

# Zoning Ordinance

Planning Commission Public Hearing: September 12, 2007

Adopted: January 14, 2008

Effective: February 1, 2008

Updated Through: September 2017

**Saline Township  
(Washtenaw Co.), Michigan**



# **ACKNOWLEDGMENTS**

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**NOTICE OF ADOPTION**

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## **ARTICLE 1**

### **ADMINISTRATION AND ENFORCEMENT**

#### **Section 1.01 Short Title.**

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

#### **Section 1.02 Enabling Authority.**

This Ordinance has been prepared for and adopted by the Township Board of Saline Township under the authority of the Michigan Zoning Enabling Act, following compliance with all procedures required by this Act.

#### **Section 1.03 Intent and Purpose.**

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 General Development Plan, and is intended to carry out the objectives of the plan. This Ordinance has further been established for the purposes of:

1. Promoting and protecting the public health, safety, and general welfare;
2. Protecting the character and stability of agricultural, residential, commercial, and industrial areas of the Township; and promoting the orderly and beneficial development of such areas;
3. Regulating the intensity of land use; and determining lot areas and open spaces necessary to surround buildings to provide adequate light and air;
4. Lessening and minimizing congestion and conflicts on public roads and highways;
5. Providing for the needs of agriculture, recreation, residences, commerce, and industry in future growth;
6. Providing adequate light, air, privacy and convenience of access to property, and promoting healthful surroundings for family life in residential and rural areas;
7. Fixing reasonable standards to which structures and other site improvements shall conform, and prohibiting uses or structures that are incompatible with the character of development or the uses or structures permitted in specific districts;

8. Protecting against fire, explosion, noxious fumes, odors, heat, dust, smoke, light pollution, glare, noise, vibration, radioactivity, and other nuisances and hazards;
9. Preventing the overcrowding of land and undue concentration of buildings so far as is possible and appropriate in each zoning district by regulating the use, height, location, and bulk of buildings in relation to the surrounding land; and
10. Providing for the completion, restoration, reconstruction, extension or substitution of nonconforming uses.

## **Section 1.04 Scope.**

The standards and regulations of this Ordinance shall apply to all land, structures, 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, changed or commenced, nor any structure constructed, altered, or extended, except in compliance with this Ordinance.

1. **Minimum requirements.** The provisions of this Ordinance shall be held to be the minimum required for the preservation, protection, and promotion of the public health, safety, convenience, comfort, and general welfare.
2. **Relationship to other ordinances or agreements.** This Ordinance is not intended to repeal or annul any ordinance, rule, regulation or permit previously adopted, issued, or entered into and not in conflict with this Ordinance, subject to the following:
  - a. Private deed restrictions or restrictive covenants shall have no effect on the applicability of this Ordinance.
  - b. Where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than other such ordinances, rules or regulations, the requirements of this Ordinance shall govern.
3. **Unlawful structures and uses.** A structure or use not lawfully existing prior to adoption of this Ordinance shall not be made lawful by adoption of this Ordinance.
4. **Vested right.** 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, comfort or general welfare.

## **Section 1.05 Compliance Required.**

No structure, site or part thereof shall be constructed, altered or maintained and no use of any structure or land shall be established, maintained, altered or expanded except in conformity with this Ordinance.

## **Section 1.06 Authority, Duties, and Responsibilities.**

The purpose of this Section is to set forth the specific duties, responsibilities, and scope of authority of the boards, commissions, and officials charged with administering, implementing, and enforcing the provisions of this Ordinance, as follows:

### **A. Township Board Authority and Responsibilities.**

The Township Board shall have the ultimate responsibility for administrative oversight and enforcement of this Ordinance, and shall further have the following responsibilities and authority pursuant to this Ordinance:

1. **Adoption of this Ordinance and any amendments.** In accordance with the intent and purpose of this Ordinance, and the authority conferred by the Michigan Zoning Enabling Act, the Township Board shall have the authority to adopt this Ordinance and Official Zoning Map, as well as any subsequent amendments considered in accordance with Section 12.04 (Amendments).
2. **Review and approval of planned unit developments (PUD).** Township Board review and approval shall be required for all PUD projects, in accordance with Article 14 (Planned Unit Developments).
3. **Setting of fees.** The Township Board shall have the authority to set fees for all applications for approvals required under this Ordinance to defray costs and expenses incurred in processing such applications.
4. **Appointment, oversight, and removal of zoning officials.** The Township Board shall appoint a Zoning Inspector and any other zoning enforcement officials deemed necessary to act as the officer(s) for the proper administration and enforcement of this Ordinance.
  - a. The duties and responsibilities of the Zoning Inspector may be vested in one (1) person, divided among two (2) or more persons or delegated to designated Township consultants as the Township Board may determine.
  - b. The Zoning Inspector and any other zoning enforcement officials shall be appointed by the Township Board for such term, rate of compensation, and employment terms and conditions as the Board shall determine.
  - c. The Township Board may remove the Zoning Inspector and any other zoning enforcement official from office in accordance with such employment terms and conditions as the Board shall determine.

**C. Planning Commission Authority and Responsibilities.**

The Planning Commission shall have the following responsibilities and duties pursuant to this Ordinance.

1. **Zoning Board authority.** All powers, duties, and responsibilities for a zoning board as provided by the Michigan Zoning Enabling Act are hereby transferred to the Township Planning Commission.
2. **Formulation of Zoning Ordinance.** The Planning Commission shall be responsible for formulation of the Zoning Ordinance, review of amendments to the Zoning Ordinance, holding hearings on a proposed Zoning Ordinance or amendments, and reporting its findings and recommendations concerning the Zoning Ordinance or amendments to the Township Board.
3. **Site plan and special use approval.** The Planning Commission shall be responsible for review and action on applications for site plan approval per Section 12.01 (Site Plan Review); and for holding hearings, review, and action on applications for applications for special use approval per Section 12.02 (Special Uses).
4. **Planned unit development (PUD) review and recommendation.** The Planning Commission shall be responsible for holding hearings, review, and making recommendations to The Township Board for action on proposed PUD projects per Article 14 (Planned Unit Developments).
5. **Formulation of a General Development Plan.** The Planning Commission is hereby designated as the commission specified in the Michigan Planning Enabling Act, and shall perform the duties of said commission as provided in the statute.
6. **Report on the operation of the Zoning Ordinance.** The Planning Commission shall periodically oversee the preparation of a report to The Township Board on Zoning Ordinance operations, including recommendations as to the enactment of amendments or supplements to the Ordinance.
7. **Review of other matters referred by The Township Board.** The Planning Commission shall be responsible for review and making recommendations to The Township Board for action on subdivision plats, land division applications, and other matters referred by The Township Board.

**D. Zoning Board of Appeals Authority and Responsibilities.**

The Zoning Board of Appeals shall have the authority and responsibilities as specified in Article 17 (Zoning Board of Appeals) of this Ordinance.

**E. Township Clerk Authority and Responsibilities.**

The Township Clerk or duly authorized agent(s) shall have the following responsibilities under this Ordinance:



1. Publish all notices required by these regulations, or verify such publication by the Zoning Inspector or other zoning official.
2. Maintain official records and file all official minutes and documents in an orderly fashion.
3. Perform other related duties required to administer these regulations.

**F. Zoning Inspector Duties and Responsibilities.**

The provisions of this Ordinance shall be enforced by the Zoning Inspector, and any other zoning enforcement officials as designated and authorized by the Township Board. The Zoning Inspector shall have the responsibility of carrying out such administrative and enforcement duties as specified in this Ordinance or as directed by the Township Board for the purpose of implementing these regulations.

1. The Zoning Inspector 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 Inspector shall have the authority to review and approve applications for zoning permit and certificate of zoning compliance approval in compliance with the provisions of this Ordinance, to make inspections of buildings or premises necessary to carry out his or her duties in the enforcement of this Ordinance.
  - a. It shall be unlawful for the Zoning Inspector to approve any plans or issue any permits, certificates of zoning compliance or other approvals under this Ordinance unless such plans have been determined to conform to all applicable provisions of this Ordinance.
  - b. The Zoning Inspector shall not refuse to approve a zoning permit or certificate of zoning compliance upon determination that the applicant has complied with all conditions imposed by this Ordinance, despite any violations of private contracts, covenants or agreements that may result from work performed or improvements made under the approved permit or certificate.
3. The Zoning Inspector shall have the authority to interpret the provisions of 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 the Township's General Development Plan. Such interpretations shall be subject to appeal to the Zoning Board of Appeals by an aggrieved party in accordance with Section 17.06 (Interpretations).
4. The Zoning Inspector 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.

5. The Zoning Inspector shall periodically report to The Township Board and Planning Commission on the status of Township's zoning administration and enforcement.
6. The Zoning Inspector shall distribute all applications for zoning or development approval to the Township Planner and designated Township officials and consultants for review and comment.
  - a. The Zoning Inspector shall assist the Township Clerk with the publication of all notices required by these regulations.
  - b. In consultation with the Township Supervisor and Township Planner, the Zoning Inspector shall forward to the appropriate Township board or commission all relevant materials related to matters upon which the board or commission is required to act.
7. The Zoning Inspector shall have the authority to initiate investigations into alleged violations of these regulations, investigate complaints of Ordinance violations, issue warnings and citations, and make inspections of buildings or premises necessary to carry out the enforcement of this Ordinance.
  - a. If the Zoning Inspector shall find that any of the provisions of this Ordinance are being violated, he or she shall promptly notify the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.
  - b. The Zoning Inspector 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 or prevent violation of Ordinance provisions.
8. In carrying out designated duties, the Zoning Inspector shall have the authority to perform such other functions necessary or incidental to the administration of this Ordinance, as directed by the Township Supervisor and Township Board.

**G. 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 the appropriate Michigan planning and zoning enabling acts.

2. Advise and assist the Township Board, Planning Commission, Zoning Board of Appeals, 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. Periodically report to the Planning Commission on the status of Township's zoning and planning administration.
7. Prepare and facilitate regular training workshops and/or educational materials for Township officials, boards, and commissions on planning and zoning topics.
8. Perform other related duties, as authorized, to administer these regulations.

### **Section 1.07 Permits and Certificates of Zoning Compliance.**

No structure or site shall be used erected, moved, enlarged, altered or demolished until the owner or occupant has applied for and obtained a preliminary certificate of zoning compliance or zoning permit from the Township. No certificate of zoning compliance or zoning permit shall be issued to erect, move, enlarge, substantially alter, or demolish a structure or site unless the request is in conformance with the provisions of this Ordinance.

It shall be unlawful to use or occupy or permit the use or occupancy of any structure or premises or part thereof created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a final certificate of zoning compliance shall have been issued by the Zoning Inspector. Failure to obtain zoning permit or preliminary or final certificate of zoning permit approval shall be a violation of this Ordinance subject to the provisions of Section 1.09 (Violations and Penalties).

Where a provision of this Ordinance requires approval of a zoning permit or certificate of zoning compliance, such approval shall be subject to the following:

#### **A. Building Permits.**

Any building permit required in accordance with the State Construction Code enforced by the Washtenaw County shall be in addition to any zoning permit(s) or certificate(s) of zoning compliance required under the provisions of this Ordinance.

1. No construction, relocation, expansion or alteration of any structure shall begin or continue until a preliminary certificate of zoning compliance has been issued

by the Township and any required building permits have been issued by Washtenaw County.

2. Issuance of a building permit by Washtenaw County shall not exempt a building permit holder from compliance with the requirements of this Article and Ordinance.

**B. Permit or Preliminary Certificate Application.**

An application for approval of a zoning permit or preliminary certificate of zoning compliance shall be filed with the Zoning Inspector, and shall be accompanied by a written explanation of the proposed improvements. Application materials shall include sufficient detail for the Zoning Inspector to determine whether the proposed improvements conform to the provisions of this Ordinance. The Zoning Inspector may require that the application submittal be accompanied by plans and specifications drawn to scale and showing the following:

1. The location, shape, area, and dimensions of the lot or parcel involved.
2. The size, shape, dimensions, and location of any existing or proposed structures to be situated on the lot or parcel.
3. The existing and proposed use of the lot or parcel and all structures upon it.
4. The location and dimensions of any existing and proposed yard, open space, and parking areas.
5. Proposed setbacks of structures from lot lines, streets, lakes, and streams.
6. Any other information deemed necessary by the Zoning Inspector for the proper enforcement of this Ordinance.

**C. Permit or Preliminary Certificate Approval.**

Approval of a zoning permit or preliminary certificate of zoning compliance or under this Ordinance shall be subject to the following:

1. The Zoning Inspector shall issue a zoning permit or preliminary certificate of zoning compliance within ten (10) business days after determination that the proposed work conforms with all applicable provisions of this Ordinance.
  - a. No zoning permit or certificate of zoning compliance shall be issued until the Zoning Inspector has received notification of final approval of a site plan, special use or other necessary approval, including any conditions of approval.
  - b. It shall be unlawful for the Zoning Inspector to issue a zoning permit or preliminary certificate of zoning compliance for proposed work that does not conform or has not been determined by the Zoning Inspector to

conform to all applicable provisions of this Ordinance, including any conditions of approval.

2. In all cases where the Zoning Inspector shall refuse to issue a zoning permit or certificate of zoning compliance, the reasons for such refusal shall be provided in writing to the applicant.
3. Proof of zoning permit or preliminary certificate of zoning compliance approval shall be posted upon the premises.

**D. Revocation of Permit or Preliminary Certificate Approval.**

The Zoning Inspector may revoke a zoning permit or preliminary certificate of zoning compliance in the case of failure or neglect to comply with any of the provisions of this Ordinance, or in the case of any false statement or misrepresentation made in the application. The Zoning Inspector shall notify the applicant of such revocation in writing.

**E. Duration of Permit or Preliminary Certificate Approval.**

A zoning permit or preliminary certificate of zoning compliance issued in accordance with this Section shall be valid for a period of 365 calendar days from the date of issuance. If construction is not started within this period, the zoning permit or preliminary certificate of zoning compliance shall become void. Upon request, the Zoning Inspector may grant one (1) extension of approval for up to 365 calendar days.

**F. Permit and Final Certificate Inspections and Approval.**

It shall be the duty of the holder of every zoning permit or preliminary certificate of zoning compliance to notify the Township when the work subject to the permit or preliminary certificate is ready for final inspection. It shall be the duty of the Zoning Inspector to inspect work performed under an approved permit or preliminary certificate for compliance with the provisions of this Ordinance.

1. Upon determination that the work was completed in conformance with this Ordinance, the Zoning Inspector shall issue a final certificate of zoning compliance within ten (10) business days after the inspection.
2. Upon determination that the work has not been completed in conformance with this Ordinance, a written notice of noncompliance shall be sent to the applicant stating the reasons why the final certificate cannot be issued. The notice shall be mailed within ten (10) business days after the inspection.
3. The Zoning Inspector shall maintain a record of all approved zoning permits and all preliminary and final certificates of zoning compliance, which shall be open for public inspection.

**G. Nonconformities.**

No nonconforming structure shall be renewed, changed or extended until a preliminary certificate of zoning compliance shall have been issued. This preliminary certificate of

zoning compliance shall state specifically how the nonconforming structure differs from the provisions of this Ordinance. It shall not be necessary for a nonconformity existing on the effective date of adoption of this Ordinance to obtain a final certificate of zoning compliance to maintain its legal nonconforming status where no changes are proposed.

## **Section 1.08 Fees and Performance Guarantees.**

The Township Board may establish a fee schedule 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 Inspector 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. Before the fee schedule takes effect, notice shall be published in a newspaper having general circulation in the Township. The fee schedule shall be posted on public display 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 Treasurer, and shall be deposited before the cost or expense is incurred.
  - a. The funds need not be deposited in an interest bearing account. However, if the funds earn interest, the interest shall be credited to the applicant's 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 zoning permits or 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 Inspector 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 zoning permits or 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 or 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, irrevocable bank letter of credit or other surety acceptable to the Township Board.
4. Performance guarantees shall continue until the Zoning Inspector 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 Inspector of all required improvements.

## **Section 1.09 Violations and Penalties.**

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.

### **A. Violation.**

Failure to comply with any of the provisions of this Ordinance, or provisions of permits or certificates granted in accordance with this Ordinance shall constitute a violation subject to issuance of a municipal civil infraction or misdemeanor citation and other measures allowed by law.

1. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.
2. For purposes of this Section, the term "subsequent offense" shall mean a violation of the provisions of this Ordinance committed by the same person within 365 calendar days of a previous violation of the same provision for which the person admitted responsibility or was found responsible by the court.
3. Each day that a violation is permitted to exist shall constitute a separate offense. Offenses committed on subsequent days within a period of seven (7) calendar days following the issuance of a citation for a first offense shall all be considered separate first offenses.

### **B. Correction Period and Stop Work Orders.**

All violations shall be corrected within 30 days following the receipt of an order to correct from the Zoning Inspector. The Zoning Inspector may grant an extension of up to 180 days upon determining that the additional time is necessary for correction. The Zoning Inspector may require the immediate correction of a violation upon determining that the violation presents an imminent peril to life or property.

1. The Zoning Inspector may issue may issue a stop work order to halt all construction activities or usage pending the resolution of the alleged violation.
2. If the violation is not corrected within the time period specified by the Zoning Inspector or a stop work order is disregarded, the Zoning Inspector shall notify



the Township Board and request that appropriate legal action be taken by the Township Attorney to resolve the violation.

**C. Penalties and Remedies.**

A firm, corporation, person or persons, or anyone acting on behalf of said person, persons, firm or corporation who violates the provisions of this Ordinance by failing to comply with any of its provisions and requirements, including without limitation, violations of conditions and safeguards established in connection with variances, approved site plans, permits, certificates, or other authorizations under this Ordinance shall be subject to any or all of the following penalties and remedies:

1. **Violation as misdemeanor.** A violator shall be guilty of a misdemeanor and upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than 90 calendar days, or both, and in addition, shall pay all costs and expenses involved in the case, including the cost of prosecution. Each day a violation continues shall be considered a separate offense. The imposition of any such fine or sentence shall not exempt the violator from compliance with this Ordinance.
2. **Violation as civil infraction.** The violator shall be responsible for a civil infraction for which the court may impose a civil fine of not less than \$100.00 nor no more than \$10,000.00 per day of violation plus all costs, direct or indirect, which the Township has incurred in connection with the violation, including the Township's attorney fees. The imposition of any such fine shall not exempt the violator from compliance with this Ordinance.
3. **Injunctive relief.** The Township may commence civil suit seeking injunction, specific performance, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any violations of this Ordinance.
  - a. In the event the Township commences civil suit pursuant to this Section and it is determined that a violation has occurred, in addition to any other remedies to which the Township shall be entitled, it shall also be entitled to recover from the violator its actual attorney fees and costs incurred in enforcing provisions of this Ordinance.
  - b. A petition for injunctive relief shall in no way relieve the violator of any and all criminal or civil liability associated with the violation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, any other actions by the Township against the violator.
4. **Choice of remedy.** The decision to charge a violator with a misdemeanor or a civil infraction or to seek injunctive relief to enjoin violations of the Ordinance or any combination of these remedies, shall be at the sole discretion of the Township.

**D. Public Nuisance.**

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

## ARTICLE 2 ZONING DISTRICTS

### SECTION 2.100 PURPOSE OF DISTRICTS

#### Section 2.101 Zoning Districts.

For the purpose of this Ordinance, Saline Township is hereby divided into districts as follows:

Type of District	Zoning District Name	Symbol
<b>Rural</b>	Agricultural-Conservation	A-1
<b>Rural Residential</b>	Estate Residential	R-1
	Rural Residential	R-2
<b>Residential</b>	Suburban Residential	R-3
	Urban Residential	R-4
	Manufactured Housing Park	MHP
<b>Business</b>	Local Commercial	C-1
	Special Commercial	C-2
	Industrial-Research	I-1
<b>Other</b>	Public/Semi-Public Services	PSP

#### Section 2.102 Zoning Map.

The Township is hereby divided into districts, with the district areas and boundaries as shown on the Official Zoning Map, along with all proper notations, references and explanatory matter. The Official Zoning Map shall be adopted by reference and declared to be a part of this Ordinance. This Map shall be identified by the signatures of the Township Supervisor and Township Clerk, and shall bear the Township seal under the following or equivalent statement: "This is to certify that this is the Official Zoning Map of Saline Township, Washtenaw County, Michigan, effective as of the \_\_\_\_ day of \_\_\_\_\_, 2007."

If in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Map promptly after the amendment has been approved by the Township Board. No changes of any nature shall be made on the Official Zoning Map, except in conformity with the amendment

procedures set forth in Section 12.04 (Amendments). The Official Zoning Map shall be kept in the office of the Township Clerk, and shall be the final authority as to the current zoning status of land, water areas, and structures in the Township.

### **Section 2.103 Agriculture-Conservation (A-1) District.**

The Agricultural-Conservation (A-1) District is hereby established to conserve the rural character, open space, recreation areas, groundwater recharge areas, and agricultural uses of the Township. The primary purpose of this A-1 District is to preserve, to the greatest extent possible, areas designated for agricultural, open space or natural features preservation in the Township's General Development Plan or the adopted land use policies of Washtenaw County, while allowing a limited amount of non-farm housing. However, it should be noted that the primary intended use of this A-1 District is agricultural activities, and that there may be odors, dust, and noise associated with these activities that are not compatible with residences.

It is recognized that the public health and welfare of the citizens of the Township, Washtenaw County, the State of Michigan, and the United States of America are greatly dependent upon the sustenance and economic benefits provided by a viable agricultural industry. This A-1 District is intended to ensure that land areas within the Township that are well suited for production of food and fiber are retained for such production, unimpeded by the establishment of incompatible uses that would hinder agricultural practices and irretrievably deplete agricultural lands.

It is further recognized that certain value-added services and agricultural-support uses are necessary to support local agricultural activities and the rural economy of the Township. Accordingly, it is the intent of this District to promote agricultural and recreational uses as an important component of the local economy, and to allow for a limited range of agriculture and recreation oriented tourism, educational, and commercial uses, subject to standards designed to minimize impacts on the Township's rural character.

This A-1 District has the following additional purposes and objectives:

1. Protect areas of the Township for agricultural production, distribution and accessory uses, and discourage the encroachment of land uses incompatible with active agricultural and recreational uses into rural areas of the Township.
2. Encourage long-term investment in improvements needed to maintain and expand agricultural production and promote a profitable agricultural economy in the Township.
3. Minimize cost of providing services to rural areas, and minimize excessive and unnecessary public expenditures caused by scattered demand for urban and suburban levels of public services in rural areas of the Township.
4. Protect prime farmland from speculative increases in land values, and minimize loss of prime farmland and fragmentation of rural land by division into small parcels.
5. Minimize conflicts between agricultural activities and residences.

6. Reduce the amount of land consumed in rural areas for non-agricultural use, and prevent intrusion of uses that are incompatible with the agricultural, open space or natural features preservation objectives of this District.

### **Section 2.104 Estate Residential (R-1) District.**

The Estate Residential (R-1) District is hereby established to provide areas of rural non-farm residences on lots of sufficient size to permit the use of on-site, private septic tanks and drainfields for wastewater disposal; and the use of on-site, private wells for potable water. The R-1 District is intended to preserve a distinctly rural character along primary roads and other county roads in the Township. This district is further intended to serve as a low intensity land use buffer along the Saline River watershed, and as a transition zone between more intensive residential districts and areas planned for agricultural, open space, and conservation purposes.

The intent of this R-1 District is to protect wooded areas, wetlands, wildlife habitats, and similar areas that may be endangered or destroyed by higher intensity uses or development; and to provide for an environment of predominantly single-family detached dwellings, along with other associated uses and facilities that serve residents in the district. The R-1 District is intended to be used in those parts of the Township planned for rural residential uses where soils are suitable for septic tanks, drainfields, and wells; and where publicly owned and operated sanitary sewerage and public water supply systems are not planned to be extended.

The R-1 District is intended for areas designated in the General Development Plan for residential dwellings at a density of one (1) dwelling unit per two (2) to five (5) acres of land.

### **Section 2.105 Rural Residential (R-2) District.**

The Rural Residential (R-2) District is hereby established to provide areas of rural non-farm residences on lots of sufficient size to permit the use of on-site, private septic tanks and drainfields for wastewater disposal; and the use of on-site, private wells for potable water. The intent of this R-2 District is to provide for an environment of predominantly single-family detached dwellings, along with other associated uses and facilities that serve residents in the district.

The R-2 District is intended to be used in those parts of the Township planned for rural residential uses where soils are suitable for septic tanks, drainfields, and wells; and where publicly owned and operated sanitary sewerage and public water supply systems are not planned to be extended. The R-2 District is designed to preserve a distinctly rural residential character, and to protect wooded areas, wetlands, wildlife habitats, and similar areas that may be endangered or destroyed by higher intensity uses or development.

The R-2 District is intended for areas designated in the General Development Plan for residential dwellings at a density of one (1) dwelling unit per one (1) to two (2) acres of land.

### **Section 2.106 Suburban Residential (R-3) District.**

The Suburban Residential (R-3) District is hereby established to provide for an environment of predominantly single-family detached dwellings, along with other associated uses and facilities

that serve residents in the district. The intent of this district is to provide a range of housing choices and limit uses that would adversely impact residential neighborhoods. The R-3 District is further intended to serve as a transition between areas designated for urban residential densities and adjoining rural and rural residential areas. The regulations of the R-3 District are designed to create a predominantly suburban character and encourage clustering of residential dwellings to preserve significant natural resources and provide recreational amenities for the intended residents in those areas of the Township planned for moderate density single-family dwellings.

It is the further intent of the district to prohibit or restrict any land use that would substantially interfere with development or continuation of such moderate density dwellings; generate traffic on local roads in excess of normal traffic serving residences on those roads; or create requirements and costs for public services (such as fire, police protection, water supply or sewerage) substantially in excess of such requirements and costs if the district were developed solely for single-family dwellings.

The R-3 District is intended for areas designated in the General Development Plan for residential dwellings at a density of one (1) to two (2) dwelling units per acre of land.

### **Section 2.107 Urban Residential (R-4) District.**

The Urban Residential (R-4) District is hereby established to provide for a mixture of higher density housing options (such as detached and attached single-family dwellings, apartments, townhouses, condominium dwellings, and stacked flats) at planned locations in the Township to meet the various needs of different residents. Associated uses and facilities that serve residents in the district shall also be provided within a primarily residential environment.

The regulations of the R-4 District are designed to encourage clustering of residential dwellings within an urban environment to preserve significant natural resources and provide recreational amenities for the intended residents in those areas of the Township planned for the highest residential densities.

Uses of land in the R-4 District shall have access to paved primary roads with adequate planned capacity to accommodate the traffic volumes typically generated by higher density development, and shall be served by public water and sewerage systems and other appropriate utilities and services. Development in the R-4 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 R-4 District is intended for areas designated in the General Development Plan for residential dwellings at a density of two (2) to four (4) dwelling units per acre of land.

### **Section 2.108 Manufactured Housing Park (MHP) District.**

The Manufactured Housing Park (MHP) District is hereby established 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, P.A. 96 of 1987 (as amended), and the Manufactured Housing Commission General Rules. 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 purpose of this district, manufactured housing parks shall be located in areas where they will be compatible with adjacent land uses.

The regulations and rules established by the Mobile Home Commission Act (P.A. 96 of 1987, as amended) and the Manufactured Housing Commission govern all manufactured housing parks. Where regulations in 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.

Uses in the MHP District should be located near roads with adequate planned capacity to accommodate the traffic volumes typically generated by higher density development, and shall be served by appropriate utilities and services. 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 MHP District is intended for areas designated in the General Development Plan for manufactured housing park development.

## **Section 2.109 Local Commercial (C-1) District.**

The Local Commercial (C-1) District is hereby established as a business district to provide suitable locations for retail, service, and office enterprises that serve a localized market area. Goods and services to be provided by establishments in the C-1 District are intended to meet the day-to-day needs of Township residents for convenience and durable goods, food, shopping, and related goods and services. The C-1 District is also intended to provide suitable locations for medical, professional, administrative, and executive offices; and personal, business, and professional service establishments.

Building owners in the C-1 District are encouraged to provide retail or personal service uses at the street level, and to orient buildings with display windows and public entrances facing the road right-of-way. Building sizes for permitted uses may be limited to promote appropriately scaled business development in the district.

Uses that would create hazards, loud noises, vibration, smoke, glare, heavy traffic or late hours of operation are prohibited. Unless otherwise specified, automotive-related services and other uses that would typically interfere with the continuity of retail frontage, hinder pedestrian circulation and disrupt the functioning of this district shall also be prohibited.

The C-1 District is intended to encourage consolidation of business establishments, particularly as neighborhood shopping centers. Consolidations other than shopping centers are also encouraged with the intent of avoiding strip commercial development, lessening traffic congestion by reducing the number of commercial driveways opening onto major roads, and improving the safety and convenience of consumers. Establishments permitted in the C-1 District may be located on arterial or collector roads.

### **Section 2.110 Special Commercial (C-2) District.**

The Special Commercial (C-2) District is hereby established as a business district to provide sites for more diversified business types which would often be incompatible with the intended character of the C-1 District, and which are oriented to serving the needs of "passer-by" traffic within the Township and surrounding region. The C-2 District is further intended to provide opportunities for automobile-related businesses, uses that generate large traffic volumes or require substantial off-street parking facilities, and other uses that require adequate separation distance from residential and institutional uses.

Because of the types of uses permitted in the C-2 District, detailed attention shall be focused on providing adequate buffering from adjacent uses, site layout, building orientation, and access. Accordingly, the C-2 District should be located near major roads or state highways to prevent potential nuisances and use conflicts.

### **Section 2.111 Industrial-Research (I-1) District.**

The Industrial-Research (I-1) District is hereby established as a business district 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. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive, and radioactive hazards, and other harmful or obnoxious matter. Reasonable regulations and limitations on permitted industrial uses of a more intensive character to minimize any adverse effects on other areas of the Township.

It is further intended that the I-1 District provide specific use and site development standards designed to promote the creation of high quality facilities. The I-1 District has been located within the Township to permit the development of these industrial and research uses, to protect adjacent agricultural, residential, and commercial areas against the encroachment of incompatible uses, and to minimize congestion on public roads and highways. To these ends, uses that would interfere with the purpose of this district have been excluded.

### **Section 2.112 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 2.200 GENERAL STANDARDS**

### **Section 2.201 Principal Uses and Special Uses.**

In all districts, no structure or land shall be used or occupied, except in conformance with Article 4 (Land Use Table), and as otherwise provided for in this Ordinance. Special uses may be permitted in accordance with Article 4 (Land Use Table), subject to a public hearing and approval by the Planning Commission in accordance with Section 12.02 (Special Uses).

### **Section 2.202 Prohibited Uses.**

Uses not listed in Article 4 (Land Use Table) as a permitted use in a particular zoning district or otherwise determined by the Zoning Board of Appeals to be similar to a permitted use per Section 17.06C (Determination of Similar Uses) shall be prohibited in the district.

### **Section 2.203 Design and Development Requirements.**

All uses shall comply with any applicable requirements of Article 5 (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 permits or certificates of occupancy shall be issued except in conformance with this Ordinance and other applicable regulations and standards.

### **Section 2.204 District Boundaries.**

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

#### **A. Zoning of Rights-of-Way.**

All road, railroad, 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, railroad or 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.



## ARTICLE 3 DIMENSIONAL STANDARDS

### Section 3.101 Table of Dimensional Standards by District.

Standards			Districts								Additional Provisions		
			A-1	R-1	R-2	R-3	R-4	MHP	C-1	C-2		I-1	PSP
<b>Maximum Building Height</b> (feet)	Feet		35	35	35	35	40	see Section 5.205 (Manufactured Housing Parks)	40	35	45	35	Section 3.201
	Stories		2.5	2.5	2.5	2.5	3		3	2	2	2	
<b>Lot Standards</b> (per unit)	Minimum Width (feet)		150	150	150	100	60		100	100	150	100	Section 3.202
	Minimum Depth (feet)					140	140						
	Minimum Area (square-feet)			87,120	43,560	14,000	8,400						
<b>Yard / Setback Standards</b> (feet)	Front Yard	Minimum	50	50	50	50	20		0	20	20	20	Section 3.203
		Maximum							70	90			
	Minimum Side Yard	One Side Yard	30	20	20	10	6		10	10	20	20	Section 3.204
		Total of Two	60	40	40	25	16		20	20	40	40	
	Minimum Rear Yard		50	50	50	50	50		35	35	35	35	
<b>Minimum Separation Between Principal Buildings</b> (feet)				20	20	20	12	10	10	20	10		
<b>Maximum Floor Area Ratio (FAR)</b>			0.10	0.10	0.10	0.20	0.60	0.60	0.60	0.60	0.60		
<b>Maximum Ground Floor Coverage (GFC)</b>			10%	10%	10%	20%	30%	30%	30%	30%	30%		
<b>Minimum Gross Floor Area of a Principal Detached Dwelling</b> (square-feet)			1,200	1,200	1,200	1,200	1,200						
<b>Maximum Net Dwelling Unit Density</b> (units per acre)			1.0	0.5	1.0	1.0	2.0					Section 3.202	

Type of District	Zoning District Name	Symbol
<b>Rural</b>	Agricultural-Conservation	A-1
<b>Rural Residential</b>	Estate Residential	R-1
	Rural Residential	R-2
<b>Residential</b>	Suburban Residential	R-3
	Urban Residential	R-4
	Manufactured Housing Park	MHP
<b>Business</b>	Local Commercial	C-1
	Special Commercial	C-2
	Industrial-Research	I-1
<b>Other</b>	Public/Semi-Public Services	PSP

## DIVISION 2

### SUPPLEMENTAL PROVISIONS AND EXCEPTIONS

#### **Section 3.201 Height Exceptions.**

Exceptions to the maximum height standards set forth in this Article shall be permitted, as follows:

1. **Farm structures.** The height of farm buildings, as defined in Section 18.02 (Definitions) shall be exempt from the requirements of this Ordinance where otherwise regulated by the Right to Farm Act (P.A. 93 of 1981, as amended).
2. **Wireless communication towers.** Wireless communication towers and antennae shall be subject to the maximum height standards of Section 11.02 (Wireless Communication Facilities).
3. **Wind energy conversion systems (WECS).** Wind energy conversion systems (WECS) shall be subject to the maximum height standards of Section 11.06 (Wind Energy Conversion Systems). Agricultural WECS shall be subject to the maximum height standards of the zoning district.
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, steeples, elevator towers, stage scenery lofts, mechanical equipment, and similar structures shall not be included in calculating the height of a principal building, provided that the total area covered by such structures shall not exceed twenty percent (20%) of the roof area of the building.

#### **Section 3.202 Lot and Dwelling Unit Density Standards.**

The following standards and exceptions to the lot and dwelling unit density provisions set forth in this Article shall apply to all lots in the Township, as follows:

##### **A. A-1 District Schedule of Density Table.**

The number of lot splits from existing legal parcels allowed within the A-1 (Agricultural-Conservation) District are depicted within the chart below. For the purposes of this regulation, all parcels legally existing as of January 1, 1986 shall be considered parent parcels under the current Zoning Ordinance. Parcels within the A-1 District may only be split based upon the chart below.

Other than established within this Article, there shall be no minimum size for parcels split within the A-1 District for residential purposes. However, no existing parcel that is zoned A-1 and eleven (11) acres or less in size shall be split into parcels of less acreage

for a residential dwelling as the principal use of the intended parcel. When the number of parcel splits have taken place according to the chart below, no additional splits can take place.

The number of splits available to each parent parcel shall be computed based on the net acreage remaining after the last lot split is recorded during each 15 year period. Each 15 year period shall commence only after the recorded date of the last permitted lot split. Within each 15 year time period, all legal parcels shall be eligible for additional parcel splits as depicted in the chart below. All additional parcel splits shall be subject to applicable State of Michigan guidelines that may be in effect regarding any parcel division.

<b>A-1 District Schedule of Density Table</b>	
<b>Area of Lots of Record</b>	<b>Maximum Number of Additional Lots Permitted</b>
Up to 2.0 acres	0
2.01 acres to 10.0 acres	1
10.01 to 20.0 acres	2
20.01 to 40.0 acres	4
40.01 to 80.0 acres	6
80.01 to 120.0 acres	8
120.01 to 160.0 acres	10
160.01 to 200.0 acres	12
200.01 to 240.0 acres	14
240.01 to 280.0 acres	16
280.01 to 320.0 acres	18
More than 320.0 acres	20, plus two (2) for each additional 40.0 acres over 320.0 acres

**B. Residential Density Calculations.**

The following shall be excluded from the total acreage used in calculating the net density of dwelling units in a Rural Residential or Residential zoning district or any special district that includes RESIDENTIAL USES:

1. Existing rights-of-way and easements;
2. Rights-of-way and easements of proposed public and private roads serving the development;
3. Floodplains, wetlands, bodies of water, watercourses, and drainageways;
4. Steep slopes, as defined in Section 18.02 (Definitions); and

5. Any other unbuildable lands.

**C. Maximum Residential Density.**

The maximum net density of any residential development subject to development plan or subdivision plat approval in accordance with Section 12.01 (Site Plan Review), Article 13 (Condominium Regulations), or the Land Division Act (P.A. 288 of 1967, as amended) and any Township subdivision regulations shall not exceed the maximum net dwelling unit density for the zoning district, as specified in Section 3.101 (Table of Dimensional Standards by District). The maximum net residential density for any planned unit development project shall be subject to the standards of Article 14 (Planned Unit Developments).

**D. Minimum Lot Area for Rural Residential Dwellings.**

The minimum lot area for residential dwellings in any Rural, Rural Residential, and Residential zoning district not served by a municipal sanitary sewerage system and a municipal water system shall be not less than one (1) acre, and shall satisfy all applicable Washtenaw County Environmental Health Division requirements for use of private septic systems.

**Section 3.203 Yard Standards.**

Any required front yard area shall be used primarily for recreational and ornamental purposes, unless otherwise permitted by this Ordinance. No permanent structures shall be maintained within the required front yard, except porches, fences, and similar improvements permitted by this Ordinance. Front yards shall be further subject to the following:

**A. Corner Lots.**

Structures on corner lots shall comply with the minimum front yard setback requirements from all street rights-of-way, except as may otherwise be required by this Ordinance. Such lots shall be deemed to have two (2) front yards for purposes of this Ordinance.

**B. Double Frontage Lots.**

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

**C. Maximum Setback.**

The purposes of the maximum front yard setback (also known as a "build-to line") for the commercial 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 on the rural character of the Township from large expanses of parking. All new buildings constructed after the effective date of this Ordinance shall comply with the maximum setback requirements of this Article.

**D. Transition Buffer.**

A transition buffer shall be required for any use subject to site plan approval per Section 12.01 (Site Plan Approval). Where a lot in a non-residential zoning district abuts a lot in an agricultural or residential zoning district, the following standards shall apply:

<b>Transition Buffer Standards</b>		
<b>Non-Residential Zoning District</b>	<b>Abutting Zoning District(s)</b>	<b>Minimum Transition Strip Width</b>
C-1, C-2 or PSP	Rural, Rural Residential, and Residential Districts	20 feet
I-1		25 feet

1. **Screening.** The transition buffer shall be improved with screening elements or plantings in accordance with Section 8.04 (Methods of Screening).
2. **Yard setbacks.** 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.
3. **Maintenance.** The transition buffer and all landscaping and screening shall be maintained in good condition.
4. **Modifications.** The Planning Commission may, as part of site plan approval, reduce or waive the requirement for a transition buffer or required screening where a change in the zoning or land use of the abutting lot(s) is pending or anticipated within one (1) calendar year. Such determination and findings shall be recorded in the minutes of the meeting where the action is taken.

**E. Landscaping Strip.**

Front yard setback areas provided or required for any use subject to site plan approval per Section 12.01 (Site Plan Review) shall be landscaped in accordance with the standards of Section 8.04A (Greenbelt Buffer). Driveways and pedestrian facilities may cross, but shall not occupy required landscaping strips.



**Section 3.204 Permitted Yard Encroachments.**

Architectural features, chimneys, and other building projections and attached structures shall be considered part of the primary building for purposes of determining yard and setback requirements. Limited projections into certain required yards shall be permitted as follows:

<b>Projection</b>	<b>Yard</b>	<b>Restrictions</b>
Air conditioners, transformers, generators, and similar types of ground-mounted equipment	Rear, Side	Not permitted in any required front yard. Units located within any required side yard shall be screened by fencing or similar means approved by the Zoning Inspector.
Access drives and sidewalks	All	None
Egress Window Wells	All	May project up to three (3) feet into any required yard
Flagpoles	All	Flagpoles shall be set back a minimum of 20 feet from all lot boundaries and road rights-of-way
Handicapped access ramps	All	None
Propane tanks	Rear, Side	Not permitted in any required front yard. Units located within any required rear yard shall be screened by fencing or similar means approved by the Zoning Inspector.
Off-Street Parking Lots	See Article 7 (Off-Street Parking, Loading, and Access Management)	
Signs	See Article 9 (Signs)	

**Section 3.205 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.
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 3.206 Number of Principal Dwellings per Lot.**

Not more than one (1) principal, non-farm single-family dwelling shall be located on a lot, nor shall a single-family dwelling be located on the same lot with any other principal building or use. For single-family condominium developments, not more than one (1) principal detached dwelling shall be placed on each condominium lot, as defined in Section 18.02 (Definitions).

### **Section 3.207 Frontage and Access Required.**

No dwelling shall be built on any lot that does not abut and have direct frontage on an approved road with a dedicated and recorded road right-of-way of 66 feet, unless a lesser width has been established and recorded prior to the effective date of adoption or amendment of this Ordinance.

1. Indirect access via a private access easement shall not be sufficient to satisfy this requirement.
2. Access via an approved private road that has been constructed, and maintained in accordance with the applicable private road design and construction standards or ordinances of the Township shall be sufficient to satisfy this requirement.
3. Every structure erected or relocated after the effective date of adoption or amendment of this Ordinance shall be so located on the lot as to provide safe and convenient access for emergency vehicles and required off-street parking and loading areas.

