Actions.

The Planning Commission is authorized to postpone, approve, approve subject to conditions, or deny the minor, preliminary, or final site plan as follows:

1. **Postpone.** Upon determination by the Planning Commission that the site plan is not sufficiently complete for approval or denial, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone until a date certain further consideration of the site plan.
2. **Denial.** Upon determination that the site plan does not comply with the standards and conditions imposed by this Ordinance, the policies of the Township Master Plan, or other applicable Township ordinances or state statutes, or would require extensive revisions to comply with such requirements, the site plan shall be denied. Failure of the applicant or agent to attend two (2) or more meetings where the site plan is being considered as an agenda item, shall also be grounds for the Planning Commission to deny site plan approval. If the site plan is denied, a written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for such denial.
3. **Approval.** Upon determination that the site plan is in compliance with the standards and conditions imposed by this Ordinance, the policies of the Township Master Plan, and other applicable Township ordinances or state statutes, the site plan shall be approved.
4. **Approval subject to conditions.** The Planning Commission may approve the site plan, subject to any conditions necessary to address necessary modifications; ensure that public services and facilities can accommodate the proposed use; protect significant natural resources or site features; ensure compatibility with adjacent land uses; or otherwise meet the intent and purposes of this Ordinance.

C. Recording of Site Plan Action.

Planning Commission action on the minor, preliminary, or final site plan shall be recorded in the Planning Commission meeting minutes, stating the name and location of the project, most recent plan revision date, findings of fact and conclusions or grounds for the Planning Commission's action, and any conditions of approval.

1. The Planning Commission shall advise the applicant in writing of its actions on the site plan. Sending a copy of the meeting minutes at which action was taken by first class mail, electronic mail, or facsimile may constitute written notification.
2. After the Commission has taken action on the site plan, the Planning Commission Secretary shall mark copies of the site plan APPROVED or DENIED as appropriate, with the date that action was taken and any conditions of approval. The Secretary, applicant, and owner(s) of record or the legal representative thereof shall also sign copies of the site plan.
3. If a site plan is denied, the Secretary shall provide a written record to the applicant within ten (10) days following the action listing the findings of fact and conclusions or reasons for such denial.
4. Signed copies of the approved final site plan shall be transmitted to the Zoning Administrator, Township Clerk, Planning Commission Chair, and the applicant. The Secretary shall also attach a certificate of approval to the applicant's copy.

At least one (1) copy of the site plan shall be placed on file at the Township offices per State of Michigan retention guidelines.

D. Effect of Minor Site Plan Approval.

Approval of a minor site plan by the Planning Commission authorizes issuance of a Certificate of Zoning Compliance to begin site work or construction, provided all other construction and engineering requirements have been met. In the case of uses without structures, approval of a minor site plan authorizes issuance of a Certificate of Zoning Compliance and a Certificate of Occupancy, provided all other requirements for such Certificate of Occupancy have been met.

E. Effect of Preliminary Site Plan Approval.

Approval of a preliminary site plan by the Planning Commission shall indicate its general acceptance of the proposed layout of buildings, streets, drives, parking areas, and other facilities and areas in accordance with the standards for preliminary site plan approval specified in Section 64.10 (Standards for Site Plan Approval).

The Planning Commission may, at its discretion and with appropriate conditions attached, authorize issuance of permits by the Township for preliminary site work to begin for soils exploration and incidental site clearing. The conditions that may be attached to such permits 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 performance guarantee per Section 67.07C (Performance Guarantees) for site restoration if work does not proceed to completion.

F. Engineering and Outside Agency Approvals.

The following shall be submitted to and approved by the Township Engineer and all outside agencies with jurisdiction, prior to final site plan approval:

1. Layout, size of lines, inverts, hydrants, drainage flow patterns, and 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; and calculations for size of storm drainage facilities; and
2. Location of electricity and telephone poles and wires; location and size of surface-mounted equipment for electricity and telephone services; location and size of underground tanks, where applicable; location and size of outdoor incinerators; and location and size of wells, septic tanks, and drain fields.

If on-site water and sewer facilities are to be used, a letter of approval or a copy of the Washtenaw County Environmental Health Division permit shall be submitted to the Planning Commission Secretary prior to final site plan approval. Approvals from all other applicable review agencies, including the Washtenaw County Road Commission and Water Resources Commissioner, shall be received prior to approval of a final site plan.

G. Effect of Final Site Plan Approval.

Approval of a final site plan by the Planning Commission authorizes issuance of a Certificate of Zoning Compliance, and authorizes the execution of a Development Agreement between the Township and the property owner(s)/developer(s) per Section 60.30 (Development Agreement). Execution of the Development Agreement authorizes

issuance of permits to begin site work or construction, provided all other construction and engineering requirements have been met.

In the case of uses without structures, approval of a final site plan authorizes issuance of a Certificate of Zoning Compliance and a Certificate of Occupancy, provided all other requirements for such Certificate of Occupancy have been met.

Section 64.06 Combining Preliminary and Final Site Plans.

An applicant may, at the applicant's discretion and risk and with approval of the Planning Commission, combine a preliminary and final site plan in an application for approval. The applicant shall pay the usual fees for both preliminary and final site plan review.

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 64.07 Required Site Plan Information.

The following minimum information shall be included with any application for site plan approval, except where the Planning Commission determines that an item of information is not applicable or necessary for review of the site plan:

Minimum Site Plan Information	Minor Site Plan	Special District Area Plan	Preliminary Site Plan	Final Site Plan
SITE PLAN DESCRIPTIVE INFORMATION				
Applicant and developer's name(s), address(es), telephone and facsimile numbers, and interest in the property; and property owner's name, address, telephone number, and signed consent if applicant is not the owner.	●	●	●	●
The name, address, telephone, and facsimile numbers of the firm or individual preparing the site plan. Site plans prepared by an architect, community planner, engineer, landscape architect or land surveyor shall bear the individual's professional seal. A final site plan shall be prepared and sealed by an architect, community planner, engineer, landscape architect or land surveyor registered in the State of Michigan.	●	●	●	●
Location, address(es), and tax identification number(s) of subject parcel(s).	●	●	●	●
Dimensions of the site, and the gross and net land area.	●	●	●	●
Legal description(s) of the subject parcel(s).		●	●	●
Legal description of the proposed development site and any non-contiguous open space area(s), if different from the subject parcel(s), with lot line angles or bearings indicated on the plan. Dimensions, angles, and bearings shall be based upon a boundary survey prepared by a registered surveyor.			●	●

Minimum Site Plan Information	Minor Site Plan	Special District Area Plan	Preliminary Site Plan	Final Site Plan
Details of existing and proposed covenants or other restrictions imposed upon land or buildings, including bylaws, deed restrictions, and articles of incorporation for a cooperative, condominium, or homeowners' association.				●
Description of applicant's intentions regarding selling or leasing of all or portions of land and dwelling units or other structures.		●	●	●
Gross and net dwelling unit density for residential projects.		●	●	●
General description of the number, size ranges, and types of proposed dwelling units; and proposed facade materials.		●		
A schedule of the number, sizes (bedrooms, floor areas), and types of dwelling units, and lot area per dwelling unit.			●	●
A detailed use statement describing proposed use(s); including land or building areas for each use, number of units, number of anticipated employees, or other applicable information to verify Ordinance compliance.	●	●	●	●
SITE PLAN DATA AND NOTES				
Minor site plans shall be drawn to a scale appropriate for a sheet size between 8.5 inches by 14 inches (minimum) and 24 inches by 36 inches (maximum); and of such accuracy that the Planning Commission can readily interpret the plan.	●			
Preliminary and final site plans shall be drawn to an engineer's scale not greater than 1:50 and appropriate for the required sheet size of 24 inches by 36 inches. For a large development shown in sections on multiple sheets, one overall composite sheet shall be provided for clarity.		●	●	●
Vicinity map showing the general location of the site.		●	●	●
Scale, north arrow, initial plan date, and any revision date(s).	●	●	●	●
Existing zoning classification(s) for the subject parcel(s) and surrounding parcels (including across road rights-of-way).		●	●	●
Owners' names, existing uses, and location of structures, drives, and improvements on surrounding parcels (including across rights-of-way).			●	●
Identification of all adjacent property in which the applicant(s), developer(s), or owner(s) have an ownership interest.		●	●	●
Dimensions of all property boundaries and interior lot lines.	●	●	●	●
Percentage of lot coverage, total ground floor area, and floor area ratio.			●	●
Calculations for parking and other applicable Ordinance requirements.	●		●	●
EXISTING CONDITIONS				
Location of existing structures, fences, and driveways on the subject property, with notes regarding their preservation or alteration.	●	●	●	●

Minimum Site Plan Information	Minor Site Plan	Special District Area Plan	Preliminary Site Plan	Final Site Plan
Location of existing walls, signs, utility poles and towers, pipelines, excavations, bridges, culverts, and other site features on the subject property, with notes regarding their preservation or alteration.			●	●
SITE PLAN DETAILS				
Delineation of required yards, setback areas, and transition strips.	●		●	●
Identification of general location(s) and area(s) of each development phase.			●	●
Planned construction program and schedule for each development phase.			●	●
Location, width, purpose, and description of all existing and proposed easements and rights-of-way on or adjacent to the site.	●		●	●
Location, type, area, height, and lighting specifications of proposed signs.	●			●
An exterior lighting plan with all existing and proposed lighting locations, heights from grade, specifications, lamps types, and methods of shielding.				●
Location, area, and dimensions of any outdoor sales, display or storage areas.	●		●	●
Location of proposed outdoor waste receptacle enclosures; with size, elevation, and vertical cross-section showing materials and dimensions.			●	●
BUILDING DESIGN AND ORIENTATION				
Location, outline, ground floor area, and height of proposed structures; and of existing structures to remain on-site.	●	●	●	●
Dimensions, number of floors, and gross and net floor area of proposed principal buildings; and of existing principal buildings to remain on-site.			●	●
Separation distances between adjacent buildings, and between buildings and adjacent lot boundaries.			●	●
Conceptual drawings of exterior building façades for principal buildings and building additions, drawn to an appropriate scale.		●		
Detailed exterior building façade elevation drawings for all proposed dwellings, principal buildings, and additions, drawn to an appropriate scale and indicating types, colors, and dimensions of finished wall materials.			●	●
Finished floor elevations and contact grade elevations for proposed principal buildings and existing principal buildings to remain on-site, referenced to a common datum acceptable to the Township Engineer.				●
ACCESS AND CIRCULATION				
Locations, layout, surface type, centerlines, road pavement and right-of-way widths, and indication of public or private road status for all existing and proposed roads and access drives serving the site.		●	●	●
Conceptual locations, layout, and surface type for all parking lots, sidewalks, and pedestrian pathways within and accessing the site.	●	●	●	●

Minimum Site Plan Information	Minor Site Plan	Special District Area Plan	Preliminary Site Plan	Final Site Plan
Locations and dimensions of vehicle access points, and distances between adjacent or opposing driveways and road intersections.	●		●	●
Details of the location, width, and paving of proposed sidewalks and pedestrian ways, including alignment, cross section, connections to existing or planned off-site facilities, and easement or right-of-way dedications.				●
Parking space dimensions, pavement markings, and traffic control signage.	●		●	●
Parking space angles; maneuvering aisle, island, and median dimensions; surface type; fire lanes; drainage patterns; location of loading areas; and typical cross-section showing surface, base, and sub-base materials.			●	●
Identification of the proposed name(s) for new public or private road(s) serving the site.			●	●
Spot elevations for existing roads on and adjacent to the subject parcel(s), including surface elevations at intersections with the internal roads and drives serving the proposed development; curve-radii and road grades; location and details of curbs, and turning lanes; and typical road cross sections showing surface, base, and sub-base materials and dimensions.				●
NATURAL FEATURES AND OPEN SPACE AREAS				
A general description and preliminary delineation of existing natural features on and abutting the site, per Section 60.08 (Natural Features Preservation).		●	●	●
Details of all existing natural features on the site; indications of features to be preserved, removed, or altered; and proposed mitigation measures per Section 60.08 (Natural Features Preservation).				●
Outdoor open space and recreation areas; location, area, and dimensions.		●	●	●
Description of the organization that will own and maintain open space and recreation areas, and a long-term maintenance plan for such areas.				●
SCREENING AND LANDSCAPING				
Location and size of required landscape strips, if applicable.		●	●	●
General layout of proposed landscaping and screening improvements; including plantings, topographic changes, and similar features.	●		●	●
A detailed landscape plan, including location, size, quantity and type of proposed plant materials and any existing plant materials to be preserved.				●
Planting list for all landscape materials, with the method of installation, botanical and common name, quantity, size, and height at planting.				●
Landscape maintenance plan, including notes regarding replacement of dead or diseased plant materials.				●
Proposed fences, walls, and other screening devices, including typical cross section, materials, and height above grade.	●		●	●

Minimum Site Plan Information	Minor Site Plan	Special District Area Plan	Preliminary Site Plan	Final Site Plan
Screening methods for any waste receptacle areas, ground-mounted generators, transformers, mechanical (HVAC) units, and similar devices.	●		●	●
UTILITIES, STORMWATER MANAGEMENT, AND GRADING				
General layout of existing and proposed water supply systems, sanitary sewerage or septic systems, and stormwater management facilities.		●	●	●
Location and size or capacity of the existing and proposed potable water supply and sewage treatment and disposal facilities serving the site.			●	●
Location, size, and slope of proposed detention or retention ponds; and location and size of underground tanks and drain lines where applicable.			●	●
Layout, line sizes, inverts, hydrants, flow patterns, and location of manholes and catch basins for proposed sanitary sewer and water supply systems.				●
Calculations for capacity of stormwater management and drainage facilities.				●
Location and size of existing and proposed telephone, gas, electric, and similar utility lines and surface-mounted equipment.				●
General areas of intended filling or cutting.		●	●	●
A detailed grading plan, with details of proposed filling or cutting, existing and proposed topography at a minimum of two (2) foot contour levels, stormwater runoff drainage patterns, and a general description of grades within 100 feet of the site. All finished contour lines are to be connected to existing contour lines within the site or at the parcel boundaries.				●
Locations, dimensions, and materials of proposed retaining walls, with fill materials and typical vertical sections.			●	●
Description of measures to control soil erosion and sedimentation during construction operations, and until permanent groundcover is established.				●
ADDITIONAL REQUIRED INFORMATION				
Other information as requested by the Township Planner or Planning Commission to verify compliance with the standards and conditions imposed by this Ordinance, the policies of the Township Master Plan, and other applicable Township ordinances or state statutes.	●	●	●	●

Section 64.08 Expiration of Site Plan Approval.