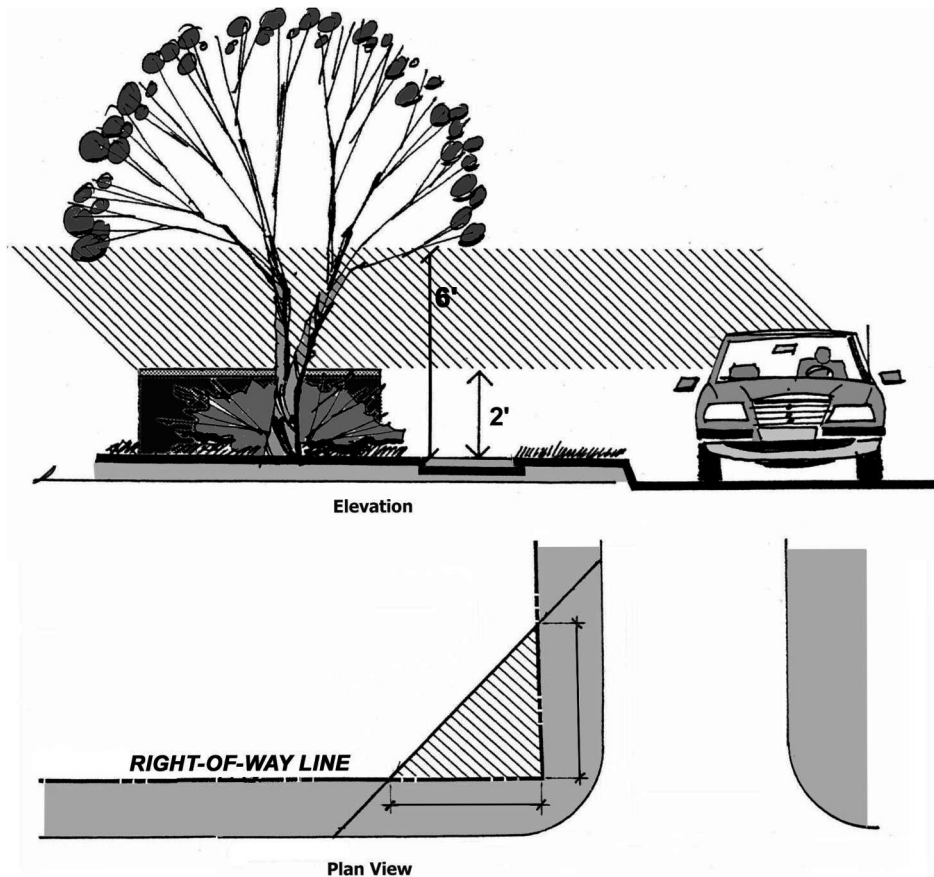
### **Section 3.208 Corner Clearance Zones.**

On a corner lot in any zoning district, no, fence, wall, hedge, structure, sign, screening element, planting or other obstruction to visibility shall be permitted between 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:

<b>Corner Clearance Zones</b>	
<b>Type of Road Intersection</b>	<b>Minimum Corner Clearance Distance along Rights-of-Way</b>
Any intersection with a paved county road or state highway	50 feet
Any intersection with an unpaved county road	25 feet
Any intersection of local streets or private roads	15 feet

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.



**Corner Clearance Area**



## ARTICLE 3 DIMENSIONAL STANDARDS

### Section 3.101 Table of Dimensional Standards by District.

Standards			Districts								Additional Provisions		
			A-1	R-1	R-2	R-3	R-4	MHP	C-1	C-2		I-1	PSP
<b>Maximum Building Height</b> (feet)	Feet		35	35	35	35	40	see Section 5.205 (Manufactured Housing Parks)	40	35	45	35	Section 3.201
	Stories		2.5	2.5	2.5	2.5	3		3	2	2	2	
<b>Lot Standards</b> (per unit)	Minimum Width (feet)		150	150	150	100	60		100	100	150	100	Section 3.202
	Minimum Depth (feet)					140	140						
	Minimum Area (square-feet)			87,120	43,560	14,000	8,400						
<b>Yard / Setback Standards</b> (feet)	Front Yard	Minimum	50	50	50	50	20		0	20	20	20	Section 3.203
		Maximum							70	90			
	Minimum Side Yard	One Side Yard	30	20	20	10	6		10	10	20	20	Section 3.204
		Total of Two	60	40	40	25	16		20	20	40	40	
	Minimum Rear Yard		50	50	50	50	50		35	35	35	35	
<b>Minimum Separation Between Principal Buildings</b> (feet)				20	20	20	12	10	10	20	10		
<b>Maximum Floor Area Ratio (FAR)</b>			0.10	0.10	0.10	0.20	0.60	0.60	0.60	0.60	0.60		
<b>Maximum Ground Floor Coverage (GFC)</b>			10%	10%	10%	20%	30%	30%	30%	30%	30%		
<b>Minimum Gross Floor Area of a Principal Detached Dwelling</b> (square-feet)			1,200	1,200	1,200	1,200	1,200						
<b>Maximum Net Dwelling Unit Density</b> (units per acre)			1.0	0.5	1.0	1.0	2.0					Section 3.202	

Type of District	Zoning District Name	Symbol
<b>Rural</b>	Agricultural-Conservation	A-1
<b>Rural Residential</b>	Estate Residential	R-1
	Rural Residential	R-2
<b>Residential</b>	Suburban Residential	R-3
	Urban Residential	R-4
	Manufactured Housing Park	MHP
<b>Business</b>	Local Commercial	C-1
	Special Commercial	C-2
	Industrial-Research	I-1
<b>Other</b>	Public/Semi-Public Services	PSP

## DIVISION 2

### SUPPLEMENTAL PROVISIONS AND EXCEPTIONS

#### **Section 3.201 Height Exceptions.**

Exceptions to the maximum height standards set forth in this Article shall be permitted, as follows:

1. **Farm structures.** The height of farm buildings, as defined in Section 18.02 (Definitions) shall be exempt from the requirements of this Ordinance where otherwise regulated by the Right to Farm Act (P.A. 93 of 1981, as amended).
2. **Wireless communication towers.** Wireless communication towers and antennae shall be subject to the maximum height standards of Section 11.02 (Wireless Communication Facilities).
3. **Wind energy conversion systems (WECS).** Wind energy conversion systems (WECS) shall be subject to the maximum height standards of Section 11.06 (Wind Energy Conversion Systems). Agricultural WECS shall be subject to the maximum height standards of the zoning district.
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, steeples, elevator towers, stage scenery lofts, mechanical equipment, and similar structures shall not be included in calculating the height of a principal building, provided that the total area covered by such structures shall not exceed twenty percent (20%) of the roof area of the building.

#### **Section 3.202 Lot and Dwelling Unit Density Standards.**

The following standards and exceptions to the lot and dwelling unit density provisions set forth in this Article shall apply to all lots in the Township, as follows:

##### **A. A-1 District Schedule of Density Table.**

The number of lot splits from existing legal parcels allowed within the A-1 (Agricultural-Conservation) District are depicted within the chart below. For the purposes of this regulation, all parcels legally existing as of January 1, 1986 shall be considered parent parcels under the current Zoning Ordinance. Parcels within the A-1 District may only be split based upon the chart below.

Other than established within this Article, there shall be no minimum size for parcels split within the A-1 District for residential purposes. However, no existing parcel that is zoned A-1 and eleven (11) acres or less in size shall be split into parcels of less acreage

for a residential dwelling as the principal use of the intended parcel. When the number of parcel splits have taken place according to the chart below, no additional splits can take place.

The number of splits available to each parent parcel shall be computed based on the net acreage remaining after the last lot split is recorded during each 15 year period. Each 15 year period shall commence only after the recorded date of the last permitted lot split. Within each 15 year time period, all legal parcels shall be eligible for additional parcel splits as depicted in the chart below. All additional parcel splits shall be subject to applicable State of Michigan guidelines that may be in effect regarding any parcel division.

<b>A-1 District Schedule of Density Table</b>	
<b>Area of Lots of Record</b>	<b>Maximum Number of Additional Lots Permitted</b>
Up to 2.0 acres	0
2.01 acres to 10.0 acres	1
10.01 to 20.0 acres	2
20.01 to 40.0 acres	4
40.01 to 80.0 acres	6
80.01 to 120.0 acres	8
120.01 to 160.0 acres	10
160.01 to 200.0 acres	12
200.01 to 240.0 acres	14
240.01 to 280.0 acres	16
280.01 to 320.0 acres	18
More than 320.0 acres	20, plus two (2) for each additional 40.0 acres over 320.0 acres

**B. Residential Density Calculations.**

The following shall be excluded from the total acreage used in calculating the net density of dwelling units in a Rural Residential or Residential zoning district or any special district that includes RESIDENTIAL USES:

1. Existing rights-of-way and easements;
2. Rights-of-way and easements of proposed public and private roads serving the development;
3. Floodplains, wetlands, bodies of water, watercourses, and drainageways;
4. Steep slopes, as defined in Section 18.02 (Definitions); and



5. Any other unbuildable lands.

**C. Maximum Residential Density.**

The maximum net density of any residential development subject to development plan or subdivision plat approval in accordance with Section 12.01 (Site Plan Review), Article 13 (Condominium Regulations), or the Land Division Act (P.A. 288 of 1967, as amended) and any Township subdivision regulations shall not exceed the maximum net dwelling unit density for the zoning district, as specified in Section 3.101 (Table of Dimensional Standards by District). The maximum net residential density for any planned unit development project shall be subject to the standards of Article 14 (Planned Unit Developments).

**D. Minimum Lot Area for Rural Residential Dwellings.**

The minimum lot area for residential dwellings in any Rural, Rural Residential, and Residential zoning district not served by a municipal sanitary sewerage system and a municipal water system shall be not less than one (1) acre, and shall satisfy all applicable Washtenaw County Environmental Health Division requirements for use of private septic systems.

**Section 3.203 Yard Standards.**

Any required front yard area shall be used primarily for recreational and ornamental purposes, unless otherwise permitted by this Ordinance. No permanent structures shall be maintained within the required front yard, except porches, fences, and similar improvements permitted by this Ordinance. Front yards shall be further subject to the following:

**A. Corner Lots.**

Structures on corner lots shall comply with the minimum front yard setback requirements from all street rights-of-way, except as may otherwise be required by this Ordinance. Such lots shall be deemed to have two (2) front yards for purposes of this Ordinance.

**B. Double Frontage Lots.**

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

**C. Maximum Setback.**

The purposes of the maximum front yard setback (also known as a "build-to line") for the commercial 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 on the rural character of the Township from large expanses of parking. All new buildings constructed after the effective date of this Ordinance shall comply with the maximum setback requirements of this Article.

**D. Transition Buffer.**

A transition buffer shall be required for any use subject to site plan approval per Section 12.01 (Site Plan Approval). Where a lot in a non-residential zoning district abuts a lot in an agricultural or residential zoning district, the following standards shall apply:

<b>Transition Buffer Standards</b>		
<b>Non-Residential Zoning District</b>	<b>Abutting Zoning District(s)</b>	<b>Minimum Transition Strip Width</b>
C-1, C-2 or PSP	Rural, Rural Residential, and Residential Districts	20 feet
I-1		25 feet

1. **Screening.** The transition buffer shall be improved with screening elements or plantings in accordance with Section 8.04 (Methods of Screening).
2. **Yard setbacks.** 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.
3. **Maintenance.** The transition buffer and all landscaping and screening shall be maintained in good condition.
4. **Modifications.** The Planning Commission may, as part of site plan approval, reduce or waive the requirement for a transition buffer or required screening where a change in the zoning or land use of the abutting lot(s) is pending or anticipated within one (1) calendar year. Such determination and findings shall be recorded in the minutes of the meeting where the action is taken.

**E. Landscaping Strip.**

Front yard setback areas provided or required for any use subject to site plan approval per Section 12.01 (Site Plan Review) shall be landscaped in accordance with the standards of Section 8.04A (Greenbelt Buffer). Driveways and pedestrian facilities may cross, but shall not occupy required landscaping strips.

**Section 3.204 Permitted Yard Encroachments.**

Architectural features, chimneys, and other building projections and attached structures shall be considered part of the primary building for purposes of determining yard and setback requirements. Limited projections into certain required yards shall be permitted as follows:

<b>Projection</b>	<b>Yard</b>	<b>Restrictions</b>
Air conditioners, transformers, generators, and similar types of ground-mounted equipment	Rear, Side	Not permitted in any required front yard. Units located within any required side yard shall be screened by fencing or similar means approved by the Zoning Inspector.
Access drives and sidewalks	All	None
Egress Window Wells	All	May project up to three (3) feet into any required yard
Flagpoles	All	Flagpoles shall be set back a minimum of 20 feet from all lot boundaries and road rights-of-way
Handicapped access ramps	All	None
Propane tanks	Rear, Side	Not permitted in any required front yard. Units located within any required rear yard shall be screened by fencing or similar means approved by the Zoning Inspector.
Off-Street Parking Lots	See Article 7 (Off-Street Parking, Loading, and Access Management)	
Signs	See Article 9 (Signs)	

**Section 3.205 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.
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 3.206 Number of Principal Dwellings per Lot.**

Not more than one (1) principal, non-farm single-family dwelling shall be located on a lot, nor shall a single-family dwelling be located on the same lot with any other principal building or use. For single-family condominium developments, not more than one (1) principal detached dwelling shall be placed on each condominium lot, as defined in Section 18.02 (Definitions).

### **Section 3.207 Frontage and Access Required.**

No dwelling shall be built on any lot that does not abut and have direct frontage on an approved road with a dedicated and recorded road right-of-way of 66 feet, unless a lesser width has been established and recorded prior to the effective date of adoption or amendment of this Ordinance.

1. Indirect access via a private access easement shall not be sufficient to satisfy this requirement.
2. Access via an approved private road that has been constructed, and maintained in accordance with the applicable private road design and construction standards or ordinances of the Township shall be sufficient to satisfy this requirement.
3. Every structure erected or relocated after the effective date of adoption or amendment of this Ordinance shall be so located on the lot as to provide safe and convenient access for emergency vehicles and required off-street parking and loading areas.

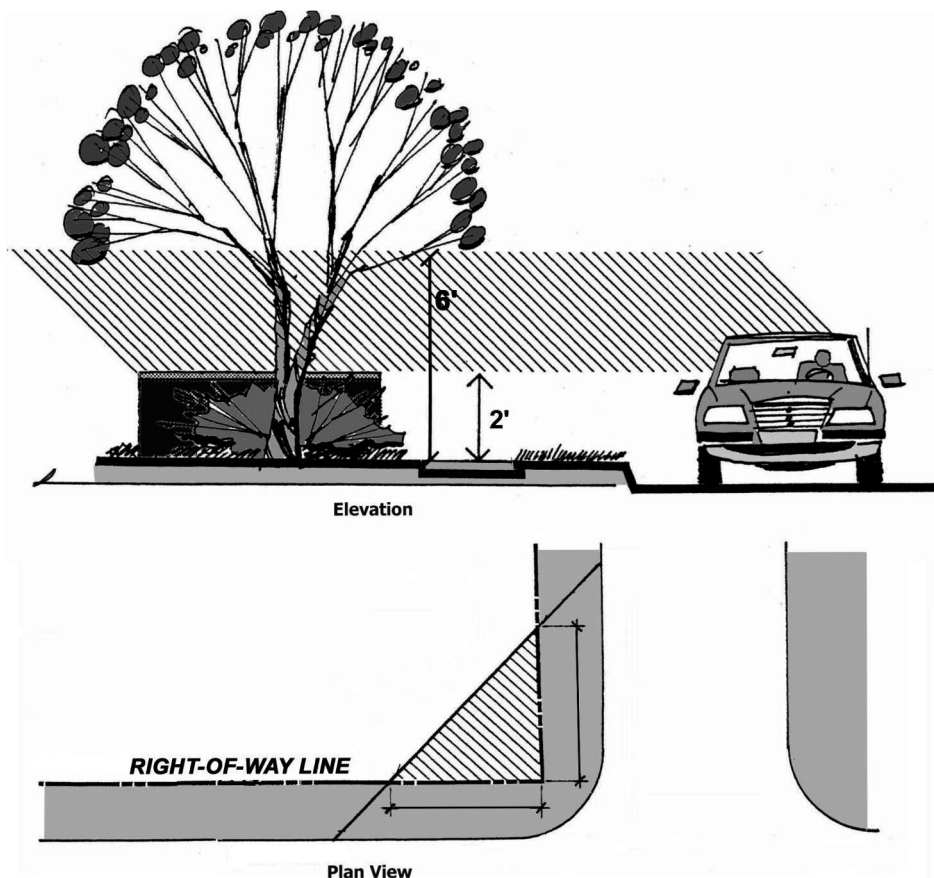
### **Section 3.208 Corner Clearance Zones.**

On a corner lot in any zoning district, no, fence, wall, hedge, structure, sign, screening element, planting or other obstruction to visibility shall be permitted between 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:

<b>Corner Clearance Zones</b>	
<b>Type of Road Intersection</b>	<b>Minimum Corner Clearance Distance along Rights-of-Way</b>
Any intersection with a paved county road or state highway	50 feet
Any intersection with an unpaved county road	25 feet
Any intersection of local streets or private roads	15 feet

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.



**Corner Clearance Area**



## ARTICLE 4 LAND USE TABLE

### Section 4.01 Key Designations in Table of Uses.

SYMBOL	KEY	
<b>P</b>	Permitted Uses in the Zoning District	Principal Use
<b>S</b>		Special Use
<b>A</b>		Accessory Use
[Blank]	Prohibited Use in the District	

### Section 4.02 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
<b>Rural</b>	Agricultural-Conservation	A-1
<b>Rural Residential</b>	Estate Residential	R-1
	Rural Residential	R-2
<b>Residential</b>	Suburban Residential	R-3
	Urban Residential	R-4
	Manufactured Housing Park	MHP
<b>Business</b>	Local Commercial	C-1
	Special Commercial	C-2
	Industrial-Research	I-1
<b>Other</b>	Public/Semi-Public Services	PSP



**Section 4.02 Table of Permitted Uses by District.**

	SYMBOL		KEY		DISTRICTS										USE STANDARDS	
	P	Permitted Uses in the Zoning District	Principal Use													
	S		Special Use													
	A		Accessory Use													
[Blank]	Prohibited Use in the Zoning District															
USES					A-1	R-1	R-2	R-3	R-4	MHP	C-1	C-2	I-1	PSP		
<b>RURAL USES</b>																
Agricultural Service Establishments	S													P		Section 5.104
Bulk Feed and Fertilizer Supply Outlet	S										P					Section 5.102
Conservation Area or Open Space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Farms for Production of Food, Feed or Fiber	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Farm-Based Tourism or Entertainment Activities	S															Section 5.101
Farm Implement Sales or Repair	S										P					Section 5.102
Farm Market	S										P			P		Section 5.102
Farm Products Direct Marketing Business	P	A	A	A	A	A	A	A	P	A	A	A	A	A	A	Section 5.103
Greenhouse	P	A	A	A	A	A	A	A	P	A	A	A	A	A	A	Section 5.105
Hunting Preserve	S														S	Section 5.305
Kennel	S	S	S						S							Section 5.106
Nursery or Tree Farm	P	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Section 5.105
Ponds for Farming, Landscaping or Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 5.107
Private Riding Arena or Boarding Stable	P	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Section 5.108
Public or Commercial Riding Stable	S														P	Section 5.109
Roadside Stand	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Section 5.110
Sportsman's Club or Gun Range	S														S	Section 5.305
Sod Farm	S															
Veterinary Clinic or Animal Hospital	P										P					Section 5.112

**Section 4.02 Table of Permitted Uses by District.**

	SYMBOL		KEY		DISTRICTS										USE STANDARDS	
	P	Permitted Uses in the Zoning District	Principal Use		A-1	R-1	R-2	R-3	R-4	MHP	C-1	C-2	I-1	PSP		
	S		Special Use													
	A		Accessory Use													
[Blank]	Prohibited Use in the Zoning District															
USES					A-1	R-1	R-2	R-3	R-4	MHP	C-1	C-2	I-1	PSP		
<b>RESIDENTIAL USES</b>																
Accessory Dwelling	A	S	S	S	S						A					Section 5.201
Adult Foster Care Family Home or Small Group Home	P	P	P	P	P	P										
Adult Foster Care Large Group Home	S	S	S	S	P											Section 5.302
Bed and Breakfast Inn	S	S	S	S	S											Section 5.202
Child Day Care Home, Family	P	P	P	P	P	P										
Child Day Care Home, Group	S	S	S	S	S	S										Section 5.302
Child Foster Family Home or Family Group Home	P	P	P	P	P	P										
Elderly and Senior Housing - Independent						P										Section 5.206
Elderly Housing - Assisted Living Facilities						P					S					
Elderly Housing – Dependent, Nursing or Convalescent Care						P					P					
Farm Labor Housing	S					P										Section 5.203
Home Occupations listed in Section 5.204	A	A	A	A	A	A										Section 5.204
Home Occupations not listed in Section 5.204	S	S	S	S	S	S										Section 5.204
Manufactured Housing Parks										P						Section 5.205
Multiple-Family Housing, Townhouses, and Stacked Flats						P										Section 5.206
Single Family Dwellings, Detached	P	P	P	P	P	P										Section 5.207
Two-Family (Duplex) Dwellings					S	P										Section 5.206
State-Licensed and Other Managed Residential Facilities not otherwise listed in this table						S										

**Section 4.02 Table of Permitted Uses by District.**

	SYMBOL		KEY		DISTRICTS										USE STANDARDS
	P	Permitted Uses in the Zoning District	Principal Use		A-1	R-1	R-2	R-3	R-4	MHP	C-1	C-2	I-1	PSP	
	S		Special Use												
	A		Accessory Use												
[Blank]	Prohibited Use in the Zoning District														
USES					A-1	R-1	R-2	R-3	R-4	MHP	C-1	C-2	I-1	PSP	
<b>OFFICE, SERVICE, AND COMMUNITY USES</b>															
Ambulance Station	S		S	S	S	S	S	S	S	S	P	P	P	P	
Barber Shop, Beauty Salon or Nail Care											P	P			
Cemetery	S													P	Section 5.301
Day Care Center - Child or Adult											P			P	Section 5.302
Fire and Police Stations	S	S	S	S	S	S	S	S	S	S	P	P	P	P	
Funeral Parlor or Mortuary											P	P			Section 5.303
Government Offices											P	P		P	
Health Club or Fitness Center								A	A		P	P			
Hospital or Urgent Care Center											P	P		P	
Institutional Uses											P			P	Section 5.304
Medical, Osteopathic, Chiropractic, Optical or Dental Office, Clinic or Laboratory; Massage Therapist or Physical Therapy Facility											P	P	A	A	Section 5.307
Offices for Professional, Service or Administrative Uses											P	P	A	A	
Public Utility and Essential Service Uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Recreational Facilities – Private Membership or Restricted Access			S	S	S	S	S	S						P	Section 5.305
Recreational Facilities - Publicly-Owned or Unrestricted Access			P	P	P	P	P	P						P	
Recreational Vehicle Parks and Campgrounds														P	Section 5.306
Tattoo Parlor or Body Piercing Salon											S	P			
Workshop or Studio	A										P	P	A		Section 5.308

**Section 4.02 Table of Permitted Uses by District.**

	SYMBOL		KEY		DISTRICTS										USE STANDARDS	
	P	Permitted Uses in the Zoning District	Principal Use		A-1	R-1	R-2	R-3	R-4	MHP	C-1	C-2	I-1	PSP		
	S		Special Use													
	A		Accessory Use													
[Blank]	Prohibited Use in the Zoning District															
USES					A-1	R-1	R-2	R-3	R-4	MHP	C-1	C-2	I-1	PSP		
<b>COMMERCIAL USES</b>																
Amusement Center, Indoor											P	P				
Amusement Center, Outdoor											S	P				Section 5.401
Bakeries											P	P	P			Section 5.402
Bank, Credit Union or Similar Financial Institution											P	P	A			
Big Box COMMERCIAL USES (50,000+ square-foot gross floor area)											S	P				Section 5.403
Car Wash											S	P				Section 5.404
COMMERCIAL USES not otherwise listed in this table											S	P				
Dealership Showroom for Sale or Rental of Recreational Vehicles, Motor Vehicles, Construction Machinery or Similar Durable Goods											P	P				
Drive-In or Drive-Through Facilities											S	P				Section 5.406
Hardware, Home Improvement, or Building Supply Store											P	P				
Hotel or Inn											P	P				
Laundromat or Dry Cleaners											P	P	A			Section 5.405
Manufactured Housing Sales										P	S	P				Section 5.410
Motion Picture Cinema, Indoor											P	P				Section 5.407
Motion Picture Cinema, Outdoor											S	P		S		Section 5.407
Motor Vehicle Fueling Station											S	P	P			Section 5.408
Motor Vehicle Repair Station											S	S	P			Section 5.408
Motor Vehicle Service Center											S	P	P			Section 5.408
Open Air Business, Outdoor Display Area, Garden Center or Dealership Sales Lot											S	P				Section 5.410

**Section 4.02 Table of Permitted Uses by District.**

	SYMBOL		KEY		DISTRICTS										USE STANDARDS	
	P	Permitted Uses in the Zoning District	Principal Use		A-1	R-1	R-2	R-3	R-4	MHP	C-1	C-2	I-1	PSP		
	S		Special Use													
	A		Accessory Use													
[Blank]	Prohibited Use in the Zoning District															
USES					A-1	R-1	R-2	R-3	R-4	MHP	C-1	C-2	I-1	PSP		
<b>COMMERCIAL USES (continued)</b>																
Outdoor Café or Eating Area											P	P				Section 5.409
Pharmacies, Drugstores and Medical Supply Stores											P	P	A	A		Section 5.405
Restaurants and Food Service Establishments											P	P	A			
Retail Stores											P	P				
Showroom for Display or Sales of Products Created On-Site											P	P	A			Section 5.405
Tavern, Pub, Brewpub, Cocktail Lounge or Night Club											S	P				
<b>INDUSTRIAL, RESEARCH, AND LABORATORY USES</b>																
Blacksmithing, Furniture or Cabinet Repair or Manufacture, Woodworking Shops, and Similar Uses											S					
Blast Furnaces, Incinerators, Lumber Mills, Power Generation Plants, and Similar Uses														S		Section 5.503
Crematorium											S	S	P			Section 5.501 Section 5.503
Distribution Facilities and Truck Terminals														S		Section 5.504
Dry Cleaning - Central Cleaning/Processing Plant														S		Section 5.503
Feed or Flour Mills, Smoking, Curing or Packing Plants and similar Food and Farm Product Processing Uses														P		Section 5.104
Electroplating, Paint Mixing or Spraying, Metal Casting, Smelting, Plating, Dyeing or Similar Uses														S		Section 5.503

**Section 4.02 Table of Permitted Uses by District.**

	SYMBOL		KEY		DISTRICTS										USE STANDARDS	
	P	Permitted Uses in the Zoning District	Principal Use													
	S		Special Use													
	A		Accessory Use													
[Blank]	Prohibited Use in the Zoning District															
USES					A-1	R-1	R-2	R-3	R-4	MHP	C-1	C-2	I-1	PSP		
<b>INDUSTRIAL, RESEARCH, AND LABORATORY USES (continued)</b>																
Fabrication or Assembly of Motor Vehicles, Recreational Vehicles, Boats, Trailers, Bicycles, Electronic Components and Equipment, Manufactured/Modular Housing, and Similar Products														P		
Hazardous Materials Storage														S		Section 5.502
Machine, Welding, and Sheet Metal Shops, Stone Finishing and Carving, and Similar Uses														P		
Manufacture, Compounding, Processing, Packaging, or Treatment of Pharmaceuticals, Toiletries, Hardware, and Similar Products														P		
Manufacture of Products from Metal, Clay, Fabric, Glass, Tile, Terra Cotta, Bone, Leather, Paper, Plastics or Similar Materials														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														S		Section 5.503
Outdoor Storage, General													S	P		Section 5.504
Outdoor Storage of Recreational Vehicles or Similar Items					S								S	S	P	Section 5.506
Outdoor Storage Yard for Motor Vehicles, Construction or Farming Machinery, Manufactured Houses or Similar Items														S		Section 5.505
Outdoor Dismantling or Recycling Yard for Motor Vehicles, Machinery, Manufactured Houses or Similar Items														S		Section 5.505
Research and Development Facilities and Testing Laboratories					S								S	S	P	Section 5.501

**Section 4.02 Table of Permitted Uses by District.**

	SYMBOL		KEY		DISTRICTS										USE STANDARDS	
	P	Permitted Uses in the Zoning District	Principal Use													
	S		Special Use													
	A		Accessory Use													
[Blank]	Prohibited Use in the Zoning District															
USES					A-1	R-1	R-2	R-3	R-4	MHP	C-1	C-2	I-1	PSP		
<b>INDUSTRIAL, RESEARCH, AND LABORATORY USES (continued)</b>																
Self-Storage Warehouses	S										S	S	P			Section 5.506
Slaughterhouse, Rendering Plant or Similar Facility													S			Section 5.507
Stamping Plants; Rolling Mills; Injection Molding Facilities, and Shearing, Punching, and Automatic Screw Machines													S			Section 5.503
Warehouses and Non-Farm Bulk Indoor Storage													P			
<b>OTHER USES</b>																
Adult Entertainment Uses and Sexually-Oriented Businesses												S				Section 5.601
Aircraft Landing Strips	S													P		Section 5.602
Composting Centers	S												S	S		Section 5.603
Extractive Operations, Sand and Gravel Pits	S															Section 5.604
Private Off-Road Courses	S															Section 5.605
Public Works or Road Maintenance Yards													S	P		Section 5.504
Racetracks														S		Section 5.606
Recycling Collection Facility													P	P		Section 5.504
Temporary Structures for Construction Purposes	P	P	P	P	P	A	P	P	P	P	P	P	P	P		
Topsoil Removal or Stockpiling on Sites Under Development	S	A	A	A	A	A	A	A	A	A	A	A	A	A		Section 5.607

Effective Date: February 1, 2008

Article 4  
Land Use Table



## ARTICLE 5 USE STANDARDS

### Section 5.001 Intent.

Each use listed in this Article, whether permitted by right or subject to approval as a special use, shall be subject to the site development standards specified, in addition to applicable standards and requirements for the district in which the use is located. These standards 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 5.002 Scope of Regulations.

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 6.208 (Performance Standards). Conformance with these standards shall be subject to site plan approval, where required per this Article or Section 12.01 (Site Plan Review).

### Section 5.003 Organization.

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

**SECTION 5.100 RURAL USES**

**SECTION 5.200 RESIDENTIAL USES**

**SECTION 5.300 OFFICE, SERVICE, AND COMMUNITY USES**

**SECTION 5.400 COMMERCIAL USES**

**SECTION 5.500 INDUSTRIAL, RESEARCH AND LABORATORY USES**

**SECTION 5.600 OTHER USES**



## **SECTION 5.100 RURAL USES**

### **Section 5.101 Farm-Based Tourism or Entertainment Activities.**

Farms providing tourism or entertainment-oriented facilities or activities for promotion of agriculture, rural lifestyle or farm product sales shall be subject to the following:

1. Any sales and entertainment facilities shall have direct access to one (1) or more paved or gravel public through roads. Primary access via a local subdivision street, private road, or dead-end road shall not satisfy this requirement.
2. A site plan, drawn to scale, showing all intended site uses, shall be submitted for review and approval per Section 12.01 (Site Plan Review). Such plan shall show the intended use and location of all structures, growing areas, parking facilities, necessary sanitary facilities, roads and drives to be utilized by the public, pedestrian circulation, location of service areas for various facilities, any proposed exterior lighting for the event or activity, and transition plantings or screening devices.
3. Screening shall be provided per Section 8.04 (Methods of Screening) where off-site abutting residential properties are occupied with dwelling structures within 200 feet of any area on the site occupied with sales or entertainment facilities. Crop growing areas of a depth of not less than 300 feet may be permitted to satisfy this requirement.
4. All facilities related to the event or activity shall be provided off the road right-of-way.
5. Noise levels shall not exceed 65 decibels at any lot boundary or right-of-way.
6. The hours of operation of any outdoor entertainment facilities shall be subject to Planning Commission approval.

### **Section 5.102 Farm Markets, Implement Sales, and Feed Stores.**

Farm markets, farm implement sales or repair, bulk feed and fertilizer supply outlets, and similar uses shall be subject to the following:

1. Such uses shall conform with all parking, loading, screening, and other site development standards that apply to retail stores, and shall be subject to site plan approval per Section 12.01 (Site Plan Review)..
2. A minimum of fifty percent (50%) of the produce or products offered for sale in a permitted farm market shall be grown or produced on land in Michigan, or made from produce grown or material produced on land in Michigan.

3. Any outdoor storage areas shall be adequately screened and covered in compliance with Section 5.504 (Outdoor Storage, General).
4. All signs shall comply with the requirements of Article 9 (Signs) for a non-residential use.

### **Section 5.103 Farm Products Direct Marketing Businesses.**

Farm products direct marketing businesses listed in Article 4 (Land Use Table) as an accessory use shall only be permitted in the zoning district accessory to an active farm operation. Such businesses shall include "you-pick" commercial agricultural operations, direct sales to area businesses, restaurants, and retail stores, Internet-based sales of farm products, and similar businesses.

### **Section 5.104 Farm Products Storage, Distribution, and Processing.**

All storage, distribution, and processing of farm products shall comply with the following:

1. Such uses shall not create a health or safety hazard, a nuisance, or have deleterious impact on the surrounding area either due to appearance or operation.
2. Such uses shall be maintained so that odor, dust, or noise shall not constitute a nuisance or hazard to adjoining lots and uses.
3. Any outdoor storage areas shall be adequately screened and covered in compliance with Section 5.504 (Outdoor Storage, General).
4. The Planning Commission may limit hours of operation for a distribution or processing activity within 500 feet of a residential zoning district or existing residential use.

### **Section 5.105 Greenhouses, Nurseries, and Tree Farms.**

The following shall apply to greenhouses, nurseries, and tree farms:

1. **Setbacks.** Plant storage and display areas shall comply with the minimum setback requirements for the district in which the establishment is located.
2. **Storage.** The storage of soil, wood chips, fertilizer, and similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties and from access by small animals.
3. **Accessory use standards.** Greenhouses, nurseries, and tree farms listed in Article 4 (Land Use Table) as an accessory use shall only be permitted in the zoning district accessory to an active farm operation.

## Section 5.106 Kennels.

Kennels shall conform to all applicable permit and operational requirements established by appropriate regulatory agencies, and shall further be subject to the following:

1. **Minimum lot area.** Commercial kennels, as licensed by Washtenaw County, shall have a minimum lot area of ten (10) acres. Private kennels shall have a minimum lot area of five (5) acres.
2. **Setbacks.** Structures or pens where animals are kept, outdoor runs, and exercise areas shall not be located in any required yard setback areas. Such facilities shall be set back at least 300 feet from all road rights-of-way, and 100 feet from all side and rear lot boundaries.
3. **Screening.** Structures where animals are kept, outdoor runs and exercise areas shall be screened per Section 8.04 (Methods of Screening).
4. **Use standards.** Structures where animals are kept, outdoor runs and exercise areas shall have impervious surfaces and an approved system for runoff, waste collection, and disposal. Kennels shall be established and maintained in accordance with all applicable County and Township sanitation and animal control regulations.
5. **Additional conditions.** Such uses shall be subject to site plan approval per Section 12.01 (Site Plan Review). The Planning Commission may impose other conditions and limitations deemed necessary to prevent or mitigate possible nuisances related to noise or odor.

## Section 5.107 Ponds for Farming, Landscaping or Recreation.

Unregulated pond excavation and development may adversely impact surface and groundwater quality, adjacent lots and uses, and the existing rural, agricultural character of the Township. To protect the health, safety, and welfare of the Township residents and preserve ecological important features, the creation or expansion of ponds and similar man-made or altered bodies of water accessory to farming, residential or recreational uses shall be subject to the following:

### A. General Standards.

The following general standards and limitations shall apply to all ponds constructed, altered, and maintained in the Township:

1. Landscape ponds with 300 square feet or less of surface water shall be exempt from the provisions of this Section, provided that no excavated materials are to be removed from the site.
2. Ponds shall be established and maintained in accordance with all applicable statutes of the State of Michigan. If any of the requirements of this Section are less restrictive than applicable state statutes, the state requirements shall prevail.

3. The pond shall be located on a parcel at least five (5) acres in total area, and shall be accessory to a principal RURAL USE or RESIDENTIAL USE on the same zoning lot.
4. Ponds shall not exceed ten (10) percent of the total lot area on which they are situated or five (5) acres, whichever is less. Ponds that exceed these criteria shall be subject to the provisions of Section 5.604 (Extractive Operations).
5. The property, as situated at the time application for a pond permit is made, shall not subsequently be split, divided or partitioned in a manner that would result in nonconformance with the requirements contained herein.
6. No pond shall be located upon, across, or extended beyond existing lot boundaries. Pond should be located to minimize chance of pollution from sources such as feedlots, corrals or septic systems.
7. Pond construction shall not commence earlier than 7:00 a.m., and shall not continue after 9:00 p.m.
8. The requirements contained herein shall not relieve the applicant from complying with other land development or environmental standards established by the Township or by other public agencies having jurisdiction.

**B. Design Standards.**

The following design standards and limitations shall apply to all pond construction or alterations in the Township:

1. Ponds shall only be of an excavation type as defined by the Natural Resources Conservation Service (NRCS) engineering standards, and all ponds shall be constructed to NRCS Standard 378, or another applicable standard accepted by the Township.
2. Designed water depth of pond shall be at least eight (8) feet to ensure proper aeration and circulation of the water. Pond banks shall have a maximum slope of one (1) foot vertical rise in four (4) feet of horizontal distance, which shall extend below the water's surface to a depth of at least eight (8) feet.
3. Shoreline berms shall not exceed a maximum height of six (6) feet and a maximum slope of one (1) foot vertical incline to each four (4) feet of horizontal distance. Escape ramps with shallower slopes shall be provided to allow adequate means for climbing out of the pond.
4. The top of the bank of the pond shall be set back a minimum of 50 feet from all lot boundaries, and a minimum of 25 feet from all structures and easements on the site. The top of the bank of the pond shall be set back a minimum of 100 feet from any on-site wastewater system, as measured from the perimeter of any drainfield or nearest line of the system.
5. All areas disturbed during construction shall be seeded with grasses and maintained in good condition to prevent erosion.

6. Pond excavation and the relocation of excavated materials shall not affect the natural drainage pattern of the area, and shall not cause or exacerbate the drainage of surface water onto adjacent lots or towards any existing structures. Ponds shall be designed and maintained to prevent overflow, spillage or seepage from encroaching upon adjacent lots.

**C. Application and Review Procedures.**

All necessary permits shall be obtained by the applicant, and proof of all necessary outside agency permits or approvals shall be submitted to the Township prior to construction or alteration of a pond. Such permits and approvals shall include, but shall not be limited to the following:

1. Review and approval of a detailed site plan per Section 12.01 (Site Plan Review).
2. Outside agency permits and approvals may include, but shall not be limited to the Michigan Department of Environmental Quality (MDEQ), Washtenaw County Drain Commissioner, Washtenaw County Environmental Health Division, and Washtenaw County Road Commission.

**D. Soil Removal Provisions.**

Construction of ponds that result in the removal of excavated materials from the site shall be subject to the following additional standards:

1. An estimate of the cubic yards of soil or similar materials to be removed shall be submitted to the Township.
2. Excavated soil intended for removal from the property shall be removed within 180 days after excavation is complete.
3. Each permittee shall be responsible for the clean up of any spillage of materials, such as dirt, rock, mud, sand, or any debris hauled by vehicles over the designated travel routes. Any such material shall be removed within 24 hours of receipt of notice from the Township.
4. The loading and removal of excavated materials shall be limited to between the hours of 7:00 a.m., and 6:00 p.m., Monday through Friday, and 7:00 a.m., and 12:00 noon on Saturdays. Loading and removal of excavated materials shall be prohibited on Sundays or legal holidays.

**E. Performance Guarantee.**

The Planning Commission may require the applicant to provide the Township with a performance guarantee per Section 1.08C (Performance Guarantees) to ensure the reclamation and rehabilitation of the site according to the approved site plan.

### **Section 5.108 Private Riding Arenas and Boarding Stables.**

All stables and facilities for the private rearing, schooling and housing of horses, mules, ponies and similar equine riding animals shall be subject to the following:

1. A dwelling in a principal building for the property owner or operator of the private stable shall be located on the same or an adjoining lot.
2. The lot area shall not be less than ten (10) contiguous acres under single ownership.
3. All stable and arena buildings, corrals, and similar structures shall be set back a minimum of 50 feet from all lot boundaries.
4. Such facilities or areas shall not be located within any required front yard setback, and shall be located no closer to any road rights-of-way than rear building line of any dwelling on the subject lot.
5. A fenced area for pasturing, exercising or riding such animals may extend to the front, rear or side lot lines. All such animals shall be kept confined within a fenced area when not being ridden, under harness, or when not in their stable and arena building, corral or similar structure.
6. The facility shall be constructed and maintained in accordance with the Right to Farm Act (P.A. 93 of 1981, as amended) and Generally Accepted Agricultural Management Practices (GAAMPS) from the Michigan Department of Agriculture, so that odors, dust, noise, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.
7. There shall be no commercial activity, other than incidental sales not unusual for a residential use.
8. Approval of a Certificate of Zoning Compliance shall be required per Section 1.07 (Permits and Certificates of Zoning Compliance). No formal site plan shall be necessary unless otherwise required by this Ordinance.

### **Section 5.109 Public or Commercial Riding Stables.**

Public or commercial riding stables and academies for the rearing, schooling and housing of horses, mules, ponies and similar equine riding animals available or intended for use by the public or for hire on a per diem, hourly or weekly basis shall be subject to the following:

1. The minimum gross lot area shall be 20 acres.
2. The applicant shall provide a written statement of the number of horses and ponies which will be accommodated, the nature and duration of any equestrian events which will be held, the planned or agreed use of any other properties for riding or pasturing, and any agreements or arrangements with any equestrian clubs, groups or organizations for facility use.



3. All stable and arena buildings, corrals, and similar structures shall be set back a minimum of 50 feet from all lot boundaries.
4. Fenced areas for pasturing, exercising or riding such animals may extend to the front, rear or side lot lines. All such animals shall be kept confined within a fenced area when not being ridden, under harness, or when not in their stable and arena building, corral or similar structure.
5. The facility shall be constructed and maintained in accordance with the Right to Farm Act (P.A. 93 of 1981, as amended) and Generally Accepted Agricultural Management Practices (GAAMPS) of the Michigan Department of Agriculture, so that odors, dust, noise, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.
6. Parking for patrons and employees shall be provided in compliance with Article 7 (Off-Street Parking, Loading, and Access).
7. Such uses shall be subject to site plan approval per Section 12.01 (Site Plan Review).

### **Section 5.110 Roadside Stands.**

Roadside stands up to 400 square feet in gross floor area shall be permitted accessory to any RURAL USE, subject to the following. Larger stands shall be considered a "farm market" as regulated by this Ordinance:

1. A minimum of one (1) parking space shall be provided outside of the road right-of-way for each 100 square feet of space in the stand.
2. All signs used in connection with the use shall be temporary, and shall be removed when the stand is not in use. All signs shall comply with the requirements of Article 9 (Signs).
3. The stand shall be located outside of the road right-of-way and a minimum of 50 feet from the nearest road pavement or improved surface. Such stands shall be portable, and shall be removed from its roadside location during seasons when it will not be in use.
4. All produce or products for sale shall be grown or produced on the premises or made from produce grown or material produced on the premises.

### **Section 5.111 Veterinary Clinics and Hospitals.**

Veterinary clinics and hospitals shall comply with the following:

1. All activities shall be conducted within a completely enclosed building.
2. All buildings and outdoor pens or enclosures shall be set back at least 50 feet from all road rights-of-way, residential districts, and existing residential uses.

3. Keeping of animals overnight shall be limited to the interior of the principal building. Treatment of non-domesticated animals is permitted. Any overnight care facilities shall meet the requirements for kennels in Section 5.106 (Kennels).
4. Operation shall include proper control of animal waste, odor, and noise. Outdoor exercise areas shall be enclosed by a six (6) foot high solid fence.