Planning Commission approval of a site plan shall expire in accordance with the following:

A. Expiration of Administrative Approval.

Administrative approval of incidental changes during construction consistent with an approved final site plan shall not alter the original expiration date for the final site plan. Any other site plan subject to administrative approval under this Article shall expire and be of no effect unless, within 365 calendar days of administrative approval, all work associated with the approved plan has been completed.

B. Expiration of Minor Site Plan Approval.

A minor site plan shall expire and be of no effect unless, within 365 calendar days of the Planning Commission's approval, appropriate permits have been approved, construction has begun on the property, and such work is diligently pursued in conformance with the approved minor site plan.

C. Expiration of Preliminary Site Plan Approval.

Approval of a preliminary site plan shall be valid for a period of 365 calendar days from the date of approval and shall expire and be of no effect unless a application for final site plan approval for all or part of the area included in the approved preliminary site plan is filed with the Township Clerk within that time period.

If a final site plan is submitted for only part of the area included in the approved preliminary site plan, successive final site plans shall be filed at intervals no greater than two (2) years from the date of approval of the previously-approved final site plan. If such period is exceeded, the Planning Commission may declare the approved preliminary site plan invalid with respect to the remaining parts of the site. In such case, the Planning Commission may require a new preliminary site plan be submitted, unless good cause can be shown for the delay.

D. Expiration of Final Site Plan Approval.

A final site plan shall expire and be of no effect unless:

1. Within 365 calendar days of the Planning Commission's approval, a fully executed Development Agreement has been recorded and the construction drawings have received detailed engineering final approval; and
2. Within 545 calendar days following the date of approval, construction has begun on the property and is diligently pursued in conformance with the approved final site plan.

E. Extension of Site Plan Approval.

The Planning Commission may, at its discretion and upon written request and showing of good cause by the applicant, grant an extension of a minor, preliminary, or final site plan approval for up to 365 calendar days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved site plan remains in conformance with applicable provisions of this Ordinance.

Section 64.09 Phasing of Development.

The applicant may divide the development into two (2) or more phases. Phasing shall be subject to the following requirements:

1. In the case of a phased development, the preliminary site plan shall cover the entire property involved and shall clearly indicate the location, size, and character of each phase.
2. In the case of a phased development, a final site plan shall be submitted for review and approval for each phase.
3. A phase shall not be dependent upon subsequent phases for safe and convenient

vehicular and pedestrian access, adequate utility services, or open spaces and recreation facilities, and shall be capable of substantial occupancy, operation, and maintenance upon completion of construction and development.

4. The Planning Commission may require the applicant to post a performance guarantee per Section 67.07C (Performance Guarantees) to ensure that vehicular and pedestrian ways, utility services, open space and recreation facilities, and other amenities and infrastructure planned for later phases of the development are completed in a timely fashion.

Section 64.10 Standards for Site Plan Approval.

In reviewing a minor, preliminary, or final site plan, the Planning Commission shall determine that the following standards are met, as applicable to the type of site plan:

Standards for Site Plan Approval	Minor Site Plan	Preliminary Site Plan	Final Site Pan
The applicant is legally authorized to apply for site plan approval, and all required information has been provided.	●	●	●
The proposed development is in compliance with the standards and conditions imposed by this Ordinance, the policies of the Township Master Plan, and other applicable Township ordinances or state statutes.	●	●	●
The final site plan conforms to the approved preliminary site plan.			●
The proposed development will be harmonious with and not harmful, injurious, or objectionable to the environment or land uses in surrounding area.	●	●	●
Preservation and/or mitigation of natural resources conform to the standards of Section 60.08 (Natural Features Preservation), and the development as proposed will not cause soil erosion or sedimentation.		●	●
The proposed development respects natural topography, floodways, and floodplains; and minimizes the amount and extent of cutting and filling.		●	●
Organic, wet, or other soils that are not suitable for development will be undisturbed, or modified in such fashion as to make development feasible.		●	●
The movement of the vehicular and pedestrian traffic within the site and in relation to access streets and sidewalks will be safe and convenient.	●	●	●
The proposed development is adequately coordinated with improvements serving the area, and with other existing or planned development in the vicinity.		●	●
Satisfactory and harmonious relationships will exist between the proposed development and the existing and planned development of contiguous lands and the surrounding area, including provisions for proper extensions of public roads and sidewalks through the development in accordance with the policies of the Township Master Plan.		●	●
Development phases are in logical sequence so that any phase will not depend upon a subsequent phase for access, utilities, drainage or erosion control.		●	●

Standards for Site Plan Approval	Minor Site Plan	Preliminary Site Plan	Final Site Plan
The plan, including all engineering drawings, meets Township standards 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 Fire Chief and Township Engineer.			●
The drainage plan conforms to the Washtenaw County Water Resources Commissioner’s standards, and any stormwater management improvements are adequate to handle anticipated stormwater runoff and accommodate upstream drainage without causing undue runoff on to neighboring property or overloading of area watercourses.			●
Outside storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance.	●		●
Exterior lighting will not adversely affect adjacent or neighboring properties, or traffic on adjacent roads.	●		●
The parking layout and vehicular circulation patterns and access points to the site are adequate to serve the proposed uses and will not adversely affect the flow of traffic on adjacent roads or create pedestrian-vehicle conflicts.	●		●
Grading or filling will not destroy or adversely affect the character of the property, adjacent properties or the surrounding area.			●
Erosion will be controlled during and after construction and will not adversely affect adjacent or neighboring property or public facilities or services.			●
The plan meets applicable standards of governmental agencies with jurisdiction, and necessary outside agency approvals have been obtained or are assured.	●		●

Section 64.11 Compliance with an Approved Site Plan.

It shall be the responsibility of the property owner, and the owner or operator of the use(s) for which site plan approval has been granted, to develop, improve and maintain the site, including the use, structures and all site elements in accordance with the approved site plan and all conditions of approval, until the property is razed, or a new site plan is approved. Failure to comply with the provisions of this Section shall be a violation of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

To ensure compliance with this Ordinance, the approved site plan, and any conditions of site plan approval, the Township may require that a performance guarantee be deposited with the Township Treasurer in accordance with Section 67.07 (Fees and Performance Guarantees).

Section 64.12 Amendment and Revision.

Changes to an approved minor, preliminary, or final site plan shall be prohibited, except in accordance with this Article. Requests for approval of a major or minor change to an approved site plan shall be made by the petitioner in writing to the Planning Commission. The burden shall be on the petitioner to show good cause for any requested change.

4. **Pre-application Conference.** At the discretion of the applicant, a pre-application conference may be held with Township staff prior to official submittal of an application to amend or revise the site plan.
5. **Application.** The applicant shall clearly state the reasons for the request, which may be based upon changing social or economic conditions, potential improvements in layout or design features, unforeseen difficulties, or advantages mutually affecting the interest of the Township and petitioner; such as technical causes, site conditions, state or federal projects, or changes in state laws.
 - a. The request shall be filed with the Township Clerk. The Clerk shall transmit the request to the Planning Commission for review and action.
 - b. All required review fees and escrow deposits shall be paid to the Township Treasurer at the time the request is filed with the Clerk. A request submitted without the required fees and escrow deposits shall be considered incomplete, and shall be returned to the petitioner.
6. **Review.**
 - a. **Administrative.** Activities determined to be eligible for administrative review, according to Section 64.02C herein, shall be reviewed and approved by the Township Planner and Zoning Administrator. The Zoning Administrator or applicant shall have the option to request Planning Commission consideration of a project otherwise eligible for administrative approval.
 - b. **Planning Commission.** 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 site plan. The Commission shall record its determinations and reasons therefore in the minutes of the meeting at which the action is taken. For minor changes to an approved site plan, the Planning Commission may require that a revised site plan or individual plan sheet be submitted showing such minor changes, for purposes of record.
7. **Amendment.** If the Planning Commission determines that a major change requires submittal of an amended site plan for approval, the applicant shall follow the same procedure outlined in this Article for a new site plan submittal.

Section 64.13 Rescinding Site Plan Approval.

A minor or final site plan approval may be rescinded by the Planning Commission upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, site plans, or conditions of site plan or special use approval. Such action shall be subject to the following:

1. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 67.12 (Public Hearing Procedures), at which time the property owner and the owner or operator of the

use(s) for which site plan approval has been granted shall be given an opportunity to present evidence in opposition to rescission.

2. **Determination.** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescission shall be made and written notification provided to said owner(s).

Section 64.14 As Built Drawings.

The applicant shall provide as-built drawings showing all improvements as actually constructed and installed on a site for which a final site plan was approved. The drawings shall be submitted to the Zoning Administrator and shall be subject to field verification by the Township Planner and Township Engineer prior to the release of any performance guarantee or part thereof for the completion of such improvements.

The as-built drawings shall show, at a minimum, 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. 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 64.15 Inspection.

The Zoning Administrator shall be responsible for inspecting all improvements for conformance with an approved site plan. The applicant shall be responsible for requesting such inspections.

1. All sub-grade improvements, such as utilities, sub-based installations for drives and parking lots, and similar improvements shall be inspected and approved prior to covering.
2. The Zoning Administrator shall obtain inspection assistance from the Township Planner, Fire Chief, and Township Engineer, where applicable.
3. The Zoning Administrator shall notify the Township Supervisor and Planning Commission Chair in writing when:
 - a. An approved development has passed inspection with respect to the approved final site plan; or
 - b. An approved development does not pass inspection with respect to the approved final site plan. The Zoning Administrator shall report on the steps taken to achieve compliance, on progress toward compliance with the approved final site plan, and when compliance is achieved.

Section 64.16 Violations.

A site plan approved under this Article shall have the full force of this Ordinance. Any violation of such approved plan shall be grounds for the Township Board or Zoning Administrator to order that all work be stopped, and to order that permits and certificates of occupancy be withheld until the violation is removed or adequate guarantee of such removal is provided to

the Township Board. Any violation of any provision of this Article, and any violation of any plan approved under this Article, including any agreements and conditions attached to any approved plan, shall be deemed a violation of this Ordinance, subject to the penalties specified in Article 67.0 (Administration and Enforcement).

ARTICLE 65.0 NONCONFORMITIES

Section 65.01 Purpose.

The regulations of this Ordinance are designed to protect the public health, safety, and general welfare by regulating the future use of land through appropriate groupings of compatible and related uses. Certain existing structures, lots of record, sites, and uses were lawful before this Ordinance was adopted, but have become nonconformities under the terms of this Ordinance and its amendments. It is the intent of this Ordinance to permit such nonconformities to remain until they are discontinued or removed, but not to encourage their survival. Where discontinuance or removal is not feasible, it is the intent of this Article to provide for the gradual conversion of such nonconformities to conforming status.

The regulations of this Article are intended to permit such nonconformities to continue without specific limitation of time, while restricting extensive further investments that may make them more permanent. This Article is further established to:

8. Regulate the use and development of nonconforming lots, the completion, alteration and reconstruction of nonconforming structures, the redevelopment and improvement of nonconforming sites, and the maintenance, extension and substitution of nonconforming uses.
9. Specify the limited conditions and circumstances under which nonconformities shall be permitted to continue.
10. Establish standards for determining whether a use is nonconforming, and whether a nonconforming use has ceased to occupy a particular structure or parcel of land.

Section 65.02 Scope.

Nonconformities are declared by this Ordinance to be incompatible with the structures and uses permitted in the various zoning districts. Except as otherwise provided in this Article, any nonconforming lot, use, site or structure lawfully existing on the effective date of this Ordinance or subsequent amendment thereto may be continued so long as it remains otherwise lawful. All nonconformities shall be encouraged to convert to conformity wherever possible, and shall be required to convert to conforming status as required by this Article. Nonconformities shall not be enlarged, expanded, or extended, except in accordance with this Article, and shall not be used as grounds for adding structures and uses prohibited elsewhere in the same district.