## **Section 5.112 Keeping of Animals**

It is the intent of this Section to establish standards for any residential use wherein animals are kept for use by the owner of the premises and immediate family which will ensure compatibility with adjacent land uses. This Section does not intend to limit or revise in any manner the provisions of the Michigan Right to Farm Act or Generally Accepted Agricultural and Management Practices (GAAMPs) developed under the Michigan Right to Farm Act, and all such rights are excluded from the restrictions of this Section.

- A. Except as otherwise permitted by the Michigan Right to Farm Act, the keeping of livestock shall only be permitted within the A-1, Agriculture-Conservation zoning district. Maintaining animals in other zoning districts shall be prohibited, except that for each dwelling unit the occupant may keep for his or her personal use domestic pets, provided they are not kept or used for commercial breeding purposes and do not constitute a kennel. Any animal defined in the Michigan GAAMPs shall not be considered a domestic pet.
- B. The minimum lot area required to maintain livestock shall be five (5) acres. Adjacent lots may be used to satisfy the five (5) acre minimum upon the written agreement between all affected property owners regarding the shared keeping of animals.
- C. **Stocking Density.** Maximum livestock stocking densities shall be as follows:

<b>Acres</b>	<b>Maximum Permitted Animal Units</b>
5-6.99	2
7-8.99	3
9-11.01	5
11.1-20	1 additional animal unit per acre above 11 acres

*1 Animal Unit: Cow, Horse, Pony, Llama (or similar size large animal)*

*0.5 Animal Unit: Sheep, Goats, Pigs (or similar size medium animal)*

*0.1 Animal Unit: Chickens, Rabbits, Ducks, Geese (or similar size small animal)*

## **SECTION 5.200 RESIDENTIAL USES**

### **Section 5.201 Accessory Dwelling.**

It is the intent of this Section to permit accessory dwellings within principal single-family dwellings in the agricultural-conservation and residential zoning districts for the purposes of providing a variety of housing options in the Township; accommodating the desire of some senior citizens, family groups, and other persons with special needs for private housing close to relatives; and providing additional housing accessory to RURAL USES. It is further the intent of this Section to permit dwellings accessory to OFFICE AND SERVICE USES or COMMERCIAL USES in the C-1 (Local Commercial) District, subject to specific standards designed to preserve the predominantly commercial character of these districts.

The standards of this Section are designed to prevent the undesirable proliferation of multiple-family buildings in rural and single-family residential areas of the Township, and to preserve the character and appearance of principal buildings that include an accessory dwelling unit. Accessory dwellings shall be subject to the following standards:

#### **A. Accessory to Detached Single-Family Dwellings.**

The following shall apply to dwelling units accessory to detached single-family dwellings in the Rural, Rural Residential, and Residential zoning districts:

1. A maximum of one (1) accessory dwelling unit shall be permitted per principal dwelling.
2. Sufficient land area shall be available for the principal dwelling and accessory dwelling unit to each conform to the minimum lot area requirements for the zoning district, as specified in Article 3 (Dimensional Standards).
3. All accessory dwelling units shall be located entirely within the principal building. Accessory dwelling units shall be prohibited in any detached accessory structures.
4. The exterior of the principal building shall remain unchanged, so that it does not give the appearance of being divided into separate units. Access to an accessory dwelling unit shall be limited to a common front foyer, or a separate entrance door on a sidewall. The use of an exterior stairway to provide access to an upper floor accessory dwelling shall be prohibited.
5. Accessory dwelling units shall have a minimum gross floor area of 300 square-feet, and shall not occupy more than twenty five percent (25%) of the principal building's gross floor area.
6. The principal building shall be the primary and permanent legal residence of the owner(s) of the property. The owner(s) of the property shall occupy a minimum of 1,200 square feet of gross floor area within the principal building. Permitted

accessory dwelling units shall be clearly secondary to the use of the dwelling as a residence.

**B. Accessory to Office and Services Uses or Commercial Uses.**

The following shall apply to dwelling units accessory to OFFICE AND SERVICES USES or COMMERCIAL USES in the C-1 (Local Commercial) District:

1. Accessory dwelling units shall be located within the principal building.
2. Accessory dwelling units shall be prohibited on the ground floor or street level of the building.
3. Each accessory dwelling unit shall have separate kitchen, bath, and toilet facilities and a private entrance. Where there is more than one (1) accessory dwelling unit in a building, such entrances may be provided from a common hallway.

**C. Approval Required.**

Construction or expansion of an accessory dwelling unit shall be subject to site plan approval per Section 12.01 (Site Plan Review). The site plan application shall include submittal of floor plans, building elevation drawings, and a plot plan of the lot to verify conformance with the standards of this Ordinance. For dwellings served by privately owned well or septic facilities, proof of adequate system capacity shall be provided to the Township.

**Section 5.202 Bed and Breakfast Inns.**

Bed and breakfast inns shall comply with the following:

1. **Primary residence.** The structure shall be the primary and permanent residence of the bed and breakfast inn operator. Meals or other services provided on the premises shall only be available to residents, employees, and overnight guests of the establishment.
2. **Guests.** A guest may stay no longer than 14 days in succession or a total of 60 days in any 12-month period.
3. **Limitations.** A bed and breakfast inn shall have direct access to a public road. Bed and breakfast inns shall be prohibited on lots abutting and with primary access to private roads, and on lots located in a platted subdivision or a site condominium project.
4. **Use standards.** The following additional use standards shall apply to all bed and breakfast inns:
  - a. There shall be no separate kitchen facilities for exclusive use by bed and breakfast guests.

- b. No retail or other sales shall be permitted, except incidental sales associated with the bed and breakfast operation.
  - c. Signs associated with the bed and breakfast shall comply with Article 9 (Signs) standards for the principal RURAL USE or RESIDENTIAL USE of the lot.
  - d. A bed and breakfast operation shall provide a minimum of one (1) full bathroom facility for the owner, plus a minimum of one (1) separate full bathroom facility for each two (2) permitted sleeping rooms.
  - e. The location of exits, emergency exit routes, and tornado protection locations should be clearly posted on the interior of each guest room door.
  - f. Parking for patrons and employees shall be provided in compliance with Article 7 (Off-Street Parking, Loading, and Access), and shall not be located in any required front yard. Stacking of more than two (2) vehicles in a driveway is prohibited.
5. **Approval.** Bed and breakfast inns shall be subject to site plan approval per Section 12.01 (Site Plan Review). The site plan application shall include floor plans with the dimensions and floor areas of all rooms and areas to be used by guests (sleeping rooms, bathrooms, dining areas, etc.), and the locations of required exits, emergency exit routes, tornado protection locations, smoke detectors, and carbon monoxide detectors.

### **Section 5.203 Farm Labor Housing.**

Dwelling units for temporary housing for workers and their families during the season in which they are employed in the planting, harvesting, or processing of crops or other essential but temporary agriculturally related employment associated with an active farm operation shall comply with the following:

1. All structures for farm labor housing shall comply with the standards of Article 3 (Dimensional Standards) for the zoning district, and all provisions of state laws regulating farm labor or migrant labor housing.
2. Construction, expansion, and alteration of farm labor housing shall be subject to site plan approval per Section 12.01 (Site Plan Review).
3. Proof of all required outside agency permits and approvals for construction, expansion or alteration of farm labor housing shall be provided to the Township, prior to the start of construction on the site.

## Section 5.204 Home Occupations.

Home occupations shall be subject to the following:

### A. Use Standards.

1. **Intensity of use.** Home occupations must be clearly incidental and secondary to the use of the dwelling as a residence. No more than twenty percent (20%) of the habitable floor area of the dwelling may be used for the home occupation. The home occupation shall be conducted within the principal dwelling or any accessory structure.
2. **Employment.** No persons shall be employed in the home occupation, other than the dwelling occupants.
3. **Retail sales limitation.** No article shall be sold or offered for sale on the premises, except as prepared as part of the home occupation or provided incidental to the service or profession conducted as a home occupation.
4. **Customer or client visits.** A home occupation shall not generate more than ten (10) customer or client visits per day, or more than 20 customer or client visits per week. No more than two (2) customers or clients may be present at any given time.
6. **Signs.** Signs associated with the home occupation shall comply with Article 9 (Signs) standards for the principal RURAL USE or RESIDENTIAL USE of the lot.
5. **Parking and deliveries.** Home occupations shall be limited to a maximum of two (2) spaces, in addition to spaces permitted for the dwelling. Delivery vehicles used to deliver goods to a home occupation shall be limited to automobiles, passenger vehicles, mail carriers and express package carriers.
6. **Hours of operation.** 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.
7. **Prohibited activities.** Home occupations shall not include:
  - a. Outdoor display or storage of materials, goods, supplies, or equipment used in the home occupation.
  - b. The use of machinery, equipment or facilities not commonly incidental or accessory to a residential dwelling.
  - c. Changes or alterations to the character or appearance of the residence, or parking that cannot be accommodated on the site.

### 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 hair or nail care, grooming, catering, and chauffeuring services.
3. Home office for a massage therapist, subject to the standards of Section 5.307 (Therapeutic Massage).
4. Music, dance, art and craft classes, tutoring, and studios for artists, sculptors, musicians and photographers.
5. Workshops for tailors, dressmakers, milliners, and craft persons, including weaving, lapidary, jewelry making, cabinetry, and woodworking.
6. Repair services, limited to watches and clocks, small appliances, computers, electronic devices, and similar small devices.
7. Any home occupation not specifically listed may be permitted as a special land use, subject to the provisions of this Section and Section 12.02 (Special Uses).

**C. Prohibited Uses.**

The following uses are expressly prohibited as a home occupation:

1. Motor vehicle, recreational vehicle or boat repair, bump and paint shops, and salvage or storage yards.
2. Kennels and veterinary clinics.
3. Medical or dental clinics.
4. Retail sales of merchandise, and eating or drinking establishments.
5. Undertaking and funeral homes.
6. Adult uses and sexually oriented businesses.
7. Uses similar to the above listed uses, or any use which would, in the determination of the Planning Commission or Zoning Inspector, result in nuisance factors as defined by this Ordinance.

**Section 5.205 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 minimum requirements:

**A. Plan Review.**

The preliminary plan for a manufactured housing park shall be submitted to the Township and reviewed by the Planning Commission in accordance with the application requirements and procedures specified in Section 11 of the Mobile Home Commission Act (P.A. 96 of 1987, as amended). The Planning Commission shall take action to approve or deny the preliminary plan, or approve the preliminary plan subject to conditions, within 60 days after the Township officially receives a complete and accurate application. The Planning Commission may table an application for further study, or to obtain additional information, provided that final action is taken within the 60-day review period. A copy of the state-approved final construction plan shall be submitted to the Township prior to the start of construction on the site.

**B. Minimum Area for a Manufactured Housing Park.**

The minimum parcel size for manufactured housing parks shall be 20 acres, excluding adjacent parcels proposed for expansion.

**C. Minimum Manufactured Housing Site Size.**

Manufactured housing parks shall be developed with a minimum manufactured housing site size of 5,500 square feet. Individual sites may be reduced to as small as 4,400 square feet, provided that for every square foot of land gained through such reduction, at least an equal amount of land shall be dedicated as open space for the collective use and enjoyment of all manufactured housing park residents. This open space shall be in addition to the minimum open space required under Section 5.105K (Open Space), or the Manufactured Housing Commission rules.

**D. Setbacks.**

Manufactured houses shall comply with the following minimum setbacks:

1. For a home not sited parallel to an internal road, 20 feet from an adjacent home, including an attached structure that may be used for living purposes for the entire year.
2. For a home sited parallel to an internal road, 15 feet from an adjacent home, including an attached structure that may be used for living purposes for the entire year if the adjacent home is sited next to the home on and parallel to the same internal road or an intersecting internal road.
3. Ten (10) feet from an attached or detached structure or accessory of an adjacent home that may not be used for living purposes for the entire year.
4. 50 feet from any permanent building.
5. 100 feet from any baseball, softball or similar recreational field.
6. Seven (7) feet from the back of curb or edge of pavement for an internal road.
7. Seven (7) feet from an adjacent home site's parking space or off-site parking bay.



8. Seven (7) feet from a common sidewalk.
9. All mobile homes, accessory buildings and parking shall be set back not less than 20 feet from any manufactured housing park boundary line, except that a minimum setback of 50 feet shall be provided from the road rights-of-way of public roads abutting the park.
10. 50 feet from the edge of any railroad right-of-way.

**E. Maximum Height.**

The maximum height of any community or similar building in a manufactured housing park shall not exceed two (2) stories or 35 feet, whichever is less. Storage or service buildings shall not exceed one (1) story or 15 feet.

**F. Roads.**

Roads shall satisfy the minimum dimensional, design, and construction requirements in the Manufactured Housing Commission Rules. The main entrance to the park shall have access to a public road by a permanent easement, which shall be recorded by the developers. All roads shall be hard-surfaced.

**G. Parking.**

Each manufactured housing site shall be provided with two (2) parking spaces per the Manufactured Housing Commission Rules.

**H. Common Storage Areas.**

If boats, boat trailers and utility trailers are permitted to be parked within the manufactured housing park, adequate parking spaces for such vehicles shall be provided in a central or collective parking area. This area shall be in addition to the automobile parking requirements of this Section, and shall be adequately locked, fenced and permanently buffered.

**I. Sidewalks.**

Concrete sidewalks having a minimum width of three (3) feet shall be provided on at least one side of internal manufactured housing park roads. In addition, a five (5) foot wide concrete sidewalk shall be constructed along any public road abutting the manufactured housing park.

**J. Accessory Buildings and Facilities.**

1. Accessory buildings and structures, including park management offices, storage buildings, laundry facilities or community facilities, shall be designed and operated for the exclusive use of park residents.
2. Site-built buildings and structures within a manufactured housing park, such as a management office or clubhouse, and any addition to a manufactured house that is not certified as meeting the standards of the U.S. Department of Housing and Urban Development (HUD) for manufactured houses, shall be constructed in

compliance with applicable state building, electrical and fire codes and shall be subject to approval of appropriate permits and certificates of occupancy by the Township.

3. **Storage accessory to a manufactured home.** One (1) storage shed with a maximum area of 144 square feet may be placed upon any individual manufactured home site for the storage of personal property. Such structures shall be constructed in accordance with applicable standards of the State Construction Code enforced by Washtenaw County. Except as otherwise noted in this Section, no personal property (including tires) shall be stored outside or under any manufactured home, or within carports which are open on any side. Bicycles and motorcycles may be parked in carports. Seasonal outdoor storage of outdoor cooking grills is permitted, so long as they are kept on either a finished wooden deck, a concrete or asphalt patio, or equivalent type of surface associated with the home.

**K. Open Space.**

Any manufactured housing park containing 50 or more manufactured housing sites shall provide a minimum of 25,000 square feet of dedicated and contiguous open space, which shall be shown on the preliminary plan. Any other open space areas or recreational improvements provided at the developer's option shall also be shown on the preliminary plan. This open space may include the two percent (2%) minimum open space requirement established in the Manufactured Housing Commission General Rules.

**L. Perimeter Screening.**

Where a manufactured housing park abuts an existing residential development, screening shall be provided along the boundary abutting the residential development. If the manufactured housing park abuts non-residential development, screening shall not be required.

**M. Screening Along Public Rights-of-Way.**

A landscaped screen shall be provided along all public roads abutting the manufactured housing park. This screen shall consist of evergreen trees or shrubs at least three (3) feet in height, planted so as to provide a continuous screen at maturity.

**N. Alternative Screening.**

Alternative screening devices may be utilized if they conceal the manufactured housing park as effectively as the required landscaping elements described above.

**O. Parking Lot Landscaping.**

Landscaped planting strips and islands shall be dispersed throughout all parking lots to direct traffic flow, create shade and break-up large expanses of pavement. Parking lot landscaping shall be subject to the following standards:

1. All landscaped areas shall be designed to ensure proper protection of the plant materials. Where adjacent to roads, driveway aisles, or parking areas, shall be

protected with concrete curbing. Plant materials used shall be hardy, salt-tolerant species characterized by low maintenance requirements.

2. The size and number of planting islands and proposed plantings shall be in scale with the overall site, and shall clearly define the egress/ingress points, interior circulation system and fire lanes. Landscaping shall not obscure traffic signs or lighting, access to fire hydrants or motorist sight-distance.
3. Planting islands shall have a minimum width of five (5) feet and a minimum area of 100 square feet. A minimum of one (1) deciduous shade tree shall be provided for each 100 square feet of planting area within the island. Ornamental trees, shrubs, mulch or groundcover shall be used to cover all unplanted areas of the island.

**P. Trash Disposal.**

The proposed method(s) and location(s) of trash storage and disposal shall conform to the requirements of Part 5 of the Michigan Department of Environmental Quality (MDEQ) Manufactured Home Park Standards, and shall be identified on the preliminary plan.

**Q. Awnings.**

Awnings may be attached to any manufactured house. Awnings shall comply with the setback and distance requirements set forth in this Section, and shall require a permit.

**R. Sewer Service.**

Public sewer systems shall be required in a manufactured housing park, if available within 200 feet of the park boundaries at the time of preliminary plan approval. If a public sewer system is unavailable, the development shall connect to a state-approved sewage system.

**S. Water Service and Storm Drainage Systems.**

Water supply and drainage systems shall conform to the requirements of Part 2 – 4 of the Michigan Department of Environmental Quality (MDEQ) Manufactured Home Park Standards.

**T. Telephone and Electric Service.**

All electric, telephone, cable TV, and other lines within the park shall be underground per the Manufactured Housing Commission Rules.

**U. Fuel Oil and Gas.**

Any fuel oil and gas storage shall be located in underground tanks, at a safe distance from all manufactured housing sites. All fuel lines leading to manufactured housing sites shall be underground and designed in conformance with the Manufactured Housing Commission Rules and other applicable local, county and state regulations.

**V. Operational Requirements.**

1. **Permit.** It shall be unlawful for any person to operate a manufactured housing park unless that individual obtains a license for such operation in compliance with

the requirements of the Mobile Home Commission Act (P.A. 96 of 1987, as amended). The Zoning Inspector shall communicate recommendations regarding the issuance of such licenses to the Director of the Bureau of Construction Codes and Fire Safety, Michigan Department of Labor and Economic Growth.

2. **Violations.** Whenever, upon inspection of any manufactured housing park, the Zoning Inspector finds that conditions or practices exist which violate provisions of this Section, the Zoning Inspector shall give notice in writing by certified mail to the Director of the Bureau of Construction Codes and Fire Safety, Michigan Department of Labor and Economic Growth, including the specific nature of the alleged violations and a description of possible remedial action necessary to effect compliance. This process shall be governed by Sections 17(2) and 36 of the Mobile Home Commission Act (P.A. 96 of 1987, as amended).

The notification shall include such other information as is appropriate in order to fully describe the violations and potential hazards to the public health, safety and welfare resulting from the violation. A copy of such notification shall be sent by certified mail to the last known address of the park owner or agent.

3. **Inspections.** The Zoning Inspector or other authorized Township agent is granted the authority, as specified in the Mobile Home Commission Act, P.A. 96 of 1987, as amended, to enter upon the premises of any manufactured housing park for the purpose of determining compliance with the provisions of this Ordinance or other regulations referenced herein.
4. **License.** A manufactured housing park shall not be operated until a license has been issued by the State of Michigan.

**W. Sale of Mobile Homes.**

The business of selling new or pre-owned manufactured homes as a commercial operation in connection with the operation of a manufactured housing community shall be prohibited. The operator of a manufactured housing community, or designee, who is an authorized licensed manufactured home retailer or broker, is permitted to feature and sell in-park model homes to be located on a variety of sites within the manufactured housing community.

New or pre-owned manufactured houses located on sites within the manufactured housing park, to be used and occupied on that site, may be sold by a authorized licensed manufactured home retailer or broker, or by a resident of the manufactured housing park, provided the park's regulations permit such sale.

**X. Mailbox Clusters.**

The United States Postal Service may require that manufactured housing parks be served by clusters of mailboxes serving several sites rather than individual mailboxes serving individual sites. If mailbox clusters are required, they shall be located at least 200 feet from any intersection of a manufactured housing park road with a public road.

## Section 5.206 Multiple-Family Housing.

All multiple-family dwellings and developments (including two-family (duplex) dwellings, apartment buildings, townhouses, stacked flats, senior and independent elderly housing, nursing homes, assisted living facilities, and dependent elderly housing) shall comply with the following:

### A. General Standards.

1. **Frontage, access and vehicle circulation.** Multiple family developments shall have direct vehicle access to a major road or primary road as classified in the master transportation plans for the Township, or county or state road authorities.
  - a. All interior roads, drives, and parking areas within a multi-family development shall be hard surfaced with asphalt, concrete or other paving materials approved by the Township. Roadway drainage shall be appropriately designed such that storm water from the roadway will not drain onto adjacent lots or across road rights-of-way.
  - b. Ingress-egress to parking facilities shall be arranged to minimize curb cuts directly onto the public road.
  - c. Such uses shall be screened from abutting single-family residential districts or uses in accordance with Section 8.04 (Methods of Screening).
2. **Pedestrian circulation.** Concrete sidewalks with a minimum width of five (5) feet shall be provided from all building entrances to adjacent parking areas, public sidewalks and recreation areas, along with barrier-free access ramps.
3. **Recreation areas.** Passive or active recreation areas (including but not limited to seating areas, playgrounds, swimming pools, walking paths and other recreational elements in accordance with the intended character of the neighborhood) shall be provided at a ratio of at least fifteen percent (15%) of the gross area of the development.
  - a. The minimum size of each area shall be 5,000 contiguous square feet, and the length to width ratio of each area, as measured along the perimeter, shall not exceed four to one (4:1).
  - b. 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 building separations.
  - c. Off-road parking areas, driveways, basins, ponds, and accessory uses or areas shall not be counted as required open space.
4. **Other requirements.** Parking or storage of recreational vehicles, boats, utility trailers or similar items shall be prohibited, except in areas designated on an approved final site plan.

**B. Senior Housing and Independent Elderly Housing.**

The following additional standards shall apply to senior and independent elderly housing:

1. **Minimum floor area.** Dwelling units within a building shall average 350 square feet in floor area (not including kitchen and sanitary facilities).
2. **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.

**C. Nursing Homes, Assisted Living Facilities, and Dependent Elderly Housing.**

The following additional standards shall apply to nursing homes, assisted living facilities, and dependent elderly housing:

1. **State and federal regulations.** Such facilities shall be constructed, maintained, and operated in conformance with applicable local, state, and federal laws.
2. **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.

## **Section 5.207 Single-Family Dwellings, Detached**

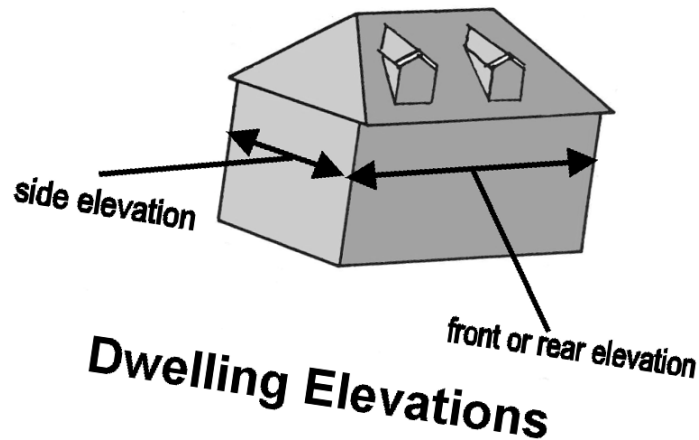
Detached single-family dwellings, except manufactured housing units located in an approved and licensed manufactured housing park, shall comply with the following standards:

**A. General Standards for All Single Family Detached Dwellings.**

1. All dwellings shall have a minimum width across all front, side, or rear building façade elevations of 24 feet (see illustration), and shall comply with the minimum floor area requirements of the zoning district in which they are located.
2. All dwellings shall be constructed or placed upon and anchored to a foundation that complies with the applicable provisions of the State Construction Code enforced by Washtenaw County and completely encloses the area under the building. A manufactured home may be installed and anchored pursuant to the manufacturer's setup instructions and the applicable Michigan Manufactured Housing Commission General Rules, provided that its wheels and towing mechanism have been removed and the undercarriage has been secured and screened from view with permanent skirting or similar measures.
3. All dwellings shall be constructed with a minimum roof pitch of 3:12 [three (3) inches vertical rise for every twelve (12) inches horizontal run].

4. Each dwelling shall have a minimum of two exterior doors. One (1) exterior door shall be located on the front elevation of the building, and the second required exterior door shall be located on the side or rear elevation. Permanent steps, porches or barrier free access ramps shall be provided where there is a difference in elevation between a doorway and grade level.
5. Dwellings shall contain an indoor storage area within the dwelling or a separate accessory structure equal to a minimum of ten percent (10%) of the total residential floor area or 100 square feet, whichever is less.
6. Dwellings shall be connected to an approved water supply and sanitary sewerage or septic system.
7. New construction and additions to existing dwellings shall conform to all requirements of this Ordinance.

**ILLUSTRATION**







## **SECTION 5.300 OFFICE, SERVICE, AND COMMUNITY USES**

### **Section 5.301 Cemeteries.**

Cemeteries and similar uses shall be subject to the following:

1. **Minimum lot area.** The minimum lot area for any new cemetery shall be ten (10) acres.
2. **Ingress and egress.** All access shall be provided from a major road or primary road as classified by the master transportation plans of the Township, or county or state road authorities.
3. **Screening.** The cemetery shall be secured by a fence, and screened from abutting residential districts or existing residential uses per Section 8.04 (Methods of Screening).
4. **Setback.** All crypts, mausoleums, and other buildings containing bodies or remains, other than a subterranean grave, shall be set back a minimum of 100 feet from all lot boundaries.
5. **Continuity.** The location shall not disrupt the convenient provision of utilities to adjacent properties, nor disrupt the continuity of the public road system.
6. **Compliance.** An approved cemetery shall comply with all federal, state and local laws, and applicable regulations of the State of Michigan.

### **Section 5.302 Day Care Centers, Group Day Care Homes, and Adult Foster Care Large Group Homes.**

The following regulations shall apply to group day care homes, child day care centers, and adult foster care large group homes:

1. **Licensing.** In accordance with applicable state laws, such facilities shall be registered with or licensed by the State of Michigan, and shall comply with the minimum standards outlined for such facilities.
2. **Outdoor recreation area.** All day care facilities shall provide an on-site, outdoor recreation area for the users of the facility.
3. **Access.** Adequate areas shall be provided for employee and resident parking, and pick-up and drop-off of children or adults, in a manner that minimizes pedestrian-vehicle conflicts, and allows maneuvers without affecting traffic flow on the public road. Child day care centers shall have direct vehicle access to a major road or primary road as classified by the master transportation plans of the Township, or county or state road authorities.

4. **Separation requirements.** New group child day care homes shall be located a minimum of 1,500 feet from any other state licensed residential facility, as measured between the nearest points on the property lines of the lots in question. The Planning Commission may permit a smaller separation upon determining that such action will not result in an excessive concentration of such facilities in a single neighborhood or the Township overall.
5. **Hours of operation.** Day care facilities in the Rural, Rural Residential, and Residential zoning districts shall operate a maximum of 16 hours per day.

### **Section 5.303 Funeral Parlor or Mortuary.**

Funeral parlors and mortuaries shall be subject to the following:

1. **Assembly area.** An adequate assembly area shall be provided off-street for funeral processions and activities. All maneuvering area and exit aprons shall be located within the site and may be incorporated into the required off-street parking. Streets and alleys shall not be used for maneuvering or parking of vehicles.
2. **Screening.** The service and loading area shall be screened from adjacent residential districts or existing residential uses per Section 8.04 (Methods of Screening).
3. **Caretaker's residence.** A caretaker's residence shall be permitted accessory to a funeral home or mortuary, in accordance with the following:
  - a. An accessory dwelling unit within the principal building shall be subject to the requirements of Section 5.201 (Accessory Dwelling).
  - b. A detached single-family dwelling located on the same lot with the principal use shall be subject to the requirements of Section 5.207 (Single-Family Dwellings, Detached).
4. **Crematoriums.** Crematoriums are an INDUSTRIAL, RESEARCH, AND LABORATORY USE subject to the standards of Article 4 (Land Use Table) and Section 5.503 (Intensive Industrial Operations).

### **Section 5.304 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:

1. **Height.** The maximum height of the principal building containing an institutional use shall be subject to the following conditions and exceptions:

- a. The building height shall be permitted to exceed the maximum height requirements of the district up to a maximum height equal to twice the permitted maximum height of the district, provided that the minimum required front, side and rear yard setbacks shall be increased to equal the height of the building wall abutting each yard.
  - b. The highest point of chimneys, stage towers of 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.
2. **Frontage and access.** Institutional uses shall have direct vehicle access to a major road or 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, per Section 7.14(Traffic Impact Studies), for facilities that have a seating capacity of over 500 persons.

### **Section 5.305 Private Recreational Facilities.**

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

#### **A. General Requirements.**

The following general standards shall apply to all private recreational facilities:

1. Structures associated with such uses shall be located at least 250 feet from a lot line or any adjacent residence or residential district.
2. Such uses shall have direct vehicle access to a major road or primary road as classified by the master transportation plans of the Township, or county or state road authorities.
3. All primary activities associated with such operations and conducted out-of-doors or fashion that would create significant or undue disturbance to adjacent uses shall be limited to hours of operation that shall not exceed 7:00 a.m. to 10:00 p.m.
4. Construction, expansion, and alteration of private recreational facilities shall be subject to site plan approval per Section 12.01 (Site Plan Review).
5. The Planning Commission may require the applicant to submit an impact assessment of the proposed use to determine potential impacts on surrounding properties and uses, and proposed mitigation measures.

**B. Sportsman’s Clubs and Ranges.**

The following additional standards shall apply to all sportsman’s clubs, shooting ranges, and similar uses:

1. **Minimum land area.** Such facilities shall be located on a parcel of land not less than ten (10) acres in gross lot area.
2. **Security fencing and signage.** Such facilities shall be secured by perimeter fencing with a minimum height of six (6) feet, and posted through both symbol and written statement so as to inform the public of the nature of the facility at frequent intervals not to be greater than 50 feet apart.
3. **Compliance with standards.** Design and operation of such facility shall also be in accordance with current National Rifle Association specifications and practices and applicable state and federal laws.
4. **Indoor ranges.** Indoor firearms ranges shall be insulated with sound dampening materials, and shall be set back a minimum of 500 feet from all lot boundaries.
5. **Outdoor ranges.** Outdoor firearms ranges shall be surrounded by berms or other suitable containment and noise dampening measures, and set back a minimum of 1,500 feet from all lot boundaries.
6. **Noise impacts.** All facilities shall be designed to contain projectiles within the site, and to minimize noise impacts on surrounding properties and uses.

**C. Golf Course and Driving Range Regulations.**

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

<b>Type of Course</b>	<b>Minimum Lot Area (acres)</b>	<b>Minimum Road Frontage (feet)</b>
Nine (9) hole, Par 3	20	330
Nine (9) hole	80	660
18 hole	140	1,320

1. The course shall be designed and maintained to prevent golf balls or other course activities from encroaching on abutting lots or uses.
2. 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.
3. 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.

## Section 5.306 Recreational Vehicle Parks and Campgrounds.

Recreational vehicle parks and campgrounds shall be subject to the following:

1. **Lot area.** Minimum site area shall be ten (10) acres.
2. **Screening and security.** The Planning Commission may require a fence up to six (6) feet in height around the perimeter of the site, and may require screening from road rights-of-way and abutting residential uses in accordance with Section 8.04 (Methods of Screening).
3. **Setbacks.** Structures and areas designated for camping shall be located a minimum of 100 feet from all lot boundaries. The storage of vehicles not set up for occupancy shall be located a minimum of 200 feet from all lot boundaries, and shall be screened in accordance with Section 8.04 (Methods of Screening).
4. **Additional standards.** Campgrounds shall comply with all applicable county and state regulations. Each campsite shall either be provided with approved potable water and sanitary sewer or septic hookups, or shall have convenient access to approved bathrooms, toilets, and shower facilities.
5. **Access.** Recreational vehicle parks shall have direct vehicle access to a major road or primary road as classified by the master transportation plans of the Township, or county or state road authorities.
6. **Parking.** The site shall include adequate vehicle access and parking facilities. All parking for campgrounds and recreational vehicle parks shall be set back a minimum of 40 feet from any residential district.
7. **Use standards.**
  - a. **Temporary residency.** Campgrounds and recreational vehicle parks shall be for seasonal recreation use only. This provision shall not apply to the manager or caretaker.
  - b. **Impact on surrounding uses.** The location, layout, design, or operation of campgrounds and recreational vehicle parks shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby lots. Such uses shall not generate excessive noise, odors, dust, or other impacts that impair the continued use and enjoyment of adjacent lots.
  - c. **Accessory retail facilities.** Limited retail uses shall be permitted accessory to a campground or recreational vehicle park, provided that such uses are designed to serve only campground or park patrons.

### **Section 5.307 Therapeutic Massage.**

Massage therapy clinics and uses shall be subject to the following conditions:

1. Massage therapy services shall be permitted as a use accessory to hospitals, nursing homes, and medical clinics or offices. Massage therapy shall also be permitted as a principal use as specified in Article 4 (Land Use Table).
2. All massage therapists shall be licensed (where such licenses are available), and shall be certified members of the American Massage and Therapy Association or International Myomassethics Federation. Proof of such licenses or certifications shall be provided to the Township.
3. All activities that meet the definition of an adult use or sexually oriented business shall be prohibited.

### **Section 5.308 Workshops or Studios.**

Workshops, studios, showrooms or offices of photographers, skilled trades, decorators, artists, upholsterers, tailors, taxidermists and similar businesses; or for repair and service of bicycles, electronics, small appliances, furniture, shoes, and similar items shall be subject to the following standards by zoning district:

1. **Industrial-Research District.** Showrooms or sales and display areas for sales of products or services at retail on the premises shall be limited to no more than ten percent (10%) of the usable floor area occupied by the use.
2. **Commercial Districts.** Showrooms or sales and display areas for sales of products or services at retail on the premises shall occupy a minimum of fifty percent (50%) of the usable floor area occupied by the use, and shall include the street level façade.

## SECTION 5.400 COMMERCIAL USES

### Section 5.401 Amusement Centers.

Indoor and outdoor amusement centers, arcades that provide space for patrons to engage in the playing of mechanical amusement devices, and similar activities shall be subject to the following:

1. **Access and location.** All amusement centers and arcades shall have direct vehicle access to a major road or primary road as classified by the master transportation plans of the Township, or county or state road authorities.
2. **Outdoor amusement centers.** Outdoor amusement centers also shall be subject to the standards of Section 5.409 (Outdoor Sales or Display Areas).

### Section 5.402 Bakeries.

Bakeries shall be subject to the following standards by zoning district:

1. **Industrial-Research District.** Showrooms or sales and display areas for sales of products or services at retail on the premises shall be limited to no more than ten percent (10%) of the usable floor area occupied by the use.
2. **Commercial Districts.** Showrooms or sales and display areas for sales of products or services at retail on the premises shall occupy a minimum of fifty percent (50%) of the usable floor area occupied by the use, and shall include the street level façade.

### Section 5.403 Big Box COMMERCIAL USES.

COMMERCIAL USES with more than 50,000 square-feet of total gross floor area (including "Big-Box" stores, supermarkets, and wholesales stores, and multi-tenant shopping centers with more than 50,000 square-feet of total gross floor area in a single building footprint) shall be subject 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 and adjacent streets and streets, and 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 major road or 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, per Section 7.14 (Traffic Impact Studies).
2. **Outlots.** The site design, circulation, parking layout and building architecture of any outlots shall be complementary to and 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.
3. **Screening.** Screening shall be required from adjacent residential districts in accordance with Section 8.04 (Methods of Screening), along with adequate screening for all loading facilities, trash dumpsters, and mechanical equipment.
4. **Loading areas.** Loading/unloading of merchandise or equipment, and trash disposal or compaction shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. Trucks or trailers parked at a loading dock may be unloaded onto the loading dock between the hours of 10:00 p.m. and 7:00 a.m., provided that all activity occurs inside the truck or trailer or within the building.
5. **Pedestrian access.** 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 5.404 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 sloped to drain water back to the wash building or to drainage grates.
2. Steam used in the cleaning process shall be contained within an enclosed building.
3. Vacuuming facilities shall be prohibited within the front yard, and shall be set back a minimum of 100 feet from any RESIDENTIAL USE.

### **B. Ingress/Egress.**

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. Driveways serving a wash facility shall be set back a minimum of 100 feet from the intersection of any two (2) public roads.
2. Public roads shall not be used for maneuvering or parking by vehicles to be serviced by the car wash. Sufficient space shall be provided on the lot so that



vehicles do not enter or exit the wash building directly from an adjacent public road.

3. All maneuvering areas, stacking lanes, and exit aprons shall be located within the car wash lot.

**C. Screening.**

Screening shall be required from adjacent RESIDENTIAL USES per Section 8.04 (Methods of Screening), along with adequate screening for all loading facilities, trash dumpsters, and mechanical equipment.

**Section 5.405 COMMERCIAL USES Permitted as an Accessory Use in an Industrial Zoning District.**

COMMERCIAL USES permitted in an industrial zoning district shall be accessory to and incidental to a principal INDUSTRIAL, RESEARCH, AND LABORATORY USE. Showrooms or sales and display areas for sales of products or services on the premises shall be limited to no more than ten percent (10%) of the usable floor area occupied by the use.

**Section 5.406 Drive-in or Drive-through Facilities.**

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

1. Such facilities shall be set back a minimum of 100 feet from abutting RESIDENTIAL USES. Screening shall be required from adjacent RESIDENTIAL USES per Section 8.04 (Methods of Screening), along with adequate screening for all loading facilities, trash dumpsters, and mechanical equipment.
2. 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.
3. A bypass lane or similar means of exiting or avoiding the drive-through facility shall be provided, subject to Planning Commission approval.
4. Devices for the transmission of voices shall be directed and designed to prevent transmitted sound from being audible beyond the lot boundaries.
5. Sales of alcoholic beverages through any drive-through or drive-in service window or facility shall be prohibited.
6. Menu boards may be installed and maintained for the drive-through facility, subject to the following:
  - a. 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.

- b. The location, size, and manner of illumination shall not create or exacerbate a traffic or pedestrian hazard, or impair vehicular or pedestrian traffic flow.
- c. The total sign area of all permitted menu boards shall not exceed 48 square feet.

### **Section 5.407 Motion Picture Cinemas.**

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

- 1. **Screening.** Screening shall be provided in accordance with Section 8.04 (Methods of Screening) where the site abuts a residential district or use.
- 2. **Access.** Sites shall have frontage on a major road or 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, per Section 7.14 (Traffic Impact Studies), for facilities that have a seating capacity of over 500 persons.

### **Section 5.408 Motor Vehicle Service Centers and Repair Garages, and Fueling Stations.**

The following regulations shall apply to automobile, truck and other motor vehicle fueling (gas) stations, repair garages, and service centers:

#### **A. Use Standards.**

- 1. **Repair and service use limitations.** All equipment and service bays, hoists, pits, and other facilities shall be entirely within an enclosed building, and all repair work shall be conducted completely within an enclosed building. Repair stations shall not be permitted on sites immediately adjacent to any adjacent RESIDENTIAL USE.
- 2. **Noise and odors.** 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. Buildings containing service and repair activities shall have appropriate filtering systems to prevent emission of odors. Building walls facing any residential districts or uses shall be of masonry construction with soundproofing.
- 3. **Pollution prevention.** The applicant shall submit a Pollution Incidence Protection Plan (PIPP) describing measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as special check valves, drain back catch basins and automatic shut off valves.
- 4. **Storage.** The storage, sale, rental or display of new, used, inoperable, wrecked or partially dismantled automobiles, trucks, trailers, and any other vehicles,

vehicle components and parts, materials, commodities, supplies or equipment on the premises is prohibited except in conformance with the requirements of this Section and Ordinance:

- a. Outdoor storage shall be prohibited accessory to a fueling (gas) station, unless separate approval has been granted for a vehicle repair use.
- b. Suitable containers shall be provided and utilized for the disposal of used parts or materials, which shall be stored at least 18 inches above the ground and screened from public view.
- c. Storage of vehicles rendered inoperative, either through damage or disrepair or any other cause, and vehicles without current license plates, shall be limited to a period of not more than 30 days. Such storage shall not occur in front of the front building line. Such inoperative vehicles shall not be sold or advertised for sale on the premises.

**B. Pump Island Canopy.**

All lighting fixtures under the canopy shall be fully recessed into the canopy structure. The Planning Commission may permit a maximum intensity of 20.0 footcandles for lighting under the canopy as part of site plan approval, provided that site lighting is otherwise in compliance with Article 10 (Exterior Lighting). The proposed clearance of any pump island canopy shall be noted on the site plan, along with any signs, logo or identifying paint schemes on the canopy.

**C. Lot and Setback Standards**

1. **Minimum lot area.** The minimum lot area for such uses shall be 15,000 square feet.
2. **Minimum lot width.** The minimum lot width for such uses shall be 150 feet.
3. **Minimum setbacks.** The following setbacks shall apply to such uses:
  - a. **Principal building.** Buildings shall comply with the setback requirements for the district in which the use is located. However, a minimum setback of 40 feet shall be maintained on all sides that abut a residential district or RESIDENTIAL USE.
  - b. **Pump island structures.** Pump islands shall be set back a minimum of 25 feet from all lot boundaries and road rights-of-way. Pump island canopy structures shall set back a minimum of 20 feet from all lot boundaries and road rights-of-way. A minimum setback of 40 feet shall be maintained on all sides that abut a residential district or RESIDENTIAL USE.

**D. Ingress and Egress.**

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. The maximum widths of all driveways at the right-of-way line shall be 30 feet.
2. Driveways shall be set back a minimum of 100 feet from the intersection of any two (2) public roads, and a minimum of 20 feet from abutting lot boundaries. All setbacks shall be measured along the road right-of-way line.
3. No more than one (1) driveway shall be permitted per road frontage.

**E. Screening.**

All wrecked or damaged vehicles shall be screened from public view, and shall not be parked or stored within any front yard area. Open service bays and overhead doors shall not face towards an adjacent residential district or RESIDENTIAL USE unless screened in accordance with Section 8.04 (Methods of Screening). Outdoor storage of parts or materials shall be screened in accordance with Section 8.04 (Methods of Screening).

**Section 5.409 Outdoor Cafés and Eating Areas.**

Outdoor eating areas and sidewalk cafés shall be permitted as an accessory use, subject to the following:

1. **Accessory use.** Such uses shall be accessory to and incidental to a principal restaurant or similar food or beverage service use.
2. **Site plan approval.** Creation, expansion or alteration of outdoor eating areas on a zoning lot shall be subject to site plan approval per Section 12.01 (Site Plan Review).
3. **Use standards.** The outdoor café must be kept clean, litter-free, and with a well-kept appearance within and immediately adjacent to the area of the tables and chairs. Additional outdoor waste receptacles may be required. Broadcasting of music or any other amplified sound shall be prohibited.
4. **Signs.** Additional signs shall not permitted beyond those allowed for the principal use.

**Section 5.410 Outdoor Sales or Display Areas.**

Outdoor sales or display areas for sales or rentals of motor vehicles, recreational vehicles, building supplies, equipment, boats, merchandise or similar items shall be subject to the following:

**A. Use Standards.**

1. **Broadcasting Devices Prohibited.** Devices for the broadcasting of voice, telephone monitoring, music or any other amplified sound shall be prohibited outside of any building.
2. **Location.** The location of all sales activity and the display of all merchandise shall be maintained in the area specified on an approved plan. No sales activity

or display of merchandise shall be permitted in the public right-of-way or any required setback.

3. **Hours of operation.** Where the use abuts a residential district, the maximum hours of operation shall be limited to between the hours of 9:00 a.m. and 9:00 p.m., Monday through Friday; and between 10:00 a.m. and 6:00 p.m. on Saturdays.

**B. Site Standards.**

1. **Setbacks.** Outdoor sales or display areas shall be set back a minimum of ten (10) feet from any parking area, driveway or access drive, and 20 feet from any road right-of-way. No outdoor sales area shall be located within 50 feet of any residential district or use.
2. **Exterior lighting of outdoor sales or display area.** The Planning Commission may permit a maximum intensity of 20.0 footcandles for lighting within the outdoor sales or display area, provided that site lighting is otherwise in compliance with Article 10 (Exterior Lighting).
3. **Signs.** Additional signs shall not be permitted beyond those permitted for the principal use.
4. **Sidewalk standards.** The proposed activity shall be located so as to ensure safe vehicular and pedestrian circulation.
5. **Grading, surfacing, and drainage.** Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall be hard-surfaced with concrete or bituminous material, and shall be graded and drained so as to effectively dispose of or retain surface waters.
6. **Screening.** Such sales or display area shall be screened from adjacent residential districts in accordance with Section 8.04 (Methods of Screening).



## **SECTION 5.500**

### **INDUSTRIAL, RESEARCH, AND LABORATORY USES**

#### **Section 5.501 INDUSTRIAL, RESEARCH, AND LABORATORY USES Where Permitted as Accessory Uses.**

Where permitted in agricultural zoning districts, such uses shall be accessory to and incidental to a principal RURAL USE. Where permitted in commercial zoning districts, such uses shall be accessory to and incidental to a principal COMMERCIAL USE.

#### **Section 5.502 Hazardous Materials Storage.**

Such uses shall comply with all standards of this Ordinance, and all standards established by the U.S. Environmental Protection Agency, U.S. Department of Agriculture, Michigan Department of Environmental Quality, Michigan State Police, Washtenaw County Environmental Health Division, and other agencies with jurisdiction.

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, 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.

#### **Section 5.503 Intensive Industrial Operations.**

Intensive industrial operations shall be subject to the following:

1. **Setbacks and screening.** Sites shall not be located within 500 feet of any residential district or use, and shall be screened from all road rights-of-way and abutting uses in accordance with Section 8.04 (Methods of Screening).

2. **Parking and loading.** All parking, loading and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.
3. **Impact assessment.** The applicant shall submit an impact assessment describing the expected impacts associated with the use and any mitigation measures to be employed.

### **Section 5.504 Outdoor Storage, General.**

Outdoor storage of equipment, products, machinery, lumber, landscaping and building supplies or similar Items shall be subject to the following:

1. **Screening.** The storage area shall be enclosed within a solid wall or fence at least six (6) feet and no more than eight (8) feet in height. The site shall be screened from all road rights-of-way and abutting uses in accordance with Section 8.04 (Methods of Screening).
2. **Setbacks.** Any storage area shall comply with the minimum setback requirements for the district in which the facility is located. No storage shall be permitted in any required setback areas.
3. **Use standards.**
  - a. No junk or junk vehicles shall be stored, and no trailer, manufactured home or truck trailer shall be stored or used for storage.
  - b. The storage of soil, fertilizer and similar loosely packaged materials shall be contained and covered to prevent them from blowing into adjacent lots or rights-of-way.
  - c. Any outside storage area shall be paved or surfaced with a gravel or similar hard surface material, and shall include an approved stormwater management system.
  - d. No materials shall be stored above the height of the required wall or fence.
  - e. In no case shall used oil or other petrochemicals be dumped or stored, except at an authorized waste oil recovery facility.

### **Section 5.505 Outdoor Storage, Dismantling or Recycling of Motor Vehicles, Recreational Vehicles, Boats, Manufactured Houses, and Similar Items.**

Junkyards, salvage yards, and similar outdoor vehicle storage, dismantling or recycling facilities shall be subject to the following:



1. The storage area shall be enclosed within a solid wall or fence at least six (6) feet and no more than eight (8) feet in height. Strips of metal, plastic or other materials inserted into wire fences shall be prohibited.
2. The site shall be screened from all road rights-of-way and abutting uses in accordance with Section 8.04 (Methods of Screening).
3. Such uses shall have direct vehicle access to a major road or primary road as classified by the master transportation plans of the Township, or county or state road authorities.
4. Automobiles, trucks, and other vehicles or materials shall not be stacked higher than the top of the fence surrounding the junkyard.
5. 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. The junkyard shall be maintained in such a manner as to prevent the breeding or harboring of rats, insects or other vermin.
6. Where such uses are established and located within 1,000 feet of existing residential zoning districts or RESIDENTIAL USES, as measured on a straight-line distance, hours of operation shall be limited to between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, and between 7:00 a.m. and 6:00 p.m. on Saturdays.
7. Burning shall be prohibited except within an enclosed incinerator approved by the Saline Area Fire Chief and Washtenaw County.
8. All flammable liquids shall be drained immediately from automobiles and other vehicles brought to the facility. Such liquids shall be stored in containers approved by the Saline Area Fire Chief.
9. There shall be not more than one (1) entryway from each public road that adjoins the junkyard. All drives, parking areas, and loading/unloading areas shall be paved or hard surfaced with gravel or similar approved materials.

### **Section 5.506 Self-Storage Warehouses.**

The following regulations shall apply to self-storage warehouses:

1. **Lot area.** The minimum lot area for mini-warehouses shall be two (2) acres.
2. **Permitted use.** Self-storage-warehouse establishments shall be limited to storage of household goods and non-hazardous commercial goods. Storage of recreational vehicles and recreational equipment shall be subject to the following:
  - a. Such storage shall be incidental to the main use of enclosed storage.

- b. Such storage shall be located to the rear of the lot and subject to any additional screening as determined by the Planning Commission at site plan review.
  - c. All such recreational vehicle and equipment storage must be operable and licensed to operate on the highways of the State of Michigan.
  - d. All internal circulation routes shall be at least 24 feet wide.
3. **Screening.** Sites shall be visually screened from all road rights-of-way and abutting uses in accordance with Section 8.04 (Methods of Screening).
  4. **Caretaker's residence.** A caretaker's residence may be provided within the principal building as an accessory dwelling unit, or on the site as a detached single-family dwelling.

### **Section 5.507 Slaughter Houses, Rendering Plants, Stockyards or Similar Facilities.**

Such uses shall be subject to the following:

1. **Separation requirements.** The above uses shall be located at least 500 feet from Rural Residential and Residential zoning districts and RESIDENTIAL USES.
2. **Sanitation requirements.** The waste and by-products obtained from the slaughtering operations conducted on the premises may be transported to some other location to be rendered. No rendering shall be permitted on products originating outside of the slaughterhouse, and only dry rendering processes shall be used. Sanitary facilities shall be subject to approval by the Washtenaw County Environmental Health Division or other agency with jurisdiction, and all waste and manure shall be removed daily.
3. **Parking and loading.** All parking, loading and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.
4. **Impacts.** The applicant shall submit an impact assessment describing the expected odors, aesthetics, environmental impacts, vehicular and truck traffic impacts associated with the use, and any mitigation measures to be employed.

## SECTION 5.600

### OTHER USES

#### Section 5.601 Adult Entertainment Uses.

It is recognized that there are some uses that, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several such uses are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of property values of the surrounding neighborhood.

Accordingly, it is the intent and purpose of Saline Township to adopt reasonable regulations for adult entertainment uses in the Township, so as to minimize the adverse effects caused by this activity on the public health, safety, and welfare of persons and property within the Township. Therefore, in addition to other regulations set forth in this Ordinance, the operation or expansion of any and all adult entertainment uses, whether conducted as a separate business activity or in conjunction with another use, shall conform to the following requirements:

##### A. Minimum Separation.

The following minimum separation distances shall be measured by a straight line between a point on the boundary of a zoning district listed below or a lot occupied by a use listed below nearest to the contemplated structure or contemplated location of the structure containing the adult entertainment use and the nearest point on the contemplated structure or contemplated location of the structure containing the adult entertainment use.

1. No adult entertainment use shall be located within 1,000 feet of any other adult entertainment uses.
2. No adult entertainment use shall be located within 1,000 feet of any amusement centers or ice or roller skating rinks; indoor or outdoor movie theaters; institutional uses, as defined in Section 18.02 (Definitions); child day care facilities; or boundary of any Rural Residential or Residential zoning district.

##### B. Use Standards.

The following standards shall apply to such uses:

1. All adult entertainment uses shall be contained in a freestanding building. Enclosed malls, commercial strip stores, common wall structures, and multi-tenant buildings shall not constitute a freestanding building.
2. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to specified sexual activities or specified anatomical areas from any public way or from any property not regulated as an adult entertainment use. This provision shall apply to any display, decoration, sign, window or other opening. Shielding shall not consist of a curtain alone.

3. Adult entertainment uses shall not be located within or attached to a building occupied by any dwelling unit, or on the same lot where one (1) or more dwelling units are located.
4. Hours of operation shall be limited to between 11:00 a.m. and 2:00 a.m.
5. Every place on the premises to which patrons are permitted access shall be illuminated with overhead lighting fixtures at a minimum intensity of one (1) footcandle, measured at floor level.
6. The applicant shall submit a diagram of the premises showing a plan thereof and specifying the location of one (1) or more manager's stations, the location of all overhead lighting fixtures, and the intensity of each fixture. Each manager's station shall not exceed 30 square feet of floor area.
7. The premises shall be so configured and designed to provide an unobstructed view of each area of the premises to which any person is permitted access for any purpose from at least one (1) of the manager's stations.
8. All changing of attire by employees or performers shall be within a completely enclosed room into which access by patrons shall be prohibited.

### **Section 5.602 Aircraft Landing Strips.**

Private aircraft landing strips, hangers, masts, and related facilities shall comply with the following:

1. The aircraft landing strip site and design shall comply with the standards established by the FAA and the Michigan Department of Aeronautics concerning obstruction to air navigation.
2. All required "clear zones" (as defined by the FAA) shall be owned by the aircraft landing strip owner, or set aside as permanent open space by a recorded conservation easement.
3. The number of permitted runways shall not exceed a maximum of two (2).
4. Sufficient parking shall be provided for aircraft storage areas, offices and other uses associated with the landing strip.
5. An emergency access road shall be provided and maintained to the landing strip for access by fire and emergency vehicles constructed of either asphalt, concrete, or compacted gravel.
6. The plans for such facilities shall be subject to approval by the Federal Aviation Agency (FAA) and the Michigan Department of Aeronautics, where required by these agencies. Use of the landing strip shall be limited to aircraft classified as airplane design group (ADG) Group 1 and 2 by federal standards.

## **Section 5.603 Composting Centers.**

Composting centers and support facilities shall be subject to the following:

### **A. Size and Location.**

1. The minimum size of a composting facility shall be 20 acres.
2. A composting facility shall not be allowed in any 100-year floodplain, groundwater recharge area or regulated wetland.

### **B. Ground and Surface Water Quality.**

1. To ensure that ground or surface waters are not contaminated, monitoring wells shall be installed by the owner, operator or lessee on site prior to construction of the composting facility. The location of such wells shall be determined on a site-by-site basis, subject to review and approval by a professional acceptable to the Township. All review costs shall be assumed by owner/operator and/or lessee.
2. Any stream or wetland present on the site shall be buffered by a 100 foot unoccupied setback measured from the outer edge of the wetland, floodplain, or all alluvial soils to ensure that the stream or wetland is adequately protected from pollution.
3. The surface and ground waters at a composting facility shall comply with the water quality requirements of applicable state and federal laws.
4. Sampling of groundwater monitoring wells must start before operations begin, continue quarterly during the active life of operations, and quarterly for a two year period after operations cease for compliance with applicable state and federal laws. The monitoring shall be done by a professional acceptable to the Township. All costs for such monitoring shall be assumed by owner/operator or lessee.
5. Should test wells reveal violation of the water quality requirements of applicable state and federal laws, the petitioner shall be required to install a groundwater remediation system. The system shall be subject to review and approval by a professional acceptable to the Township. All costs shall be assumed by owner/operator or lessee.
6. Surface water monitoring shall also be required in addition to groundwater monitoring to assess the adequacy of leachate containment and runoff control and for compliance with applicable state and federal laws. Such monitoring shall be required quarterly. The monitoring shall be done by a professional acceptable to the Township. All costs for such monitoring shall be assumed by the owner/operator or lessee.
7. Analysis for all ground and surface water monitoring events shall be submitted to the Township within 60 days after analyses.

8. Discharge of water collected in an on-site retention basin shall only be reintroduced into the compost pile, directed into a sanitary sewerage system, or transported and disposed of off-site by a liquid industrial waste hauler.

**C. Site Plan Requirements for Composting Facilities.**

This section establishes the requirements and procedures for operation of composting facilities for all facilities to be operated in Saline Township. All composting facilities shall submit a site plan to Saline Township for approval, containing the following:

1. Access route traffic patterns as well as on-site traffic patterns.
2. Maintenance plan for all outdoor areas where compost materials are received, processed, cured or stored to prevent rutting that would allow on-site ponding of water in places other than a retention basin.
3. Written documentation addressing the following:
  - a. Hours of operation.
  - b. Methods of controlling fugitive dust, noxious odors, noise, vibration, light, and blowing debris.
  - c. Method of receiving compost materials.
  - d. Method of sorting and handling composting materials on-site.
  - e. Measures to be taken should anaerobic conditions arise.
  - f. Expected frequency of removal of composted materials.
  - g. Expected frequency for turning of composting windrows.
  - h. Fire protection.
  - i. Description of daily cleanup procedures.
  - j. Measures to be taken should surface or groundwater contamination take place.
  - k. The capacity of the composting facility in terms of cubic yards, and the maximum amount of compost material to be accepted annually.
4. A Level I Environmental Assessment of the site shall be conducted prior to site plan review. This assessment will include, at a minimum, systematic visual inspection for signs of adverse environmental activity; review of aerial photographs from a historical perspective; review of property ownership records and permit activities from the regulating agencies; and interviews with selected neighboring landowners for their knowledge of any activity on the site. Based upon the site inspection and data review, a chronological description of activity

on the site will be established in a written report submitted with the application for approval.

**D. Use Standards.**

Compost materials shall not be accepted on site in an anaerobic condition. Such facilities shall be closed when anaerobic conditions arise, with operations limited to correcting the condition. Determination of anaerobic conditions may be made by the Township Zoning Inspector, Washtenaw County, or a consultant hired by the operator, Township or County. If anaerobic conditions arise more than two (2) times in a 30 calendar day period, the Township Board may take action to require closure of the facility for a maximum of 60 calendar days. After two (2) such closures within one (1) calendar year, the Township Board may order the site to be closed permanently.

**E. Screening and Separation Standards.**

To ensure proper buffering of the composting facility from nearby land uses that may be adversely affected by the facility, the following requirements shall apply:

1. An isolation distance shall be maintained between the beginning of the program area designated to the composting facility and residential land uses. No composting facility shall be constructed within 1,000 feet of a residential zoning district or existing RESIDENTIAL USE.
2. The site shall be screened from all road rights-of-way and abutting uses in accordance with Section 8.04 (Methods of Screening).

**F. Maintenance.**

This subsection is enacted to ensure that tracking of mud or compost materials from composting areas onto public off-site roads will be minimized and to assure that mud or compost materials that are tracked off-site are adequately removed. At the time of site plan approval, the operator of the composting facility shall submit a maintenance plan that addresses the following minimum provisions:

1. Method of dislodging mud and/or composting materials from the vehicles or undercarriage.
2. An on-site traffic control pattern, including a by-pass road around the truck cleaning area if applicable.
3. Method for removing soil, dust, and/or compost materials attributable to the composting operations from public roads within 1,500 feet of the composting area entrance and exits.
4. Methods of cleaning trucks and off-site roads as often as necessary to prevent the occurrence of nuisances resulting from the tracking of mud or compost materials.

**G. Fugitive Dust, Noxious Odors, Noise, Vibration, Light, and Blowing Debris.**

The operation of a composting facility shall not result in unreasonable off-site deterioration of air quality, cause unreasonable interference with the comfortable enjoyment of life and property, or cause injurious effects to human health, safety, and welfare. All composting facilities shall be designed, constructed and operated so that fugitive dust, noxious odors, noise, vibration, light, and blowing debris are controlled and do not cause off-site problems or nuisances.

The applicant shall submit with the site plan an operations plan to minimize the off-site occurrences of fugitive dust, noxious odors, vibrations, light, and blowing debris. This plan may include such measures as: restricting the daily work area, refusing to accept certain compost materials, or other appropriate measures. This plan shall be subject to Planning Commission approval.

Failure to meet minimum performance standards or maintain the site in compliance with the approved plans shall be considered a use violation of this Ordinance, subject to all applicable penalties

**H. Compost Storage.**

The height of compost material shall not exceed eight (8) feet, and storage of any material, other than compost, shall not be allowed on-site. No sludge of any kind shall be stored or deposited on composting facility property.

**I. Closure Plan.**

A closure plan shall be submitted which shall detail the final end use of the property should use of the facility be discontinued for more than 365 consecutive days.

1. The plan shall describe:
  - a. How the existing site will be cleaned up.
  - b. How and where the existing surface debris will be disposed.
  - c. What the final disposition of the land will be.
2. The petitioner shall, prior to commencement of operations, deposit with the Township an amount sufficient to ensure site clean up should operations cease. The deposit shall be in the form of a cash or certified check deposit, or irrevocable bank letter of credit in an amount acceptable to the Township Board.
3. Violation of any of the provisions of this Section shall result in the Township having the right to close or cleanup the composting facility and operation at the expense of the owner/operator or lessee of the composting facility.
4. The Township may, at such time, direct the owner/operator or lessee to close or clean up the composting facility at the owner/operator or lessee's expense.



**J. Right of Entry and Inspection.**

All composting areas are subject to inspection by the Township Zoning Inspector, code enforcement officer, consultant or other designated agent during reasonable hours. The designated Township agent shall be empowered to collect and examine samples as deemed necessary to perform the duties prescribed herein, and to take photographic, videotape, or other representation of conditions existent at the composting area. No person shall hinder, obstruct, delay, resist, or prevent any inspection made or any sample collected and examined. Based on an alleged violation of this Ordinance, the designated Township agent may enter the disposal area when accompanied by a representative of the facility.

**Section 5.604 Extractive Operations.**

The purpose of this Section is to provide for the proper development and utilization of mineral resources existing within the Township, while at the same time making proper provisions for the present and future health, safety and welfare of the people of the community. The development and utilization of mineral resources in the Township shall be subject to appropriate regulations of the Township and other regulating authorities.

Such regulations shall consider the conduct of the extractive operation and the reuse of the extractive operation site upon termination of the activity. It is the intent of this Section that parcels subject to the extractive operations shall, upon termination of such operations, be reclaimed and rendered fully useful for one or more of the uses permitted as principal uses within the various districts included in this ordinance. Extractive operations shall be subject to the following:

**A. Scope.**

The following types of extractive activities shall be subject to the regulations of this Section:

1. The removing or extracting of any soil, sand, peat, marl, clay, gravel, stone, or similar materials.
2. The processing, storage, loading, and transportation of the above-mentioned materials.

These regulations, however, shall not affect the excavations of residential dwellings, commercial or industrial buildings, roads, wells, parking lots, sewer or water lines, or similar uses pursuant to the State Construction Code enforced by Washtenaw County.

**B. General Requirements.**

1. **Extractive operations.** Except by special permit from the Township Board, the extractive process, loading process, and public loading process shall be permitted only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and between 7:00 a.m. and 12:00 noon on Saturdays. Extractive operations shall not be permitted on Sundays or legal holidays, except under exceptional circumstances (i.e., shutting down of kilns or furnaces).

- a. Each permittee shall be held responsible for the clean up of any spillage of materials, such as: dirt, rock, mud, sand, or any debris hauled by vehicles over the designated travel route(s). Any such material shall be removed within 24 hours of receipt of notice from the Township.
  - b. Travel routes for trucks shall be submitted to and have written approval of the Washtenaw County Road Commission.
  - c. Any odors, smoke, fumes or dust generated on the extractive operations site by any digging, excavating, loading or processing activities shall be in conformance with the performance standards of this Ordinance and the applicable provisions of the Natural Resources and Environmental Protection Act, Part 55, Air Pollution Control, as administered by the Michigan Department of Environmental Quality.
  - d. Any noise generated on the extractive operations site by any digging, excavating, loading or processing activities shall not exceed a reading of 65 decibels at the property line.
  - e. The extractive operation shall be conducted in accordance with the Natural Resources and Environmental Protection Act, Part 31, Water Resources Protection, as administered by the Michigan Department of Environmental Quality and in conformance with the rules promulgated thereunder.
  - f. The extractive operation shall be conducted in accordance with the provisions of the Natural Resources and Environmental Protection Act, Part 91, Soil Erosion and Sedimentation Control, as administered by the Washtenaw County Drain Commissioner.
2. **Reclamation activities.** All abandoned extractive operations shall be rehabilitated progressively to a condition entirely lacking hazards, inconspicuous, and blended with the general surrounding environment and topography. Upon abandonment of the extractive operations, the permittee shall, within a reasonable period of time not to exceed 365 calendar days, remove all plant structures, stockpiles, and equipment. Structures that have a function under the reclamation plan may be retained.
3. **Blasting activities.** Blasting or the setting off of an explosive shall be restricted to the hours between 8:00 a.m., and 2:00 p.m., on weekdays except in case of extreme emergency. No blasting shall be permitted on Sundays or legal holidays.
- a. Any applicant blasting or setting off an explosive within the Township, shall give the Township an estimated schedule of blasting operations and will also give notice to the Township as to the time and occurrence of each blast prior thereto by at least four (4) hours. A blasting notice shall also be given by the applicant to residents living within one-half mile of the blasting site.

- b. The Township shall have the right to have a staff representative on site at the time of each blast to insure its compliance with the provisions of this Ordinance.
- c. The type of explosive and detonating equipment, including size, timing and frequency of the blast shall be limited based on the physical conditions of the site so as to prevent: (1) injury to persons, (2) damage to public and private property outside the permit area, (3) adverse impaction of any underground mine; and, (4) change in the course, channels or availability of ground or surface water outside the permit area.
- d. The intensity of ground motion produced by blasting operations shall not exceed the limit recommendations for residential structures developed by the U.S. Bureau of Mines, as follows:
  - (1) Vibration frequencies less than 15 Hz:
  - (2) 0.75 inches per second for drywall construction
  - (3) 0.50 inches per second for plaster construction
- e. Vibration frequencies of 15 Hz to 40 Hz shall be measured as follows: Peak particle velocity = 0.05 X frequency. For example a peak particle velocity limit at 30 Hz = 1.5 inches per second.
- f. Vibration frequencies of 40 Hz and higher shall not exceed 2.00 inches per second
- g. The maximum peak particle velocity limits shall apply to each of the mutually perpendicular directions (longitudinal, transverse or vertical). Refer to the U.S. Bureau of Mines Report – Blasting, Impulsive Noise and Vibration (Ord. No. 232-2, R.I. 8507 of Appendix B).
- h. An independent testing laboratory shall be provided by the applicant and approved by the Township, who shall provide adequate equipment for the purpose of monitoring the blast and shall be further required to maintain records prepared by an individual certified in the operation of said equipment and able to further attest to the accuracy of the blast monitoring records. Copies of these records shall be provided to the Township.
- i. The applicant shall maintain a log detailing the location of the blast, the pattern and depth of the drill holes, the amount of explosive per hole, and the order and length of delay in the blasts. The log shall be maintained for a period not less than three (3) years and shall be made available to the Township upon request.

**C. Design Requirements.**

1. **Extractive Operations.** The following design requirements shall apply to all extractive operations:
  - a. There shall be not more than one (1) entranceway from a public road for each 660 feet of front lot line. Said entrance shall be located not less than 500 feet from an intersection of two (2) or more public roads.
  - b. No digging, stockpiling, excavating or equipment storage and repair shall take place closer than 250 feet from any lot line, and 300 feet from an existing RESIDENTIAL USE or residential zoning district. If inactive for more than one (1) year, stockpiles of surface overburden shall be seeded with grass or other materials so to prevent erosion onto other premises.
  - c. All fixed equipment and machinery shall be located at least 100 feet from any lot line and 500 feet from any existing residential zoning district. In the event the zoning classification of any land within 500 feet of such equipment or machinery shall be changed to a residential classification subsequent to the operation of such machinery or equipment, the operation of such equipment or machinery may continue henceforth, but in no case less than 100 feet from any lot line adjacent to said residential district.
  - d. During the site plan review process, the Planning Commission shall determine whether a fence will be required. If required, the location of the fence, type of fence and any posting requirements shall also be determined as part of the site plan review process.
  - e. The slope of the banks within 500 feet measuring from the near edge of a public right-of-way or within 500 feet measuring from the property line of an adjoining land owner shall not exceed one (1) foot vertical drop to each four (4) feet horizontal.
  - f. A permanent or portable processing plant and its accessory structures shall not be closer than 250 feet from any property line not associated with the extractive operation or a public right-of-way.
  - g. The Township may require such other requirements as may be deemed necessary in the interest of public health, safety, and general welfare of Township residents.
2. **Reclamation activities.** The following design requirements shall apply to all reclamation activities:
  - a. Submerged slopes of any body of water shall not exceed one (1) foot vertical drop to each four (4) feet horizontal to a depth of eight (8) feet.
  - b. The surface of the extractive operation which is not permanently submerged shall be graded or backfilled with local surface overburden

materials as necessary to produce a topography similar to that in the surrounding area or of a gentle rolling surface, that will minimize wind and water erosion. Topsoil, of a quality similar to the area, shall be applied in a thickness of no less than six (6) inches over the surface overburden.

- c. Vegetation common to the area shall be restored by the seeding of grasses and subsequent planting of trees and shrubs to establish a self-sustaining vegetative cover on the land surface, to minimize erosion.

**D. Application Procedures and Review Process.**

All blasting and extractive operation activities shall be carried out under the conditions of a special use approval. At the time of application for special use approval for an extractive operation, the applicant shall submit an extractive and reclamation plan to the Planning Commission.

1. The applicant shall file an extractive and reclamation site plan in accordance with the requirements of this Subsection. This plan may be in the form of a plat or map, and shall carry evidence of review and approval if required by any county or state agency of competent jurisdiction. On the basis of this plan, the operating company shall file a statement of the area to be excavated.
2. Before commencement of extractive operations, a zoning permit shall be issued by the Zoning Inspector upon payment of any annual escrow deposit for inspections in accordance with the Schedule of Fees as adopted by the Township Board. This escrow deposit shall defray any administrative expense rising out of the extractive operation.
3. A yearly zoning permit shall also be required for any blasting done within the Township. The permit shall be issued by the Zoning Inspector and shall be in accordance with the Schedule of Fees as adopted by the Township Board.

**E. Site Plan Requirements.**

1. **The extractive operations component.** The following information shall be included with the site plan for an extractive operation, in addition to the information requirements of Section 12.01 (Site Plan Review):
  - a. Recent aerial photos [within the last five (5) years] showing the extractive area and adjacent property, location and outline of wooded areas, streams, wetlands, and other natural features;
  - b. Location of existing and planned site improvements such as buildings, equipment, stockpiles, roads or other features necessary to the extractive operation;
  - c. Total area to be affected by the extractive operation, including a final grading plan;

- d. Location and description of soil types;
  - e. The type and an estimate of the amount of material to be extracted from the site and the expected termination date of the extractive operations;
  - f. Description of all activities to be conducted on the premises such as, but not limited to, operating hours, methods of extractive, sorting and washing operations, and the type, size and nature of the equipment to be used;
  - g. Required affidavits or permits of operation secured from County, State or Federal agencies, addressing pollution or erosion control measures adopted by the extractive operation;
  - h. Certified statement by a professional geologist with supporting data and analyses, concerning expected impact on groundwater resources and water supply wells in the vicinity of the site. To verify this information, the Township may require any or all of the following:
    - (1) Information regarding the water table through the planned extractive operation area and within one-half (½ ) mile of the site;
    - (2) An opinion on all impacts on the water table and private wells within the reasonably anticipated area of impact during and subsequent to the extractive operation. Each private well should be referenced on the site plan;
    - (3) Information on the quality and anticipated impacts on surface water, groundwater and the watershed during and subsequent to the extractive operation.
  - i. A map showing truck routes to and from the site; as approved by the Washtenaw County Road Commission. Such routes shall be limited to public roads classified as major roads or primary roads on the master transportation plans of the Township, or county or state road authorities.
  - j. Name, address, and telephone number of person with official authority to represent operation in extractive matters.
2. **The reclamation component.** The following information shall be included with the site plan for the reclamation component, in addition to the information requirements of Section 12.01 (Site Plan Review)::
- a. The planned date for completing the extractive operation.
  - b. Schedule and areas of progressive rehabilitation;
  - c. The proposed use of the site when restored.

- d. Provisions for grading, re-vegetation and standardization that will minimize erosion, sedimentation and public safety problems; and
- e. Name, address, and telephone number of a person with official authority to represent operator in reclamation matters.

**F. Financial Guarantees.**

The applicant shall provide the Township with a financial security, in the form and amount acceptable to the Township Board, to guarantee the reclamation and rehabilitation of the site according to the approved plan.

1. The applicant shall also provide the appropriate permitting information regarding financial guarantees, if required, from the Washtenaw County Road Commission, for the maintenance of the approved haul routes traversed by their vehicles.
2. The applicant shall also provide proof of liability insurance with Saline Township and its current and past officials, boards, commissions, employees, representatives, agents, and designated consultants listed as additional insured.

**G. Inspection and Conformance.**

The Township Zoning Inspector, code enforcement officer, consultant or other agent designated by the Township Board shall make at least four (4) inspections of the extractive operation per calendar year, to ensure conformance with the requirements of this Ordinance. The applicant shall pay the required inspection escrow deposit to the Township for such inspections pursuant to the fee schedule established by the Township Board.

1. Any violations shall be reported in writing to the Township Board. The report shall be forwarded with a request for compliance, to the permittee.
2. Failure on the part of the permittee to correct a reported violation within 30 days after such request is made by the Township, shall be reason for revocation or suspension of the permit. Additional time for correction of the cited violation may be allowed upon submission to the Township Board of good and sufficient cause by the permittee.

**Section 5.605 Private Off-Road Courses.**

Private recreational motocross or BMX courses and similar off-road courses shall be subject to the following:

1. The principal dwelling of the property owner for the subject parcel shall be located on the same or an adjoining parcel.
2. The lot area shall not be less than 10 contiguous acres under single ownership.

3. Grading for the course shall be kept to a minimum. Site grading that would change the general topography of the site or adversely impact drainage patterns or adjacent watercourses shall be prohibited.
4. All structures, improvements, and other elements of the course shall be set back a minimum of 50 feet from all lot boundaries and road rights-of-way, and 150 feet from dwellings on abutting parcels.
5. There shall be no excessive noise, or obnoxious odors, or other nuisances caused by course activity.
6. The hours of operation for such courses shall be limited to between the hours of 8:00 a.m. and 8:00 p.m.
7. Use of the course shall be limited to the family and guests of the property owner. Such courses shall not be open to the general public, and shall not be available for public tournaments or for rent. There shall be no commercial activity, other than incidental sales not unusual for a residential use.
8. Approval of a Certificate of Zoning Compliance shall be required per Section 1.07 (Permits and Certificates of Zoning Compliance). No formal site plan shall be necessary unless otherwise required by this Ordinance.

### **Section 5.606 Racetracks.**

Racetracks and similar facilities shall be subject to the following:

1. **Frontage and access.** Racetracks and similar facilities shall have direct vehicle access to a major road or primary road as classified by the master transportation plans of the Township, or county or state road authorities.
2. **Accessory uses.** Retail, restaurant, office, and service uses may be permitted within a racetrack facility for the exclusive use of patrons, employees, and guests.
3. **Screening.** The site shall be screened from all road rights-of-way and abutting uses in accordance with Section 8.04 (Methods of Screening). The racetrack, grandstands, and service areas shall be enclosed within a solid wall or fence at least six (6) feet and no more than eight (8) feet in height.
4. **Setbacks.** All structures and racetrack facilities shall be set back a minimum of 300 feet from all lot boundaries and road rights-of-way, and a minimum of 1,000 feet from the boundary of Rural Residential and Residential zoning districts and abutting RESIDENTIAL USES.
5. **Parking and loading.** All parking, loading and maneuvering space shall be contained within the site.



6. **Impact assessment.** The applicant shall submit an impact assessment describing the expected impacts associated with the use and any mitigation measures to be employed. At a minimum, the assessment shall address the following:
  - a. Anticipated levels and costs of necessary public services associated with the proposed racetrack use. Any additional public services not currently available shall be identified, along with proposed measures to secure such services.
  - b. Anticipated noise levels shall be provided at the lot boundaries and road rights-of-way, and any proposed noise mitigation measures.
  - c. Anticipated traffic impacts, including operational plans to ensure that traffic to and from the site does not adversely impact public roads, or the public health, safety or welfare.
  - d. Any other anticipated impacts of the proposed use.
7. **Insurance certificate.** The applicant shall submit a valid certificate of insurance, to be renewed annually, listing the Saline Township as the certificate holder and naming the Saline Township, its past, present and future elected officials, representatives, employees, boards, commissions, agents, and designated consultants as additional named insured. The certificate shall also state that if any of the described policies are to be canceled before the expiration date thereof, the issuing company will mail thirty days written notice to the Township as certificate holder. The Township may require the applicant to supply a \$1,000.00 cash bond to the Township, which shall be used to reimburse administrative expenses in the event the certificate is allowed to lapse.

### **Section 5.607 Topsoil Removal or Stockpiling on Sites Under Development.**

The removal or temporary stockpiling or of topsoil on a site under development in Saline Township shall comply with all applicable federal, state, and local laws, regulations, codes, and ordinances; and shall be subject to the following:

1. **Development sites and site plan approval.** Removal or temporary stockpiling of topsoil on a site under development shall be prohibited, except where a site plan has received final approval from the Township. Expiration of site plan approval shall also cause any zoning permit for removal or temporary stockpiling of topsoil to immediately expire.
2. **Zoning permit.** Approval of a zoning permit per Section 1.07 (Zoning Permits) shall be required for removal or temporary stockpiling of topsoil from any site in the Township. The permit application shall include a plan showing areas of temporary topsoil stockpiling, proposed methods of containment, and proposed truck route(s) for any removal of topsoil from the site. Calculations of the

volume of existing topsoil on the site, minimum volume required to support the planned use of the site, and any volume anticipated to be removed from the site shall also be provided.

3. **Setbacks.** Topsoil stockpiling areas shall comply with the minimum setback requirements for the district, and shall be set back a minimum of 100 feet from the boundary of any residential zoning district or any lot boundary abutting an existing RESIDENTIAL USE.
4. **Access.** All truck access to the site for removal of topsoil shall be from a major road or primary road as classified by the master transportation plans of the Township, or county or state road authorities. Removal of topsoil using local roads shall be prohibited.
5. **Containment and screening.** Stockpiled topsoil shall be contained to prevent blowing of materials or dust upon adjacent properties. Such stockpiled areas shall be screened from abutting road rights-of-way and residential districts or uses per Section 8.04 (Methods of Screening).
6. **Limitation on removal.** Topsoil removal from the site shall be limited to the amount determined to be unnecessary for the planned use of the site, as demonstrated on a plan submitted for zoning permit approval.

## ARTICLE 6 GENERAL PROVISIONS

### SECTION 6.100 ACCESSORY STRUCTURES

#### Section 6.101 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:

##### A. General Standards.

1. **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.
2. **Vehicle shelters.** Carports and temporary vehicle shelters shall be considered accessory structures and shall comply with the requirements of this Section.
3. **Location in proximity to easements or rights-of-way.** Accessory structures shall not be located within a dedicated easement or right-of-way.
4. **Dimensional standards.** Accessory structures shall conform to the area, height, bulk, and setback requirements of Article 3 (Dimensional Standards).
5. **Additional standards for residential accessory structures.** The following standards shall apply to all structures accessory to RESIDENTIAL USES:
  - a. Such accessory structures shall be set back behind the front building line of any principal building on the same lot.
  - b. Detached accessory structures shall be set back a minimum of ten (10) feet from any principal building.
  - c. For residential lots with 0.5 acres or less in lot area, the ground floor area of all accessory structures shall not exceed the ground floor area of the principal dwelling.

##### B. 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 all necessary permits or approvals.

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 Section 12.01 (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 Inspector approval per Section 1.07 (Permits and 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 (P.A. 93 of 1981, as amended), shall be subject to Zoning Inspector approval per Section 1.07 (Permits and Certificates of Zoning Compliance).
4. Construction, alteration or relocation of accessory structures shall be subject to building permit approval where required by the State Construction Code enforced by Washtenaw County.

## **Section 6.102 Fences.**

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 3.208 (Corner Clearance Zones).
2. Where one side of a fence or wall has a more finished appearance than the other, the side with the more finished appearance shall face the road or adjacent lots (see illustration).
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. Use of razor or barbed wire, electrified fences, spikes, and similar security materials on any fence shall be prohibited, except as follows:
  - a. Barbed or electric wire fences shall be permitted accessory to permitted RURAL USES, public utility facilities, and essential service uses in any zoning district.
  - b. The Planning Commission may approve use of razor or barbed wire, electrified fences, spikes, and similar security materials on any fence where deemed necessary for security purposes or public safety.

### **B. Location and 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. No fence in the Residential Districts shall be located within any front yard area between the front building line and the road right-of-way. Fences located within a front yard in any other zoning district shall not exceed four (4) feet in height.
2. Perimeter fences on all lots of record in all residential zoning districts that enclose property or are within a required side or rear yard shall not exceed six (6) feet in height. Such fences shall not extend toward the front of the lot nearer than the front of the principal building or the required minimum front yard setback, whichever is greater.
3. Fences in non-residential zoning districts shall not exceed six (6) feet in height, except where otherwise permitted by this Ordinance.

**C. Maintenance.**

Fences shall be maintained in good condition to not endanger life or property. Such maintenance shall be the responsibility of the property owner. Damaged or missing components shall be replaced or repaired, and exposed surfaces shall be painted, stained or similarly treated. Any fence determined by the Zoning Inspector to be a nuisance due to lack of maintenance or otherwise shall be removed or repaired by the owner within 30 days after receipt of a notice from the Zoning Inspector.

**D. Existing Fences.**

Fences lawfully erected prior to the effective date of adoption or amendment of this Ordinance that do not conform with provisions of this Section shall be considered nonconforming structures subject to the provisions of Article 16 (Nonconformities).

**E. 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:

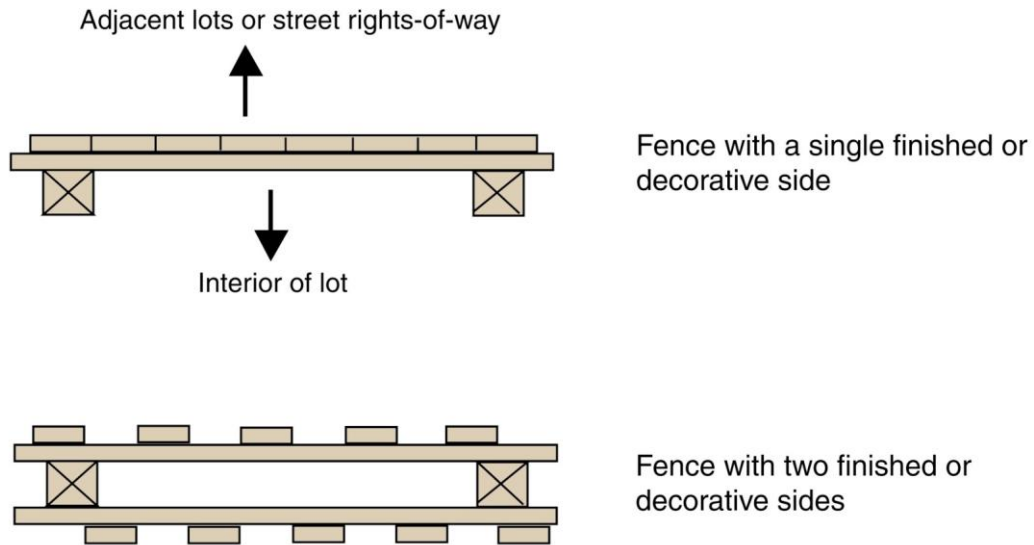
1. Construction, alteration or relocation of fences accessory to OFFICE, SERVICE, AND COMMUNITY USES, COMMERCIAL USES, INDUSTRIAL, RESEARCH, AND LABORATORY USES, and OTHER USES shall be subject to site plan approval per Section 12.01 (Site Plan Review).
2. Construction, alteration or relocation of fences accessory to RESIDENTIAL USES and exceeding ten (10) feet in length shall be subject to Zoning Inspector approval per Section 1.07 (Permits and Certificates of Zoning Compliance).
3. The standards of this Section shall not apply to fences accessory to RURAL USES on recorded lots having a lot area in excess of ten (10) acres.