A. Classification of Nonconformities.

Nonconformities shall be classified in one of the following categories:

1. Nonconforming single-family detached dwellings (Section 65.05).
2. Nonconforming lots of record; (Section 65.06).
3. Nonconforming uses; (Section 65.07).
4. Nonconforming structures; (Section 65.08).

5. Nonconforming sites; (Section 65.09).
6. Nonconforming signs; (Section 65.10).

B. Establishment of Nonconformities.

To be considered a nonconformity under this Ordinance, the lot, use, site or structure must have been in compliance with the zoning requirements which were lawful when it was established, but must be, except for the provisions of this Article, prohibited, regulated, or restricted by the enactment of this Ordinance or subsequent amendments thereto. Nonconformities shall be established by one (1) of the following methods:

1. The nonconformity must have been a legal nonconformity under the former zoning ordinance and continue to be designated as nonconforming under the provisions of this Ordinance or subsequent amendments thereto;
2. The nonconformity must have been a legal conformity under the former zoning ordinance and made nonconforming by the provisions of this Ordinance or subsequent amendments thereto; or
3. The nonconformity must have been created by a lawful public taking or actions pursuant to a court order having the same effect as a violation of this Ordinance.
4. Lots, structures, or uses which do not meet one of the above criteria and which are prohibited, regulated, or restricted by this Ordinance are unlawful, shall not be permitted to continue, and shall not be entitled to any of the relief provided in this Article.

Section 65.03 Nonconforming Use Determinations.

This Section is intended to provide reasonable standards for determining whether a use is nonconforming, and whether a nonconforming use has been removed, discontinued or otherwise ceased to occupy the land or structure in question. The Zoning Administrator shall be responsible for determining whether a use is conforming, nonconforming or unlawful in the zoning district where it is located. When there is a question or dispute about the status of a particular use, such determinations shall be made by the Zoning Board of Appeals, subject to the following:

A. Standards for Determining that a Use is Lawfully Nonconforming.

When there is a question or dispute about the status of a particular use, the Zoning Board of Appeals shall determine that a use is nonconforming upon finding that the following three (3) statements are true:

1. The use does not conform to the purpose and use regulations of the district where it is located.
2. The use is in compliance with all other applicable federal, state, and local laws, ordinances, regulations and codes.
3. Evidence from a minimum of three (3) of the following sources demonstrates that the use was lawfully established prior to the effective date of adoption or amendment of this Ordinance:

4. Local, county or state government files or records, including but not limited to permits, inspection reports, dated photographs or notarized statements of government officials, agents, representatives or employees.
5. Dated telephone directories, or similar dated records that provide information about the occupants or uses located on a street by address or lot number.
6. Utility records, including but not limited to providers of water, sewer, electric, natural gas or telecommunications service.
7. Dated advertising or other information published in a newspaper or magazine including but not limited to advertisements, articles, features or photographs that address the use of the land in question.
8. Dated aerial photos from the State of Michigan, Washtenaw County or other sources accepted by the Zoning Board of Appeals.
9. Other relevant information, including but not limited to date-stamped photographs, diary or log entries, affidavits or notarized statements.

B. Standards for Determining that a Nonconforming Use has Ceased.

See Section 65.07C (Cessation).

Section 65.04 Unlawful Uses.

Any use that is not a conforming use in the district where it is located, or determined to be a nonconforming use, shall be considered an unlawful use established in violation of this Ordinance.

Section 65.05 Nonconforming Single-Family Detached Dwellings.

It is the intent of this Section to regulate the alteration and reconstruction of nonconforming single-family detached dwellings and customary accessory structures consistent with the intent and purposes of this Article and Ordinance, and in a manner that avoids unnecessary hardship for homeowners seeking mortgage financing or homeowner's insurance coverage for a nonconforming dwelling. Accordingly, the provisions of Section 65.08 (Nonconforming Structures) shall not apply to such nonconforming dwellings and accessory structures as regulated under this Section.

Nonconforming single-family detached dwellings and customary accessory structures may be used, repaired, expanded, altered, or replaced if destroyed, subject to the following:

A. Dwelling as a Nonconforming Use.

An existing, lawfully established single-family dwelling and customary accessory structures located in any zoning district may be repaired, altered, or replaced if destroyed, provided that:

1. Such work shall conform to all applicable standards of this Ordinance as if the property and use were located in the single-family residential zoning district most similar in terms of the minimum lot width and area requirements to the size of the subject lot.

2. The use, dwelling, and accessory structures shall be maintained in conformance with all other applicable federal, state, and local laws, ordinances, regulations and rules.

B. Dwelling as a Nonconforming Structure.

Where an existing, lawfully established single-family dwelling or customary accessory structure is a nonconforming structure with respect to the requirements of Article 30.0 (Dimensional Standards) or Section 40.207 (Single- and Two-Family Dwelling Standards), the following standards shall apply:

1. Structural alterations to a nonconforming single-family dwelling or customary accessory structure that decrease or do not affect the degree of nonconformity shall be permitted. Such structures may be expanded, provided that:
 2. The addition shall conform to the dimensional standards and other requirements of the zoning district in which it is located.
 3. The expanded structure shall not exceed the ground floor coverage and floor area ratio limits of the district in which it are located.
 4. All repairs and maintenance shall conform to the State Construction Code and all other applicable code requirements. A damaged structure shall be adequately secured, and shall be protected against further damage from the elements.
 5. A nonconforming single-family dwelling and customary accessory structures may be reconstructed, or replaced if destroyed, provided that:
 6. Any replacement structure shall conform to the dimensional standards of the zoning district where it is located, except where, in the determination of the Zoning Administrator, existing site conditions would prevent reasonable conformance. In such cases, the dwelling or customary accessory structure may be reconstructed on the existing location.
 7. Application for a building permit for reconstruction or replacement of a destroyed structure shall be made within 180 calendar days of the date of such damage, and all work shall be completed within the building permit approval period. Where pending insurance claims require an extension of time, the Zoning Administrator may grant one (1) extension of up to 180 calendar days, provided that the property owner submits a certification from the insurance company attesting to the delay.
 8. A nonconforming structure moved within a lot or to another lot shall thereafter conform to the regulations of the district in which it is located.
 9. If a nonconforming dwelling or customary accessory structure becomes physically unsafe or unlawful due to a lack of repairs or unsecured exposure to the elements, or is declared to be unsafe or unlawful by reason of physical condition under the State Construction Code or applicable fire or property maintenance codes, it shall not thereafter be restored, repaired or rebuilt except in conformity with all Ordinance requirements.

Section 65.06 Nonconforming Lots of Record.

Existing lots of record that are not in compliance with the dimensional requirements of this Ordinance shall only be used, developed, or improved in accordance with the following:

A. Use of a Single Nonconforming Lot of Record.

A principal building or single-family detached dwelling and customary accessory structure(s) may be erected, occupied, and used on a single, nonconforming lot of record, provided that the lot is not in continuous frontage with other lots in the same ownership and is in accordance with other requirements applying in the zoning district.

This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and all requirements other than those applying to area, or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

B. Combination of Nonconforming Lots.

If two (2) or more lots or combinations of lots and portions of lots are in single ownership as of the date of this Ordinance or at any time thereafter and are in continuous frontage, and if all or part of the lots do not meet the requirements established under this Ordinance for lot width and area, the lands involved shall be combined and considered a single, undivided parcel for purposes of this Ordinance.

1. No portion of the resulting parcel shall be used, sold, or divided in such a manner as to diminish compliance with lot width and area requirements established by this Ordinance.
2. Where the nonconforming lot(s) were created by public taking action or as a result of a court order, combination of the lots shall not be required.
3. Where possible, nonconforming lots of record shall be combined to create lots that comply with the requirements of this Ordinance.

C. Division of Nonconforming Lots.

A lot of record shall not be divided in a manner that would increase its nonconformity, cause an existing structure or site improvement to become nonconforming, or create one or more nonconforming lots.

Section 65.07 Nonconforming Uses.

Single-family detached dwellings that are a nonconforming use shall be subject to the standards of Section 65.05 (Nonconforming Single-Family Detached Dwellings). All other nonconforming uses shall be allowed to continue after the effective date of this Ordinance or amendments thereto, subject to the following:

A. Compliance with Other Applicable Standards.

Nonconforming uses shall be maintained in compliance with all applicable federal, state, and local laws, ordinances, regulations and codes, other than the specific use regulations for the zoning district where the use is located.

B. Alteration.

Nonconforming uses shall not be enlarged, increased in intensity, extended to occupy a

greater area of land or floor area, or moved in whole or in part to any other portion of the lot or structure; other than that occupied at the time the nonconforming status was established.

1. No such land occupied by a nonconforming use shall be subdivided nor any structure added, except for purposes and in a manner conforming to zoning district regulations. Subdivision that does not increase the degree of nonconformity shall be permitted.
2. Expansions, additions, or alterations that would have the effect of intensifying the impact, appearance, or character of a nonconforming use shall be subject to Section 65.07E (Expansion or Substitution).
3. Substitution of a nonconforming use for another nonconforming use on the same site shall be subject to Section 65.07E (Expansion or Substitution).

C. Cessation.

Cessation of use includes, but is not limited to, vacancy of the building or structure in which the nonconforming use was conducted, or discontinuance of the activities consistent with or required for the operation of such nonconforming use, irrespective of whether an intention to cease or abandon the nonconforming use may exist. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the legal nonconforming status of the land.

A nonconforming use that ceases for a period of more than 180 calendar days or is superseded by a conforming use shall not be resumed. If a structure associated with a nonconforming use is removed, or damaged by any means to an extent that the repair cost exceeds the state equalized value of the property, the nonconformity shall be deemed removed. All subsequent uses shall conform to all Ordinance requirements.

When there is a question or dispute about the status of a particular use, the Zoning Board of Appeals shall determine that a nonconforming use has been removed, discontinued or otherwise ceased to occupy the land or structure in question upon finding that a minimum of three (3) of the following six (6) statements are true:

1. Local, county or state government files or records show that the nonconforming use has ceased. Such evidence may include, but shall not be limited to permits, inspection reports, dated photographs or notarized statements of government officials, agents, representatives or employees.
2. Dated telephone directories or similar dated records that provide information about the occupants or uses located on a street by address or lot number show that the nonconforming use has ceased. Such evidence may include, but shall not be limited to entries showing the address associated with the use as vacant or occupied by another use, or showing the telephone number associated with the use as disconnected or in use at another location.
3. Utility records, including, but not limited to providers of water, sewer, electric, natural gas or telecommunications service, show that the nonconforming use has ceased. Such evidence may include, but shall not be limited to records indicating that the address of the use is vacant or occupied by another use, the utility

service associated with the use has been disconnected or the business, organization or individual associated with the use has moved to another location.

4. Dated advertising or other information published in a newspaper or magazine show that the nonconforming use has ceased. Such evidence may include, but shall not be limited to advertisements, articles, features or photographs that address the use of the land in question.
5. Dated aerial photos from State of Michigan, Washtenaw County or other sources as accepted by the Zoning Board of Appeals show that the nonconforming use has ceased.
6. Other relevant information shows that the nonconforming use has ceased. Such evidence may include, but shall not be limited to date-stamped photographs, diary or log entries, affidavits or notarized statements.

D. Repair of Structure(s) Associated with a Nonconforming Use.

If a structure associated with a nonconforming use is damaged by any means to an extent that the repair cost is less than or equal to the state equalized value of the property, such structure may be repaired or replaced at its location existing prior to such damage.

1. Structural reconstruction or replacement shall begin on the site within 180 calendar days of the date of damage, and shall be completed within the building permit approval period.
2. Failure to complete such work within the stated time period shall eliminate the legal nonconforming status of the land. All subsequent uses shall conform to all Ordinance requirements.
3. Where pending insurance claims require an extension of time, the Zoning Inspector may grant one (1) extension of up to 180 calendar days, provided that the property owner submits a certification from the insurance company attesting to the delay.

E. Expansion or Substitution.

A nonconforming use may be may expanded, or a nonconforming use may be substituted for another nonconforming use, subject to Planning Commission approval in accordance with the following:

1. **Filing of application.** Application for approval of a nonconforming use substitution or expansion shall be made by filing a complete and accurate application form, required information, and required review fee and escrow deposit with the Township Clerk. The Clerk shall transmit a copy of the application materials to the Township Planner, other designated Township officials and consultants, and the Planning Commission.
2. **Eligibility.** The application shall be submitted by the operator of the use and the owner of an interest in the land or structure(s) for which nonconforming use substitution or expansion approval is sought. Applications that are found by the

Township Planner or Planning Commission to be incomplete or inaccurate shall be returned to the applicant without further consideration.