### **Section 6.103 Swimming Pools, Spas, and Hot Tubs.**

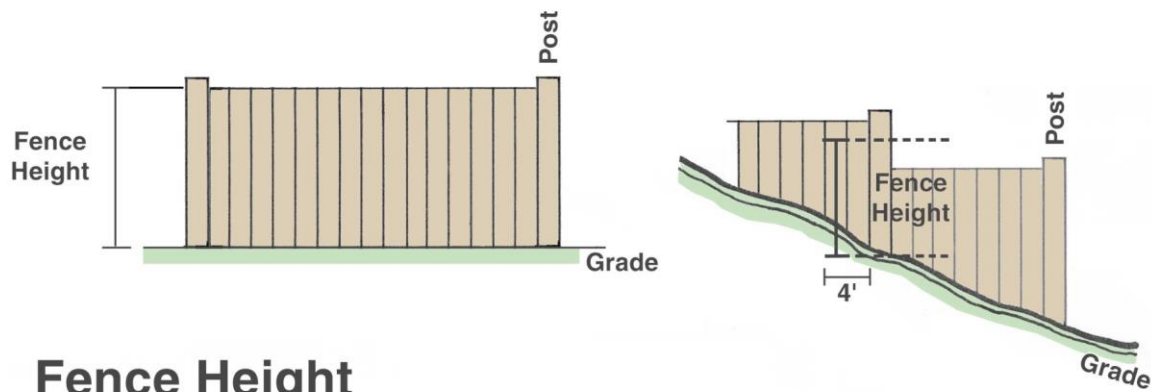
Outdoor swimming pools, spas, and hot tubs with a diameter exceeding twelve (12) feet, a depth exceeding four (4) feet or an area exceeding 100 square feet permanently or temporarily placed in, on or above the ground shall be permitted as an accessory structure in all zoning districts subject to the following:

1. Swimming pools, spas, and hot tubs shall conform to the area, height, bulk, and setback requirements of Article 3 (Dimensional Standards).
2. There shall be a distance of not less than ten (10) feet between the outside wall of a swimming pool and any principal building on the same lot. This requirement shall not apply to spas or hot tubs.
3. To prevent unauthorized access and protect the general public, swimming pools, spas, and hot tubs shall be secured and completely enclosed by a minimum four (4) foot high fence with a self-closing and latching gate.
  - a. 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.
  - b. The Zoning Inspector may waive this requirement upon determining that the swimming pool, spa or hot tub is otherwise secured against unauthorized access.
4. No swimming pool shall be located directly under utility wires or electrical service leads. A minimum ten (10) foot horizontal setback shall be maintained from the pool perimeter to the vertical plane of the overhead wire.
5. A setback distance of at least three (3) feet horizontally shall be maintained from a permanent pool to any sanitary sewer line and any underground water, electrical, telephone, gas or other pipes and conduits, except for parts of the swimming pool system.
6. Swimming pools, spas, and hot tubs shall comply with all applicable provisions of the State Construction Code enforced by the Washtenaw County and any requirements of the Washtenaw County Environmental Health Division.
7. Construction, alteration or relocation of swimming pools, spas, and hot tubs shall be subject to Zoning Inspector approval per Section 1.07 (Permits and Certificates of Zoning Compliance).

## ILLUSTRATIONS



### Orientation of Finished Side - Top View



### Fence Height

## **SECTION 6.200 OTHER PROVISIONS**

### **Section 6.201 Temporary Dwelling.**

No cabin, garage, cellar, or any fixed or moveable temporary structure may be erected, altered or moved upon or used for any dwelling purposes, except in accordance with the following:

1. If a permanent dwelling is destroyed or damaged by fire, flood, windstorm or similar natural or man-made event, or otherwise rendered uninhabitable for a period of time, a temporary dwelling may be moved on to the lot for use as a residence during replacement or repair of the permanent dwelling.
2. Such temporary dwellings shall be subject to approval of a certificate of zoning compliance by the Zoning Inspector per Section 1.07 (Permits and Certificates of Zoning Compliance). The certificate shall establish a date for removal of the temporary dwelling, which shall not exceed 730 calendar days (two years) from the date that the certificate was issued by the Township.
3. A performance guarantee in the amount of one thousand dollars (\$1,000) shall be provided to the Township to ensure removal of the temporary dwelling, per Section 1.08C (Performance Guarantees).
4. The temporary dwelling shall conform to the requirements of Article 3 (Dimensional Standards), and shall be connected to an approved potable water supply and sanitary sewage treatment and disposal system. Temporary use of a private on-site well or septic system shall be subject to Washtenaw County Environmental Health Division approval.
5. The temporary dwelling shall be removed within 14 calendar days of re-occupancy of the replaced or repaired permanent dwelling, as determined by the date listed on a certificate of occupancy issued under the authority of the State Construction Code enforced by Washtenaw County.
6. The Zoning Inspector shall notify the Planning Commission and Township Board of each certificate of zoning compliance issued under this Section.

### **Section 6.202 Transient and Amusement Enterprises.**

Circuses, carnivals, other transient amusement enterprises, music festivals and similar temporary gatherings of people, may be permitted in any zoning district except the A-1 (Agricultural-Conservation) District, subject to approval by the Township Board and the following:



1. Such enterprises may be permitted only upon a finding by the Township Board that the location of such an activity will not adversely affect adjoining properties or adversely affect public health, safety, morals or general welfare.
2. The Township Board may require posting of a performance guarantee, per Section 1.08C (Performance Guarantees) in an amount sufficient to hold the Township free of all liabilities incidental to the operation of such activity and indemnify any adjoining land owners for any damage resulting from the operation of such activity, and which damages shall be provable before the court having jurisdiction over the premises upon which the damages occurred and payable through such court.

Such transient and amusement enterprises may be permitted accessory to RURAL USES in the A-1 (Agricultural-Conservation) District in accordance with the standards of Article 4 (Land Use Table) and Section 5.101 (Farm-Based Tourism or Entertainment Activities).

### **Section 6.203 Access Through Yards.**

For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. Any walk, terrace or other pavement serving a like function and not in excess of nine (9) inches above grade shall be permitted in any required yard and not be considered to be a structure.

### **Section 6.204 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. Any hazardous places on a lot shall be fenced and secured.

### **Section 6.205 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.

### **Section 6.206 Voting Place.**

The provisions of this Ordinance shall not be construed to interfere with the temporary use of any property as a voting place in connection with any public election.

### **Section 6.207 Essential Services.**

Essential services buildings and structures shall be permitted as authorized under any franchise in effect within the Township. Such essential services shall be subject to federal, state, county, and local regulations, and shall be consistent with the list of uses permitted in each zoning

district. It is the intent of this Section to ensure conformity of all structures, uses, and storage yards to the requirements of this Ordinance wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, state legislation or Township Ordinance.

## **Section 6.208 Performance Standards.**

No activity, operation or use of land, structures or equipment shall be permitted where such activity, operation or use produces an environmental impact or irritant to sensory perception that exceeds the standards of this Section.

### **A. Purpose and Scope.**

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.

1. **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.
2. **Submission of additional data.** Nothing in this Section shall preclude the applicant or other interested party from submitting additional data or evidence related to a specific case. In consideration of such data or evidence, the Planning Commission may waive or modify the regulations set forth in this Section, provided that the Planning Commission finds that no harm to the public health, safety or welfare will result, and that the intent of this Ordinance will be upheld.
3. **Higher standard.** 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.**

No site plan review application and no proposal for division of land shall be approved if subsequent development within the required setbacks would result in identifiable disruption to the existing or natural flow of water within drainage ditches, natural water courses, or drains having a recorded easement.

### **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. No

person, firm or corporation shall operate or maintain any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, unless such processes or devices use or are equipped with recognized and approved equipment, methods, or technology to reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air.

The drifting of air-borne matter beyond the lot line, including wind-blown dust, particles or debris from open stock piles, shall be prohibited. Emission of particulate matter from material products, or surfaces subject to wind erosion shall be controlled by paving, oiling, wetting, covering, landscaping, fencing, or other means.

**D. Odor.**

Offensive, noxious, or foul odors shall not be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or hazard on adjoining property, or which could 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 (1.0) 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 or heat 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.**

The escape of or emission of any gas that is injurious or destructive to life or property, or that is explosive, is prohibited. 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 indicated in the following chart that is based on the National Ambient Air Quality Standards:

<b>Gas</b>	<b>Maximum Emissions Level</b>	<b>Sampling Period</b>
Sulfur dioxide	0.14 ppm	24 hours
Hydrocarbons	0.24 ppm	3 hours
Photochemical oxidants	0.12 ppm	1 hours
Nitrogen dioxide	0.05 ppm	Annual
Carbon monoxide	9.0 ppm	8 hours
	35.0 ppm	1 hours
Lead	1.5 Dg/cubic meter	3 months
Mercury	0.01 mg/cubic meter	10 hours
Beryllium	2.0 Dg/cubic meter	8 hours
Asbestos	0.5 fibers/cc	8 hours

**Notes Related to Table:**

- a. ppm = parts per million
- b. Dg = micrograms
- c. mg = milligrams
- d. cc = cubic centimeters

**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 surrounding or nearby property.

**J. Radioactive Materials**

Radioactive material wastes and emissions, including electromagnetic radiation, shall not exceed levels established by occupational and health standards and 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. 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 Inspector or designated Township consultant shall 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 Inspector or designated Township consultant shall be empowered to require the owner or operator of the facility in question to submit data and evidence deemed necessary to make an objective determination regarding the possible violation. Failure of the owner or operator to supply requested data shall constitute grounds for taking legal action to terminate the use or deny or rescind any permits required for continued use of the land. Data which may be required includes, but is not limited to the following:

- a. Plans of the existing or proposed facilities, including buildings and equipment.
- b. A description of the existing or proposed machinery, processes, and products.
- c. Specifications for the mechanisms and techniques used or proposed to be used to control emissions regulated under the provisions of this Section.
- d. Measurement of the amount or rate of emissions of materials purported to be in violation.

2. **Method and cost of determination.** The Zoning Inspector or designated Township consultant shall take measurements and complete investigation necessary to make an objective determination concerning the purported violation. 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 required determination.

If the alleged violation is found to exist in fact, the costs of making such determination shall be charged against those responsible, in addition to such other penalties as may be appropriate. If it is determined that no substantive violation exists then such costs shall be paid by the Township.

3. **Appropriate remedies.** If, after appropriate investigation, the Zoning Inspector 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 Inspector 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 the regulations set forth in this Section.
  - c. **Reply requesting time extension.** If a reply is received within the specified time limit indicating that an alleged violation will be corrected, but that more time is required, the Township may grant an extension upon determining that the extension is warranted because of the circumstances in the case and 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 request 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.
4. **Costs and penalties incurred.** If expert findings indicate that violations do exist in fact, the costs incurred in making such a determination shall be paid by the persons responsible for the violations in addition to other applicable penalties under this Ordinance. Such costs shall be billed to those owners or operators of the use deemed responsible for the violation. If the bill is not paid within 30 calendar days, the Township may take necessary action to recover such costs, or may charge such costs against the property where the violation occurred.

## **Section 6.209 Dumping and Filling of Land.**

Filling or depositing of any type of earth material, topsoil, gravel, rock on land shall be prohibited in all zoning districts, except in accordance with an approved development plan. The use of land for filling, depositing or storing, temporarily or permanently, of garbage, rubbish, construction debris, or other wastes or by-products shall be prohibited in all zoning districts, except within an approved sanitary landfill or in accordance with applicable Township ordinances. Such activities shall further comply with Township Ordinance No. 2007-02, which regulates certain dumping and fill activities.

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.

## **ARTICLE 7**

### **OFF-STREET PARKING, LOADING. AND ACCESS**

#### **Section 7.01 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 and development of shared parking facilities and cross-access between sites.

#### **Section 7.02 Scope.**

The regulations of this Article shall be met in all districts whenever any uses are established; any structure is erected, enlarged, or increased in capacity; a new land use is established; an existing use is replaced by a new use (change of use); or an existing use is expanded or increased in intensity. Such spaces shall be provided in accordance with the provisions of this Article, subject to approval per Section 12.01 (Site Plan Review).

#### **Section 7.03 General Standards.**

The following general standards shall apply to all off-street parking and loading facilities:

##### **A. Location of Spaces.**

Off-street parking spaces shall be located within 500 feet of a primary building entrance for the use to which such spaces are accessory. Off-street parking facilities may be located within required yard setbacks, subject to provision of adequate screening per Section 8.05A (Parking Lot Landscaping and Perimeter Screening).

##### **B. Use.**

Any area once designated as required off-street parking, stacking, and loading spaces shall not be changed to any other use, unless adequate spaces meeting the standards of this Article have first been provided at another location acceptable to the Planning Commission. Use of off-street parking, stacking, and loading facilities shall be further subject to the following:

1. No commercial activity or selling of any kind shall be conducted within required parking areas, except as part of a permitted temporary use.
2. Parking lots and loading areas shall not be used for parking of inoperable vehicles, outside storage of any equipment, products or materials, or dumping of refuse.

3. Parking of an operable motor vehicle shall not exceed a continuous period of more than 48 hours. Repairs, servicing or display of vehicles for sale shall be prohibited.
4. No person shall park any motor vehicle on any private property without the authorization of the owner, holder, occupant, lessee, agent or trustee of such property. Ownership shall be shown of all lots intended for use as parking by the applicant.

**C. Unlicensed or Inoperable Vehicles Parking or Storage.**

Unlicensed or inoperable motor vehicles in any zoning district shall be parked or stored within a completely enclosed structure, except where permitted in accordance with Section 5.505 (Outdoor Storage, Dismantling or Recycling of Motor Vehicles, Recreational Vehicles, Boats, Manufactured Houses, and Similar Items).

**Section 7.04 Access to Roads.**

Minimum road access and road frontage shall be in accordance with the following:

**A. Public or Private Road Access.**

All uses and associated principal buildings established after the date of adoption or amendment of this Ordinance shall be located on a zoning lot that directly abuts at least one (1) of the following:

1. A public road with a minimum 66-foot right-of-way, unless a lesser width has been established and recorded prior to the date of adoption or amendment of this Ordinance; or
2. A private road that has received final design and construction approval by the Township in accordance with the Township Private Road Ordinance.

**B. Emergency Vehicle Access.**

Safe and convenient access for ambulance, fire, police, and other emergency vehicles shall be provided for all uses and associated principal buildings, parking, loading, and storage areas established after the date of adoption or amendment of this Ordinance.

**Section 7.05 Residential Parking Standards.**

Off-street parking spaces for single-and two-family (duplex) dwellings and other RESIDENTIAL USES shall consist of an accessory driveway, garage, parking strip or bay, or combination thereof, subject to the following:

1. Parking spaces for dwelling units may be provided in garages, carports, or parking areas, or combinations thereof, and shall be located on the same zoning lot as the principal dwelling.



2. Parking of motor vehicles shall be limited to passenger vehicles and not more than one (1) commercial vehicle per dwelling unit, which shall not exceed a capacity of one (1) ton. The commercial vehicle shall not be parked or stored in any required front yard.
3. Recreation vehicles, boats and boat trailers, snowmobiles, trail-cycles, all terrain vehicles, and similar equipment, and trailers, cases, and boxes used for transporting recreational equipment whether occupied by such equipment or not, shall not be parked or stored in front of the front building line of any lot in a residential district.
  - a. Such equipment may be parked anywhere in a driveway or parking area on residential premises for a period not to exceed 72 hours during loading or unloading.
  - b. Such equipment shall not be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

### **Section 7.06 Shared Facilities.**

The development and use of a parking or loading facility shared between two (2) or more contiguous uses shall be permitted, subject to the following:

1. Prior to approval of a shared parking facility, the Planning Commission shall determine that peak activity for each use will occur at different periods of the day or week.
2. Where shared parking facilities are provided, the number of parking spaces shall not be less than seventy percent (70%) nor more than one hundred thirty percent (130%) of the sum of the minimum requirements for the individual uses as specified in Section 7.07 (Schedule Of Required Parking by Use):  
Minimum Shared Parking = (sum of minimum requirements for individual uses) x 70%  
Maximum Shared Parking = (sum of minimum requirements for individual uses) x 130%
3. Shared facilities and the permitted reduction in required parking shall be subject to acceptance by the Planning Commission of a signed shared facility agreement between the property owners.

### **Section 7.07 Schedule Of Required Parking by Use.**

The minimum number of required off-street parking spaces for an individual use shall be determined in accordance with the following:

#### **A. Parking Calculations.**

The following standards shall apply to calculations of required parking:

1. Where calculations determining the number of required parking spaces result in a fractional space, any fraction up to and including one-half ( $\frac{1}{2}$ ) shall be disregarded, and any fraction over one-half ( $\frac{1}{2}$ ) shall be rounded-up to the next highest whole number.
2. 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.
3. For requirements stated in terms of capacity or maximum occupancy, the calculation shall be based upon the largest occupancy rating by the State Construction Code enforced by Washtenaw County, or applicable local, county or state fire or health codes.
4. Where a use is not specifically mentioned in this Section, the Planning Commission shall apply the standards for a similar listed use. The following uses shall be exempt from the required parking standards of this Section:
  - a. RURAL USES not specifically listed in this Section.
  - b. Child Foster family home or family group home.
  - c. Home occupations listed in Section 5.204 (Home Occupations).
  - d. Cemetery, other than any office uses.
  - e. Public utility and essential service uses.
  - f. Aircraft landing strips, other than any office uses.

**B. Minimum and Maximum Parking Requirements.**

1. **Minimum required spaces.** Off-street parking, stacking, and loading spaces shall be provided in accordance with the minimum requirements of Section 7.07C (Schedule Of Required Parking by Use). The Planning Commission may require any use to provide parking spaces above the required minimum, up to the maximum permitted by this Section.
2. **Maximum permitted parking spaces.** 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 single-family or two-family dwellings, nor to spaces reserved for off-site uses as part of an off-site parking facility agreement per Section 7.09A (Off-Site Parking Facilities).

**C. Schedule Of Required Parking by Use.**

Use	Minimum Required Parking
<b>RURAL USES</b>	
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.
Farm Market, Bulk Feed and Fertilizer Supply, and Farm Implement Sales or Repair	One (1) per 400 square feet of usable floor area, plus one (1) per on-duty employee.
Veterinary Clinic, Animal Hospital, or Kennel	One (1) per 500 square feet of usable floor area, plus one (1) per on-duty employee.
<b>RESIDENTIAL USES</b>	
Accessory Dwelling	One (1) per dwelling unit, plus any required spaces for the dwelling.
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 Convalescent Care	One (1) per two (2) dwelling units or per 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.
<b>OFFICE, SERVICE, AND COMMUNITY USES</b>	
Ambulance, Fire, and Police Stations	One (1) per on-duty employee, plus any required spaces for storage of vehicles.
Barber Shop, Beauty Salon or Nail Care	One (1) per service chair or station, plus one (1) per on-duty employee.

**C. Schedule Of Required Parking by Use.**

Use	Minimum Required Parking
Day Care Center – Child or Adult	One and one-half (1.5) per six (6) children of state licensed or authorized capacity, plus one (1) per on-duty employee.
Funeral Parlor or Mortuary	One (1) per four (4) persons allowed within the maximum 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 usable floor area.
Hospital or Urgent Care Center	One (1) per four (4) beds, plus one (1) per on-duty employee.
Institutional Uses	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.
Medical, Osteopathic, Chiropractic, Optical or Dental Office, Clinic or Laboratory; Massage Therapist, or Physical Therapy Facility	One (1) per on-duty employee, plus one (1) per examination or treatment room.
Offices for Professional, Service or Administrative Uses	One (1) per 300 square feet of usable floor area.
Government Offices	
Recreation Facilities, Indoor	One (1) per four (4) persons allowed within the maximum building occupancy, or one (1) per 300 square feet of usable floor area.
Recreation Facilities, Outdoor	One (1) per 7,500 square feet of gross land area.
Workshop or Studio	One (1) per 400 square feet of usable floor area.
<b>COMMERCIAL USES</b>	
Bank, Credit Union or Similar Financial Institution	One (1) per 300 square feet of usable floor area.
Big Box Commercial Uses	One (1) per 200 square feet of usable floor area.
Car Wash	Two (2), plus one (1) per on-duty employee, plus six (6) stacking spaces per service lane and two (2) for post-wash detailing.
Dealership Showroom for Sale or Rental of Recreational Vehicles, Motor Vehicles,	One (1) per 500 square feet of usable floor area of the sales room, plus one (1) per on-duty

**C. Schedule Of Required Parking by Use.**

Use	Minimum Required Parking
Construction Machinery or Similar Durable Goods	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.
Laundromat or Dry Cleaners	One (1) per six (6) washing or drying machines, or one (1) per 300 square feet of usable floor area.
Manufactured Housing Sales	One (1) per 4,000 square feet of outdoor sales or display area, plus one (1) per on-duty employee.
Motor Vehicle Fueling Station	One (1) per on-duty employee, plus one (1) per fueling location, plus one (1) stacking space per two (2) fueling locations.
Motor Vehicle Service Center or Repair Stations	One (1) per on-duty employee, plus one (1) per service bay, plus one (1) stacking space per service bay.
Open Air Business, Outdoor Display Area, Garden Center, or Dealership Sales Lot	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 usable 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, with less than 10,000 square feet of total gross floor area	One (1) per 275 square feet of usable floor area.
Retail Stores and COMMERCIAL USES not otherwise listed in this table, with 10,000 to 50,000 square feet of total gross floor area	One (1) per 250 square feet of usable floor area.
Retail Stores and COMMERCIAL USES not otherwise listed in this table, with more than 50,000 square-feet of total gross floor area	One (1) per 200 square feet of usable floor area.
Tavern, Pub, Brewpub, Cocktail Lounge or Night Club	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.

**C. Schedule Of Required Parking by Use.**

Use	Minimum Required Parking
<b>INDUSTRIAL, RESEARCH, AND LABORATORY USES</b>	
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 usable 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, Dismantling or Recycling Yard for Motor Vehicles, Machinery, Manufactured Houses or Similar Items	
Self-Storage Warehouses	Two (2) for the caretaker’s dwelling, plus one (1) per 300 square feet of usable floor area in the principal building.
Outdoor Storage of Recreational Vehicles or Similar Items	
<b>OTHER USES</b>	
Adult Entertainment Uses and Sexually-Oriented Businesses	One (1) per 200 square feet of usable 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 Operations, Sand and Gravel Pits	One and one-half (1.5) per on-duty employee, plus required parking for any accessory office or other uses.
Public Works and Road Maintenance Yards	One (1) per on-duty employee, plus required parking for any accessory office or other uses.
Racetracks	One (1) per 4,000 square feet of gross land area occupied by the use, or one (1) per three (3) persons allowed within the maximum occupancy load for the facility.
Recycling Collection Facility	One and one-half (1.5) per on-duty employee, plus required parking for any accessory office or other uses.

## Section 7.08 Design Requirements.

Off-street parking facilities, other than parking for single-and two-family (duplex) dwellings subject to Section 7.04 (Residential Parking Standards), shall be designed, constructed, and maintained in accordance with the following:

### A. Barrier-Free Parking Requirements.

Barrier-free parking spaces signed and striped shall be provided at conveniently accessible locations within each parking lot built to accommodate five (5) or more vehicles, in accordance with the State Construction Code enforced by the Township, and the following (see illustration):

Number of Parking Spaces Provided	Minimum Number of Barrier-Free Spaces Required	Van Accessible Parking Spaces Required	Accessible Parking Spaces Required
Up to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1,000	2% of total parking provided in each lot	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces
1,001 and over	20 plus 1 per 100 spaces over 1,000	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces

### B. Screening.

All loading facilities and any off-street parking area providing space for five (5) or more vehicles shall be effectively screened from all lot boundaries and road rights-of-way in accordance with Section 8.05A (Parking Lot Landscaping and Perimeter Screening).

### C. Setback.

Off-street parking spaces and all driveways shall be set back a minimum of ten (10) feet from all lot boundaries and 20 feet from all road rights-of-way and the boundary of any RESIDENTIAL USE.

1. Distance measurements for driveway setbacks shall be made along the edge of the road right-of-way from the points where the edges of the driveway pavement intersect the right-of-way. All other measurements shall be made from the pavement edge to the nearest point along the lot boundary or right-of-way.
2. No parking spaces shall be located within a transition strip required by Section 8.06 (Transition Strips). Driveways shall be permitted to cut through a required transition strip only to the minimum extent necessary to provide access to the site.
3. The Planning Commission may approve a reduced setback as part of site plan approval upon determination that adequate screening has been provided per Section 8.05A (Parking Lot Landscaping and Perimeter Screening).

**D. Exterior Lighting.**

Where provided, exterior lighting shall comply with the standards of Article 10 (Exterior Lighting).

**E. 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. Backing directly onto a road or using a road for maneuvering between parking rows shall be prohibited. Driveways and aisles for any off-street parking area built to accommodate more than five (5) vehicles shall comply with the following requirements:

1. **Aisle length.** Not more than 15 parking spaces shall be permitted in a continuous row without interruption by a landscaped parking lot island or cross-access aisle.
2. **Driveway configuration.** Lanes for entering and exiting traffic shall be clearly marked on the pavement. Each driveway shall be a minimum of 11 feet in width per driving lane. Exit lanes shall include an on-site stacking area for traffic waiting to exit the site. The driveway shall intersect the abutting road at a 90-degree angle.

**F. Pavement and Striping.**

Off-street parking facilities, parking spaces, barrier free parking spaces, access aisles, and pedestrian paths to public building entrances shall be paved with concrete, plant-mixed bituminous asphalt or similar materials in accordance with the construction and design standards established by the Township. All parking spaces in paved lots shall be marked with pavement striping.

**G. Stacking Spaces.**

Where required by this Article, stacking spaces for drive-through facilities 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 parking areas shall be graded and provided with adequate drainage to dispose of surface waters in accordance with applicable construction and design standards established by the Township, the Washtenaw County Road Commission, and the Washtenaw County Drain Commissioner. Surface water shall not drain on to adjoining lots 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 illustration):

<b>Parking Pattern</b> (degrees)	<b>Maneuvering Lane Width</b>	<b>Parking Space Width</b>	<b>Parking Space Length</b>	<b>Width of Maneuvering Lane Plus Two Rows</b>
<b>0° (parallel)</b>	24 feet (two-way)	8 feet	22 feet	40 feet
<b>45°</b>	12 feet (one-way)	9 feet	20 feet	49 feet
<b>60°</b>	16 feet (one-way)	9 feet	20 feet	56 feet
<b>90°</b>	20 feet (two-way)	9 feet	20 feet	60 feet

**Section 7.09 Construction.**

Construction or alteration of off-street parking lots shall be in accordance with an approved final site plan and the following:

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 per Section 1.07 (Fees and Performance Guarantees).
2. Copies shall be provided to the Township of any building permits required under the State Construction Code enforced by Washtenaw County, and any other permits or written approvals from the Washtenaw County Road Commission, Washtenaw County Drain Commissioner’s Office or other agency with jurisdiction.

**Section 7.10 Off-Street Loading.**

Adequate space shall be provided for loading and unloading activities associated with any use involving the receipt or distribution of vehicles, materials or merchandise, subject to the following:

**A. General Standards.**

The following shall apply to loading and unloading areas in all zoning districts:

1. **Setbacks.** Loading spaces shall be set back a minimum of 50 feet from any residential district or use, except where enclosed within a building or screened to

the satisfaction of the Planning Commission, per Section 8.04 (Methods of Screening).

2. **Hard surface required.** Loading spaces shall be paved with a surface providing the equivalent load strength of nine (9) inches of concrete.
3. **Dimensions of loading spaces.** Each loading space shall be at least ten (10) feet wide and 25 feet long. If roofed, a loading space must have at least 15 feet of vertical clearance. Where a use involves semi-trucks making deliveries on a daily basis, or requires that semi-trailers will be parked in the space for more than one (1) hour at any time, the loading space shall be at least 60 feet long.
4. **Location of loading spaces.** The location and arrangement of loading spaces shall be subject to the following:
  - a. Loading spaces shall be located within or immediately adjacent to the building to be served.
  - b. Loading spaces may occupy part of any required side or rear yard. No part of a required front yard shall be occupied by such loading space.
  - c. Off-street loading facilities that make it necessary or possible to back directly into a public road shall be prohibited. All maneuvering of trucks and other vehicles shall take place on the site and not within a public right-of-way.

#### **B. Use Standards.**

The minimum size or number of required loading spaces shall be based on the gross floor area of a building or addition. COMMERCIAL USES, and INDUSTRIAL, RESEARCH, AND LABORATORY USES shall be required to provide a minimum number of loading spaces as follows:

1. Buildings up to and including 20,000 square feet of gross floor area shall provide at least one (1) space.
2. Buildings with more than 20,000 square feet in gross floor area, but less than 50,000 square feet shall provide a minimum of two (2) spaces.
3. Buildings 50,000 square feet and greater in gross floor area shall provide three (3) spaces plus one (1) space for each additional 50,000 square feet or fraction thereof.

### **Section 7.11 Modification of Standards.**

Limited modifications to the standards of this Article shall be permitted, subject to the following:

#### **A. Off-Site Parking Facilities.**

Required parking facilities accessory to non-residential uses in any zoning district may be located off-site (on other than the same zoning lot as the use served), subject to the following:

1. Required parking shall be located within 500 feet of a primary building entrance for the use.
2. A written agreement shall be drawn to the satisfaction of the Township Attorney and executed by all parties concerned assuring the continued availability of the off-site parking facilities for the use they are intended to serve.

**B. Exceeding Maximum Number of Required Spaces.**

The Planning Commission may require any use to provide parking spaces above the required minimum, up to the maximum permitted by this Section. Exceeding the maximum parking space requirements 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.

**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.

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 Inspector has documented three (3) incidents of problem parking on the site.

**D. Modification of Loading Space Requirements.**

The Planning Commission may modify or waive the requirement for off-street loading areas, upon determining that adequate loading space is available to serve the building or use, or that provision of such loading space is unnecessary or impractical to provide.

**E. Modification of Paving Requirements.**

The Planning Commission may waive requirements for paving of off-street parking facilities, subject to the following:

1. No waivers of paving requirements shall be permitted for barrier free parking spaces, access aisles, and pedestrian paths to public building entrances.
2. Waiver of paving requirements shall be limited to sites in the following zoning districts:

Type of District	Zoning District Name	Symbol
Rural	Agricultural-Conservation	A-1
Rural Residential	Estate Residential	R-1

Type of District	Zoning District Name	Symbol
	Rural Residential	R-2
<b>Business</b>	Industrial-Research	I-1
<b>Other</b>	Public/Semi-Public Services	PSP

3. Such facilities shall be surfaced with graded and compacted gravel, crushed limestone or similar materials that provide a durable, smooth and dustless surface.

**F. Other Circumstances.**

The Planning Commission may modify or waive off-street parking requirements under any of the following circumstances:

1. A determination that existing off-street parking spaces on or adjacent to the lot can effectively accommodate the parking needs of the proposed use without negatively impacting traffic safety or adjacent uses.
2. Sufficient evidence has been provided by the applicant to demonstrate that an alternative parking standard would be more appropriate for the type, scale or intensity of the proposed use.

**Section 7.12 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 7.13 Access Management.**

The purpose of this Section is to protect the substantial public investment in the Township’s road system by preserving the traffic capacity of existing roads. It is the further intent of this Section to promote safe and efficient travel within the Township; minimize disruptive and potentially hazardous traffic conflicts; establish efficient standards for driveway spacing and the number of driveways; and ensure reasonable vehicular access to properties, though not always the most direct access.

Parcels in the C-1 (Local Commercial), C-2 (Special Commercial), and I-1 (Industrial-Research) Districts shall be subject to the following standards:

**A. County or State Road Authority Standards.**

Where the Washtenaw County Road Commission (WCRC) or Michigan Department of Transportation (MDOT) has adopted access management standards that are more restrictive than the standards of this Section, the adopted WCRC standards shall supercede the standards of this Section.

**B. Driveway Spacing Standards.**

Each parcel in the C-1 (Local Commercial), C-2 (Special Commercial), and I-1 (Industrial-Research) Districts shall have a maximum of one (1) driveway access to a public road for each 300 feet of road frontage or fraction thereof, subject to the following:

1. Where more than one (1) driveway is permitted on a parcel, the driveways shall be located at least 300 feet apart, and at least 150 feet from existing driveways on abutting parcels.
2. No driveway shall be located within 50 feet of the intersection of two (2) or more road rights-of-way.
3. Distance measurements shall be made along the edge of the road right-of-way from the points where the edges of the driveway pavement intersect the right-of-way.

**C. Shared Access Standards.**

Primary vehicle access to parcels in the C-1 (Local Commercial), C-2 (Special Commercial), and I-1 (Industrial-Research) Districts 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. **Location.** 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, which shall be recorded with the Washtenaw County Register of Deeds office. A copy of the recorded easement documents shall be submitted to the Zoning Inspector for the Township records.
3. **Maintenance.** The easement area shall remain clear of obstructions, and shall not be used for parking unless otherwise approved by the Planning Commission. Each property owner shall be responsible for maintenance of the shared access.

**Section 7.14 Traffic Impact Studies.**

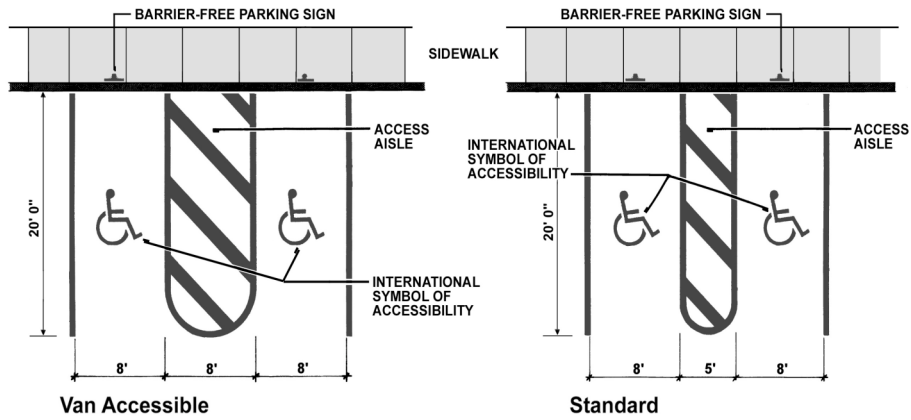
Where authorized by this Ordinance or determined necessary by the Planning Commission, a traffic impact study (TIS) shall be prepared by an applicant to determine the potential future traffic conditions on the adjacent roadways once a proposed use is established or development is

completed. The Township may utilize its own traffic consultant to review the TIS, with the cost of the review being borne by the applicant per Section 1.07 (Fees and Performance Guarantees).

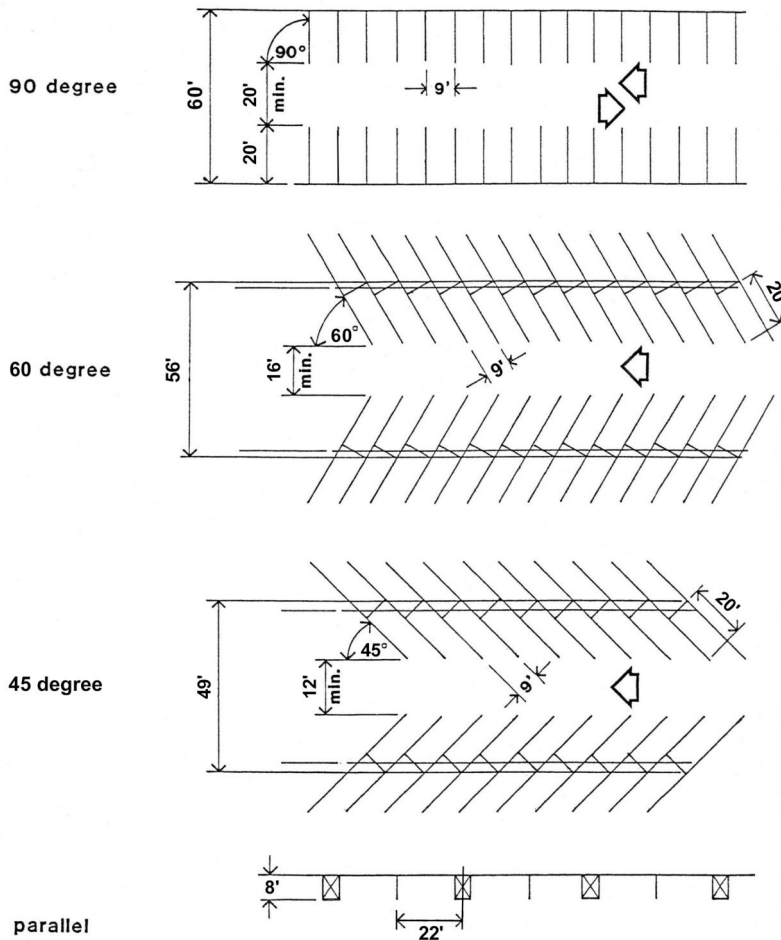
The results of the TIS shall be used in the final design of access points and internal circulation and may identify necessary off-site road improvements. At a minimum, the TIS shall meet standards of the Michigan Department of Transportation (MDOT) handbook entitled "Evaluating Traffic Impact Studies." The Planning Commission may modify the TIS requirements or scope based upon site and use location and conditions. At a minimum, the TIS shall include the following:

1. An analysis of existing traffic conditions or site restrictions using current data.
2. Projected trip generation at the subject site or along the subject service drive based on the most recent edition of the Institute of Transportation Engineers' "Trip Generation" manual. The Township may approve use of other trip generation data if based on recent studies of at least three (3) similar uses within similar locations in Michigan.
3. Illustrations of current and projected turning movements at access points, including identification of potential impacts of the development on the operation of the abutting roads. Capacity analysis shall be based on the most recent edition of the of the Transportation Research Board's "Highway Capacity Manual," and shall be provided in an appendix to the TIS.
4. Description of the internal vehicular circulation and parking system for passenger vehicles and delivery trucks, as well as the circulation system for pedestrians, bicycles and other users.
5. Prediction of the peak-hour operational conditions at site driveways and road intersections affected by the development.
6. Justification of need, including statements describing how any altered or additional access points will meet the intent of this Article, preserve public safety and road capacity, and be consistent with the adopted master transportation plans for the Township, county or state road authorities.
7. Qualifications and documented experience of the author in preparing traffic impact studies in Michigan. The preparer shall be either a registered traffic engineer (P.E.) or a transportation planner, with at least three (3) years of experience preparing traffic impact studies in Michigan. If the TIS involves geometric design, the study shall be prepared or supervised by a registered engineer with adequate experience in traffic engineering.

### ILLUSTRATIONS



### Barrier-Free Parking Space Layout



### Parking Layout





## **ARTICLE 8**

### **SCREENING AND LAND USE BUFFERS**

#### **Section 8.01 Purpose.**

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 Article are to establish minimum standards for the design, installation, and maintenance of screening elements and plant materials; and to establish reasonable standards for transition strips between uses of a significantly different scale or character, and screening of parking lots, storage areas and similar activities from road rights-of-way and adjacent lots. It is the intent of this Article that required screening and buffering elements shall be immediately effective in achieving the purpose of this Article, and shall maintain that effectiveness as the plant materials mature.

#### **Section 8.02 Scope.**

The standards of this Article shall apply to all uses, lots, and sites altered, developed or expanded after the effective date of this Ordinance that are subject to review per Section 12.01 (Site Plan Review), condominium site plan approval per Article 13 (Condominium Regulations) or planned unit development approval per Article 14 (Planned Unit Developments). Uses and activities exempt from site plan approval per Section 12.01 (Site Plan Review) shall be exempt from the requirements of this Article.

The standards of this Article shall be considered the minimum necessary to achieve the purposes of this Article and Ordinance. No provision of this Article shall preclude a developer and the Township from agreeing to more extensive landscaping or screening. Where existing sites have been developed without adequate screening or buffering, the purposes of this Article shall be achieved through improvements that are in reasonable proportion to the scale and scope of proposed building improvements, expansions, and other site improvements.

#### **Section 8.03 General 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:

**A. Design Standards.**

1. **Visibility.** Landscaping and screening materials and layout shall conform to the requirements of Section 3.208 (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 utility lines shall not exceed the line height above grade.
3. **Protection.** Where pavement and landscape areas interface, concrete curbing or similar measures shall be provided to protect plants from vehicle encroachment.
4. **Irrigation.** To assist in maintaining plant materials in a healthy condition and ensure compliance with Section 8.09 (Maintenance), the property owner or developer may provide an automatic irrigation system for landscaped areas. All automatic irrigation systems shall be designed to minimize water usage, and shall be capable of being manually shut off during water emergencies or water rationing periods.

**B. Plant Material Standards.**

1. **General.** 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. (ANSI 260.1, 1996).
  - b. All plant material shall be true to name in conformance to the current edition of "Standardized Plant Names" established by the American Joint Committee on Horticultural Nomenclature, or other source accepted by the Township.
  - 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.
  - d. Artificial plant material shall be prohibited within required screening areas.
2. **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. Groundcover used in lieu of grass shall be planted to present a finished appearance after one (1) complete growing season. Prairie grass and natural wildflower and grass mix may be used where appropriate.
  - 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.
3. **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.
  4. **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 to 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:

<b>Screening Materials</b>	<b>Minimum Size at Installation</b>
<b>Deciduous Shade Trees</b>	2½ - 3 caliper-inches diameter
<b>Evergreen Trees</b>	6.0 feet overall height
<b>Deciduous Ornamental Trees</b>	2.0 caliper-inches diameter or 6 feet overall height
<b>Shrubs</b>	30 inches in height or 24 inches in spread

**D. Existing Plant Materials.**

Healthy existing trees and other plant materials on a site may be used to satisfy specific screening standards of this Article, subject to Planning Commission approval and the following:

1. The location, size, and species of individual trees and other plant materials to be preserved shall be identified on the site plan.

2. The Planning Commission may require Township inspection of existing plant materials prior to or as a condition of site plan approval to determine the health and desirability of such materials. Such inspections shall be performed by qualified Township staff or consultants.
3. Where plant materials are to be preserved as part of a proposed development, prior approval shall be obtained by the property owner from the Township Planner or Zoning Inspector prior to any delimiting, root pruning, or similar work.
4. During land preparation and construction, protective fencing shall be placed at the drip-line of existing trees, and around the perimeter of other preserved plant materials. Details of proposed protective measures shall be noted on the final site plan for the development. No vehicle or other construction equipment shall be parked or stored within protected areas.
5. In the event that trees or other plant materials identified to be preserved on an approved final site plan are destroyed or damaged, as determined by the Township Planner or Zoning Inspector, the owner, developer or contractor shall replace the plant material with a comparable size, amount, and species.

### **Section 8.04 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:

#### **A. 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):

1. Greenbelts shall have a minimum width of ten (10) feet, and may be interrupted only to provide for pedestrian or vehicular access.
2. Greenbelts shall be sodded, hydro-seeded, or planted with appropriate groundcovers.
3. 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.
  - a. Such required plant materials may be placed at uniform intervals, at random or in groupings.
  - b. The greenbelt length shall be measured along the centerline of the greenbelt for its entire length, inclusive of all driveways.

**B. 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):

1. 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.
2. Maintained plant height at maturity shall be adequate for the intended screening function.
  - a. 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.
  - b. 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.

**C. 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):

1. Required fences shall have a minimum height of three (3) feet, and shall not exceed six (6) feet in height above grade unless a higher fence height is determined by the Planning Commission to be necessary to provide adequate screening.
2. Such fences shall conform to the standards of Section 6.102 (Fences).
3. The fence materials, height, location, and design shall be consistent with existing fences on adjacent lots, and shall be subject to Planning Commission approval.

**D. 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 of a site. Berms shall consist of a combination of a sculpted earth mound and plantings, which shall meet the following standards (see illustration):

1. Berms shall have side slopes no steeper than four (4) feet horizontal to one (1) foot vertical (4:1 ratio).
2. 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.
3. 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.
4. The berm shall be designed and graded to blend with existing topography, and sodded, hydro-seeded or planted with appropriate groundcovers.
5. The Planning Commission may require greenbelt plantings on the berm, per Section 8.04A (Greenbelt Buffer). 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.

**E. Evergreen Screen.**

The purpose of this method is to create a dense obscuring screen that meets the objectives of this Article. 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).

**F. 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):

1. 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 determined by the Planning Commission to be necessary to provide adequate screening.
2. Walls shall be solid in character, and capped with a stone or concrete cap.
3. 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.