3. **Information required.** An application for approval of a nonconforming use substitution or expansion shall contain the following information:
 - a. The applicant's name, address, and telephone number.
 - b. The names, addresses, and telephone numbers of all record owners and proof of ownership.
 - c. The applicant's interest in the property, and if the applicant is not the fee simple owner, the signed authorization of the owner(s) for the application.
 - d. Legal description, address, and tax parcel number of the property.
 - e. A scaled and accurate survey drawing, correlated with the legal description and showing all existing structures, drives, and other improvements.
 - f. A detailed description of the existing use and proposed expansion or substitution. The Planning Commission may require documentation that the existing use is legally nonconforming per the standards of Section 65.03 (Nonconforming Use Determinations).
 - g. Where required by the Planning Commission or by Section 64.02 (Site Plan Approval Required), detailed site plans shall be submitted for review per Article 64.0 (Site Plan Review).
4. **Technical review.** Prior to Planning Commission consideration, the application materials shall be distributed to the Township Planner and other designated Township officials and consultants for review and comment.
5. **Planning Commission review and public hearing.** Upon receipt of a complete and accurate application for approval of a nonconforming use substitution or expansion from the Clerk, the Planning Commission shall undertake a study of the application. A public hearing shall be held on the application and notice shall be given in accordance with Section 67.11 (Public Hearing Procedures).
6. **Criteria for approval.** Subsequent to the public hearing, the Planning Commission shall review the application to the standards and findings required herein and the information provided at the public hearing. The Planning Commission may recommend to the Township Board approval of a nonconforming use substitution or expansion upon finding that the existing use and proposed expansion or substitution satisfy all of the following criteria for approval:
7. **Use standards.** The existing use and proposed expansion or substitution conform to the following:

- a. The nonconformity does not depress the value of nearby properties.
 - b. The use does not adversely impact the public health, safety, and welfare.
 - c. The use does not adversely impact the purpose of the district where it is located.
 - d. No useful purpose would be served by the strict application of Ordinance requirements that apply to the nonconformity.
 - e. In the case of a use substitution, the proposed nonconforming use is equal or more appropriate than the existing nonconforming use in the zoning district in which it is located.
8. **Signage.** The Planning Commission may require that signage associated with the use be brought into compliance with Article 62.0 (Sign Regulations).
 9. **Building improvements.** The Planning Commission may approve an expansion of a nonconforming use that includes new construction, or expansion or structural alteration of the existing building(s) occupied by the use where such work conforms to applicable Ordinance requirements.
 10. **Site improvements.** If the site is nonconforming with respect to applicable site design standards of this Ordinance, the proposed expansion and associated site improvements shall also conform to the requirements of Section 65.09 (Nonconforming Sites).
 11. **Other conditions.** The Commission may attach conditions of approval to assure that the use does not become contrary to the purposes of this Article or Ordinance, or the public health, safety or welfare.

Section 65.08 Nonconforming Structures.

Single-family detached dwellings that are a nonconforming structure shall be subject to the standards of Section 65.05 (Nonconforming Single-Family Detached Dwellings). All other nonconforming structures shall be allowed to continue after the effective date of this Ordinance or amendments thereto, subject to the following conditions:

A. Alterations.

Structural changes and alterations to a nonconforming structure that decrease or do not affect the degree of nonconformity shall be permitted. Expansions or additions to a nonconforming structure, or alterations to a nonconforming structure that would increase or intensify a nonconformity, shall be subject to Section 65.08F (Expansion).

B. Relocation.

A nonconforming structure that is moved within a site or to another site shall thereafter conform to the regulations of the district in which it is located.

C. Normal Repairs and Maintenance.

Normal repair, maintenance or replacement of interior non-bearing walls, fixtures, wiring, plumbing, heating, or cooling systems in nonconforming structures may be

permitted in accordance with applicable code requirements. Such improvements shall not result in any enlargement of a nonconforming structure; including any increase in floor area, volume, number of dwelling units, dimensions, height, or number of stories. If a nonconforming structure becomes physically unsafe or unlawful due to a lack of repairs and maintenance, or is declared to be unsafe or unlawful by reason of physical condition under the State Construction Code or applicable property maintenance codes, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

D. Buildings under Construction.

Nothing in this Article shall require a change in the plans, construction or designated use of any structure for which construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance, provided that such work shall be completed within 365 calendar days of the effective date.

E. Damaged or Unsafe Structures.

A nonconforming structure or a portion thereof, if destroyed or damaged by any means to the extent such that the expense of such reconstruction would exceed the state equalized value of the property, shall not be reconstructed except in conformity with the regulations of the zoning district in which it is located.

1. Nothing in this Ordinance shall prevent the reconstruction, repair, or restoration and the continued use of any nonconforming structure damaged by any means, provided that the expense of such reconstruction shall not exceed the state equalized value of the property.
2. Application for a building permit for such reconstruction shall be made within 365 calendar days of the date of such damage, and all work shall be completed within the building permit approval period.
3. The lot and damaged structure shall be adequately secured from unauthorized access to the Zoning Administrator's satisfaction. The damaged structure shall be protected against further damage from the elements.
4. Where pending insurance claims require an extension of time, the Zoning Administrator may grant one (1) extension of up to 365 calendar days, provided that the property owner submits a certification from the insurance company attesting to the delay.
5. If a nonconforming structure becomes physically unsafe or unlawful due to a lack of repairs or unsecured exposure to the elements, or is declared to be unsafe or unlawful by reason of physical condition under the State Construction Code or applicable fire or property maintenance codes, it shall not thereafter be restored, repaired or rebuilt except in conformity with all Ordinance requirements.

F. Expansion.

A nonconforming structure may be enlarged or expanded, subject to the following:

1. **Expansion of nonconforming farm buildings.** Nonconforming buildings used in farming or active agricultural operations may be expanded if approved by the Zoning Administrator, subject to the following requirements:
 - a. Farming shall be a permitted use in the district in which the use is located and the intended use of the structure shall be a permitted use in the district in which the structure is located; and
 - b. The expansion shall meet all requirements of the zoning district in which it is located. The existing structure(s) and the expansion shall not exceed the ground floor coverage or floor area ratio limits of the zoning district.
 - c. The expansion shall conform to all yard setback requirements of the zoning district in which it is located.

2. **Expansion of other nonconforming structures.** Other nonconforming structures may be enlarged or expanded, subject to Board of Appeals approval in accordance with the following:
 - a. **Filing of application.** Application for approval to enlarge or expand a nonconforming structure shall be made by filing with the Township Clerk a complete and accurate application form, required information, and required review fee and escrow deposit. The Clerk shall transmit a copy of the application materials to the Township Planner, other designated Township officials and consultants, and the Board of Appeals.
 - b. **Eligibility.** The application shall be submitted by the operator of the use and owner of an interest in the land or structure(s) for which approval to enlarge or expand a nonconforming structure is sought. Applications that are found by the Township Planner or Board of Appeals to be incomplete or inaccurate shall be returned to the applicant without further consideration.
 - c. **Information required.** Applications for approval to enlarge or expand a nonconforming structure shall contain the following information:
 - (1) The applicant's name, address, and telephone number.
 - (2) The names, addresses, and telephone numbers of all record owners and proof of ownership.
 - (3) The applicant's interest in the property, and if the applicant is not the fee simple owner, the signed authorization of the owner(s) for the application.
 - (4) Legal description, address, and tax parcel number of the property.
 - (5) A scaled and accurate survey drawing, correlated with the legal description and showing all existing structures, drives, and other improvements.

- (6) Where required by Section 64.02 (Site Plan Approval Required), detailed site plans shall also be submitted for review and approval in accordance with Article 64.0 (Site Plan Review).
3. **Technical review.** Prior to Board of Appeals consideration, the application materials shall be distributed to the Township Planner and other designated Township officials and consultants for review and comment.
4. **Board of Appeals review and public hearing.** Upon receipt of a complete and accurate application for approval to enlarge or expand a nonconforming structure from the Clerk, the Board of Appeals shall undertake a study of the application. A public hearing shall be held on the application and notice shall be given in accordance with Section 67.11 (Public Hearing Procedures).
5. **Criteria for approval.** Following the public hearing, the Board of Appeals shall review the application to the standards and findings required herein and the information provided at the public hearing. The Board of Appeals may approve an enlargement or expansion of a nonconforming structure upon finding that the existing structure and proposed enlargement or expansion satisfy all of the following criteria for approval:
 - a. The nonconformity results from noncompliance with zoning district regulations for minimum lot area, minimum lot width, required yards, off-street parking and loading requirements, or transition or landscape strip requirements. In no case shall a structure that is nonconforming because of lot coverage, floor area ratio, lot area per dwelling unit, or height requirements be permitted to expand without removing the nonconformity.
 - b. The existing and proposed uses of such buildings and structures shall be permitted in the district in which they are located.
 - c. The proposed enlargement or expansion shall conform to all requirements of the zoning district in which it is located.
 - d. The Board of Appeals shall make the following findings of fact before approving such a request:
 - (1) Retention of the nonconforming structure is reasonably necessary for the proposed improvement or that requiring removal of such structure would cause undue hardship;
 - (2) The proposed enlarged or otherwise improved nonconforming structure would not adversely affect the public health, safety, and welfare; and
 - (3) The proposed improvement is reasonably necessary for continuation of the use on the lot.

6. **Other conditions.** The Board of Appeals may attach conditions to the approval to assure that the proposed enlargement or expansion of the nonconforming structure does not become contrary to the purpose of this Article and Ordinance; or to the public health, safety, and welfare.

Section 65.09 Nonconforming Sites.

The purpose of this Section is to encourage improvements to existing sites in the Township that were developed before the site design standards of this Ordinance were established or amended. This Section establishes standards for prioritizing improvements to existing sites that are intended to gradually bring the site into compliance with current Ordinance standards. Nonconforming sites may be improved or modified without a complete upgrade of all site elements, subject to the following conditions:

1. A nonconforming site shall not be improved or modified in a manner that increases its nonconformity.
2. The proposed site improvements shall address public health, safety, and welfare by resolving public safety deficiencies and pedestrian/vehicle conflicts, and improving emergency access.
3. The proposed site improvements shall include at least three (3) of the following, in accordance with applicable Ordinance standards and as accepted by the Planning Commission:
 - a. Preservation of natural resources or historical site features.
 - b. Pedestrian access improvements.
 - c. Vehicular access and circulation improvements.
 - d. Building design or exterior facade improvements.
 - e. Off-street parking or loading improvements.
 - f. Landscaping improvements.
 - g. Screening and buffering improvements.
 - h. Exterior lighting improvements.
 - i. Drainage and stormwater management improvements.
 - j. Clean up or restoration of a blighted site, removal of contaminated soil, or similar environmental improvements.
4. The scope of any additional site improvements requested by the Planning Commission shall be in reasonable proportion to the scale and construction cost of proposed building improvements, expansions, or other improvements.
5. A reasonable timeline for completion of site improvements to an existing nonconforming site may be approved as part of any plan approval. Failure to

complete improvements in accordance with an approved timeline shall be deemed a violation of this Ordinance.

Section 65.10 Nonconforming Signs

All existing signs that are nonconforming shall be subject to the provisions in Section 62.08.

Section 65.11 Change of Tenancy or Ownership.

There may be a change of tenancy, ownership, or management of any existing nonconformity, provided there is no change in the nature or character of such nonconformity except in accordance with this Article.

Section 65.12 Cessation of Nonconformities by Township Action.

The Township may acquire private property by purchase, condemnation, or other means for the removal of nonconforming uses. The elimination of nonconforming structures and uses shall be considered to be for a public purpose and for a public use and not for private use. The cost of acquiring the private property may be paid from general funds or assessed to a special district, as provided in the Michigan Zoning Enabling Act. The Township Board may institute proceedings for condemnation of nonconforming uses and structures under the power of eminent domain in accordance with applicable Michigan statutes.

ARTICLE 66.0

ZONING BOARD OF APPEALS

Section 66.01 Board Established.

There is hereby established a Board of Appeals, which shall perform its duties and exercise its powers, as provided in the Michigan Zoning Enabling Act, in such a way that the objectives of this Ordinance shall be enforced, public health and safety secured, and substantial justice done.

Section 66.02 Membership and Terms.

Board of Appeals membership shall be subject to the following:

A. Membership.

The Board of Appeals shall consist of five (5) members appointed by the Township Board. One (1) member shall be a member of the Planning Commission, and one member shall be a member of the Township Board.

1. The remaining members shall be selected from the electors of the Township residing in the unincorporated area of the Township. The members selected shall be representative of the population distribution, and of the various interests present in the Township.
2. Employees and contractors of the Township shall be prohibited from serving as members of the Board of Appeals.
3. In the event a member is elected to The Township Board and such election increases the number of Township Board members serving on the Board of Appeals to more than one (1), then such member's seat on the Board of Appeals shall be deemed vacant. Such vacancy shall be filled for the remainder of the un-expired term by Township Board appointment.

B. Alternates.

The Township Board may appoint up to two (2) alternate members for the same term as regular members of the Board of Appeals. An alternate member may be called to serve as a regular member for the Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend one (1) or more meetings of the Board of Appeals. 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 described in Section 66.02D (Abstaining). 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.

C. Terms.

The term of office of each member shall be for 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 those bodies. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies shall be filled for the remainder of the unexpired term by Township Board appointment.

D. Abstaining.

A member shall abstain from participating in a public hearing or voting on any question in which he or she has a conflict of interest. A member of the Board of Appeals who is also a member of the Township Board or Planning Commission shall abstain from participating in a public hearing or voting on the same matter that the member previously voted on as a member of the Board or Commission. The member may consider and vote on other unrelated matters involving the same property. Failure of a member to abstain in such cases shall constitute malfeasance of office.