## Section 8.05 Standards for Specific Areas.

The following standards are intended to address the specific screening and buffering needs of particular areas or portions of a site, in accordance with the purpose and objectives of this Article:

### A. 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 8.04 (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.** Planting islands shall be installed within parking lots that exceed 20 parking spaces or 6,000 square feet of paved surface area. Not more than 20 parking spaces shall be permitted in a continuous row without being interrupted by landscaping. Such planting 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 160 square feet.
  - b. A minimum of one (1) deciduous shade tree or ornamental tree shall be provided for each planting island. Shrubs and live groundcover plantings shall be used to cover all unplanted areas of the island.
  - c. Planting islands shall be located at the ends of each parking row.
  - d. All landscaping and perimeter screening, except designated snow storage areas, shall be protected from vehicle encroachment with concrete curbing or similar permanent means.

### B. 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 8.04 (Methods of Screening).

**C. Outdoor Trash Storage Area Screening.**

Outdoor trash storage areas shall be screened and secured in accordance with the following:

1. Outdoor trash storage areas shall be screened by a six (6) foot high masonry wall enclosing three (3) sides of the storage area, subject to the standards of Section 8.04F (Masonry Wall).
2. The enclosure shall be secured by steel-reinforced and lockable gates designed to obscure visibility into the enclosure.
3. Concrete-filled bollards or similar protective devices shall be installed at the opening and to the rear of any storage area to prevent damage to the walls.
4. A concrete pad shall be provided under the trash storage area, extending out a minimum of ten (10) feet in front of the enclosure's gates.
5. Such storage area shall be located and arranged as to minimize visibility from adjacent road rights-of-way and RESIDENTIAL USES. In no instance shall any trash storage area be located in a front yard.
6. 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.

**D. 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 Section 8.04A (Greenbelt Buffer) 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.

**E. Front Yard Landscape Strips and Street Tree Plantings.**

Front yard setback areas along road rights-of-way shall be landscaped to enhance the visual character of Township roads and minimize adverse impacts of vehicular traffic on adjacent uses, shall be subject to the following:

- 1. **Street trees.** Street tree plantings shall be required along the margins of road rights-of-way for all development projects subject to site plan approval, subject to the following (see illustration):
  - a. Street trees shall consist of deciduous shade trees planted at a minimum concentration of one (1) street tree per 40 linear feet of right-of-way. Required trees may be planted at regular intervals or in groupings.
  - b. Where such plantings are not permitted within a road right-of-way, required street trees shall be planted within the front yard setback area, or at an alternative location approved by the Planning Commission.
  - c. Existing trees near or within road rights-of-way may be used to satisfy this requirement, and shall be preserved where feasible.
  - d. Permits may be required by the Township, or county or state road authorities for installation of street trees within rights-of-way under their jurisdiction.
- 2. **Front yard landscape strip.** Where a front yard setback area is required by Article 3 (Dimensional Standards), the area shall be improved with landscaping materials in accordance with the standards of this Article. Existing vegetation or required parking lot or other screening may be used to satisfy this requirement.
- 3. **Groundcover plantings.** Road rights-of-way and disturbed areas of a development site shall be planted with grass or other suitable ground cover to prevent erosion.
- 4. **Maintenance of right-of-way landscaping.** Landscaping within rights-of-way shall be maintained by the owner of the abutting lot(s).

## Section 8.06 Transition Strip.

A transition strip, where required by this Section or Ordinance, shall be provided in accordance with the following:

### A. Location.

A transition strip shall be required along any side or rear lot boundary within a subject parcel that abuts a zoning district or permitted use as specified in the following table:

<b>Zoning District or Use</b>	
<b>Subject Parcel</b>	<b>Abutting Parcel</b>
C-1 (Local Commercial) District	A-1 (Agricultural-Conservation) District; or any RURAL USES or RESIDENTIAL USES
C-2 (Special Commercial) District	
I-1 (Industrial-Research) District	
Multiple-Family Housing, Townhouses, and Stacked Flats	A-1 (Agricultural-Conservation) District; or any RURAL USES
Any OFFICE, SERVICE OR COMMUNITY USES; COMMERCIAL USES; INDUSTRIAL, RESEARCH, AND LABORATORY USES; or OTHER USES	A-1 (Agricultural-Conservation) District; or any RURAL USES or RESIDENTIAL USES

### B. Width.

The width of a required transition strip shall not be included as part of any required setback from the same lot boundary. Where a transition strip is required, the setback shall be measured from the near edge of the transition strip, rather than the lot boundary. The minimum width of a transition strip shall be in accordance with the following:

<b>Zoning District or Use on the Subject Parcel</b>	<b>Required Minimum Width</b>
C-1 (Local Commercial) District	10 feet
C-2 (Special Commercial) District	10 feet
I-1 (Industrial-Research) District	20 feet
Multiple-Family Housing, Townhouses, and Stacked Flats	10 feet
OFFICE, SERVICE OR COMMUNITY USES	10 feet
COMMERCIAL USES	10 feet
INDUSTRIAL, RESEARCH, AND LABORATORY USES; or OTHER USES	20 feet

**C. Materials and Design.**

The transition strip shall be improved with a landscaped greenbelt, evergreen screen or combination thereof in accordance with Section 8.04 (Methods of Screening). Where the transition strip abuts a required side or rear yard setback area, the landscaped greenbelt, evergreen screen or combination thereof shall be extended to include the combined width of the transition strip and setback area.

**D. Modifications.**

The Planning Commission shall have the authority to:

1. Permit the substitution of a hedgerow, fence or wall in accordance with the standards of Section 8.04 (Methods of Screening) for the required transition strip. Such action shall be based upon a determination that the alternative would equal the performance of the transition strip, or that the lot is too limited in dimension or area to reasonably accommodate the transition strip.
2. Waive the requirement for a transition strip, upon determination that a pending or probable change in land use or zoning classification of an abutting parcel will render the transition strip unnecessary.

**Section 8.07 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:

<b>Species</b>	<b>Common Name</b>
Acer negundo	Box Elder
Ulmus x	Elm varieties; except disease-resistant cultivars, such as 'Regal', 'Pioneer', 'Homestead', 'Jacan' and 'Accolade'
Aesculus x	Horse Chestnut; except for use in greenbelts and transition zones between developed and un-developed areas of a site
Populus x	Poplar varieties
Elaeagnus x	Olive varieties
Salix x	Willow varieties; except in appropriate wetland ecosystems
Catalpa x	Catalpa varieties
Ailanthus altissima	Tree of Heaven
Ginkgo biloba	Ginkgo (female); male trees are acceptable
Robinia pseudoacacia	Black locust
Morus alba	Mulberry (white)

Species	Common Name
Acer saccharinum	Silver Maple
Fraxinus x	Ash varieties

## **Section 8.08 Installation.**

All screening elements and plant materials shall be installed in a manner consistent with the standards of the American Association of Nurserymen, 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 Inspector 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.** The Township Planner or Zoning Inspector may require submittal of a performance guarantee, per Section 1.08 (Fees and Performance Guarantees), to cover the cost of installing required screening elements and plant materials. After installation has been completed, the Township Planner or Zoning Inspector shall conduct an inspection of the plant materials before the guarantee may be released.

## **Section 8.09 Maintenance.**

All screening elements and plant materials shall be maintained in accordance with the approved site plan, and the following:

1. 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.
2. Adequate provisions shall be made to regularly supply water to all required plant materials as necessary to ensure proper growth and development.
3. 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.
4. Pruning of plant materials shall be limited to the minimum necessary to ensure proper maturation of plants to achieve their intended purpose.

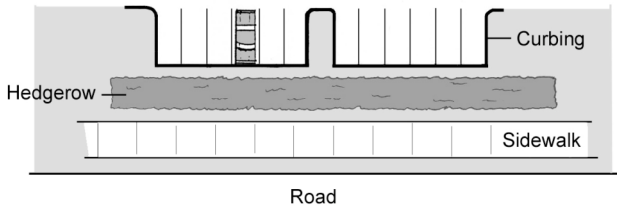
5. All required screening elements and plant materials shall be planted and maintained in accordance with an approved site plan. Failure to maintain required screening, including the removal and replacement of dead or diseased plant materials, shall be a violation of this Ordinance.
6. The replacement or removal of plant materials in a manner not consistent with an approved site plan shall be a violation of this Ordinance.

### **Section 8.10 Modifications.**

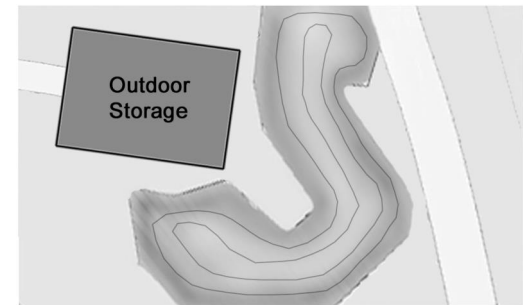
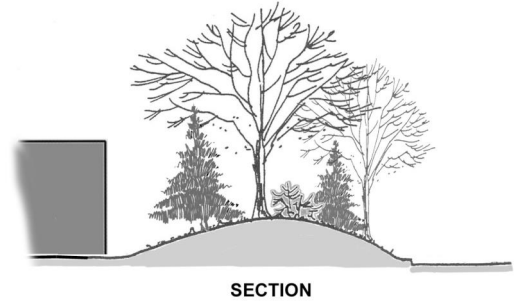
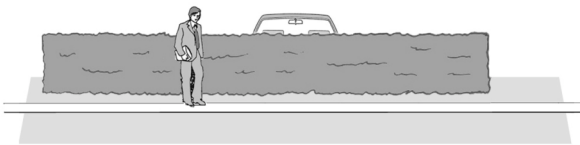
The Planning Commission shall have the authority to approve alternative designs or plant materials, and to determine how the standards of this Article apply to existing conditions and redevelopment sites in accordance with the following:

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 Article.
2. **Existing conditions.** The Planning Commission shall have the authority to determine that requirements of this Article have been satisfied by existing topography, vegetation or other means acceptable to the Planning 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 Article.

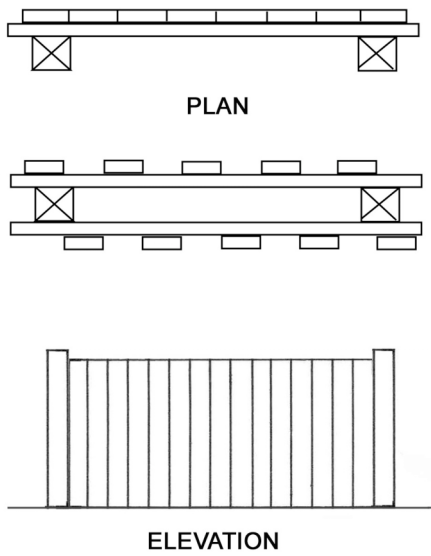
# ILLUSTRATIONS



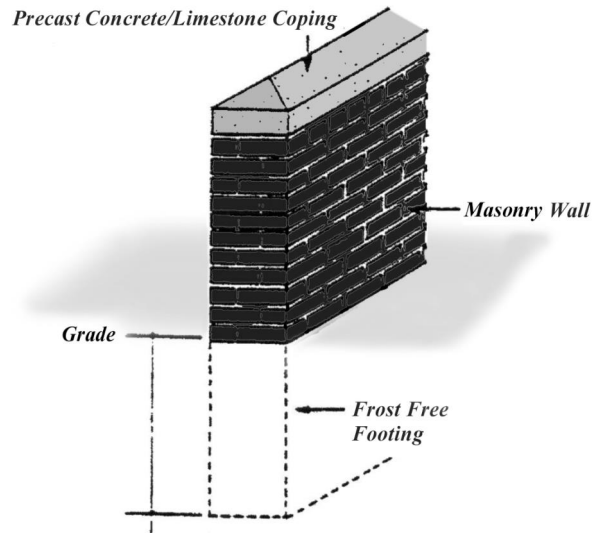
Hedgerow



Berm

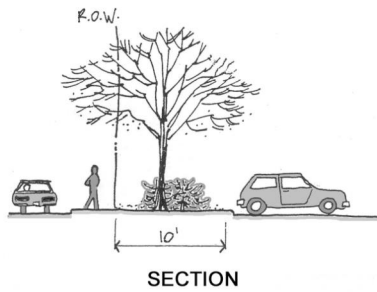
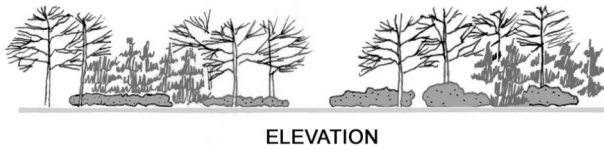
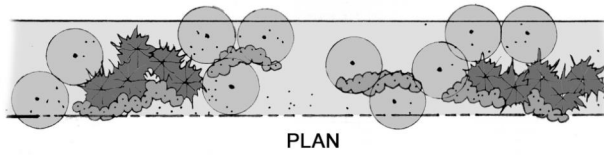


Fence

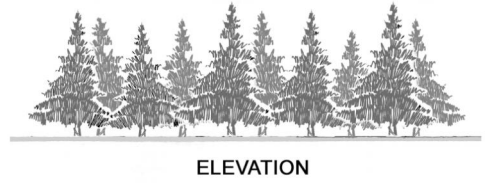
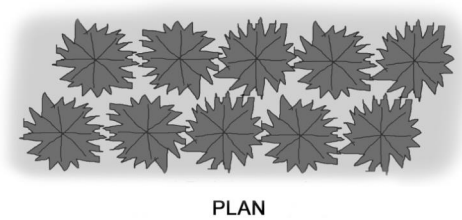


Screen Wall

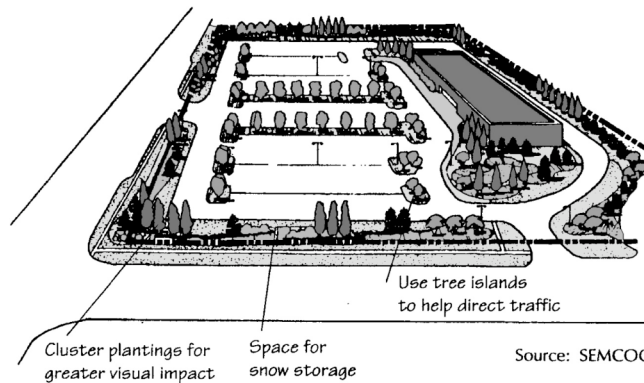
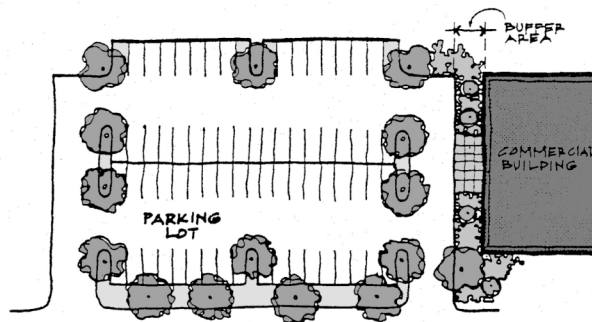
### ILLUSTRATIONS



Greenbelt Buffer



Evergreen Screen



Landscaping Within Parking Lots





## ARTICLE 9 SIGNS

### Section 9.01 Purpose.

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. The Township further finds that reasonable use of signage promotes commerce in the Township. However, unrestricted signage does not benefit individual businesses or property owners, or the community as a whole, because 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 intent of this Article that all signs 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 further purposes of this Article are 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.

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 9.02 General Standards.

The following general standards shall apply to signs in all zoning districts:

### A. Compliance Required.

All signs erected, altered, and maintained in Saline 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 (see illustration):

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.
3. **Sign area.** The surface area of a sign shall include the total area within any regular geometric figure (circle, triangle, rectangle, etc.) enclosing the extreme limits of letters, symbols or other material forming an integral part of the display or used to differentiate the sign from the background against which it is placed (see illustration).
  - a. Where two (2) sign faces with identical sign areas are placed back to back no more than two (2) feet apart, then the sign area shall equal the area of one (1) face.
  - b. Where two (2) sign faces with different sign areas are placed back to back no more than two (2) feet apart, then the sign area shall equal the area of the larger face.
  - c. Where two (2) sign faces are placed more than two (2) feet apart at any point, then the sign area shall equal the total area of all sign faces.
  - d. Where 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).
5. **Multiple uses.** 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.

6. **Corner lots.** Where a building has two (2) or more street level facades (such as on a corner lot), the signable area shall equal the area of the largest street level façade.

**C. Construction and Maintenance.**

All signs shall be constructed or installed in compliance with the State Construction Code enforced by Washtenaw County 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. Non-galvanized or corrosion-prone materials shall be painted as necessary to prevent corrosion.

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 the top or in front of the sign structure.

**D. Placement Requirements.**

The following placement standards shall apply to all signs:

1. No sign may extend above any parapet or be placed upon 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, county or state road authorities.
4. All signs shall be located at least ten (10) feet 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.** External illumination of signs shall be permitted in any zoning district, provided that the light source(s) shall be fully shielded, directed towards the sign face, and designed to concentrate all light on the sign copy area (see illustration).
2. **Internal sign illumination.** Signs accessory to non-residential uses in any zoning district may be internally illuminated, provided that the sign faces are 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). Internal illumination of signs accessory to residential uses shall be prohibited.
3. **Hours of illumination.** Illuminated signs shall be equipped with a functional timer control. Such signs shall not be illuminated after 11:00 p.m., or one-half (1/2) hour following the close of the business day for the principal use, whichever is later. Such signs shall not be illuminated before sunrise, or one-half (1/2) hour prior to the beginning of the business day, whichever is earlier.
4. **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.

**H. Changeable Copy Area.**

A changeable copy area shall be allowed as part of a permitted sign, provided that the changeable copy area shall not exceed fifty percent (50%) of the total sign area.

**I. Animated Copy Prohibited.**

To minimize visual distractions and hazards for motorists, pedestrians, and property; animated copy, as defined in Section 18.02 (Definitions), shall be prohibited as part of any sign allowed under this Ordinance.

**Section 9.03 Signs Allowed Without a Permit.**

The following signs are exempt from Section 9.09 (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.**

Temporary signs not otherwise provided for in this Section shall be subject to the following:

1. The maximum permitted height and total sign area for all temporary signs on a single zoning lot shall not exceed the following:

<b>Zoning District Name</b>	<b>Maximum Sign Area for All Signs</b>	<b>Maximum Sign Height</b>
A-1 (Agricultural-Conservation)	32.0 square feet	6.0 feet
R-1 (Rural Residential)	18.0 square feet	5.0 feet
R-2 (Suburban Residential)	18.0 square feet	5.0 feet
R-3 (Urban Residential)	18.0 square feet	5.0 feet
MHP (Manufactured Housing Park)	18.0 square feet	5.0 feet
C-1 (Local Commercial)	32.0 square feet	6.0 feet
C-2 (Special Commercial)	32.0 square feet	6.0 feet
I-1 (Industrial-Research)	32.0 square feet	6.0 feet
PSP (Public/Semi-Public Services)	18.0 square feet	5.0 feet

2. 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. Temporary signs on zoning lots in the Township shall be set back a minimum of ten (10) feet from all road rights-of-way. Such signs shall not be located within or over any road right-of-way, except as authorized by the Township Board and any other agency with jurisdiction.
4. Such signs determined by the Zoning Inspector to be in a torn, faded, damaged or unsafe condition shall be immediately removed by the owner, agent or person responsible for creating or placing the sign on the lot. Failure to remove a sign in such condition shall be considered a violation of this Ordinance.

**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. 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 or minor repairs to an existing sign, provided that the sign is restored to its original design and all work is in compliance with applicable structural and electrical codes, and the requirements for such signs specified in this Article.

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 9.05 (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 located flat on the façade wall of a building.
4. Flags bearing the official design of a nation, state, municipality, educational institution, award or non-profit organization; and pennants installed by the Township on or over public roads.
5. 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.
6. Traffic safety and control signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices; and essential service signs denoting utility lines, railroad lines, hazards, and precautions.
7. Changes to sign copy within an approved changeable copy area.
8. 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, in transit through or within the Township, or associated with and regularly used in the course of conducting the principal use located on the premises.

**Section 9.04 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 9.09 (Sign Permit):

**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; elderly or senior housing development; manufactured housing park; or office, research or industrial park, subject to the following (see illustration):

Standards	Site Entry Features with Signage
<b>Maximum number of permitted signs</b>	Two (2) signs per entrance from a public road classified as a major road or primary road by the transportation plans for the Township, county or state road authorities.
<b>Minimum required setbacks</b>	Ten (10) feet from any road right-of-way and 15 feet from the edge of pavement for any internal access drive.

Standards	Site Entry Features with Signage
Maximum sign area	24.0 square feet
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.

**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	Ten (10) feet from any road right-of-way and 15 feet from the edge of pavement for any internal access drive.
Maximum sign area	24.0 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 calendar days of completion of the project's final phase, or upon expiration of site plan or permit approval.

**Section 9.05 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, and to minimize the proliferation of excessive or out-of-scale building signage.

**A. Table of Building Mounted Signs.**

The following shall apply to all building-mounted signs accessory to non-residential uses in any zoning district:

Standards	Type of Permitted Signs		
	Wall	Awning	Window
<b>Permit required?</b>	yes	yes	no
<b>Internal or external illumination permitted?</b>	yes	yes	no
<b>Maximum number of sign faces per sign</b>	one (1)	one (1)	one (1)
<b>Minimum sign height</b>	none	7.5 feet	none
<b>Maximum permitted sign area of all signs</b> (square feet)	10% of the signable area of the building space occupied by the use.		15% of the street level window surface area.

**B. Additional Standards.**

The following additional standards shall apply to all building-mounted signs:

- 1. Location.** All building-mounted signs shall be located entirely within the street level façade(s).
- 2. Rear public entrance sign.** One (1) additional building-mounted sign not exceeding four (4) square feet in area shall be permitted at any rear public entrance.
- 3. 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.



**Section 9.06 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.**

<b>Maximum Ground Sign Height</b>	<b>Minimum Sign Setback from Buildings and Road Rights-of-Way</b>	<b>Maximum Sign Area per Ground Sign</b>	<b>Maximum Number of Ground Signs per Zoning Lot</b>
10 feet	equal to actual sign height	40 square feet	1

1. Approval of a sign permit per Section 9.09 (Sign Permit) 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 5.208 (Corner Clearance Zones).
3. Setbacks shall be measured from the near edge of the planned future road right-of-way, as defined by the master transportation plans for the Township, 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.

**B. Permitted Modifications.**

The following modifications to the standards of this Section have been established to preserve the character and appearance of the Township’s lower intensity use districts through more restrictive standards; ensure that permitted signage is in reasonable proportion to the land use intensity; and address the specific signage needs of multi-tenant shopping centers and uses that abut major roads or primary roads as defined by the master transportation plans for the Township, 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:

		<b>Maximum Sign Height</b>	<b>Minimum Sign Setback</b>	<b>Maximum Sign Area per Ground Sign</b>	<b>Maximum Number of Signs</b>
<b>Permitted Modifiers</b>		10 feet	equal to actual sign height	40 square feet	1
<b>Cumulative Modifiers</b>	<b>Located in the A-1 District</b>	- 2 feet	no change	- 8 square feet	no change
	<b>Located in the R-1, R-2, R-3 or MHP District</b>	- 2 feet	no change	- 12 square feet	no change
	<b>Total lot frontage exceeds 500 feet on one (1) road right-of-way</b>	no change	no change	+ 12 square feet	+ 1 additional sign
	<b>Sign abuts a major road or primary road with a posted speed limit of 50 miles per hour or higher</b>	+ 2 feet	no change	+ 12 square feet	no change
	<b>Sign abuts a public road with a right-of-way width of 120 feet or greater</b>	+ 2 feet	no change	+ 12 square feet	no change
	<b>Lot is occupied by three (3) or more separate non-residential uses (e.g. shopping center or multi-tenant office building)</b>	no change	no change	+ 24 square feet	no change
<b>Total Permitted With Modifiers:</b>		_____ feet	_____ feet	_____ square feet	_____ sign(s)

## **Section 9.07 Billboards.**

### **A. Findings.**

The Township has made the following determinations related to billboard signs, as defined in Section 18.02 (Definitions):

1. Unrestricted use of billboard signs is incompatible with the intended character and sound development of Saline Township.

2. Billboard signs are only appropriate along the US-12 state highway corridor. Location of such signs away from this highway corridor would detract from the visual appearance and rural/recreational character of the Township, which is attractive to visitors and residents and a benefit to the local agricultural economy.
3. Limitations on the number, size, height, location, and illumination of permitted billboard signs are necessary to:
  - a. Minimize visual clutter and hazards for motorists and pedestrians;
  - b. Prevent obstructions of light and air for adjoining lots and uses;
  - c. Ensure that such signs are not out-of-scale with the structures and character of land uses along the US-12 corridor; and
  - d. Ensure that such signs are not harmful to the promotion of commerce in the Business Districts.

**B. Billboard Standards.**

The following standards shall apply to billboard signs in the Township:

1. Billboard signs shall be permitted in any zoning district, provided that such signs shall be limited to locations within 300 feet of the US-12 state highway right-of-way. Installation of any billboard sign at any other location in the Township shall be considered a use violation of this Ordinance subject to Section 1.09 (Violations and Penalties).
2. Not more than two (2) billboards may be located per linear mile of the US-12 state highway right-of-way, subject to the following:
  - a. Distance measurements shall be made parallel to the centerline of the highway right-of-way from the point closest to the billboard location for one (1) linear mile in both directions along the highway.
  - b. This requirement shall apply separately to the each linear mile measurement along the highway, and shall not be limited to the boundaries of Saline Township.
  - c. All billboard signs visible in any manner from the highway right-of-way shall be counted towards the maximum number permitted per linear mile.
  - d. Each billboard face visible to motorists proceeding from any given direction on the highway shall be considered a separate billboard sign for purposes of this Section.
  - e. Double-faced billboard structures shall be considered one (1) billboard sign for purposes of this Section, subject to the following:

- (1) Such structures shall have not more than two (2) billboard faces set back-to-back not more than ten (10) feet apart at any point.
  - (2) Not more than one (1) billboard face shall be visible to motorists proceeding from any given direction on the highway.
3. Billboard signs shall comply with the following minimum setback requirements:
    - a. 1,000 feet from another billboard sign visible in any manner along either side of the US-12 state highway right-of-way;
    - b. 300 feet from the boundary of abutting Rural Residential Districts, Residential Districts, or lots occupied by existing RESIDENTIAL USES, including across any road or highway right-of-way;
    - c. 75 feet from any road or highway right-of-way; and
    - d. 30 feet from any boundary of the lot upon which the billboard is located.
  4. The maximum sign area of each billboard sign shall not exceed 300 square feet.
  5. The maximum height of each billboard sign shall not exceed 30 feet above the grade of the ground upon which the billboard is located.
  6. No billboard shall be on top of, cantilevered over, or otherwise suspended above any building.
  7. Internal and external illumination of billboard signs in the Township shall be prohibited.
  8. Billboard signs shall conform to the standards of Section 9.02C (Construction and Maintenance) and Section 9.02E (Hazards and Obstructions), and shall also comply with the applicable requirements of the Highway Advertising Act (P.A. 106 of 1972, as amended).

**C. Nonconforming Billboards.**

Nonconforming billboards shall be permitted to continue, subject to the provisions of Section 9.10 (Nonconforming Signs). The Zoning Inspector shall be responsible for maintaining an inventory of the location and condition of all existing billboard signs in the Township.

**Section 9.08 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. Signs that incorporate string lights; flashing, moving or intermittent lights of changing degrees or intensity; exposed incandescent bulbs; animation; or unshielded luminous tube lighting.
  5. Signs that 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.
  6. Roof signs, inflatable signs, projecting signs, and portable signs.
  7. Building-mounted signs that obstruct window or door openings, inhibit ingress or egress, or interfere with building ventilation.
  8. Signs displayed without required permits or outside of permitted size, location or time period limitations.
  9. Non-accessory and off-premises signs, including billboard signs per Section 9.07 (Billboards), except as otherwise provided for in this Article.
  10. Abandoned or unlawful signs, displays of obscene material on any sign, and any other sign not expressly permitted by this Article.

## **Section 9.09 Sign Permit**

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 provisions of Section 1.07 (Permits and Certificates of Zoning Compliance) and the following:

1. The Zoning Inspector shall be responsible for verifying compliance with this Article, prior to issuing a sign permit under this Section.
2. A separate building permit may be required in accordance with the State Construction Code enforced by the Washtenaw County.

3. Issuance of a building permit by Washtenaw County shall not exempt the building 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 Inspector 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 Saline 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.
5. **Removal agreement or performance guarantee.** The Zoning Inspector may require a signed removal agreement or performance guarantee to guarantee the future removal of a sign in accordance with Section 1.08C (Performance Guarantees).

## Section 9.10 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 9.02 (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 9.02 (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 9.02G (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 9.02G (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 3.208 (Corner Clearance Zones).
- (3) The existing sign setback distance shall be maintained or increased by the permitted alterations.

## **Section 9.11 Sign Removal by Township Action**

### **A. Abandoned or Unlawful Signs.**

The Zoning Inspector shall have the authority to determine whether a sign is unlawful or has been abandoned, as defined in Section 18.02 (Definitions), subject to appeal by an aggrieved person to the Zoning Board of Appeals. The Zoning Inspector 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 30 days after notification of a determination and order for removal by the Zoning Inspector. All support structures and components shall be completely removed.
  - a. Failure to remove the sign shall constitute grounds for the Township to seek Circuit 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 expenses.

### **B. Damaged Signs.**

Signs determined to be in a damaged condition by the Zoning Inspector shall be repaired or removed within 15 days after notification by certified mail. 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 Inspector 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 Inspector may order the removal of any sign determined to be unsafe without prior notice. After removal, the Zoning Inspector 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 9.10 (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 9.12 Exceptions**

The Zoning Board of Appeals (ZBA) 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 ZBA within 21 calendar days of the decision. Applications for exceptions from provisions of this Article shall be submitted and reviewed in accordance with Section 17.04 (Hearings and Decisions), and the following:

**B. Exception Standards for Signs.**

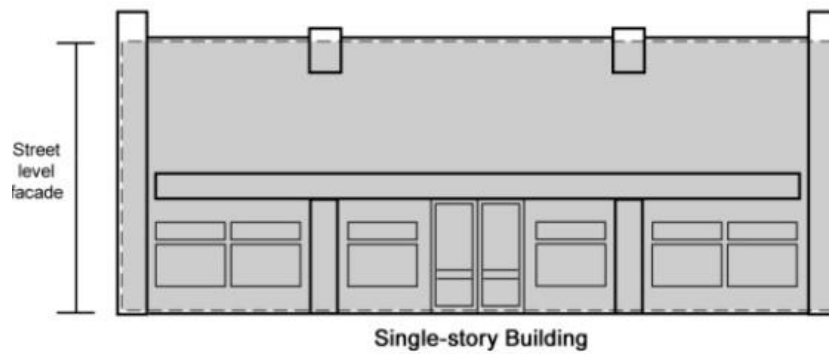
The ZBA shall consider the following exception standards, the intent and purposes of this Article, and any other factors deemed relevant in determining whether to grant an exception to particular requirements of this Article:

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.

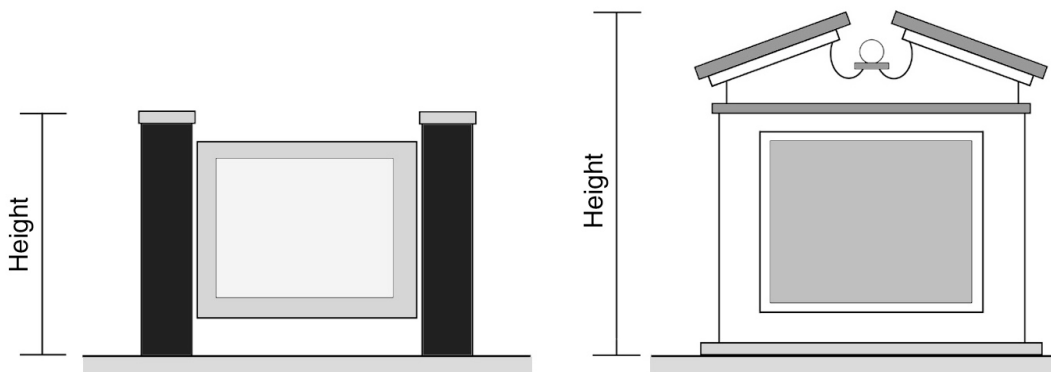
**C. Findings and Conditions.**

In a motion granting or denying a sign exception, the ZBA shall state the specific findings of fact and conclusions or grounds for the decision. The ZBA may attach conditions to a sign exception approval in accordance with the intent and purpose of this Article.

## ILLUSTRATIONS

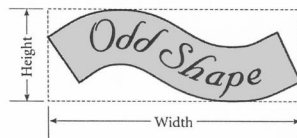
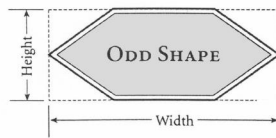
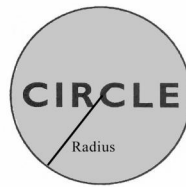
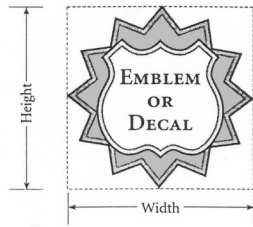


## Signable Area

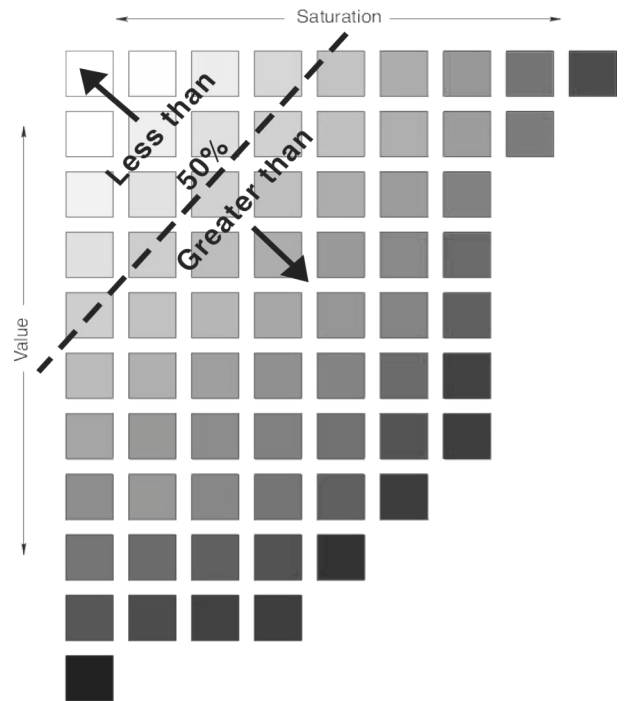


## Sign Height

### ILLUSTRATIONS



### Computation of Sign Area



Color Value and Saturation



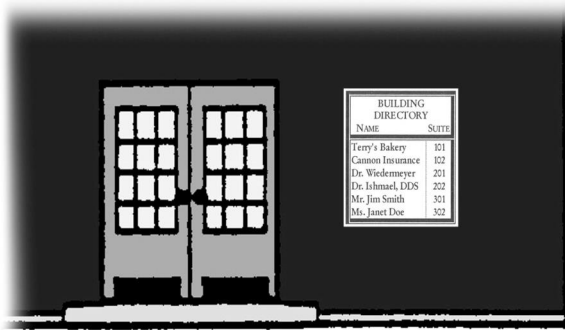
External illumination only



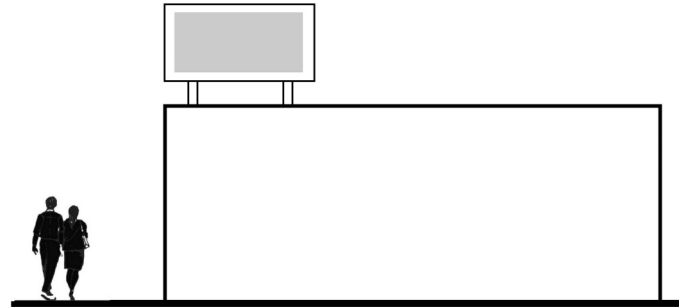
Internal illumination permitted

### Sign Illumination

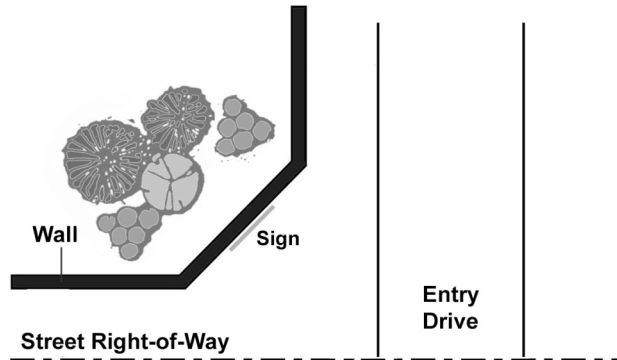
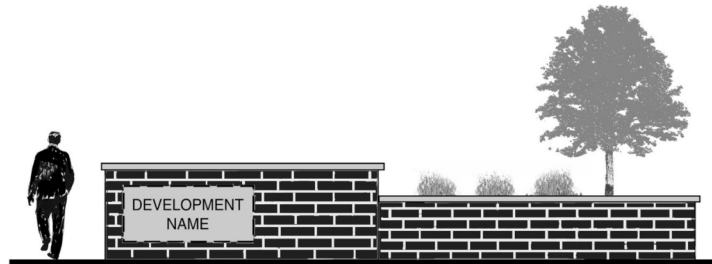
# ILLUSTRATIONS



**Building Directory**

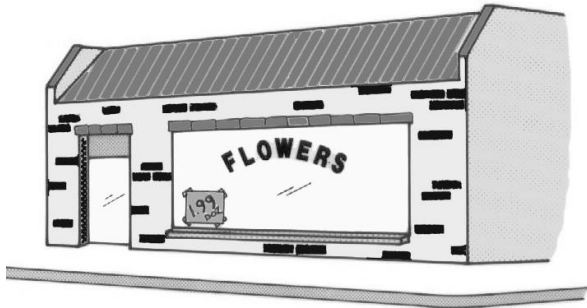


**Roof Sign**

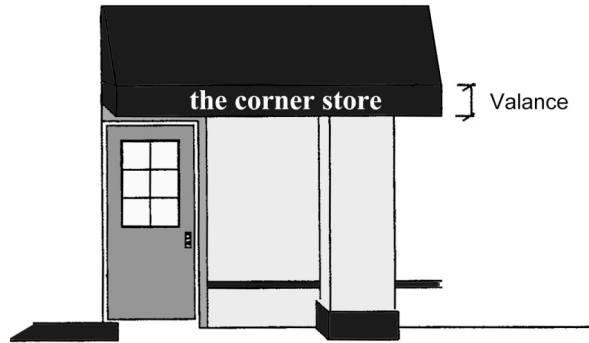


**Site Entry Feature With Signage**

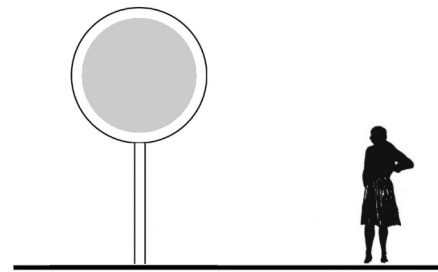
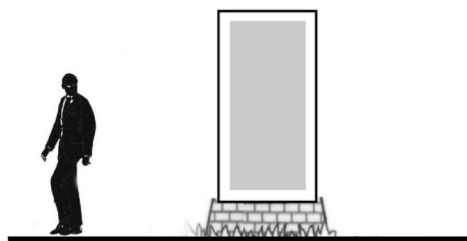
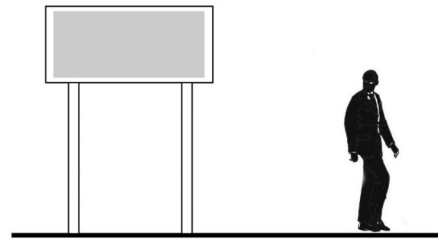
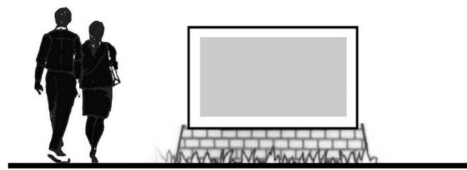
## ILLUSTRATIONS



Window Sign



Awning Sign



Various Types of Ground Signs

## ARTICLE 10

### EXTERIOR LIGHTING

#### Section 10.01 Purpose.

The purpose of this Article is to preserve the lawful nighttime use and enjoyment of all properties 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 resources; and prevent the degradation of the nighttime visual environment.

The standards of this Article 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; to minimize the adverse effects of inappropriate lighting; and to provide for the safety and security of people and property in the Township.

#### Section 10.02 Scope.

The standards of this Article shall apply to all exterior lighting sources, and to all light sources visible from any road right-of-way or adjacent lot, except as follows:

1. Exterior lighting accessory to farms, greenhouses, private riding stables, and single- and two-family (duplex) dwellings shall be exempt from the requirements of this Article.
2. Holiday decorations displayed for temporary periods not to exceed 90 calendar days shall be exempt from the requirements of this Article.
3. Lighting for a permitted temporary circus, fair, carnival, or civic use shall be exempt from the requirements of this Article, except that the Planning Commission or Zoning Inspector may impose reasonable restrictions on the use of such lighting where necessary to protect the public health, safety and welfare.
4. Shielded pedestrian walkway lighting shall be exempt from the requirements of this Article.
5. This Article shall not apply to circumstances where federal or state laws, rules or regulations take precedence over the provisions of this Article; or where fire, police, emergency, or repair personnel need light for temporary or emergency situations.
6. This Article 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).

**Section 10.03 General Provisions.**

The following general standards shall apply to all light sources regulated by this Article:

**A. 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).

**B. 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.

**C. Lamp Wattage.**

Lamp wattages and types shall be consistent with fixture’s style and function, as follows:

1. Fixtures in parking lots and high traffic areas shall use low or high-pressure sodium, metal halide or similar lamp types with 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.
2. Decorative exterior light fixtures shall be limited to lamps with a maximum wattage of 100 watts per fixture.

**D. Intensity.**

The maximum intensity of light within any site shall not exceed the following standards:

<b>Light Intensity</b>	<b>Maximum (footcandles)</b>
At any point within the site	10.0
At any lot boundary or road right-of-way line	1.0

1. **Outdoor dealership sales area lighting.** A maximum lighting intensity of 20.0 footcandles shall be permitted for any point within a dealership outdoor sales lot, provided that all site lighting is otherwise in compliance with this Ordinance.
2. **Pump island canopy lighting.** A maximum lighting intensity of 20.0 footcandles shall be permitted for any point under a motor vehicle fueling station’s pump island canopy, provided that all light fixtures under the canopy shall be fully recessed into the canopy structure, and all site lighting is otherwise in compliance with this Ordinance (see illustration).



**E. Measurements.**

Measurements of exterior lighting height and intensity shall be made in accordance with the following:

1. Light intensity levels shall be measured on the horizontal plane at grade level within the site.
2. Light intensity levels shall be measured on the vertical plane of the lot or road right-of-way boundaries at a height of five (5) feet above grade.
3. Fixture height shall be measured from grade level to the highest point of the light source (see illustration).

**F. Submittal Requirements.**

The following exterior lighting information may be required by the Planning Commission or Zoning Inspector with any site plan, site condominium plan, subdivision plat or zoning permit application where exterior lighting is proposed to be altered or installed:

1. The location, type and height of all existing and proposed light fixtures.
2. A photometric grid measuring the overall light intensity within the site in footcandles.
3. Manufacturer’s specifications and details for each type of light fixture, including the total lumen output, type of lamp, and method of shielding.

**Section 10.04 Standards by Type of Fixture.**

The following additional standards shall apply to specific types of exterior light fixtures and any light sources visible through a window from the road right-of-way or abutting lot, in addition to the provisions of Section 10.03 (General Standards):

**A. Freestanding Pole Lighting.**

The following standards shall apply to all freestanding, pole-mounted light fixtures:

1. **Maximum overall height.** The maximum height of pole-mounted fixtures shall be directly proportional to the fixture’s proximity to the boundary of a lot or parcel in a residential zoning district or occupied by any RURAL USES or RESIDENTIAL USES, as follows:

<b>Fixture Location</b>	<b>Maximum Fixture Height</b>
Less than 50 feet	15 feet
50 feet to 300 feet	20 feet
More than 300 feet	25 feet

2. **Hours of operation.** All private exterior lighting systems accessory to non-residential uses shall incorporate automatic timers.
  - a. Exterior light fixtures shall not be illuminated after 11:00 p.m. or one-half (1/2) hour following the close of the business day, whichever is later.
  - b. Such fixtures shall not be illuminated before sunrise or one-half (1/2) hour prior to the beginning of the business day, whichever is earlier.
  - c. Necessary illumination for security purposes shall be permitted between these hours.

**B. Architectural Lighting.**

Architectural lighting shall be subject to the following:

1. **Facade illumination.** 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.
2. **Accent lighting.** 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. The Planning Commission may approve internally illuminated architectural bands or similar shielded lighting accents as part of a site plan, upon determining that such lighting accents would enhance the aesthetics of the site, and would not cause off-site glare or light pollution.

**C. Window Lighting.**

All interior light fixtures 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. Illuminated Signs.**

Sign illumination shall conform to the provisions of Article 9 (Signs).

**Section 10.05 Prohibited Lighting.**

The following types of exterior light sources and activities shall be prohibited:

1. **Mercury vapor lighting.** The installation of mercury vapor fixtures shall be prohibited.
2. **Animated lighting.** Lighting shall not be of a flashing, moving, animated or intermittent type (such as animated sign lighting on an electronic reader board).

## Section 10.06 Alternatives and Alterations.

Specific lighting design alternatives or fixture substitutions may be permitted in accordance with the purpose of this Article and the following:

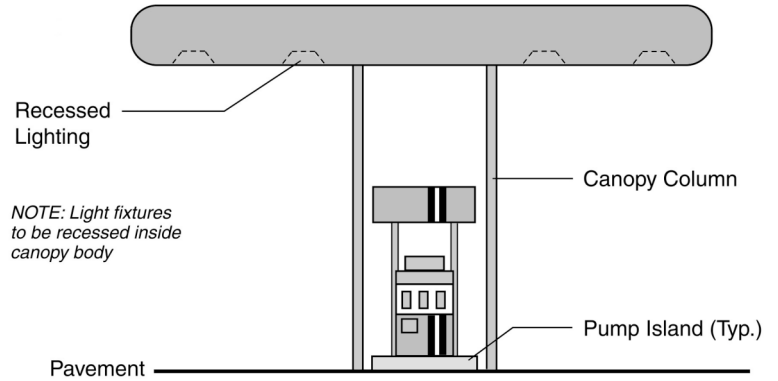
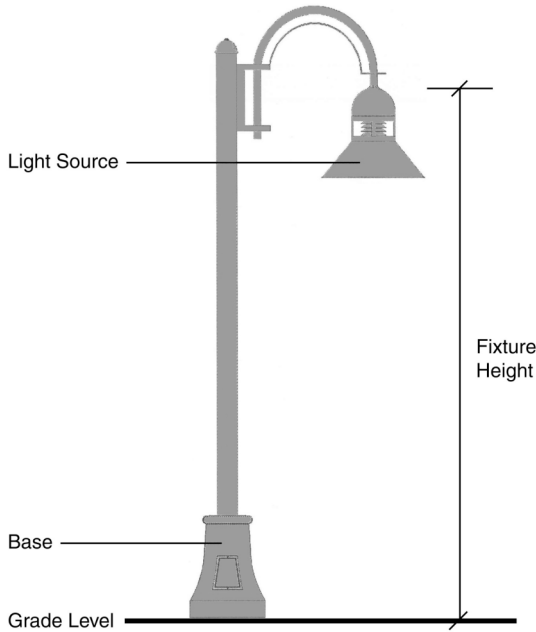
1. **Decorative light fixtures.** The Planning Commission may approve the use of decorative light fixtures as an alternative to fully shielded fixtures, where such fixtures would enhance the aesthetics of the site without causing off-site glare or light pollution.
2. **Fixture alteration or replacement.** Light fixtures regulated by this Article shall not be altered or replaced after approval has been granted, except where the Township Planner or Zoning Inspector has verified that the alteration or substitute fixture conforms to the requirements of this Article.

## Section 10.07 Exceptions.

It is recognized by the Township that certain uses or circumstances may have special exterior lighting requirements not otherwise addressed by this Article. The Zoning Board of Appeals (ZBA) may grant an exception to waive or modify provisions of this Article for a particular use or circumstance, upon determining that all of the following conditions have been satisfied:

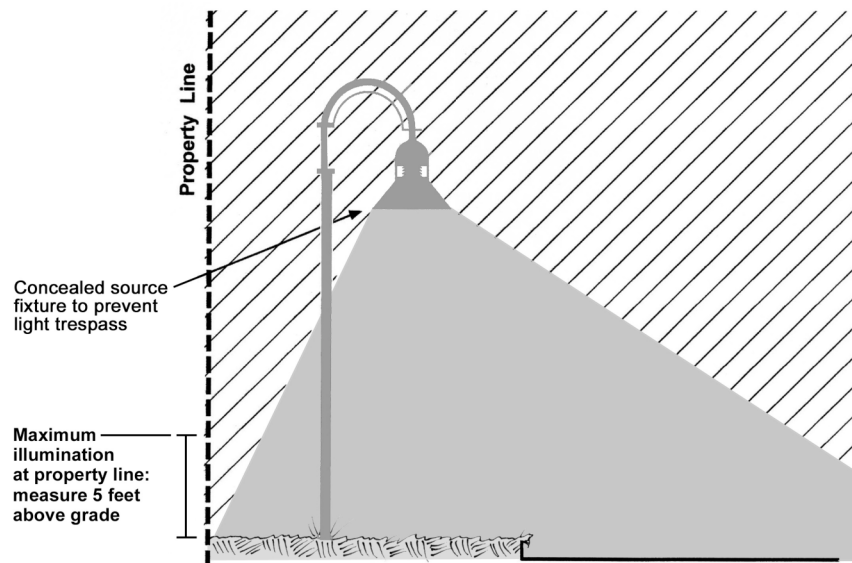
1. A public hearing shall be held for all lighting exception requests in accordance with the procedures set forth in Section 12.03 (Public Hearing Procedures).
2. The waiver or modification is necessary because of safety or design factors unique to the use, circumstance or site.
3. The minimum possible light intensity is proposed that would be adequate for the intended purpose. Consideration shall be given to maximizing safety and energy conservation; and to minimizing light pollution, off-site glare, and light trespass on to neighboring properties or road rights-of-way.
4. For lighting related to roads or other vehicle access areas, a determination is made that the purpose of the lighting cannot be achieved by installation of reflectorized markers, lines, informational signs, or other passive means.
5. Additional conditions or limitations may be imposed by the ZBA to protect the public health, safety or welfare, or to fulfill the spirit and purpose of this Article.

# ILLUSTRATIONS



**Pump Island Canopy Lighting**

**Light Fixture Height**



**Lighting Fixture Orientation and Shielding**

## **ARTICLE 11**

### **SPECIAL DEVELOPMENT PROVISIONS**

#### **Section 11.01 Residential Open Space Development Option.**

This Section establishes provisions under which a landowner may exercise the option to develop land with open space preservation in accordance with Section 506 of the Michigan Zoning Enabling Act.

**A. Purpose.**

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 3 (Dimensional Standards), but clustered on no more than fifty percent (50%) of the land area otherwise required for the development. 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. Scope.**

Land in the Rural Residential and Residential zoning districts, as defined in Article 2 (Zoning Districts) may be developed according to the standard conditions and requirements of this Ordinance, or in accordance with the open space development option of this Section. If the open space development option is selected, such land shall be developed in accordance with the conditions and requirements of this Section, and other applicable standards of this Ordinance.

**C. 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 residential development at a density of two (2) or fewer dwelling units per acre if not served by a publicly-owned and operated sanitary sewer system; or a density of three (3) or fewer dwelling units per acre if served by a publicly-owned and operated or municipal sanitary sewer system.
2. The development of land under this Section shall not depend upon the extension of a 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.

**D. Conceptual Review.**

Applicants are encouraged to meet informally with the Township Planner, Township officials, and other designated Township consultants to discuss a proposed development concept, site issues, application of Ordinance standards, and Township land development policies and procedures, prior to submitting plans for formal review.

1. Any person may also request that a conceptual open space development plan be placed on a regular Planning Commission meeting agenda as a discussion item for review and comment.
2. The Township Board may set a fee for conceptual review of open space development plans to defray costs associated with such reviews.
3. Comments and suggestions by the Township regarding a conceptual open space development plan shall constitute neither an approval nor a disapproval of the plan, nor shall the Township be bound in any way by such comments or suggestions in preparing for formal submittal or review of an application for approval under this Section.

**E. Development Review.**

Applications for residential development approval under the open space development option of this Section 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 13 (Condominium Regulations) and the Condominium Act; or
3. A detailed site plan per Section 12.01 (Site Plan Review) for applications that include a proposed metes and bounds (unplatted) land division under the provisions of the Land Division Act.

**F. 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. **Parallel 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 parallel plan shall be consistent with the standards of this Ordinance, including all standards of Article 3 (Dimensional Standards).
  - b. The plan shall identify all portions of land that are unbuildable for residential purposes due to the presence of wetlands, severe slopes, flood plains, or other features prohibiting residential development.
  - 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. The plan layout shall conform to all county and state requirements for single-family residential development, and shall not impact wetlands regulated by the Michigan Department of Environmental Quality (MDEQ).
  - e. Land area(s) intended for non-residential uses proposed as part of the development shall be identified on the parallel plan and shall not be included in the residential density determination.
3. **Conservation easement.** Documentation of a proposed conservation easement or similar 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 (metes and bounds land division, subdivision plat or site condominium development), and the following:
  - a. A site features inventory identifying active agriculture areas, topography at two (2) foot contour intervals, water courses, drainage patterns, wildlife habitats, roads and road rights-of-way, easements, soils based upon the U.S. Soil Conservation Survey or a site-specific survey, wetlands, floodplains, woodlands, and additional features uniquely affecting the site.
  - b. Date, north arrow, and scale. Site plans shall be drawn to an engineer's

scale appropriate for a sheet size of at least 24 by 36 inches. If a large development is shown in sections on multiple sheets, then one overall composite sheet shall be provided.

- c. Layout of all proposed roads, including the location and width of proposed rights-of-way, and the layout and design of proposed pedestrian paths, driveway curb cuts, and other improvements intended to serve individual lots in the development.
- d. 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.
- e. Location of all utility and stormwater management facilities necessary to serve the development.
- f. 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).
- g. 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.
- h. Location and intended use of all proposed non-residential structures and improvements.
- i. Any additional information requested by the Township Planner or Planning Commission to demonstrate compliance with the standards of this Section and the other applicable requirements of this Ordinance.

**G. 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 overall residential density of the open space development shall not exceed the maximum number of lots permitted for the parent parcel per Article 3 (Dimensional Standards), as shown on the approved parallel 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:
  - a. The land area reserved for permitted non-residential uses shall not exceed that shown on the approved parallel plan.
  - b. 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. **Perimeter open space buffer.** A perimeter buffer area of preserved open space shall be provided between the development area(s) of the site and the boundaries of abutting parcels occupied by RURAL USES, and any abutting major road or primary road as classified by the master transportation plans of the Township, or county or state road authorities. Perimeter open space buffer areas shall be subject to the following:
  - a. The minimum width of a perimeter open space buffer between a road right-of-way and the development area(s) of the site shall be 150 feet.
  - b. The minimum width of a perimeter open space buffer between land occupied by RURAL USES and the development area(s) of the site shall be 75 feet.
  - c. Where the Planning Commission determines that existing natural vegetation or topographic changes do not provide an adequate buffer, a landscaped greenbelt shall be provided within the perimeter open space buffer per Section 8.04A (Greenbelt Buffer).
  - d. The area of any required perimeter open space buffer shall count towards the minimum open space required under this Section.
6. **Roads.** Private roads planned to serve the development shall conform to the standards of Section 11.08 (Private Roads). Internal public roads shall conform to Washtenaw County Road Commission standards.
7. **Dimensional standards.** The standards of Article 3 (Dimensional Standards) shall apply to lots created under this Section, subject to the following:
  - a. **Maximum floor area ratio (FAR).** The maximum floor area ratio (FAR) standards for the zoning district shall not apply to lots approved under this open space development option. A maximum floor-area ratio (FAR) of 0.25 shall apply to lots approved under this open space development option.
  - b. **Minimum yard setbacks.** At the landowner's option, the minimum required yard setbacks may be reduced for lots created under this open

space development option, subject to the following:

- (1) Planning Commission determination that the reduction is reasonable and necessary to preserve open space and meet the intent and purpose of this Section.
- (2) The separation distance between detached dwellings constructed under this option shall be a minimum of 20 feet.

c. **Minimum lot size.** At the option of the landowner, the minimum lot area and lot width may be reduced for lots created under this open space development option, subject to the following:

- (1) Planning Commission determination that the reduction is reasonable and necessary to preserve open space and meet the intent and purpose of this Section.
- (2) Lots created under this option shall contain adequate lot area and width to provide for development of a principal dwelling and customary accessory structures without need for a variance.

#### H. **Standards for Open Space.**

At least fifty percent (50%) of the land proposed for development under the provisions of 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. If the land to be developed under this option contains a river, stream, pond or other body of water, the Planning Commission may require a portion of the open space to abut the body of water.
6. All structures shall be located outside of land area designated as preserved open space. 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.
7. 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 (PCWS), and similar facilities.
  - c. Required yard setback areas for individual lots.
8. Parties who have an ownership interest in the open space 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.

**I. 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.

**J. Amendments and Appeals.**

An approved open space development plan, including any conditions of approval, shall not be altered, except upon approval by the Planning Commission.

1. Regulatory modifications permitted under this Section shall not be subject to appeal to the Zoning Board of Appeals.
2. Any deviation from an approved open space development plan shall require approval by the Planning Commission.
3. This provision shall not preclude an individual lot or dwelling unit owner in the development from seeking a variance, provided such variance shall not involve alterations to open space areas shown on the approved plan.

**K. Performance Guarantees.**

Based on review of the development plan and other application materials, the Planning Commission may require a performance guarantee, per the standards of Section 1.08C (Performance Guarantees).

**Section 11.02 Wireless Communication Facilities.**

Wireless communications systems, facilities, towers, and antennae in the Township shall be subject to the following:

**A. Purpose.**

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. Establish consistent review procedures and information requirements for construction, alteration or enlargement of a wireless communication tower and installation of a new antenna on an existing building in accordance with Section 502 and Section 504 of the Michigan Zoning Enabling Act; and
7. Permit administrative review and approval of certain types of projects that have a limited scope and impact, such as collocation of additional antennae on an existing, approved wireless communications tower.

**B. Application Information.**

The following information shall be provided with any application for approval of a wireless communications facility:

1. **Applicant information.** The name, address and telephone numbers for the applicant, property owner, tower operator and installation contractor; and the address, parcel identification number or location of the property on which the facility is to be located.
2. **Facility inventory.** If the application includes a new wireless communication tower, the applicant shall provide an inventory of all existing towers located in the Township or within one (1) mile of the Township's boundaries. Sharing of this inventory with future applicants shall not constitute a representation or warrant by the Township that such sites are available or suitable. At a minimum, the inventory shall include the following:
  - a. Identification of the owner or operator, location, height, type, and design of each tower.
  - b. A description and assessment 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.
  - c. An assessment and illustration of feasible location(s) of future towers or antennae in the Township under the requirements of this Ordinance,

based on the location of the proposed tower and existing physical, engineering, technological, and geographical limitations.

- d. An environmental impact statement disclosing any anticipated impacts on local wetlands, floodplains, wildlife corridors, natural habitat areas, and other environmental considerations.
3. **Location map.** A location map for the proposed wireless communications facility, showing adjacent public roads, intersections, and other significant landmarks. If a new tower is proposed, the location map shall show the setback distance(s) from the nearest tower(s) included in the facility inventory.
  4. **Service area coverage maps.** A map of the area served by the provider's existing wireless communications facilities shall be provided, along with a second map of the same area also showing the proposed service area coverage.
  5. **Site plan.** A scaled site plan that indicates the type of wireless communications facility, as defined in this Ordinance, and includes the following:
    - a. A parcel survey, with easements, setback dimensions and the location of all existing and proposed structures and facilities on the subject parcel.
    - b. Zoning district classifications and existing land uses for the subject parcel and all adjacent parcels, including across road rights-of-way.
    - c. A description of the type and design of the proposed wireless communication facility.
    - d. Legal description of the subject parcel and any leased area, if applicable.
    - e. Setback distances between any proposed tower(s) and the nearest boundaries of any residential zoning district or lot occupied by a dwelling.
    - f. Proposed means of access and other proposed site improvements.
    - g. Details of proposed landscaping and screening materials; including species, size, and amounts, and a detailed maintenance plan.
    - h. Details of proposed fencing, lighting, and security elements and materials; including color and type of materials, and method of illumination and fixture specifications for all light sources.
    - i. Any other information deemed necessary by the Planning Commission to assess compliance with this Section.
  6. **Elevation drawings.** Elevation drawings of the proposed wireless communication facility, ground equipment enclosure(s), and associated structures. The drawings shall identify:

- a. The type, design, materials, and height for the proposed wireless communications facility, enclosure(s), and associated structures.
  - b. The name and location of the tower manufacturer, if applicable.
7. **Compliance with applicable laws and regulations.** The applicant shall provide documentation of proper licensing as a wireless communication services provider, and compliance with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
8. **Permission to locate.** The applicant shall submit copies of an executed lease or purchase agreement or similar proof of permission to locate a wireless communications facility on the site.
9. **Collocation agreement.** The applicant for a new tower shall submit a signed and notarized agreement, transferable to all successors and assigns, stating that the tower operator shall make space available on the tower for collocation. Proposed future antenna and equipment locations shall be indicated on the site plan and elevation drawings.
10. **Insurance certificate.** The applicant shall submit a valid certificate of insurance, to be renewed annually, listing Saline Township as the certificate holder and naming Saline Township, its past, present and future elected officials, representatives, employees, boards, commissions, consultants, and agents as additional named insured.
- a. The certificate shall also state that if any of the described policies are to be canceled before the expiration date thereof, the issuing company will mail 30 days written notice to the Township as certificate holder.
  - b. The Township may require the applicant to supply a \$1,000.00 cash bond to the Township, which shall be used to reimburse administrative expenses in the event the certificate is allowed to lapse.
11. **Maintenance agreement.** The applicant shall submit a plan for the long-term, continuous maintenance of the facility. The plan shall identify who will be responsible for maintenance of the facility, including access, landscaping, screening, and security improvements.
12. **Removal agreement and guarantee.** The applicant shall submit a signed and notarized removal agreement and a performance guarantee for the future removal of the facility, subject to the following:
- a. The agreement shall be in accordance with the requirements of Section 11.02O (Removal of Wireless Communications Facilities).
  - b. The applicant shall submit an estimate of the cost of removal of the facility and restoration of the site, certified by a licensed engineer.

- c. The performance guarantee shall be in accordance with Section 1.08C (Performance Guarantees), and shall be sufficient to ensure removal of the wireless communication facility, restoration of the site, and reimbursement of associated administrative costs incurred by the Township in the event that the applicant, property owner or their successors fail to remove the facility in a timely manner.
  
- 13. **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 Zoning Inspector that this condition has been satisfied.
  
- 14. **Backhaul network information.** Identification of the entities providing the backhaul network for the wireless communication facility described in the application and other sites owned or operated by the applicant in the township.
  
- 15. **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 all such franchises shall be filed with the Township.
  
- 16. **Engineering certification.** 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 with the State Construction Code enforced by Washtenaw County and all other applicable building, electrical, and fire codes.

**C. Type of Review Required.**

Wireless communications facilities shall be reviewed in accordance with the following:

<b>Type of Wireless Communications Facility</b>	<b>Required Review and Approval</b>		
	<b>Planning Commission</b>	<b>Zoning Inspector</b>	<b>Exempt</b>
<b>NEW TOWERS AND ANTENNAE</b>			
Construction, alteration or enlargement of a wireless communication tower.	●		



<b>Type of Wireless Communications Facility</b>	<b>Required Review and Approval</b>		
	<b>Planning Commission</b>	<b>Zoning Inspector</b>	<b>Exempt</b>
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.	●		
Antenna(e) installation on an existing principal building or accessory structure where all accessory equipment is installed and maintained within the existing building or structure.		●	
<b>COLOCATION ON EXISTING TOWERS</b>			
Expansion of an approved ground equipment enclosure area.	●		
Construction or expansion of ground equipment building(s) within an approved ground equipment enclosure.		●	
Antenna(e) collocation on an existing tower.		●	
Installation of new ground equipment within an approved ground equipment building or enclosure.		●	
<b>SATELLITE DISH ANTENNAE</b>			
Installation of a satellite dish antenna with a diameter of less than 1.5 meters.			●
Installation of a satellite dish antenna with a diameter 1.5 meters or larger.		●	
<b>AMATEUR RADIO ANTENNAE</b>			
Installation of an amateur radio transmission and reception antenna.		●	
Installation of a citizen band radio base station antenna structure, contractor's business antenna structure or similar facility.		●	
Installation of short wave facilities or an amateur radio reception-only antenna.			●
Installation of municipal and other facilities subject to federal or state preemption of local regulatory authority.			●

<b>Type of Wireless Communications Facility</b>	<b>Required Review and Approval</b>		
	<b>Planning Commission</b>	<b>Zoning Inspector</b>	<b>Exempt</b>
<b>OTHER PROJECTS</b>			
Repair, service or maintenance of an existing wireless communications facility, provided that all work is in compliance with approved plans, permits and applicable codes.			●
Telecommunication facilities as defined by the METRO Act (P.A. 48 of 2002, as amended).			●

**D. 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 listed as exempt from review in Section 11.02C (Type of Review Required) shall be permitted by right, subject to the applicable federal and state regulations.

**E. Facilities Subject to Zoning Inspector Approval.**

Facilities requiring Zoning Inspector approval per Section 11.02C (Type of Review Required) shall be subject to review and approval of a certificate of zoning compliance in accordance with the applicable standards of this Section and Section 1.07 (Permits and Certificates of Zoning Compliance).

**F. Facilities Subject to Planning Commission Approval.**

After a complete and accurate application has been received by the Township in accordance with the requirements of Section 11.02B (Application Information), wireless communications facilities subject to Planning Commission approval per Section 11.02C (Type of Review Required) shall be reviewed in accordance with the following:

1. **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.
  - a. The Township may retain the services of wireless communications and engineering experts, at the applicant’s expense, to review data provided by the applicant.
  - b. The Zoning Inspector or Planning Commission may also request comments from outside agencies with jurisdiction.

2. **Public hearing.** A public hearing shall be held for all wireless communications facilities subject to Planning Commission approval in accordance with Section 12.03 (Public Hearing Procedures).
3. **Planning Commission consideration.** Subsequent to the hearing, the Planning Commission shall review the proposed wireless communications facility, together with any reports and recommendations from Township officials, the Township Planner, other designated Township consultants, local agencies or departments with jurisdiction, and any public comments.
  - a. The Planning Commission shall verify whether all required information has been provided per Section 11.02B (Application Information).
  - b. The Planning Commission shall verify whether the facility is in compliance with all applicable requirements of this Section and Ordinance.
4. **Planning Commission action.** The Planning Commission is authorized to table, approve, approve subject to conditions or deny the proposed wireless communications facility as follows:
  - a. **Tabling.** Upon determination by the Planning Commission that the 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 consideration until a later meeting.
  - b. **Denial.** Upon determination that the application is not in compliance with all applicable standards of this Section for the type of wireless communication facility, or would require extensive modifications to comply with such standards, the application shall be denied. If the application is denied, a written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for such denial. Failure of the applicant to attend two (2) or more meetings shall be grounds for the Planning Commission to deny the application.
  - c. **Approval.** The proposed wireless communications facility may be approved by the Planning Commission upon determination that it is in compliance with all applicable standards of this Section.
  - d. **Approval subject to conditions.** The Planning Commission may approve a proposed wireless communications facility subject to reasonable conditions:
    - (1) Designed to protect natural resources, the health, safety, welfare, and social and economic well-being of users or patrons of the use under consideration, residents and landowners immediately adjacent to the proposed use, or the community as a whole;
    - (2) Related to the valid exercise of the police power, and the impacts of the proposed use; or

- (3) Necessary to meet the intent and purposes of this Section and Ordinance, related to the standards established in this Section, and necessary for compliance with those standards.

Conditions of approval shall remain unchanged except upon mutual consent of the Planning Commission and the landowner. Any such changes shall be entered into Township records and recorded in the minutes of the Planning Commission meeting at which the action occurred.

5. **Recording of Planning Commission action.** Planning Commission action on the application shall be recorded in the Planning Commission meeting minutes, stating the description and location of the proposed wireless communications facility, address and tax identification number of the parcel, the findings of fact and conclusions or grounds for the Planning Commission's action, and any conditions of approval. The Secretary or Chair shall file one (1) copy of the written record with the Township Clerk for the permanent Township record, and shall forward one (1) copy to the applicant as evidence of approval.
6. **Effect of action.** Approval of the wireless communications facility by the Planning Commission shall allow the Zoning Inspector to issue a certificate of zoning compliance for the work associated with the application.
  - a. No work may take place on the site except in accordance with an approved certificate of zoning compliance and the plans approved by the Planning Commission.
  - b. If the Planning Commission denies the wireless communications facility, the applicant may submit a new wireless communications facility application that corrects any deficiencies in the denied application materials, facility design or location.
7. **Expiration of approval.** Approval of a wireless communications facility shall expire 365 days after the date of approval, unless a certificate of zoning compliance has been issued or construction has commenced. Upon written request received by the Township prior to the expiration date, the Planning Commission may grant an extension of up to 180 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 wireless communications facility plans remains in conformance with the purpose and provisions of this Section.

**I. Standards for Wireless Communications Towers.**

The following shall apply to all wireless communications towers, microwave transmission towers, AM antenna arrays, and similar tower structures:

1. **Availability of suitable existing towers, other structures or alternative technology.** No new tower shall be permitted unless the applicant demonstrates to the Planning Commission's satisfaction that:

- a. No existing towers or structures located within the geographic area meet the applicant's engineering or operating requirements;
  - b. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna(e) and equipment;
  - c. The applicant's proposed antenna(e) would cause electromagnetic interference with antenna(e) on an existing tower, or vice versa;
  - d. The fees, costs or contractual provisions required by the owner 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;
  - e. Other limiting factors render existing towers or structures unsuitable; and
  - f. There is no suitable alternative technology available which would 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). Costs of alternative technology that exceed new facility development shall not be presumed to render the technology unsuitable.
2. **Permitted locations.** Permitted wireless communications tower locations shall be limited to the following:
- a. Wireless communications towers shall only be permitted on parcels in the A-1 (Agricultural Conservation), C-1 (Local Commercial), I-1 (Industrial-Research), and PSP (Public/Semi-Public Services) Districts with sufficient lot area to accommodate the setback requirements of this Section.
  - b. No tower shall be located within two (2) miles of another wireless communication tower. The Planning Commission may waive this separation requirement, subject to the following:
    - (1) Determination that there is a demonstrated need for an additional tower, based on the facility's technical requirements, service needs of Township residents or other acceptable factors.
    - (2) Under no circumstance shall a tower be permitted to locate less than one (1) mile from another wireless communications tower.
  - c. No tower shall be located closer than 800 feet from the boundary of any residential zoning district, and any PUD incorporating residential uses.
  - d. Separation distances shall be calculated and applied to towers located irrespective of municipal and county jurisdictional boundaries.
3. **Maximum height.** Towers shall not exceed 180 feet in height as measured from certified grade to the highest point of the tower, including antennae

attached to the tower. The Planning Commission may waive this height limitation, subject to the following:

- a. Determination that the additional height is necessary to permit reasonable use of the tower and antennae, or necessary to permit collocation of multiple antennae on the tower; and
  - b. Determination that the additional height will not adversely impact abutting lots and uses to an extent greater than a tower that conforms to the maximum height standard of this subsection.
4. **Minimum setbacks.** A tower shall be set back from all parcel boundaries a minimum distance equal to one hundred percent (100%) of the height of the tower. Anchoring cables, equipment enclosures and accessory structures shall satisfy minimum zoning district setback requirements, with a minimum required setback of 50 feet.
  5. **Ground equipment enclosure.** All wireless communications towers, accessory structures and equipment enclosures shall be completely enclosed by an eight (8) foot high fence with a lockable gate to prevent unauthorized access. The wireless communications tower shall also be protected by anti-climbing devices, and anchor points for guy wires supporting the tower shall be secured to prevent unauthorized access.
  6. **Screening.** A dense evergreen screen shall be provided on all sides of the ground equipment enclosure per Section 8.04E (Evergreen Screen). Existing site vegetation and landforms shall be preserved to the maximum extent feasible. The Planning Commission may waive screening requirements where existing site vegetation or landforms provide a sufficient buffer from abutting uses.
  7. **Collocation.** Wireless communications towers shall be designed, constructed, and maintained in a manner that accommodates collocation of multiple antennae on a single tower.
  8. **Access.** Unobstructed permanent access to the tower and ground equipment enclosure shall be provided for police, fire, and emergency vehicles. Access may be provided by an easement. Upon request by the Township or the Saline Area Fire Chief, the tower owner shall install and maintain a "Knox Box" or other acceptable means of emergency access.
  9. **Design.** All new towers shall conform to the following design standards:
    - a. All new towers shall be of a monopole design, and constructed of or treated with corrosive resistant materials. The base of the tower shall occupy no more than 500 square feet.
    - b. Advertising, signs, and identification of any kind visible from the ground or abutting parcels or road rights-of-way shall be prohibited, except as required by agencies with jurisdiction for identification purposes.

- c. The tower and associated antennae shall be painted white. The Planning Commission may waive this requirement upon finding that other colors or treatments would better minimize off-site visibility.
  - d. The tower and associated antennae shall not be illuminated, unless required by the FAA, Michigan Aeronautics Commission or other agency with jurisdiction. Any required lighting shall be designed and maintained to cause the least disturbance to the surrounding views.
10. **Land division.** The division of property for the purpose of locating a wireless communication tower shall be prohibited unless all requirements of this Ordinance and other Township ordinances have been met.
11. **Employees.** No employees shall be located on-site on a permanent basis. Employee access shall be limit to temporary repair and service activities.
12. **Tower address.** Each wireless communications tower shall be designated with a specific and unique mailing address.

**J. Standards for Antennae Located on Structures.**

The following shall apply to antennae located on principal or accessory structures:

- 1. Such antennae shall be limited to structures in any zoning district that have a minimum height of 50 feet.
- 2. The antenna and support structure shall be permanently secured to the structure, and shall not exceed the structure height by more than 10 feet.
- 3. The antennae shall be designed and arranged to minimize visibility and to blend with the primary building materials and colors.
- 4. The antenna and support structure shall not be illuminated, unless required by the FAA, Michigan Aeronautics Commission or other agency with jurisdiction.

**K. Standards for Satellite Dish Antennae:**

Satellite dish antennae shall be permitted in any zoning district, subject to approval per Section 11.02C (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.

**L. Standards for Amateur Radio Antennae:**

Amateur radio antennae shall be permitted in any zoning district, subject to approval per Section 11.02C (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 60 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.

**M. 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.

**N. Rescinding Approval of Wireless Communications Facilities.**

Failure of the owner, operator or leaseholder of an approved wireless communications facility to renew or replace any required bonds 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 12.03 (Public Hearing Procedures), at which time the owner, operator or leaseholder 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.

**O. Removal of Wireless Communications Facilities.**

The owner or operator shall remove a wireless communications facility for which approval has been rescinded, that has ceased operation for more than 365 consecutive days, or that has been determined by the Township to be abandoned, subject to the following:

1. 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.
2. 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.
3. 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.
4. 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.
5. If there are two (2) or more antennae on a single tower, this subsection shall not take effect until all users cease using the tower.
6. Any wireless communication facility that is not operated for a continuous period of 365 calendar days shall be deemed abandoned.

**P. Wireless Communications Facility Maintenance.**

Wireless communications facilities (including all towers, structures, equipment, ground equipment enclosures, and access, landscaping, screening, and security improvements) shall be maintained in accordance with applicable federal, state, and county laws and regulations, and all approved plans, permits, and conditions of approval.

1. The facility owner shall be responsible for securing all required permits and approvals for maintenance and servicing of the facility.

2. The facility owner shall contact the Saline Area Fire Chief by telephone or in person to provide prior notification of maintenance or servicing activities that would involve use of a torch or welding equipment, or would otherwise create or exacerbate a potential fire hazard. Failure to provide such prior notice shall cause the facility owner to be responsible for costs incurred by the Township and Saline Area Fire Department for fire runs to the site or any other calls for service associated with the work.

### **Section 11.03 Development Agreement.**

A Development Agreement shall be 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 following final site plan approval and prior to the commencement of 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;
8. Include the approved development plans and any associated development documents as exhibits; and
9. Address other issues that the Township and owner(s)/developer(s) deem appropriate.

#### **B. Approval of a Development Agreement.**

The proposed Development Agreement shall be subject to review by the Township Planner, Township Attorney, and other designated officials and consultants; and

approval by the Township Board. The owner(s)/developer(s) of the subject property shall be responsible for recording the approved Development Agreement in the Washtenaw County Register of Deeds office, unless the Township Clerk agrees to do so at the owner(s)/developer(s) expense. Proof of recording and two (2) copies of the recorded Agreement and any exhibits shall be provided to the Township Clerk.

## **Section 11.04 Water Supply and Sanitary Sewerage Facilities.**

Dwellings, lots, and principal buildings required by state or county law, ordinance or regulation to be served by a potable water supply or a sanitary sewage disposal facility before occupancy by any use permitted under this Zoning Ordinance shall be subject to the following:

### **A. Sanitary Sewage Treatment and Disposal Required.**

Where a sanitary sewage disposal facility is required for occupancy by any use permitted under this Zoning Ordinance, the following standards shall apply:

1. **Private community wastewater systems (PCWS).** Use of private community wastewater systems (PCWS), as defined in Section 18.02 (Definitions) for sanitary sewage treatment and disposal shall be prohibited in Saline Township, except as follows:
  - a. Use of a PCWS may only be permitted as part of a planned unit development (PUD) project approved in accordance with Article 14 (Planned Unit Development (PUD) District).
  - b. Where permitted, the PCWS shall be designed, constructed, and maintained per applicable state and county regulations, and any Township ordinances regulating such systems.
2. **Public sanitary sewerage and private on-site septic systems.** All other dwellings, lots, principal buildings, and uses shall be connected to an independent, on-site private septic system approved by the Washtenaw County Environmental Health Division (WCEHD); or to a public sanitary sewerage system, where available. On-site sewage disposal systems shall be prohibited in areas in which public sanitary sewerage service is available.

### **B. Potable Water Supply Required.**

Where a potable water supply is required for occupancy by any use permitted under this Zoning Ordinance, the following standards shall apply:

1. **Community wells.** Use of a community well, as defined in Section 18.02 (Definitions), to provide potable water services to more than one (1) dwelling, lot, principal building or use shall be prohibited in Saline Township.
2. **Public water supply systems and private water wells.** All dwellings, lots, principal buildings, and uses not served by a publicly-owned and operated water supply system shall be connected to an independent, on-site private water

supply well approved by the Washtenaw County Environmental Health Division (WCEHD); or to a public water supply system, where available. Use of on-site private wells for potable water shall be prohibited in areas in which public water supply service is available.

## **Section 11.05 Natural Resources Protection.**

This Section is intended to establish minimum regulations necessary to preserve natural resources on sites being developed in the Township. The preservation of natural resources is essential to maintain the continued character and quality of life for current and future Township residents and visitors. Protection of the natural features of the Township will promote the general public health, safety and welfare, encourage the use of lands in accordance with their character and adaptability, protect the natural environment, and conserve natural resources and energy.

An essential part of the character and quality of life in Saline Township and the surrounding region is the variety of natural features that remain largely undisturbed by land development. As the Township's General Development Plan specifies, the policy of the Township is that these natural features need to be protected and preserved to the maximum extent possible when land is developed.

### **A. Scope.**

The standards of this Section are intended to protect natural features from destruction and misuse, and shall be considered the minimum necessary to achieve the intents and purposes of this Section and Ordinance. This Section shall apply to all development projects and parcels subject to a development approval application per Section 12.01 (Site Plan Review), condominium site plan approval per Article 13 (Condominium Regulations), planned unit development approval per Article 14 (Planned Unit Developments), or subdivision plat approval in accordance with the Land Division Act (P.A. 288 of 1967, as amended) and any Township subdivision regulations.

### **B. Development Plan Requirements.**

Conformance with the applicable standards of this Section shall be demonstrated in conceptual form on the preliminary site plan or equivalent preliminary development plan required by the applicable development approval process. The final site plan or equivalent final development plan for the project shall contain sufficient details and information necessary to demonstrate conformance with this Section, to the satisfaction of the Planning Commission.

### **C. Watercourses and Wetlands.**

The following watercourse and wetland protection standards shall apply to all developments subject to this Section:

1. **Setback area.** The following setbacks from wetlands and watercourses shall apply:

- a. A minimum 50-foot open space setback shall be maintained from the ordinary high water mark of any river, stream, pond, lake or other watercourse, provided that no development shall be permitted within the 100-year floodplain.
- b. A minimum 25-foot open space setback shall be maintained from the edge of any wetland, as defined in Section 18.02 (Definitions).
- c. A minimum 25-foot open space setback shall be maintained from the boundary of any dedicated county drain easement, or a minimum of 50 feet from the centerline of any county drain without a dedicated easement.

Detention basins and similar stormwater management facilities may be constructed within a required setback, provided that appropriate replacement plantings are provided and maintained.

2. **General standards.** In any zoning district, no river, stream, watercourse, wetland or drainage way, whether filled or partly filled with water or dry in certain seasons, shall be obstructed or altered in any way at any time by any person, except when done in conformance with local, state, and federal law and standards.
  - a. No person shall alter, change, transform or otherwise vary the edge, bank or shore of any lake, river or stream except as provided in for in state law and in accordance with Michigan Department of Environmental Quality (MDEQ) regulations.
  - b. No person shall drain, remove, fill, change, alter, transform or otherwise vary the area, water level, vegetation or natural conditions of a marsh, swamp or wetland except after receiving final development approval in accordance with applicable Township standards. Any such alteration shall conform to applicable local, state, and federal requirements.

**D. Floodplains.**

The following floodplain protection standards shall apply to all developments subject to this Section:

1. Development shall be prohibited within the 100-year floodplain of any existing watercourse or wetland.
2. It shall be the applicant's responsibility to delineate the 100-year floodplain boundaries. Where there is any uncertainty, contradiction, or conflict as to the location of the floodplain boundaries, the final determination of the boundaries shall be made by the Township Engineer or designated wetlands consultant after referral from the Planning Commission.

**E. Steep Slopes and Unusual Topographic Features.**

No development shall be permitted within any critical area of highly erodible soils, and steep slopes as defined in Section 18.02 (Definitions). The Planning Commission may place reasonable restrictions or use limitations on development within areas that have one (1) or more of the following characteristics:

1. Unusual topographic features;
2. Slopes of twelve percent (12%) or more where the slope is adjacent to a wetland or watercourse, where the soil is highly erodible; or
3. Slopes of eighteen percent (18%) or more where the area of the slope contains other natural features, such as woodlands, natural stands of large trees, or natural habitat areas.

Such restrictions or use limitations may include requiring permitted dwelling units to be clustered to preserve all or part of such slopes in a natural state, inclusion of all or part of such areas within proposed recreation areas or open space, and limiting grading that would adversely impact the unusual topographic features or related natural features.

**F. Groundwater Recharge Areas.**

The following groundwater recharge area protection standards shall apply to all developments subject to this Section:

1. The development shall be designed to protect groundwater resources.
2. Stormwater management facilities shall be designed to retain the natural retention and storage capacity and function of any wetland, water body or watercourse.
3. Site plans shall delineate the location and extent of any contaminated soils or groundwater on the site or that may affect the proposed development.
4. The applicant shall demonstrate how the proposed site design and layout of uses on the development site will:
  - a. Preserve the groundwater recharge areas and the infiltration capacity of the soils;
  - b. Prevent polluted materials from infiltrating into groundwater;
  - c. Minimize impervious areas through site planning that makes most efficient use of paved, developed space and that maximizes open space areas; and
  - d. Manage stormwater runoff to maximize on-site infiltration and provide adequate pre-treatment and filtering of sediments and other impurities.

5. The Planning Commission may require the use of buffer zones to protect surface vegetation or the installation and use of such other techniques it deems necessary to mitigate or retain stormwater runoff.

**G. Woodlands and Landmark Trees.**

The following woodlands and landmark tree preservation and mitigation standards shall apply to all developments subject to this Section:

1. **Tree removal.** Except as otherwise provided in this Section, any development subject to this Section shall not:
  - a. Remove, transplant, damage, or destroy any tree or similar woody vegetation of any diameter at breast height (D.B.H.) in a woodland currently existing or that has existed on the subject site within the last five (5) years.
  - b. Remove, transplant, damage or destroy any tree or similar woody vegetation including individual deciduous trees of six (6) inch D.B.H. or larger and individual evergreen trees six (6) feet in height or higher, which are not located in a woodland.
  - c. Conduct any land clearing or grubbing activities within a woodland area.
2. **Requirements.** Except as provided elsewhere within this Section, the developer shall be subject to the following requirements:
  - a. Preserve and leave standing a minimum of thirty-five percent (35%) of the total number of individual deciduous trees of six (6) inch D.B.H. or larger and individual evergreen trees six (6) feet in height or higher within the development that have existed on the subject site within the last five (5) years.
  - b. If existing preserved trees do not average 30 trees per acre, additional trees shall be planted to equal a minimum average ratio of 30 trees per acre, at a minimum D.B.H. of 2.5 inches for deciduous trees and a minimum of six (6) feet in height for evergreen trees within any development subject to the provisions of this Section. Species and spacing of trees shall be subject to the approval of the Planning Commission. The required mitigation of trees shall be counted towards this ratio.
  - c. 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.
3. **Tree relocation and replacement.** The intent of this Section is to replace removed species with similar species in appropriate habitats. Whenever the

removal of individual deciduous trees of six (6) inch D.B.H. or larger and individual evergreen trees six (6) feet in height or higher, is deemed necessary from the site, such trees shall be replaced or relocated in accordance with this Section. If removed trees are to be replaced as provided within this Section, replacement trees may be used to satisfy preservation percentage requirements of this Section, but may not be used to satisfy landscaping requirements of the Zoning Ordinance.