E. Removal From Office.

A member may be removed from office by the Township Board for misfeasance, malfeasance, or nonfeasance in office, upon written charges and following a public hearing held in accordance with Section 67.12 (Public Hearing Procedures). Minutes of the meeting at which the hearing is held shall record the reasons for the hearing, the motion or resolution, if any, regarding removal from office, and the roll call vote of the Township Board.

Section 66.03 General Procedures of the Board of Appeals.

Zoning Board of Appeals membership shall be subject to the following:

A. Rules and Officers.

The Board of Appeals may adopt rules and regulations to govern its procedures. The Board of Appeals shall elect annually a Chair, Vice-Chair, and Secretary from its membership. An elected officer of the Township shall not serve as Chair of the Board of Appeals.

1. The Chair shall preside at and conduct Board of Appeals meetings; and shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before the Board of Appeals.
2. In the absence of the Chair, the Vice-Chair shall exercise all powers and authority of the Chair.
3. The Secretary shall be responsible for ensuring that complete and accurate written records are kept of all Board of Appeals proceedings.

B. Votes and Quorum.

A concurring vote of a majority of the members of the Board of Appeals shall be necessary for any decision. The Board of Appeals shall not conduct business unless a majority of its members is present.

C. Representation.

Any person may appear on his or her own behalf at a hearing or may be represented by an agent or an attorney authorized to appear on his or her behalf.

D. Hearings.

The Board of Appeals shall hold a public hearing on each question submitted to it for decision. The Chair shall fix a reasonable time and date for the hearing immediately after receipt of a complete and accurate application. Notice shall be given and the hearing shall be held in accordance with Section 67.11 (Public Hearing Procedures). All

hearings shall be open to the public.

E. Decisions.

The Zoning Board of Appeals shall decide upon all matters within 120 calendar days after receipt of a complete and accurate application. The time limit may be extended by written agreement between the applicant and the Zoning Board of Appeals.

1. **Motions.** Any motion for action on an application shall include specific findings of fact and conclusions made by the Zoning Board of Appeals in the case. Approved motions, including findings of fact and conclusions, shall be incorporated into the written record for the case. A copy shall be provided to the applicant of the approved written record of the meeting, or a written decision signed by the Chair or acting Chair.
2. **Postponement and dismissal.** The Zoning Board of Appeals may postpone consideration of an application until a later meeting upon request by the applicant, failure of the applicant to attend the meeting, or determination that the application is not sufficiently complete or accurate for action. Failure of the applicant to attend two (2) or more meetings where the application is on the agenda shall constitute grounds for dismissal of the application without further consideration.

F. Meetings.

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

1. All Zoning Board of Appeals meetings shall conform to the Open Meetings Act, P.A. 267 of 1976.
2. Public Hearing procedures shall conform to Section 67.11 (Public Hearing Procedures). All hearings shall be open to the public.
3. Minutes shall be kept of each meeting and the Board shall record into the minutes all findings of fact, conditions of approval, facts, and other relevant factors, and all its official actions.
4. The vote of each member upon a question, or absence or abstention, shall be recorded into the minutes of the meeting.
5. All meetings and records shall be open to the public. All minutes shall be filed in the offices of the Township Clerk.

G. Oaths.

The Chair of the Board of Appeals or, in the Chair's absence the acting Chair, may administer oaths and compel the attendance of witnesses.

Section 66.04 Powers and Duties of the Board of Appeals.

The Board of Appeals shall hear and decide and rule on the following as provided herein:

1. **Interpretations.** The Board of Appeals shall hear and decide questions that arise in the administration of the zoning ordinance, including the interpretation of the text and the Official Zoning Map.

2. **Administrative appeals.** The Board of Appeals shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of this Ordinance.
3. **Variances.** The Board of Appeals shall hear and decide requests for variances for relief from the strict application of one (1) or more non-use provisions of this Ordinance.
4. **Exceptions and other matters.** The Zoning Board of Appeals shall have the authority to hear and decide requests for exceptions as authorized by this Ordinance, and other matters upon which this Ordinance or Michigan Zoning Enabling Act specifically authorizes the Zoning Board of Appeals to act.
5. **Prohibited actions.** The Board of Appeals shall not alter or change the zoning district classification of any property, or make any change in the terms of this Ordinance, and shall not take any action that would result in making a legislative change. The Zoning Board of Appeals shall not hear and shall have no authority regarding any use variance.

Section 66.05 Applications.

Applications to the Zoning Board of Appeals shall be filed in proper form with the Township Clerk. Upon determining that it is complete and accurate, the application and all associated materials shall be forwarded to the Zoning Board of Appeals, who shall immediately place the application on the calendar for review and action. The required review fee and escrow deposit, as determined by resolution of the Township Board, shall be paid to the Township at the time the application is filed with the Clerk. No fee or escrow deposit shall be required for amendments proposed or requested by the Township. No action shall be taken on any petition or appeal for which required fees have not been paid in full.

The application shall, at a minimum, include the following:

1. Names, addresses, and telephone numbers for the applicant and property owner, and proof of ownership.
2. The applicant's interest in the subject property. If the applicant is not the owner in fee simple title, the name and address of the owner(s) and the signed consent of the owner(s) to the application.
3. Address, location, legal description, and tax identification number of the parcel.
4. Zoning classification of the subject parcel(s) and all abutting parcels.
5. A letter from the applicant stating the reasons for the request, and addressing the applicable criteria specified in this Article for the type of request.
6. Any additional information required by this Article or Ordinance.

The Zoning Board of Appeals may require additional information or documentation during the review process that is determined to be necessary to make a determination on the issue in question.

Section 66.06 Interpretations.

Upon request, the Board of Appeals shall have the power to hear and decide requests for interpretations of Zoning Ordinance provisions in such a way as to preserve and promote the character of the zoning district in question, and to carry out the intent and purposes of this Ordinance and the Master Plan. The Board of Appeals shall also have the power to interpret the Official Zoning Map in such a way as to carry out the intents and purposes of this Ordinance and the Master Plan, subject to the standards of Section 10.107 (Rules for Interpretation).

Section 66.07 Administrative Appeals.

Consideration of administrative appeals shall be subject to the following:

1. Appeals may be taken to the Board of Appeals by a person, firm or corporation aggrieved by the order, requirement, decision or determination; or by an officer, department, board, commission or bureau of the Township, county, state, or federal governments. Such appeals shall be filed within 60 calendar days of the order, requirement, decision or determination in question.
2. The appellant shall submit a clear description of the order, requirement, decision, or determination from which the appeal is made and the grounds of the appeal. The appellant may be required by the Board of Appeals to submit additional information to clarify the appeal.
3. The Township Clerk or Zoning Administrator shall transmit to the Board of Appeals copies of all relevant papers constituting the record upon which the action appealed from was taken.
4. An appeal stays all proceedings in the furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Appeals after the notice is filed that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Appeals or by a court of record upon application, upon notice to the Zoning Administrator from whom the appeal is taken, and upon due cause shown.
5. The Board of Appeals shall reverse an administrative decision only upon determining that the order, requirement, decision or determination constituted an abuse of discretion; was arbitrary or capricious; or was based upon an erroneous finding of a material fact or an erroneous interpretation of the Zoning Ordinance.
 - a. After making such a determination, the Board of Appeals may, so long as such action is in conformity with the terms of this Ordinance:
 - (1) Reverse or affirm wholly or in part;

- (2) Modify the order, requirement, decision, or determination appealed from; or
 - (3) Make such order, requirement, decision, or determination as ought to be made, and may issue or direct the issuance of a permit.
- b. To that end, the Board of Appeals shall have all of the powers of the official(s) from whom the appeal is taken.

Section 66.08 Variances.

The Board of Appeals shall have the authority to grant variances where, owing to special conditions, strict enforcement of this Ordinance would result in unnecessary hardship or practical difficulty, subject to the requirements of the Michigan Zoning Enabling Act and the following:

A. Variance Application.

Application for a variance shall be filed with the Township Clerk or such other person as the Board of Appeals may designate by the record owner of the property in question or by a person authorized to act on the record owner's behalf.

1. The Township Clerk or such other person as the Board of Appeals may designate shall transmit the application and information to the Board of Appeals and to the Zoning Administrator.
2. The petition shall consist of a completed application form, fee, and the following required information:
 - a. Legal description, address, tax parcel number, and zoning classification of the subject property, and zoning classifications of adjacent parcels.
 - b. An accurate, scaled drawing of the property, showing all property lines, dimensions, and bearing or angles correlated with the legal description; all existing and proposed structures and uses on the property; and dimensions of structures and their dimensioned locations; and lot areas and all calculations necessary to show compliance with the regulations of this Ordinance. Such drawings shall include all septic systems, wells, and easements and all significant trees and natural features.
 - c. A statement of the specific reasons for the request for a variance.
 - d. Name and address of the applicant and the property owner, and the interest of the applicant in the property.

B. Standards for Review.

A variance shall not be granted unless all of the following standards are met:

1. Special conditions and circumstances exist that are unique to the land, structures, or buildings involved, and are not applicable to other lands, structures, or buildings in the same district, subject to the following:
 - a. The existence of nonconforming dwellings, lots of record, structures, uses, or sites on neighboring lands in the same zoning district or other zoning districts shall not be considered grounds for a variance.
 - b. The special conditions and circumstances on which the variance request is based do not result from the actions of the applicant.
2. Literal interpretation of this Ordinance would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this Ordinance.
3. Granting the variance requested would not confer upon the applicant any special privilege that is denied by the Ordinance to other lands, structures, or buildings in the same district.
4. A variance granted shall be the minimum that will make possible a reasonable use of the land, building, or structure. The Board of Appeals may consider lesser variances than that requested by an applicant.
5. The variance granted shall be in harmony with the intent of this Ordinance and will not be injurious to the environment, neighborhood, or otherwise detrimental to the public interest.
6. The existence of nonconformities in the same district or neighborhood shall not be considered grounds for the issuance of a variance.

C. Motions.

Any motion for action on a variance application shall include specific findings of fact and conclusions made by the Board of Appeals on the request, which shall be incorporated into the written record of the meeting.

D. Use Variances Prohibited.

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.

Section 66.09 Variance Expiration.

An approved variance shall become null and void unless a building permit has been issued for the construction authorized by the variance within 180 calendar days after the date of approval and construction has been pursued diligently to completion; or the occupancy of land or buildings authorized by the variance has commenced within 180 calendar days after the date of approval.

1. Where a building permit has been issued for construction authorized by a variance, the variance shall become null and void upon expiration of the building permit.
2. Where a variance has been approved for a project subject to site plan approval per Article 64.0 (Site Plan Review), the variance shall become null and void only upon expiration of an approved final site plan for the project.
3. The Zoning Board of Appeals may, upon written request by the petitioner with a showing of good cause, grant one (1) extension of variance approval for up to an additional 180 calendar days.

Section 66.10 Reapplication for Variance.

An application for a variance that has been denied wholly or in part by the Board of Appeals shall not be resubmitted for a period of 365 calendar days from the date of denial, except on grounds of new evidence of changed conditions found by the Board of Appeals to be valid.

Section 66.11 Site Plan Requirements.

If an application or appeal to the Board of Appeals involves a land use or a development that requires site plan approval by the Planning Commission, the applicant or appellant shall first apply for preliminary site plan approval as set forth in Article 64.0 (Site Plan Review).

The Planning Commission shall review the site plan and shall determine the layout and other features required to obtain approval of the preliminary site plan. The Planning Commission shall then transmit a copy of the site plan and the Commission's findings thereon to the Board of Appeals. The Board of Appeals shall, upon deciding on the application or appeal, return the plan and its decision to the Planning Commission for Commission action on the site plan.

Section 66.12 Conditions of Approval.

The Board of Appeals may impose conditions or limitations upon any affirmative decision, as it may deem reasonable and necessary in accordance with the purposes of this Ordinance and the Michigan Zoning Enabling Act. Such conditions shall be consistent with procedures, requirements, standards, and policies of the Township, where applicable. Violation of any condition imposed shall be deemed a violation of this Ordinance and punishable under Article 67.0 (Administration and Enforcement).

Section 66.13 Appeals to Circuit Court.

Any person aggrieved by a decision of the Board of Appeals in a particular case shall have the right to appeal to the Circuit Court on question of law and fact. The appeal shall be filed within 30 calendar days after the Board of Appeals issues its written decision, signed by the Chair or acting Chair; or within 21 calendar days after the Board of Appeals approves the minutes of its decision, whichever comes first.

ARTICLE 67.0

ADMINISTRATION AND ENFORCEMENT

Section 67.01 Purpose.

It is the purpose of this Article to provide the procedures for the administration of this Ordinance, issuance of certificates of zoning compliance, inspection of properties, collection of fees, handling of violators, and enforcement of all provisions of this Ordinance.

Section 67.02 Zoning Administrator and Township Planner.

Except where otherwise stated herein, the provisions of this Ordinance shall be administered by the Zoning Inspector, and by such other officials, individuals, firms, or other entities as the Township Board may designate. The Township Board may enter into a contractual arrangement with one (1) or more individuals, firms, or other entities to perform all or part of the duties of the Zoning Administrator under the direction of the Township Supervisor.

A. Zoning Administrator Responsibilities.

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator under the direction of the Township Supervisor, subject to the following:

1. The Zoning Administrator shall administer and enforce this Ordinance precisely as written, and shall not modify, vary or ignore the terms of this Ordinance nor grant exceptions to the actual meaning of any clause, order or regulation.
2. The Zoning Administrator shall have the authority to review and approve applications for zoning compliance permits and zoning approval for certificates of occupancy in compliance with the provisions of this Ordinance.
 - a. It shall be unlawful for the Zoning Administrator to approve any plans or issue any zoning compliance permit or zoning approval for a certificate of occupancy unless such plan, permit or certificate is first determined to conform to all applicable provisions of this Ordinance.
 - b. The Zoning Administrator shall approve a plan, permit or certificate upon determination that the applicant has complied with all applicable provisions of this Ordinance.
3. The Zoning Administrator shall forward all application materials and all other information relevant to matters upon which a board or commission is required to act to the Supervisor or Clerk for distribution to the Township Planner and the appropriate board or commission.
4. The Zoning Administrator shall have the authority to interpret this Ordinance in such a way as to preserve and promote the character of the zoning district in question, and carry out the intent and purposes of this Ordinance and Township Master Plan. Such interpretations shall be subject to appeal to the Zoning Board of Appeals in accordance with Article 66.0 (Zoning Board of Appeals).
5. The Zoning Administrator shall provide citizens and public officials with information relative to these regulations and related matters, and shall assist

applicants in completing appropriate forms and following zoning approval procedures.

6. The Zoning Administrator shall periodically report to the Township Board and Planning Commission on the status of Township's zoning administration and enforcement activities, including but not limited to the type and nature of uses permitted by right; and the nature and extent of Ordinance violations, nonconformities, and investigations thereof.
7. Under the direction of the Township Supervisor, the Zoning Administrator shall have the authority to initiate investigations into alleged violations of these regulations, and investigate complaints of Ordinance violations. If delegated by the Supervisor in accordance with this Article, the Zoning Administrator shall have the authority to issue warnings and citations for Ordinance violations.
8. The Zoning Administrator shall have the authority to make inspections of buildings or premises necessary to carry out his or her duties under this Ordinance.
9. The Zoning Administrator shall order the discontinuance of unlawful uses of land or structures, removal of unlawful structures or alterations, discontinuance of work performed in violation of this Ordinance, and shall take such action(s) authorized by this Ordinance to ensure compliance with this Ordinance.
10. The Zoning Administrator shall have the authority to perform such other functions necessary or incidental to the administration of this Ordinance, as directed by the Township Supervisor.

B. Township Planner Responsibilities.

The Township may employ a Township Planner, who may be a member of Township staff; or a person, firm or organization retained on a consulting basis. In addition to specific responsibilities outlined elsewhere in these regulations and upon request from the Township Board, Planning Commission or other authorized Township body or official, the Township Planner may fulfill following responsibilities:

1. Prepare and administer such plans and ordinances as are appropriate for the Township and its environs, within the scope of applicable Township ordinances and state statutes.
2. Advise and assist the Township Board, Planning Commission, Zoning Board of Appeals, Zoning Administrator, and other authorized Township bodies or officials; and be responsible for carrying out the directives of the Planning Commission.
3. Provide citizens and public officials with information relative to these regulations and related matters.
4. Review applications for zoning or development approval, administrative appeals, variances, and take any action required under these regulations.
5. At the request of the Planning Commission or Township Board, draft amendments to the Zoning Ordinance and other ordinances to accomplish the planning objectives of the Township.

6. Prepare and facilitate regular training workshops and/or educational materials for Township officials, boards, and commissions on planning and zoning topics.
7. Perform other related duties, as authorized, to administer these regulations.

Section 67.03 Certificates of Zoning Compliance.

It shall be unlawful to use, occupy, construct or alter any structure or premises or part thereof, including a change of use or reoccupation of a vacant premises, until a certificate of zoning compliance shall have been issued by the Zoning Administrator in conformance with all provisions of this Ordinance. Failure to obtain preliminary and final certificates of zoning compliance shall be a violation of this Ordinance subject to the provisions of Sections 67.09, 67.10, and 67.11 of this Article.

A. Application.

All preliminary and final certificate of zoning compliance applications shall be accompanied by a minimum of three (3) sets of plans and specifications, including a plot plan or site plan and all other information necessary to determine compliance.

1. Application for a certificate of zoning compliance may be made either by the owner or the lessee of the structure or lot, or agent of either, or by the licensed engineer or architect assigned to the proposed work or operation.
2. An application made by person(s) other than the owner shall be accompanied by a duly verified affidavit of the owner or the qualified person making the application that the proposed work or operation is authorized by the owner in fee and that the applicant is authorized to make such application. The full names and addresses of the owner, lessee, applicant, and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.
3. All required review fees shall be paid to the Township at the time of application. No certificate shall be issued until such fees have been paid.
4. Amendments to an application or approved certificate shall follow the same approval procedure as the original certificate of zoning compliance application.

B. Site Plan or Plot Plan.

An application for a certificate of zoning compliance shall be accompanied by a site plan or plot plan, drawn to scale and containing the following minimum information:

1. Scale, date, and north point.
2. Location, shape, and dimension of the lot.
3. Dimensioned location, outline, and dimensions of all existing and proposed structures and the location and extent of all uses not involving structures.
4. A clear and complete description of existing and intended uses of all structures, existing or proposed.
5. Location(s) of private well and septic facilities.

6. Additional information as required by the Zoning Administrator for purposes of determining compliance with this Ordinance.

C. Nonconformities.

Where one (1) or more legal nonconformities are determined to exist on a property in accordance with the terms and conditions of this Ordinance, such nonconformities shall be identified and listed on any certificate of zoning compliance issued for the property. No certificate of zoning compliance shall be issued for any use or structure or the lot upon which unlawful uses, structures or other site improvements are situated.

D. Approval or Denial.

The Zoning Administrator shall examine or cause to be examined each application for a certificate of zoning compliance within a reasonable time after filing. Upon determining that the application is complete and accurate, the Zoning Administrator shall promptly:

1. Reject the application in writing, stating the reasons therefore, if the application or plans do not conform to all of the requirements of this Ordinance; or
2. Issue a certificate of zoning compliance if the application and plans conform to all of the requirements of this Ordinance.

The Zoning Administrator shall stamp or endorse the plans submitted with an approved application as "Approved," and shall attach his or her signature to each certificate or authorize a subordinate to affix such signature.

E. Preliminary Certificate of Zoning Compliance.

Issuance of a preliminary certificate of zoning compliance confirms that the application information and plans comply with all applicable requirements of this Ordinance.

1. The preliminary certificate of zoning compliance shall expire:
 - a. 180 calendar days after the date of issuance unless a building permit has been issued for the work; or
 - b. Immediately upon revocation or expiration of the building permit or determination by the Zoning Administrator that the work authorized by the certificate and building permit has been suspended or abandoned.
 - c. The certificate may be reinstated upon a showing of good cause to the Zoning Administrator for the suspension or abandonment of the work.
2. If any false statement or misrepresentation of fact are determined at any point by the Zoning Administrator to have been made in the application or on the plans on which the permit was based, the Zoning Administrator may revoke the preliminary certificate of zoning compliance.

F. Final Certificates of Zoning Compliance.

Issuance of a final certificate of zoning compliance shall confirm that the land use or structure, the lot on which situated, and all site improvements as constructed, established, altered or developed on the premises conform to all applicable requirements of this Ordinance and the approved site plan or plot plan.

1. The applicant shall submit a request for a final certificate of zoning compliance to the Zoning Administrator when the land use or structure, the lot on which situated, and all site improvements as constructed, established, altered or developed on the premises are ready for final inspection.
 - a. The Zoning Administrator shall inspect the premises and take action on the final certificate of zoning compliance within ten (10) days after receipt of such request.
 - b. If the Zoning Administrator identifies violations of this Ordinance or the approved site plan or plot plan, the final certificate shall be denied. The Zoning Administrator shall notify the applicant and Building Official in writing of such denial and the reasons thereof.
 - c. Failure to request such inspection and certificate approval in a timely manner upon completion of such work or improvements shall be considered a violation of this Ordinance.
2. Final certificate of zoning compliance shall expire 180 calendar days after the date of issuance unless a certificate of occupancy shall have been issued per the State Construction Code. The Zoning Administrator may, for reasonable cause, grant one (1) or more extensions of time for additional periods not exceeding 90 calendar days each.
3. A final certificate of zoning compliance shall be issued upon the request of the owner for an existing structure, lot, or an existing use of land, including any nonconformities, if after inspection of the premises it is found that such land use or structure, the lot on which situated, and all site improvements comply with this Ordinance or otherwise have legal nonconforming status.
4. An accessory structure shall require a separate final certificate of zoning compliance, unless included in the final certificate of zoning compliance issued for the principal building when such accessory structure is completed under the same building permit as the principal building.

Section 67.04 Building Permits.

No building permit shall be issued for the erection, alteration, moving, placement, or repair of any structure or part thereof that does not comply with this Ordinance, and unless a preliminary certificate of zoning compliance has been issued for such work and is in effect. No structure shall be erected, moved, placed on a lot, added to, or structurally altered unless a building permit shall have been issued and is in effect for such work, in accordance with the State Construction Code.

Section 67.05 Certificate of Occupancy.

It shall be unlawful to use or occupy or to permit the use or occupancy of any structure or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued in accordance with the State Construction Code. The Building Official shall not issue a certificate of occupancy until a final certificate of zoning compliance has been issued by the Zoning Administrator and is in effect. Where permitted under the State Construction Code, the

Building Official may issue a temporary certificate of occupancy, provided that said issuance is first approved in writing by the Zoning Administrator.

Section 67.06 Records.

The Zoning Administrator shall maintain records of all certificates issued under this Ordinance, which shall be available for public inspection.

Section 67.07 Fees and Performance Guarantees.

The Township Board shall establish a fee schedule by resolution to defray fixed costs and expenses incurred by the Township to perform functions required under this Ordinance. The Township Board, Zoning Board of Appeals, Planning Commission, and Zoning Administrator may also require an applicant to deposit funds with the Township to defray anticipated variable costs and expenses incurred by the Township. No action shall be taken on any application or appeal until all applicable fees and escrow deposits have been accepted by the Township Treasurer.

A. Application Fees for Fixed Costs and Expenses.

Fixed costs and expenses for the processing of permits and applications for zoning, use, development or other approvals may be assessed as application fees, either as a nominal charge or based on a cost analysis. If based on cost analysis, the sums charged shall be periodically reviewed to ensure that cumulative charges reasonably reflect actual expenses and costs incurred by the Township.

1. Application fees are non-refundable, but may be waived by the Township Board for good cause.
2. The amount of the application fee shall be established by resolution of the Township Board. The fee schedule shall be available for public viewing in the Township offices.

B. Escrow Deposits for Variable Costs and Expenses.

The applicant may be required to deposit funds to defray anticipated variable costs and expenses incurred by the Township where professional input, study or review is desired before a final decision is made. Such escrow deposits may be used to pay professional expenses of community planners, engineers, attorneys, and other professionals whose expertise the Township values to provide guidance on the proposed application.

1. The funds shall be managed by the Township Clerk or Treasurer, and shall be deposited before the cost or expense is incurred.
 - a. The funds will not be deposited in an interest bearing account.
 - b. The applicant shall be regularly invoiced. The invoice shall show the date, sums credited and debited, and the manner in which the debit was computed, where appropriate.
 - c. Costs incurred to manage the account may be debited to the account.
2. Upon request by the applicant, the Township shall provide copies of any written reports and statements of expenses for the professional services rendered.

3. The Township shall provide written notice and a request for an additional escrow deposit to the applicant if at any time the sums on deposit appear insufficient to cover anticipated costs and expenses.
 - a. The applicant shall promptly deposit additional funds in accordance with the written request from the Township.
 - b. If additional funds are not promptly deposited, the Township may issue a stop work order, cease review or table action on the application, deny certificates of zoning compliance associated with the application, or take no further action to process the project.
4. Where the Township determines that sums deposited appear likely to exceed anticipated costs and expenses, those excess funds shall be promptly returned to the applicant.
5. Sums remaining in the account when the project is completed shall be promptly returned to the applicant.

C. Performance Guarantees.

To ensure compliance with this Ordinance and faithful completion of required improvements, the Township Board, Planning Commission or Zoning Administrator may require that the applicant deposit with the Township Treasurer a financial guarantee to cover the cost of all improvements required as a condition of such approval. Such guarantees shall be deposited prior to the start of work or issuance of any certificates of zoning compliance, and shall be subject to the following:

1. The amount of the performance guarantee shall be established based on an estimate of the cost of completing of all required improvements prepared by the applicant and as approved by the designated Township consultants.
2. "Improvements" shall be limited to those features, upgrades and enhancements associated with the project considered necessary by the approving authority to protect natural resources, or the health, safety, and welfare of residents of the Township and future users of the project including, but not limited to roadways, parking, lighting, utilities, sidewalks, landscaping and screening, and drainage.
3. The form of the deposit shall be cash, certified check, bond, irrevocable bank letter of credit from a bank with offices in southeastern Michigan, or other surety acceptable to the Township Board.
4. Performance guarantees shall continue until the Zoning Administrator has determined that the conditions for release of the guarantee have been met.
5. As work progresses, the Township may rebate cash deposits in reasonable proportion to the ratio of work completed on the required improvements. A minimum of ten percent (10%) of the guarantee shall be retained by the Township pending a successful final inspection by the Zoning Administrator of all required improvements.

Section 67.08 Compliance with Plans and Applications.

Certificates of zoning compliance issued on the basis of plans and applications approved by the

Zoning Administrator authorize only the land use(s), design, construction, and site improvements as set forth in such approved plans and application. Any other land use(s), design, construction, and site improvements differing from the approved plans and application shall be deemed a violation of this Ordinance.

Section 67.09 Violations.

The standards and requirements of this Ordinance reflect obligations to the community at large. It shall be the duty of the property owner and all persons having responsibility for the establishment of any use or the construction, alteration or demolition of any structure or site to verify that such work is not in violation of this Ordinance. Persons having responsibility for work in violation of this Ordinance shall be deemed responsible for such violations to the same extent as the property owner.

1. Any person, persons, firm or corporation, or anyone acting on behalf of said person, persons, firm or corporation, who should violate the provisions of this Ordinance, or who fails to comply with the regulatory measures or conditions adopted by the Board of Appeals, Planning Commission or Township Board, shall be responsible for a municipal civil infraction and subject to the penalties set forth in this Article.
2. Each act of violation, and on each day upon which any such violation shall occur, shall constitute a separate offense.
3. Upon notice from the Zoning Administrator that work on any structure or premises is being performed contrary to this Ordinance, such work shall be immediately stopped. The stop-work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work either in person or by mail to the address of the property owner on the tax rolls; and shall state the conditions under which the work may be resumed. Any person who shall continue any work in or about the structure or premises after having been served with a stop-work order, except such work as such person is directed by the Zoning Administrator to perform in order to remove violations or unsafe conditions, shall be liable for the penalties set forth in this Article.
4. In addition to any remedies or authorities provided in this Article, any equitable or other remedies available may be sought.

Section 67.10 Ordinance Violations Bureau, Penalties, Sanctions, and Remedies for Violations.

A. Township Ordinance Violations Bureau.

There is hereby established a Township Ordinance Violations Bureau (referred to in this Ordinance as the "Bureau"), as authorized under MCL 600.8396, to accept admissions of responsibility for municipal civil infractions in response to Municipal Civil Infraction Notices of Violation issued and served by authorized township officials, and to collect and retain civil fines as prescribed by this Ordinance or any other township ordinance.

1. **Location; supervision and control; employees; rules and regulations.**
The Bureau shall be located at the Township Hall and shall be under the

supervision and control of the Township Treasurer. The Township Treasurer, subject to the approval of the Township Board, shall adopt rules and regulations for the operation of the Bureau and appoint any necessary qualified township employees to administer the Bureau.

2. **Disposition of violations.** The Bureau may dispose only of Municipal Civil Infraction Notices of Violation for which a fine has been scheduled. The Bureau cannot dispose of Municipal Civil Infraction Citations, for which a court appearance is necessary. The fact alone that a fine has been scheduled for a particular violation shall not necessarily entitle any person to dispose of the violation at the Bureau. Nothing in this article shall prevent or restrict the township from issuing a Municipal Civil Infraction Citation for any violation or from prosecuting any violation in a court of competent jurisdiction. No person shall be required to dispose of a Municipal Civil Infraction Notice of Violation at the Bureau and may have the Notice of Violation processed before a court of appropriate jurisdiction. The unwillingness of any person to dispose of any Notice of Violation at the Bureau shall not prejudice the person or in any way diminish the person's rights, privileges and protection accorded by law.
3. **Scope of authority.** The scope of the Bureau's authority shall be limited to accepting admissions of responsibility for Municipal Civil Infraction Notices of Violation, and collecting and retaining civil fines as a result of such admissions. The Bureau shall not accept payment of a fine from any person who denies having committed the offense or who admits responsibility only with explanation, and in no event shall the Bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to an alleged violation.

B. Municipal Civil Infraction Notices of Violation.

Except in cases involving potential harm or injury to public health, safety or welfare, or potential harm or injury to lands and resources, a Municipal Civil Infraction Notice of Violation shall not be issued unless a written warning has first been sent by certified return receipt mail to the alleged violator or posted on the property in question at least five (5) days prior to the issuance of the Municipal Civil Infraction Notice of Violation. Municipal Civil Infraction Notices of Violation shall be issued and served by authorized township officials under the same circumstances and upon the same persons as are provided for citations in Section 67.10B.3. below.

1. In addition to any other information required by this article or any other township ordinance, the notice of violation shall indicate the:
 - a. Time by which the alleged violator must appear at the Bureau;
 - b. Methods by which an appearance may be made;
 - c. Address and telephone number of the Bureau;
 - d. Hours during which the Bureau is open;
 - e. Amount of the fine scheduled for the alleged violator; and

- f. Consequences for failure to appear and pay the required fine within the required time.
2. **Appearance and payment of fines and costs.** An alleged violator receiving a Municipal Civil Infraction Notice of Violation shall appear at the Bureau on or before the date stated in the Notice of Violation and pay the specified fine and costs. An appearance may be made by mail, in person or by representation. If a person issued a Notice of Violation timely appears at the Bureau and admits to the violation, pays the specified fine and costs, and has corrected the violation or provided sufficient evidence that action is being taken to correct the violation to the satisfaction of the township official issuing the Notice, no further Notices of Violation will be issued for the same offense.
 3. **Procedure where admission of responsibility not made or fine not paid.** If an authorized township official issues and serves a Municipal Civil Infraction Notice of Violation and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by the schedule of fines set forth in Section 67.10C below for the violation are not paid at the Bureau, a Municipal Civil Infraction Citation may be filed with the district court, and 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 filed with the court does not need to comply in all particulars with the requirements for citations as provided by sections 8705 and 8709 of the Land Division Act, but shall consist of a sworn complaint containing the allegations stated in the Municipal Civil Infraction Notice of Violation and shall fairly inform the alleged violator how to respond to the citation. Except in cases involving potential harm or injury to public health, safety or welfare, or potential harm or injury to lands and resources, if a person issued a Notice of Violation notifies the Bureau in writing within seven (7) calendar days of receipt of the Notice that the alleged violation is contested or denied, no further Notices of Violation shall be issued, but the Township official issuing the Notice shall have the right, in his or her discretion, to immediately proceed to issue a Municipal Civil Infraction Citation, but no such Infraction Citation shall be issued later than 45 calendar days after the Bureau has received written notification that the violation is contested.

C. Penalties for Municipal Civil Notices of Violation.

The following civil fines shall apply in the event of a determination of responsibility for a Municipal Civil Notice of Violation:

1. **First offense.** The civil fine for a first offense violation shall be in the amount of seventy-five dollars (\$75.00).
2. **Second offense.** The civil fine for a second offense violation shall be in the amount of one hundred fifty dollars (\$150.00) for each offense involving the same violation.
3. **Third offense.** The civil fine for a third offense violation shall be in the amount of two hundred and twenty-five dollars (\$225.00) for each offense involving the same violation.

4. **Fourth offense.** The civil fine for a fourth offense violation shall be in the amount of three hundred and fifty dollars (\$350.00) for each offense involving the same violation.
5. **Fifth and subsequent offenses.** The civil fine for a fifth and any subsequent offense violation shall be in the amount of five hundred dollars (\$500.00) for each offense involving the same violation.

D. Penalties for Municipal Civil Infraction Citations.

The following civil fines shall apply in the event of a determination of responsibility for a Municipal Civil Infraction Citations:

1. **First Offense.** The civil fine for a first offense violation shall be in the amount of seventy-five dollars (\$75.00), plus costs and other sanctions.
2. **Second offense.** The civil fine for a second offense violation shall be in the amount of one hundred fifty dollars (\$150.00), plus costs and other sanctions for each offense involving the same violation.
3. **Third offense.** The civil fine for a third offense violation shall be in the amount of two hundred and twenty-five dollars (\$225.00), plus costs and other sanctions for each offense involving the same violation.
4. **Fourth offense.** The civil fine for a fourth offense violation shall be in the amount of three hundred and fifty dollars (\$350.00), plus costs and other sanctions for each offense involving the same violation.
5. **Fifth and subsequent offenses.** The civil fine for a fifth and any subsequent offense violation shall be in the amount of five hundred dollars (\$500.00), plus costs and other sanctions for each offense involving the same violation.

E. Additional Provisions.

In addition to ordering the defendant determined to be responsible for a municipal civil infraction to pay a civil fine, costs, damages and expenses, the judge or magistrate shall be authorized to issue any judgment, writ or order necessary to enforce or enjoin violation of this Ordinance.

1. In cases involving potential harm or injury to public health, safety or welfare, or potential harm or injury to lands and resources, each act of violation, and on each day upon which any such violation shall occur or continue, shall constitute a separate offense.
2. In addition to any remedies provided for in this Ordinance, any equitable or other remedies available may be sought by the Township.
3. The judge or magistrate shall also be authorized to impose costs, damages and expenses as provided by law.
4. A municipal civil infraction shall not be a lesser included offense of a criminal offense or of an ordinance violation which is not a civil infraction.

Section 67.11 Public Hearing Procedures.

A reasonable time and place shall be established for any public hearing required by or held under provisions of this Ordinance. A public hearing date, time, and location may be set by the Township Clerk or designated Township staff, or by the body charged with conducting the hearing. Such hearings shall be held in accordance with the Michigan Zoning Enabling Act and the following:

A. Public Notice.

Notice of the public hearing shall be required in accordance with the following:

1. **Minimum notice contents.** The notice shall include the time and place of the hearing, the name of the body charged with conducting the hearing, a summary of the subject and purpose of the hearing, and a listing of the methods by which questions can be addressed and comments provided to the body charged with conducting the hearing.
2. **Address of the property.** The notice shall indicate the property that is the subject of the request, and shall include a listing of all existing street addresses for the subject property.
 - a. Street addresses do not need to be created and listed if no such addresses currently exist for the subject property. If there are no street addresses, other means of property identification may be used.
 - b. For any group of eleven (11) or more adjacent lots or parcels proposed for rezoning, individual addresses shall not be required to be listed on the notice.
3. **Posting and publication.** The notice shall be posted at the location where the hearing will be held and published once in a newspaper of general circulation in the Township.
4. **Notification of the applicant and property owner.** The notice shall be sent by mail or personal delivery to the applicant and owner(s) of property for which approval is being considered.
5. **Delivery of public notices.** The notice shall be sent by mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the subject property, and to all occupants of structures within 300 feet of the boundary of the subject property, regardless of whether the property or occupant is located in the zoning jurisdiction.
 - a. If the name of the occupant is not known, the term "occupant" may be used in making notification.
 - b. Delivery of public such notices shall not be required for amendments to or interpretations of the text of this Ordinance, appeals of administrative decisions, and any group of eleven (11) or more adjacent lots or parcels proposed for rezoning, subject to the provisions of Section 67.11B (Discretionary Notice).

- c. Such notices need not be given to more than one (1) occupant of a building, except as follows:
 - (1) If a building contains more than one (1) dwelling unit owned or leased by different persons, one (1) occupant of each unit shall be given notice.
 - (2) If a building contains more than four (4) dwelling units owned or leased by different persons, notice may be given to the building owner or manager with a request to post the notice at the primary building entrance.
 - d. For any proposed amendment to the zoning map within 300 feet of the boundary of any adjacent municipality, written notice of the public hearing shall be sent by regular U.S. mail to the Clerk or the zoning or planning agency of said municipality.
 - e. If the notice is delivered by mail, an affidavit of mailing shall be filed with the body charged with conducting the hearing.
6. **Timing of notice posting, publication, and mailing.** The notice shall be posted, published, and mailed or personally delivered in accordance with the requirements of this Section not less than 15 days before the hearing date when the application will be considered.

B. Discretionary Notice.

The Township may, at its discretion, also post notice of a public hearing at other public-accessible locations, such as community bulletin boards or the Internet. The Township Board may also establish a policy to consistently send notice of a public hearing by mail to persons located more than 300 feet from the boundary of the property in question, provided that the applicant shall not be required to pay for the additional mailing expenses.

C. Posting of Signage.

The applicant(s) or owner(s) of the property subject to the application submitted by an owner or person acting on behalf of a property owner of the Township shall post public notice signage for any proposed conditional use permit application per Article 63.0 (Conditional Uses). Such notice signage shall also be required for rezoning applications per Article 68.0 (Amendments), with the exception of rezoning amendments initiated by the Township.

- 1. The applicant(s) or owner(s) shall place a four (4) by eight (8) foot sign on each side of the property that abuts a street. The sign shall not be erected in the road right-of-way or in a manner to obstruct vision of motorists or pedestrians.
 - a. If the subject property does not abut a street, the sign shall be placed on each side of any contiguous land owned by the applicant(s) or owner(s) of such parcel that does abut a street.
 - b. If no such contiguous property abutting a street is owned by the applicant(s) or owner(s) of the subject property, 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 application? 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.

2. Each sign shall be erected at least 15 calendar days, but not more than 30 calendar days, before the Planning Commission's public hearing date.
3. 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 thereof, whichever is later. Upon request of the Zoning Administrator, the applicant shall post a bond in an amount not to exceed one hundred dollars (\$100.00) per sign to ensure the removal of the sign.
4. Each sign shall have lettering easily readable from the abutting street. Each sign shall state "PROPERTY PROPOSED FOR [CONDITIONAL USE] [REZONING]," give the street address or tax code parcel number(s), acreage and diagram of the subject property, state the zoning of the property, state the proposed conditional use or zoning district that is being requested, and the date, time, and place of the initial public hearing on the application.
5. The Zoning Administrator shall inspect the subject property to see that it complies with the requirements of this Section, and shall submit an affidavit of such determination to the Planning Commission not less than seven (7) calendar days prior to the public hearing on the application.
6. Signs erected under this Section are exempt from other provisions of this Ordinance regulating signs.
7. Failure to comply with any provision of this Section shall not constitute grounds for invalidating or setting aside the granting of an application, but shall require adjourning and rescheduling the public hearing.

D. Pre-Hearing Examination.

Upon reasonable request, any person may examine the application and all other documents on file with the Township pertaining to the subject and purpose of the hearing. Any person shall be entitled to copies of such application and documents upon reasonable request and payment of fees as established by the Township Board to cover the cost of making such copies.

E. Right to Submit Written Statements.

Any person may submit written comments about the subject and purpose of the hearing prior to a hearing, or following such hearing within such time as the hearing body may allow. Such statements shall be made a part of the public record of the hearing.

F. Timeframe for Hearings.

The public hearing shall be scheduled for a date not more than 180 calendar days after receipt of a complete and accurate application by the body charged with conducting the hearing, unless a shorter time period is required by a provision of this Ordinance or a further time is agreed upon by the parties concerned.

G. Rights of All Persons.

Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney. Documentary evidence may be submitted for consideration, provided that the hearing body shall exclude such evidence deemed irrelevant, immaterial or unduly repetitious.

H. Adjournment.

The body conducting the hearing may at any time, on its own motion or at the request of any person, adjourn the hearing to a reasonable and fixed future date, time, and place for the purpose of accumulating further evidence or information, or for such other reasons that the body finds to be sufficient. No additional public notice is required beyond that already given for the original hearing.

I. Governance.

All other matters pertaining to the conduct of hearings shall be governed by applicable provisions of this Ordinance, and the rules and procedures adopted by the body conducting the hearing.

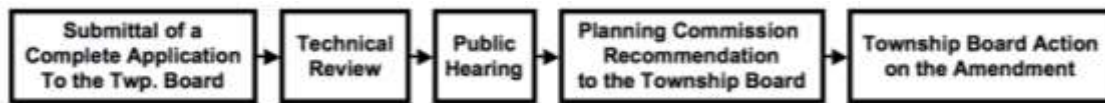
ARTICLE 68.0 AMENDMENTS

Section 68.01 Initiating Amendments.

The Township Board may amend, modify, supplement or revise this Ordinance or Official Zoning Map to provide for resource guardianship, public necessity, convenience, or safety, and the general welfare. Amendments to the Official Zoning Map may be initiated by Township Board or Planning Commission resolution, or by petition of the titleholder for the property subject to the proposed amendment. All other amendments may be initiated by Township Board or Planning Commission resolution, or by petition of one (1) or more Township property owners or residents. All proposed amendments shall be referred to the Planning Commission for review, public hearing, and recommendation, prior to final action by the Township Board.

Section 68.02 Fees.

The Township Board shall from time to time establish, by resolution, fees and escrow deposits for review of zoning amendment applications. Required fees and escrow deposits shall be paid to the Township Treasurer at the time of the filing of the application, and no part of a required fee shall be returnable to the applicant. No fee shall be charged for amendments initiated by Township Board or Planning Commission resolution. No action shall be taken on any application for which required fees have not been paid in full.



Amendment Review Process

Section 68.03 Amendment Procedure.

The procedure for amending this Ordinance shall be in accordance with all provisions of this Article and the Michigan Zoning Enabling Act.

A. Filing of Application.

The original and at least twelve (12) copies of a application shall be filed with the Township Clerk, who shall submit copies of the application to the Planning Commission for review and report to the Township Board.

B. Technical Review.

Prior to Planning Commission consideration, the proposed amendment and any application materials shall also be distributed to appropriate Township officials and the Township Planner for review and comment. The Planning Commission may also request comments from other designated Township consultants and outside agencies with jurisdiction.

C. Public Hearing.

A public hearing shall be held for all proposed amendments in accordance with Section 67.11 (Public Hearing Procedures).

D. Planning Commission Recommendation.

Following the hearing, the Planning Commission shall review the proposed amendment,

together with any reports and recommendations from officials, consultants, other reviewing agencies, and any public comments. The Planning Commission shall identify and evaluate all relevant factors, and shall report its findings of fact, conclusions, and recommendations for disposition of the application to the Township Board. The report shall include a summary of comments received at the public hearing.

E. Township Board Action.

Following receipt of the report and recommendation from the Planning Commission, the Township Board shall consider and vote upon the adoption of the proposed amendment.

11. The Township Board may, at its discretion, refer the amendment back to the Planning Commission for further consideration or revision within a specified time limit.
12. The Township Board may hold additional public hearings on the proposed amendment in accordance with Section 67.11 (Public Hearing Procedures).
13. The Township Board shall hold a public hearing on a proposed Ordinance amendment upon written request by a property owner sent by certified mail to the Township Clerk.
14. Amendments shall be approved by a majority vote of the Township Board.

F. Re-Application.

Whenever the Township Board has rejected a application, the Township shall not accept a new application for the same amendment for a period of 365 calendar days unless the Township Board or Planning Commission determines that one (1) or more of the following conditions has been met:

1. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application.
2. New or additional information is available that was not available at the time of the review.
3. The new application is materially different from the prior application.

Section 68.04 Information Required.

The following information shall be required with any application for amendment to this Ordinance or Official Zoning Map:

A. Zoning Map Amendment.

When the application involves an amendment to the Official Zoning Map, the applicant shall submit the following information:

1. A legal description of the property, including street address(es) and 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 applicant.
4. The applicant's interest in the property. If the applicant is not the owner, the name and address of the owner(s), and the signed consent of the owner(s) to the application. In the event an amendment is initiated by the Township Board or Planning Commission, the signed consent of the owner(s) to the application shall not be required.
5. Signature(s) of the applicant(s) and owner(s), certifying the accuracy of the information. In the event an amendment is initiated by the Township Board or Planning Commission, the certification by the owner(s) shall not be required.
6. Identification of zoning district requested and the existing zoning classification of subject property.
7. Vicinity map showing location of property, and adjacent land uses and zoning classifications.
8. General description of natural resources and features, including, but not limited to, wetlands, streams, and other water bodies, steep slopes, woodlands, and floodplains, to be depicted on scaled drawings. In the event an amendment is initiated by the Township Board or Planning Commission, this general description shall not be required.
9. Reasons for the proposed amendment or zoning classification.

B. Zoning Ordinance Text Amendment.

When a application involves a change in the text of the Zoning Ordinance, the applicant 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 applicant.
3. Reasons for the proposed amendment.

Section 68.05 Findings of Fact Required.

In reviewing any proposed zoning amendment, the Planning Commission shall identify and evaluate all relevant factors in preparing its report of findings of fact, conclusions, and recommendation to the Township Board. The following factors shall apply to Township review of any proposed amendment to the Official Zoning Map:

A. Evaluation of Existing Zoning and Development Pattern.

Review the existing zoning and land uses permitted in the zoning district for compatibility with Master Plan policies, the surrounding development pattern, and site characteristics. Determine whether there are conditions or circumstances that warrant a change or reasonably prevent the site from being developed or used as zoned. Consider whether the boundaries and size of the proposed district are compatible with the surrounding area and the scale of future development on the site.

B. Apparent Demand.

Consider the apparent demand for the types of uses permitted in the existing and proposed zoning districts in relation to the amount of land currently zoned and available in the Township and surrounding communities to accommodate the demand.

1. Consider whether there is a demonstrated market demand for more land to be classified in the proposed district, and whether this is the appropriate location.
2. Consider the availability of land already planned and/or zoned for the types of land uses and intensity of development possible under the proposed zoning district classification.
3. Consider the amount of land in the Township or adjoining jurisdictions that is already prepared and/or ready for development consistent with the proposed zoning district's intent and list of permitted land uses.

C. Availability of Public Services and Infrastructure.

Rezoning of undeveloped land to a more intensive zoning district should only take place in conjunction with the availability of public services and infrastructure to serve all of the potential land uses in the proposed district. Factors to consider include:

1. Capacity of available utilities and public services to accommodate the uses permitted in the district without compromising the health, safety, and welfare of Township residents or burdening public entities or the Township with unplanned capital improvement or operational costs.
2. Capacity of the existing road system to safely and efficiently accommodate the expected traffic generated by uses permitted in the zoning district.
3. Capacity of existing police, fire, ambulance, schools, and other public services to serve all potential land uses on the site.

D. Compatibility.

Evaluate the existing zoning of land in the surrounding area on both sides of the road and all sides of the site in terms of all uses permitted and the district intent. Determine whether all permitted land uses and development that could occur on the subject site under the proposed zoning district(s) would be compatible with the surrounding character in terms of traffic, noise, scale, and types of uses.

E. Consistency with the Master Plan.

Determine whether the intent and all of the allowable uses within the requested zoning district are compatible with the goals, objectives, and policies of the Master Plan, including the future land use designation(s) for the site.

1. **Rezoning inconsistent with the Master Plan.** A rezoning inconsistent with the Master Plan should only be considered where specific findings are made that demonstrate conditions have changed significantly since the Plan was prepared, and/or new information supports a change. In such cases, the Township may first consider an amendment to the Plan.

2. **Phasing in of new development.** The future land use recommendations of the Master Plan are based upon a ten to twenty year timeframe. Consider whether the timing of the proposed rezoning is appropriate, given trends in the area, infrastructure capacity, and other factors.
3. **Consistency with the Township's policies on natural features.** Compatibility of all the potential uses allowed in the proposed zoning district(s) with the site's physical, geological, hydrological, and other environmental features. If the subject site possesses significant natural features, ensure that the types of uses and the intent of the district will enable proper preservation of these areas in accordance with Master Plan policies and Ordinance requirements.

F. Additional Factors.

Additional factors to be considered shall include, but shall not be limited to:

1. Whether or not the proposed zoning change is justified by a change in conditions since the original Ordinance was adopted, or by an error in the Ordinance.
2. The precedents, and the possible effects of such precedents, that might result from approval or denial of the proposed zoning change.
3. Effect of approval of the proposed zoning change on the condition and/or value of property in the Township and adjacent municipalities.

A proposed amendment to the Official Zoning Map shall not be approved unless these and other facts are affirmatively resolved in terms of resource guardianship, public necessity, convenience, and safety, and the general welfare of the Township and of other governmental agencies, where applicable.

Section 68.06 Notice of Adoption.

Following Township Board approval of an amendment to the Zoning Ordinance or Official Zoning Map, notice of the amendment shall be published within 15 calendar days of such approval in a newspaper of general circulation in the Township. The notice of adoption shall include the Article and Section of the Ordinance amendment, in the case of a text amendment; either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment; the effective date of the amendment; and the place and time where a copy of the Ordinance may be inspected or purchased.

Section 68.07 Referendum.

Within seven (7) calendar days after publication of the notice of adoption for an amendment to the Zoning Ordinance or Official Zoning Map, a registered elector residing in the unincorporated portion of the Township may file with the Township Clerk a notice of intent to file a petition for referendum under this Section.

1. If a notice of intent is filed, then within 30 days following publication of an approved amendment, a petition signed by a number of registered voters residing in the unincorporated portion of Salem Township equal to not less than fifteen percent (15%) of the total votes cast in the Township for all candidates for Governor of the State of Michigan at the last preceding general election at which the Governor was elected may be filed with the Township Clerk requesting

that the amendment be submitted to the electors residing in the unincorporated portion of Salem Township for their approval.

2. Upon the filing of a notice of intent, the approved amendment shall not take effect until one (1) of the following occurs:
 - a. The expiration of 30 calendar days after publication of the notice of adoption for an approved amendment, if the petition for referendum is not filed within that time period.
 - b. If a petition is filed within 30 calendar days after publication of a notice of adoption, the Township Clerk determines that the petition is inadequate.
 - c. If a petition is filed within 30 calendar days after publication of a notice of adoption, the Township Clerk determines that the petition is adequate, and the amendment is approved by a majority of the registered electors residing in the unincorporated portion of the Township. The referendum shall be held at the next regular election or at any special election called for that purpose. The Township Board shall provide the manner of submitting the amendment to the electors for their approval or rejection, and determining the result of the election.

Section 68.08 Conformance to Court Decree.

Any amendment for the purpose of conforming to a provision of a decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of adoption published without referral to any other commission or agency.