4. **Replacement species standards.** Replacement trees shall be of the same species as the removed tree, except where prohibited by Section 8.07 (Prohibited Plant Materials). Species native to Michigan may be substituted for non-native or prohibited species. All replacement tree species shall be suitable for the habitat in which they will be located.
5. **Landmark tree standards.** A landmark tree, as regulated by this Section, shall be considered to be any tree that has a D.B.H. of 24 inches or greater, or that is of a type and D.B.H. equal to or greater than shown on the following list:

<b>Landmark Tree Common Name</b>	<b>Landmark Tree Species</b>	<b>Diameter at Breast Height (D.B.H.)</b>
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
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



<b>Landmark Tree Common Name</b>	<b>Landmark Tree Species</b>	<b>Diameter at Breast Height (D.B.H.)</b>
Oak	Quercus spp.	16 inches
Cedar, White (Arborvitae)	Thuja occidentalis	Twelve (12) inches
Cedar, Red	Juniperus virginiana	Twelve (12) inches
Baldcypress	Taxodium distichum	Twelve (12) inches
Birch	Betula spp.	Twelve (12) inches
Black Tupelo	Nyssa sylvatica	Twelve (12) inches
Cherry	Prunus spp.	Twelve (12) inches
Crabapple	Malus spp	Twelve (12) inches
Dawn Redwood	Metasequoia glyptostroboides	Twelve (12) inches
Ginkgo	Ginkgo biloba	Twelve (12) inches
Hackberry	Celtis occidentalis	Twelve (12) inches
Hawthorn	Crataegus spp.	Twelve (12) inches
Hemlock, Eastern	Tsuga canadensis	Twelve (12) inches
Larch/Tamarack	Larix laricina	Twelve (12) inches
Pear	Pyrus spp.	Twelve (12) inches
Persimmon	Diospyros virginiana	Twelve (12) inches
Poplar (Aspen)	Populus spp. (except alba, deltoides)	Twelve (12) inches
Sassafras	Sassafras albidum	Twelve (12) inches
Sweetgum	Liquidambar styraciflua	Twelve (12) inches
Yellowwood	Cladrastis lutea/kentukea	Twelve (12) inches
Cedar	Juniperus spp.	eight (8) inches
Redbud	Cercis canadensis	eight (8) inches
Dogwood, Flowering	Cornus florida	eight (8) inches
Hornbeam, Blue Beech	Carpinus spp.	eight (8) inches
Ironwood	Ostrya virginiana	eight (8) inches
Maple, Mountain/Striped	Acer spicatum/pensylvanicum	eight (8) inches
Pawpaw	Asimina triloba	eight (8) inches
American Chestnut	Castanea dentata	six (6) inches
Butternut	Juglans cinerea	six (6) inches

6. **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)
<b>Coniferous (height)</b>	
Six (6) to ten (10) feet	one to one
Ten (10) to 14 feet	1.5 to one
More than 14 feet	two to one
Landmark coniferous tree	one per four (4) feet of removed tree height
<b>Deciduous (D.B.H.)</b>	
Six (6) to ten (10) inches	one to one
Ten (10) to 14 inches	1.5 to one
More than 14 inches	two to one
Landmark deciduous tree	one per four (4) inched of removed tree D.B.H.

7. **Replacement tree standards.** Replacement tree plantings shall conform to the requirements of Section 8.03 (General Standards) and the following:
- a. **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 either on the parcel or on another approved location within the Township, the Township may allow a deposit into a tree planting fund maintained by the Township in an amount determined to be acceptable by the Township for tree replacement on a per tree basis based upon the current market value for tree replacement that would otherwise be required. These funds shall be utilized for the planting, maintenance, and preservation of trees and woodland areas within the Township.
  - b. **Installation and maintenance.** Installation and maintenance of replacement trees shall conform to the requirements of Section 8.08 (Installation) and Section 8.09 (Maintenance) of this Ordinance.

**H. Protection of Natural Features During Construction.**

Natural features to be preserved as part of an approved development project shall be protected during construction in accordance with the following:

1. Prior to any development, clearing, or other activity for which a permit is required, temporary construction fences shall be installed in the following locations to restrict access to protected natural features:
  - a. At the limits of soil disturbance adjacent to natural features.
  - b. At the perimeter of the critical root zone of landmark trees which are located within a disturbance area. Where encroachments into the critical root zone are allowed as part of an approved site plan or plat, the fencing must be located at least 10 feet from the trunk of the tree at all points.
  - c. At the edge of the natural features identified to be protected under this regulation and in compliance with the required exterior limits of natural features setbacks as defined within this Ordinance
2. No filling, depositing, excavating, or storage of materials, debris, or equipment shall take place within the protected area.
3. Temporary construction fencing shall be maintained in place in good condition until all construction activity has been completed for the area or development phase.
4. Any landmark tree that is determined to be dead, dying, or severely damaged due to on-site construction activity during construction or within three (3) years following completion of the development shall be replaced by the developer in the amount specified in the requirements for mitigation of landmark trees. To ensure replacement of trees that are damaged, dead, or dying, the developer may be required by the Township to post a performance guarantee, in accordance with Section 1.08C (Performance Guarantees), in an amount calculated to cover the cost of the total replacement.

**I. Inspection.**

To ensure compliance with this Section, the Township may perform periodic inspections of subject lots or parcels, at such times determined to be necessary, during all phases of construction and development as well as for up to three (3) calendar years after completion of the development project.

## Section 11.06 Wind Energy Conversion Systems.

Wind energy conversion systems (WECS) in the Township shall be subject to the following:

### A. Intent.

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.

### B. Approval Required.

Except where noted in this subsection, it shall be unlawful to construct, erect, install, alter, or locate any WECS project within Saline Township unless a special use approval has been obtained in accordance with Section 12.02 (Special Uses).

1. Agricultural WECS projects accessory to permitted farm and agricultural operations shall be exempt from the requirements of this Section. Agricultural WECS projects shall conform to the regulations of the zoning district, including maximum height and minimum setback standards.
2. All other private and commercial wind energy conversion systems shall require special use approval in accordance with the standards and procedures of Section 12.02 (Special Uses) and the standards of this Section. In addition to the special use application requirements, the following information shall be submitted with any application for WECS approval:
  - a. Documentation of any potential interference that the proposed WECS may cause with microwave transmissions, residential television reception or radio reception.
  - b. Documentation of compliance with applicable regulations of the Federal Communications Commission (FCC), Michigan Aeronautics Commission or other agency with jurisdiction for the installation.
  - c. 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.
  - d. Elevation drawings of the proposed wireless communication facility, ground equipment enclosure(s), and associated structures. The drawings shall identify the type, design, materials, and height for the proposed wireless communications facility, enclosure(s), and associated structures; and the name and location of the tower manufacturer, if applicable.

- e. Written certification shall be provided from a professional engineer licensed by the State of Michigan demonstrating:
  - (1) 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;
  - (2) That the facility is designed in accordance with applicable dead load and wind pressure standards; and
  - (3) That the facility is designed to conform to the State Construction Code enforced by Washtenaw County and all other applicable building, electrical, and fire codes.

**C. Permitted Locations.**

Wind energy conversion systems shall only be permitted on parcels in the A-1 (Agricultural Conservation) and PSP (Public/Semi-Public Services) Districts with sufficient lot area to accommodate the setback requirements of this Section.

**D. General Standards**

The following standards shall apply to all private and commercial wind energy conversion systems 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 setback from property lines and any habitable structure at a distance equal to or

greater than one hundred fifty percent (150%) of the height of the structure, measured from the base of the structure to the highest reach of its blade.

6. **Height.** Private WECS projects shall conform to the maximum height standards of the zoning district. Commercial WECS projects shall be exempt from the height requirements of this Ordinance, subject to the provisions of Section 12.02 (Special 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 eight (8) feet high and anti-climbing devices 12 feet from base of pole. Anchor points for guy wires supporting the tower shall be enclosed by a eight (8) foot high fence.
9. **Interference.** The private or commercial WECS shall not cause interference with microwave transmissions, 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 special use approval. For a private WECS projects accessory to a principal residence, proof of homeowner's

insurance with specific coverage for the WECS shall satisfy this requirement.

**E. Additional Standards for Commercial WECS Projects**

The following additional standards shall apply to all commercial wind energy conversion systems in Saline 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. The sign shall have at a minimum six (6) inch letters with three-quarter (3/4) inch stroke. 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 Inspector and considered a part of the continuing special use 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 1.08C (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 the owner of the WECS for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by the owner of the WECS 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.

## **Section 11.07 Private Roads.**

Unobstructed, safe and continuous access to parcels is necessary to protect the health, safety, and welfare of Township residents. Such access is necessary to ensure that police, fire, and ambulance services can safely and quickly enter and exit private property at all times. Where private roads are used to provide such access, the standards of this Section shall apply. Construction, extension, and alteration of private roads in the Township shall be subject to the following design standards and review procedures:

### **A. Application Procedures.**

Any person with a legal interest in a parcel may apply for approval of a private road under this Section. If the petitioner is not the fee simple owner of the property, the petitioner shall submit a statement signed by all of the owners consenting to the application. Incomplete or inaccurate applications shall not be accepted for review, and shall be returned to the applicant. Required review fees and escrow deposits shall be paid in full at the time of the filing of the application. No part of any nonrefundable fee shall be returnable to the petitioner.

1. Applications for approval of a private road under this Section shall be reviewed as part of review and approval of a subdivision plat under the provisions of the Land Division Act and any Township subdivision regulations, or a site condominium development under the Condominium Act and Article 13 (Condominium Regulations).



2. Where a private road is proposed to serve lots to be created by metes and bounds lot splits, the private road shall be subject to site plan review and approval in accordance with Section 12.01 (Site Plan Review).

**B. Required Information.**

At a minimum, an application for approval of a private road under this Section shall include a development plan with the following information:

1. All information required for subdivision plat approval, site condominium development approval, or site plan approval, as applicable to the type of development proposed.
2. An existing conditions survey of the development site, if not otherwise required above, showing lot lines, zoning districts, topography at two (2) foot contour intervals, drainage patterns and improvements, existing road rights-of-way and improvements, utilities, easements, and natural features as regulated by Section 11.05 (Natural Resources Protection).
3. Documentation of compliance with the standards of this Section and applicable Washtenaw County Road Commission standards, including:
  - a. Layout of the private road, indicating right-of-way width, connections to adjoining public and private road rights-of-way, intersection alignment(s), and sight distance(s) for intersection(s) of private and public roads.
  - b. Paving and drainage plan, with locations of area(s) to be cleared or disturbed during grading and installation of improvements.
  - c. Road profile elevations and grades; and proposed utility, drainage, and road right-of-way cross-sections.
  - d. Location of private road identification and traffic control signs.
4. Locations of proposed lots and building envelopes, and identification of any potential future land divisions based upon the standards of this Ordinance, other Township ordinances, and applicable state statutes (for information purposes only; plan approval does not give approval of future divisions).
5. Soil borings 500 feet maximum spacing and ten (10) feet minimum depth below grade, shown on plan and profile sheets.
6. Proposed cut and fill locations shall be shown on the plan, along with one (1) or more cross-sections of the site showing proposed cut and fill areas. An estimate of the volume of earth to be moved to or from the site shall be provided, along with details of the planned disposition of waste materials and debris.

**C. General Standards.**

Private roads in the Township shall conform to the following minimum design standards:

1. All private roads shall be constructed in a good and workmanlike manner upon and parallel to the centerline of a dedicated right-of-way.
2. All private road rights-of-way shall have a minimum width of 66 feet, unless additional right-of-way is required for adequate construction or to conform to applicable Washtenaw County Road Commission standard for the type of road proposed. A dedicated right-of-way shall be provided for all extensions of existing private roads, and where additional lots of record are created on an existing private road that does not have such a dedication.
3. The right-of-way width on curved portions of roads shall be the same as for tangent portions.
4. The minimum distance between private road outlets on a single side of a public road shall be 600 feet.
5. All private roads shall be constructed so as to sufficiently control stormwater runoff and permit effective stormwater drainage and prevent soil erosion. Soil erosion control measures shall be applied as per Washtenaw County standards and specifications.
6. All private road names shall be reviewed by the Township Assessor and Saline Area Fire Chief, and shall be approved by the Township Board and accepted by Washtenaw County.
7. Identification and traffic control signage shall conform to the Michigan Manual of Uniform Traffic Control Devices and Washtenaw County Road Commission standards. Such signs shall be installed prior to any permits or certificates being issued on the property.
8. All private road design and construction shall conform to applicable Township and Washtenaw County Road Commission engineering standards.
9. Drainage swales, stormwater management facilities, culverts, soil erosion treatments, and other improvements shall conform to applicable Township and Washtenaw County design and engineering standards.
  - a. The right-of-way and roadway shall be adequately drained so as to prevent flooding or erosion of the roadway.
  - b. Open swale drainage systems located within the right-of-way shall be preferred to enclosed storm sewers where applicable governmental standards and site conditions permit.
10. Private roads shall be laid out to the greatest extent feasible to achieve the following objectives (listed below in order of priority, as it is recognized that some may conflict with others on any given site).

- a. On soils not classified as hydric or wetland soils by the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS).
- b. Along fencerows or the edges of the open fields adjacent to any woodlands (to reduce impact upon agriculture or forestry uses and shelter from winter winds, and to enable new construction to be visually absorbed by natural landscape features).
- c. On areas not considered prime or unique farmlands or in areas considered as prime forestland soils on a national or regional basis.
- d. In locations least likely to impact scenic vistas, as seen from public roads.

**D. Specific Standards.**

Two (2) classes of private roads are hereby established and recognized under this Section. Such private roads shall be subject to the following standards by class, in addition to the general standards for all private roads specified in Section 11.07C (General Standards):

- 1. **Class A private road.** A private road serving or to serve more than twelve (12) lots shall be considered a "Class A" private road subject to the road design, construction and paving standards required by the Washtenaw County Road Commission for equivalent public roads.
- 2. **Class B private road.** A private road serving up to twelve (12) lots shall be considered a "Class B" private road subject to the road design, construction and paving standards required by the Washtenaw County Road Commission for equivalent public roads, except as follows:
  - a. Where the proposed road grade shall not exceed three (3%) percent, the Planning Commission may approve an unpaved Class B private road with a driving surface consisting of Michigan Department of Transportation (MDOT) certified road grade gravel to a minimum depth of six (6) inches.
  - b. The Planning Commission may approve a reduced driving surface with a minimum width of 18 feet with gravel shoulders. The required road base and sub-base materials shall extend a minimum of six (6) feet beyond the edges of the driving surface. The pavement shall be flush with the shoulder elevation.
  - c. The Planning Commission may approve a cul-de-sac turnaround area with a minimum right-of-way radius of 66 feet and a minimum driving surface radius of 50 feet. A landscaped island may be provided within the cul-de-sac, provided that the driving surface width is not less than 18 feet wide at any point.
  - d. Maximum sustained road grades for a Class B private road shall not exceed seven percent (7%).

- e. A Class B private road shall have a maximum length of 1,500 feet.

#### **E. Maintenance Agreement.**

Each private road shall have a road maintenance agreement that provides for the perpetual private maintenance of the road and associated improvements to a necessary and reasonable standard to serve the several interests involved. All parcels accessing or associated with the private road shall be part of the agreement.

1. **Maintenance responsibility.** Maintenance of a private road shall be the responsibility of the owners of the parcels accessing or associated with the private road. Should the Township incur costs for the maintenance or improvements to the road for any reason, the private road property owners shall be jointly and severally liable for reimbursing the Township for such costs.
2. **Minimum agreement contents.** The maintenance agreement shall contain the following minimum provisions:
  - a. Provisions that maintenance of the roads shall include but not be limited to the filling of potholes, regrading of driving surfaces and swales, maintenance of drainage and other improvements, and the placement of gravel, and repaving, patching, or sealcoating paved surfaces as necessary to enable the parcel owners to use the roads for ingress and egress to the parcels.
  - b. A method for one (1) or more property owners or any homeowners' association to initiate and manage such maintenance on an ongoing basis.
  - c. A method for financing and apportioning the costs of maintenance and improvements among the private road property owners, collecting such costs, paying contractors or others for performing such work, and imposing penalties for failure to comply with the terms of the agreement. Each parcel owner shall be liable for an equal prorata portion of the actual costs of maintenance work performed.
  - d. Provisions that the owners of any and all the property using the right-of-way shall refrain from prohibiting, restricting, or interfering with normal ingress and egress and use by any other owners or their family, guests, or invitees; contractors and skilled trades workers; and emergency, utility, and other public vehicles and personnel bound to or returning from any of the properties having a right to use the road.
  - e. Provisions authorizing that, if repairs and maintenance are not made, the Township Board may take action to bring the road up to the design standards specified in this Ordinance, and to assess owners of the parcels on the private road for the actual cost of such improvements plus an administrative fee equal to twenty five percent (25%) of the amount of such costs.

**F. Development Agreement.**

In accordance with Section 11.03 (Development Agreement), an agreement shall be entered into between the Township and the owner(s)/developer(s) following final approval of the subdivision plat, site condominium plan, or site plan for the private road, and prior to the commencement of any site work or construction.

1. **Minimum contents.** In addition to the applicable requirements of Section 11.03 (Development Agreement), the development agreement for a private road shall include the following provisions:
  - a. **Performance guarantee.** The agreement shall include the terms and amount of any performance guarantee per Section 1.08C (Performance Guarantees).
  - b. **Inspections.** The agreement shall establish the amount to be deposited as an escrow with the Township Treasurer to cover the costs of Township inspections during construction, per Section 11.07G (Inspections and Certification of Completion).
  - c. **Disclosure statement deed restriction.** A disclosure statement shall be placed in a deed restriction that is recorded for any parcels serviced by a private road before each parcel is sold. The statement shall inform the purchaser that the road abutting or servicing the parcel is private and is not required to be maintained by any government agency, and that no public funds of Saline Township are to be used to build, repair or maintain the private road. The statement shall also inform the purchaser that the parcel is subject to the provisions of a private road maintenance agreement.
  - d. **Right-of-way dedication.** A statement that the private road right-of-way shall be recorded in the Washtenaw County Register of Deeds office.
  - e. **Approved plan.** The approved subdivision plat, site condominium plan, or site plan for the private road shall be included in the development agreement as an exhibit.
  - f. **Maintenance agreement.** The private road maintenance agreement, as required per Section 11.07E (Maintenance Agreement), shall be included in the development agreement as an exhibit.
2. **Recording.** Proof of recording of the development agreement, maintenance agreement, private road right-of-way dedication, and all required disclosure statement deed restrictions shall be provided to the Township Clerk.

**G. Inspections and Certification of Completion.**

All required improvements shall be inspected during construction. The Township may hire a civil engineer or other consultant(s) to perform such inspections. All costs of

Township inspections shall be paid by the applicant prior to the issuance of the certificate of completion. Such inspections shall be subject to the following:

1. At a minimum, required inspections shall be required for grading and land balancing, sub-base and base, driving surface, and drainage improvements.
2. The applicant shall be responsible for contacting the Zoning Inspector to request such inspections. The applicant shall give the Zoning Inspector a minimum of three (3) calendar days notice when requesting an inspection.
3. The Zoning Inspector has the right to reject the work and issue a stop work order if there is evidence that the road is not being constructed according to approved plans, or if a contractor or contractors equipment creates any unnecessary disturbance beyond the limits shown on the approved plans.
4. A final inspection shall be required upon completion of construction. Before the final inspection, the applicant's engineer shall submit as-built plans and shall certify in writing to the Zoning Inspector that all required improvements were made in accordance with this Ordinance, the approved plan, and any conditions of approval.
5. Upon receipt of the following, the Zoning Inspector shall certify that the private road is complete:
  - a. Proof of recording and copies of all recorded documents;
  - b. As-built plans and certification from the applicant's engineer that that all required improvements were made in accordance with this Ordinance and all approved plans; and
  - c. Approved final inspection report(s) from the Zoning Inspector or designated Township consultant(s).

**I. Compliance Required.**

Failure to comply with any provision of this Section, approved plans, conditions of private road approval, or the approved development and maintenance agreements shall be a violation of this Ordinance subject to Section 1.09 (Violations and Penalties). No permits or certificates of zoning compliance shall be issued for work on parcels bound by this agreement until the violation has been corrected.

The parcel owners responsibility and liability for road maintenance shall cease only after a private road right-of-way or portion thereof has been brought up to full Washtenaw County Road Commission standards for public roads, dedicated and conveyed for unrestricted public use, and accepted by the Washtenaw County Road Commission for maintenance purposes.

## Section 11.08 Building Form and Composition.

The composition, orientation, and form of new construction and new buildings occupied or intended to be occupied by OFFICE, SERVICE, AND COMMUNITY USES and COMMERCIAL USES in the Township shall be subject to the following:

### A. Purpose.

The quality of building design, placement, and composition is essential to provide a comfortable, human-scale environment in the Township, and maintain the Township's attractiveness and economic vitality. Accordingly, it is the purpose of this Article to:

1. Maintain the visual environment, protect the general welfare, and ensure that the Township's property values, appearance, character, and economic well-being are preserved through minimum composition and placement standards;
2. Encourage creativity, imagination, innovation, and variety in architectural design and building composition; and
3. Reinforce and support a healthy, pedestrian-oriented development pattern in the Township's business areas through complementary and appropriate use of scale, massing, and architectural details.

### B. Scope.

This Section is not intended to supercede or supplant established building and fire code regulations, nor to regulate the quality, durability, maintenance, performance, load capacity, fire resistance characteristics or workmanship of building materials. The provisions of this Section shall only apply to new construction and new buildings occupied or intended to be occupied by OFFICE, SERVICE, AND COMMUNITY USES and COMMERCIAL USES subject to review per Section 12.01 (Site Plan Review).

### C. Requirements.

Building construction and other work subject to the provisions of this Section shall comply with the following general requirements:

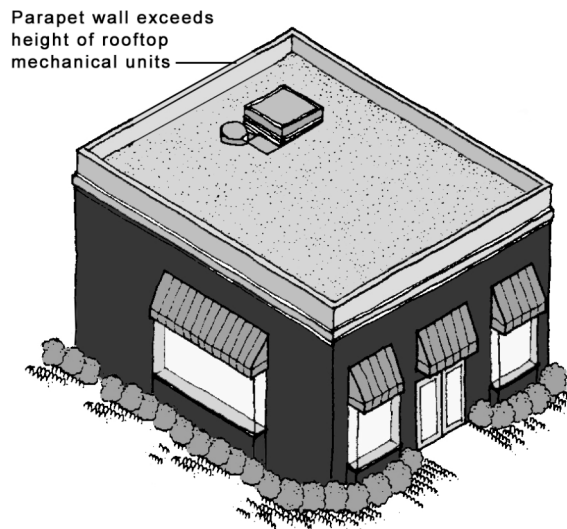
1. **Façade variation.** Building façade walls exceeding 100 feet in length shall be subdivided into bays through the location and arrangement of architectural features and design variations; including but are not limited to projections, bays, recesses, enhanced façade materials and architectural detailing, and variations in building height, roof forms, and window patterns (see illustration).
2. **Public entrances.** Buildings shall have at least one (1) public entrance facing a road right-of-way. Additional public entrances shall be permitted on the rear or side facade, including primary access to other uses in a multi-tenant building.
3. **Rear façade.** 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.

4. **Roof-top equipment screening.** Roof-top mechanical equipment, HVAC systems, exhaust stacks, elevator housings, and other equipment shall be screened from public rights-of-way and adjacent uses by a parapet wall or similar device that exceeds the height of the roof-top equipment and extends around all sides of the building (see illustration).
5. **Security and safety equipment.** Exterior security gates or roll-down security doors shall be prohibited. Link or grill type security devices shall be permitted only if installed on the interior of the building, within the window or door frames. 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.

## ILLUSTRATIONS



Facade Variation



Roof Design



## Section 11.09 Solar Energy Systems

### A. Intent.

Saline Township promotes the effective and efficient use of solar energy systems. It is the intent of the Township to permit these systems by regulating their siting, design, and installation to protect public health, safety, and welfare, and to ensure their compatibility with adjacent land uses. Solar energy systems, as defined herein, are only permitted as authorized by this Section.

### B. Definitions.

1. **Ancillary Solar Equipment** shall mean any accessory part or device of a solar energy system that does not require direct access to sunlight, such as batteries, electric meters, converters, or water heater tanks.
2. A **Solar Collector Surface** shall refer to any part of a solar energy system that absorbs solar energy for use in the system's transformation process. The collector surface does not include frames, supports, and mounting hardware.
3. **Solar Energy** shall mean radiant energy received from the sun that can be collected in the form of heat or light by a solar energy system.
4. A **Solar Energy System (SES)** shall mean a system (including, as parts, solar collectors and ancillary solar equipment) either affixed to a permanent principal or accessory building or functioning as a freestanding structure, that collects, stores, and distributes solar energy for heating or cooling, generating electricity, or heating water. Solar Energy Systems shall include, but are not limited to, photovoltaic (PV) power systems and solar thermal systems.
  - a. A **Personal-Scale SES** shall mean a solar energy system that is an accessory to the principal use on the site. The total surface area of all solar collector surfaces on a personal-scale SES shall not exceed 1,500 square feet. The sale and distribution of excess available energy, if permitted, to an authorized public utility for distribution shall be incidental to this type of system, and shall not serve as its primary purpose. Sale of excess energy to anything other than an authorized public utility shall be prohibited.
  - b. A **Utility-Scale SES** shall mean a solar energy system that meets one or more of the following:
    - i. Primarily used for generating electricity for sale and distribution to an authorized public utility; and/or
    - ii. The total surface area of all solar collector surfaces exceeds 1,500 square feet; and/or
    - iii. Does not serve as an accessory use or structure.
  - c. A **Building-Mounted SES** shall mean a solar energy system affixed to a permanent principal or accessory building.
  - d. A **Ground-Mounted SES** shall mean a freestanding solar energy system that is not attached to and is separate from any building on the subject parcel.

### C. Standards for Personal-Scale SES

Personal-scale SES shall be permitted as an accessory use/structure in all zoning districts, subject to the following standards:

#### 1. Application for Certificate of Zoning Compliance

Except as stated in Section 11.09.C.2 below, a property owner shall obtain a certificate of zoning compliance prior to constructing a personal-scale SES. An application for a certificate of zoning compliance shall include the following:

- a. Photographs of the property's existing conditions.
- b. Renderings or catalogue cuts of the proposed solar energy system.
- c. Plot/sketch plan to indicate where the solar energy system is to be installed on the property (or, if building-mounted, the system's location on a permanent building), including property setbacks and the total solar collector surface area.
- d. Elevations showing the height of the solar energy system.
  - i. For ground-mounted SES, the height of the system above ground to its tallest point.
  - ii. For pitched roof-mounted SES, the highest finished height of the system and the height of the finished roof surface on which it is mounted.
  - iii. For flat roof-mounted SES, the highest finished height of the system and the highest point of the roof, including any parapets on the building.
- e. Description of the screening to be provided for ground or building-mounted SES.

#### 2. Exclusions from Certificate of Zoning Compliance for Personal-Scale SES

The following situations do not require a certificate of zoning compliance, but shall still comply with all other standards of Section 11.09:

- a. The installation of one (1) building-mounted SES with a total solar collector surface area of less than eight (8) square feet.
- b. The installation of one (1) ground-mounted SES with a height of less than six (6) feet and a solar collector surface of less than eight (8) square feet.
- c. Repair and replacement of existing solar energy equipment, provided that there is no expansion of the size or coverage area of the SES.

#### 3. Ground-Mounted Personal-Scale SES

Ground-mounted, personal-scale SES shall be subject to the following standards:

**Special Development Provisions**

- a. **Setbacks.** In all zoning districts, ground-mounted SES shall be located only in the rear or side yard and shall conform to the setback requirements of Article 3 (Dimensional Standards).
  - b. **Height.** Ground-mounted SES shall not exceed sixteen (16) feet in height, measured from the ground at the base of the system to its highest point.
  - c. **Attachment.** SES shall be permanently and safely attached to the ground. Proof of the safety and reliability of the means of attachment shall be submitted in the form of certification by a professional engineer or other qualified person.
  - d. **Installation and Maintenance.** SES shall be installed, maintained, and used only in accordance with the manufacturer's directions. A copy of such directions shall be submitted with the application for the certificate of zoning compliance
  - e. **Visual Impact.** The SES shall not have a significant adverse impact on the natural features or neighborhood character of the surrounding area and shall be located to minimize glare on adjacent properties and roadways.
  - f. **Compliance with Additional Codes.** SES, and the installation and use thereof, shall comply with the Township/State construction code, the electrical code, and other applicable Township and State codes. Installation of a SES shall not commence until all necessary permits have been obtained.
4. **Building-Mounted, Personal-Scale SES.** Building-mounted, personal-scale SES shall be subject to the standards of Section 11.09.E, in addition to the standards contained within this Section.
  5. **Ancillary Solar Equipment.** Where feasible, ancillary solar equipment shall be located inside of a building or shall be screened from public view. All ancillary solar equipment such as, but not limited to, water tanks, supports, and batteries, shall be screened to the maximum extent possible without compromising the effectiveness of the SES. When solar storage batteries are included as part of the SES, they must be placed in a secure container or enclosure meeting the requirements of the State Building Code and, when no longer in use, shall be disposed of in accordance with applicable laws and regulations.

**D. Standards for Utility-Scale SES**

Utility-scale SES may be permitted as a special use and only within the A-1, Agricultural-Conservation, I-1, Industrial-Research, and PSP, Public/Semi-Public Services districts, subject to the following standards.

1. Special Use Approval Required
  - a. Prior to the construction of a utility-scale solar system, an application for a special use permit must be filed and approved by the Planning Commission. The Planning Commission shall review the special use based on the provisions of this Section as well as the standards of Section 12.02.

- b. The construction and operation of all utility-scale solar systems shall be consistent with all applicable local, state and federal requirements. All buildings and fixtures forming part of a utility-scale SES shall be constructed in accordance with the Michigan Building Code.
  - c. No utility-scale SES shall be constructed, installed, or modified as provided in this section without first obtaining all applicable permits.
  - d. Applications to build a utility-scale SES in Saline Township must be accompanied by the fees required for a special use permit and site plan review.
  - e. No utility-scale SES shall be approved until evidence has been provided to the planning commission that the owner has been approved by the authorized utility company to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.
2. Standards for Ground-Mounted Utility-Scale SES
- a. **Setbacks.** Utility-scale SES shall be set back at least one-hundred (100) feet from road right-of-way lines and all property lines.
  - b. **Height.** Utility-scale ground-mounted SES shall conform to the maximum height standards of the zoning district in which it is located.
  - c. **Minimum Lot Area.** Minimum lot area for a utility-scale SES shall be five (5) acres.
  - d. **Lighting.** On-site lighting shall meet the standards of Article 10 of the Zoning Ordinance.
  - e. **Signage.** Signs shall comply with the requirements of Article 9 of the Zoning Ordinance.
  - f. **Utility Connections.** All utility connections from the SES shall be placed underground, depending on site conditions any requirements of the utility provider. The Planning Commission may waive this requirement upon written confirmation from the utility provider that a connection cannot feasibly be constructed underground.
  - g. **Screening.** Where a utility-scale SES is located adjacent to a residentially-zoned or used lot, side and rear yard screening may be required as determined by the Planning Commission to address specific site needs at the time of site plan review. Solar panels shall be placed such that concentrated radiation or solar glare shall not be directed onto nearby properties or roadways. When deemed appropriate, the Planning Commission may require a report from a registered civil engineer or other professional to address this issue.
3. **Building-Mounted SES.** Building-mounted, utility-scale SES shall be subject to the standards of Section 11.09.E, in addition to the standards contained within this Section.
4. Other Special Use Permit Requirements for Utility-Scale SES

- a. **Site Control.** The applicant shall submit information regarding construction vehicle access routes.
- b. **Operation and Maintenance Plan.** The applicant shall submit a plan for the operation and maintenance of the SES, which shall include measures for maintaining safe access to the installation, storm water controls, and general procedures for operational maintenance of the installation.
- c. **Emergency Services.** Upon request by Saline Township, the owner/operator of the SES shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the SES shall be clearly marked. The owner/operator shall identify a responsible person for public inquiries throughout the life of the installation. An information sign shall be posted and maintained at the site entrance(s) which lists the name and phone number of the operator.
- d. **SES Maintenance.** The utility-scale SES owner/operator shall maintain the facility in good condition. Maintenance shall include, but shall not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to local emergent response personnel. The owner/operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s).
- e. **Site Clearing.** Clearing of natural vegetation shall be limited to what is necessary for the construction, operation, and maintenance of the installation.

5. Abandonment or Decommissioning

- a. Any utility-scale SES which has reached the end of its useful life or has been abandoned consistent with this Section shall be removed, and parcel owners shall be required to restore the site to its original condition. The owner/operator shall physically remove the installation no more than one-hundred and fifty (150) days after the date of discontinued operations. The owner/operator shall notify the Township and the Planning Commission (by certified mail) of the proposed date of discontinued operation and of plans for removal.
- b. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the utility-scale SES shall be considered abandoned when it fails to operate for more than one (1) year. If the owner/operator fails to remove the installation in accordance with the requirements of this Section within 150 days of abandonment or the proposed date of decommissioning, Saline Township is permitted to enter the property and physically remove the installation.
- c. Decommissioning shall consist of:
  - i. Physical removal of all utility-scale SES, structures, equipment, security barriers, and transmission lines from the site.
  - ii. Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations.
  - iii. Stabilization or re-vegetation of the site as necessary to minimize erosion.

- d. **Ancillary Solar Equipment.** Where feasible, ancillary solar equipment shall be located inside of a building or shall be screened from public view. All ancillary equipment such as, but not limited to, water tanks, supports, batteries, and plumbing, shall be screened to the maximum extent possible without compromising the effectiveness of the solar collectors. When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the State Building Code and, when no longer in use, shall be disposed of in accordance with applicable laws and regulations.
- e. **Financial Surety.** The applicant for a utility-scale SES shall provide a form of surety, either through an escrow account or bond, to cover the cost of removal in the event Saline Township must remove the installation; the amount of surety shall be determined by the Planning Commission, but shall not exceed more than 125 percent of the cost of removal. The applicant shall submit a fully-inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs associated with inflation.

#### **E. Standards for all Building-Mounted SES**

Personal-scale and utility-scale building-mounted SES shall be subject to the following standards:

- a. **Height.** SES that are mounted on the roof of a building shall not project more than five (5) feet above the highest point of the roof and, in any circumstance, shall not exceed the maximum building height limitation for the zoning district in which it is located, and shall not project beyond the eaves of the roof.
- b. **Weight.** SES mounted on the roof of a building shall be only of such weight as can be safely supported by the roof. Proof thereof, in the form of certification by a professional engineer or other qualified person, shall be submitted to the Township Zoning Administrator prior to installation.
- c. **Attachment.** SES that are roof-mounted, wall-mounted, or are otherwise attached to a building or structure shall be permanently and safely attached to the building or structure. Proof of the safety and reliability of the means of attachment shall be submitted to the Zoning Administrator prior to installation.
- d. **Wall-Mounted SES.** SES that are wall-mounted shall not exceed the height of the building wall to which they are attached.
- e. **Installation and Maintenance.** SES shall be installed, maintained and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to the Township Zoning Administrator prior to installation.
- f. **Visual Impact.** The SES shall not have a significant adverse visual impact on the natural features or neighborhood character of the surrounding area and shall be located to minimize glare on adjacent properties and roadways. SES that are visible from the street must be either composed of building-integrated components (such as solar shingles) that are not readily evident, or shall be designed and mounted to match the shape, proportions, and slope of the roof.

- g. **Compliance with Additional Codes.** SES, and the installation and use thereof, shall comply with the Township/State construction code, the electrical code, and other applicable Township and State codes. Installation of a SES shall not commence until all necessary permits have been issued.

**F. Solar Access**

The Township makes no assurance of solar access other than the provisions contained within this Section. The applicant may provide evidence of covenants, easements, or similar documentation for abutting property owners providing access to solar energy for the operation of a solar energy system.





## ARTICLE 12

### PROCEDURES AND STANDARDS

#### Section 12.01 Site Plan Review.

**A. Purpose.**

The purpose of this Section is to establish procedures and standards that provide a consistent method for review of site plans, and to ensure full compliance with the standards contained in this Ordinance and other applicable Codes and Ordinances.

Flexible review standards have been established to ensure that the type of review and amount of required information is directly proportional to the project's scale and use intensity. It is the further purpose of this Section to protect natural, cultural and civic resources, minimize adverse impacts on adjoining or nearby properties, encourage cooperation and consultation between the Township and the applicant, and facilitate development in accordance with the Township's General Development Plan.

**B. Site Plan Approval Required.**

Two separate review processes have been established in accordance with the purpose of this Section, as follows:

1. **Planning Commission approval.** The following development projects and uses shall require review and approval of a detailed final site plan by the Planning Commission prior to establishment, construction, expansion or structural alteration of any structure or use. Exceptions listed below shall not be subject to plan review, but shall be subject to zoning permit approval per Section 1.07 (Zoning Permits):
  - a. All special approval uses, subject to the provisions of Section 12.02 (Special Uses).
  - b. All RURAL USES, as specified in Article 4 (Land Use Table), except farming and active agricultural uses and designated rural accessory uses.
  - c. All RESIDENTIAL USES, as specified in Article 4 (Land Use Table), except the following:
    - (1) One (1) single-family, two-family or duplex dwelling and customary accessory structures on a single residential lot of record.

- (2) Family and group day care homes, and adult foster care family homes, as licensed by the State of Michigan.
  - (3) Establishment of a home occupation listed in Section 5.204 (Home Occupations) as a permitted accessory use.
- d. All OFFICE, SERVICE, AND COMMUNITY USES, COMMERCIAL USES, and INDUSTRIAL, RESEARCH, AND LABORATORY USES, as specified in Article 4 (Land Use Table).
  - e. All OTHER USES, as specified in Article 4 (Land Use Table), except accessory structures and uses specified in Section 6.101 (Accessory Structures and Uses), temporary construction buildings and uses, and essential service and public utility facilities.
  - f. Construction, expansion or alteration of a manufactured housing park, as defined in Section 18.02 (Definitions), shall be subject to preliminary plan approval in accordance with the procedures and standards of Section 5.205 (Manufactured Housing Parks).
  - g. Construction, expansion or alteration of a condominium development, as defined in Section 18.02 (Definitions), shall be subject to condominium site plan approval in accordance with the procedures and standards of Article 13 (Condominium Regulations).
  - h. Construction, expansion or alteration of a planned unit development (PUD) project shall be subject to development plan approval in accordance with the procedures and standards of Article 14 (Planned Unit Developments).
  - i. Construction, expansion or alteration of a wireless communications facility, as defined in Section 18.02 (Definitions), shall be subject to approval in accordance with the procedures and standards of Section 11.02 (Wireless Communication Facilities).
2. **Projects eligible for administrative approval.** The following development projects, uses, and activities have been determined to be appropriate for an administrative site plan review and approval by the Township Planner and Zoning Inspector. The Zoning Inspector or applicant shall have the option to request Planning Commission consideration of a project otherwise eligible for administrative site plan approval:
- a. Minor 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.
  - b. Minor building modifications that do not significantly alter the facade, height or floor area of a multiple-family or non-residential building.

- c. Construction of accessory structures or fences, or installation of screening around a waste receptacle, mechanical unit or similar equipment for a multiple-family or non-residential use.
- d. Changes to a site required by Washtenaw County to comply with State Construction Code requirements.
- e. Sidewalk or pedestrian pathway construction or relocation, or barrier-free access improvements.
- f. Construction of an addition to an existing building or expansion of an existing, conforming use, subject to the following:
  - (1) No variances to the requirements of this Ordinance are required.
  - (2) 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.
- g. Re-occupancy of an existing building that has been vacant for more than 30 days, subject to the following:
  - (1) No variances to the requirements of this Ordinance are required.
  - (2) The proposed use will be conducted within a completely enclosed building.
  - (3) The proposed use will not require significant additional parking demands, access changes or other substantial modifications to the existing site.

**C. Pre-Application Conference.**

Applicants are encouraged to request a pre-application conference 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 preliminary site plan application for formal review.

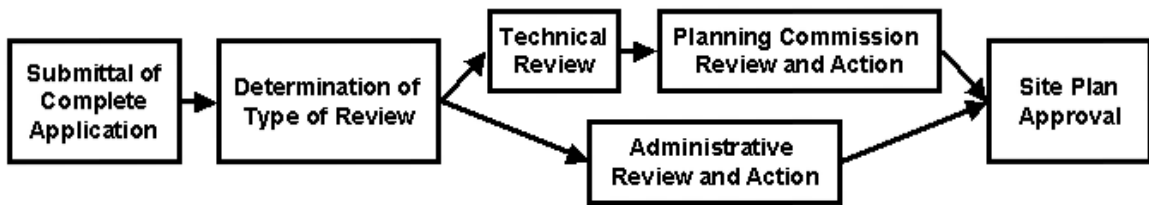
- 1. Conceptual plans shall include sufficient detail to determine relationships of the site to nearby land, intensity of intended uses, layout of proposed structures and site improvements, and adequacy of access, parking, and other facilities.
- 2. Any person may also request that a conceptual site plan be placed on a regular Planning Commission meeting agenda as a discussion item. Conceptual plans submitted for Planning Commission discussion shall include all information required by Section 12.01F (Required Information for Site Plans).
- 3. The Township may require payment of a fee or escrow deposit to cover the costs of a pre-application conference.

4. 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.

**D. Preliminary and Final Site Plan Approval Required.**

In accordance with the requirements of this Section, site plan approval by the Planning Commission shall require approval of both a preliminary site plan and a final site plan. The applicant may, with approval of the Planning Commission, combine preliminary and final site plan review in a single application for approval. The petitioner shall pay the usual fees for both preliminary and final review. Preliminary and final site plan review shall not be combined for any development consisting of two (2) or more phases.

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 or size of the proposed development so warrants separate reviews.



## Preliminary and Final Site Plan Approval Process

**E. Preliminary and Final Site Plan Review Procedures.**

Preliminary and final site plans shall be reviewed in accordance with the following:

1. **Application.** Any person with a legal interest in a lot may apply for site plan approval. If the petitioner is not the fee simple owner of the property, the petitioner shall submit a statement signed by all of the owners consenting to the petition for preliminary site plan approval.
  - a. Any application or site plan that does not satisfy the information requirements of this Section shall be considered incomplete, and shall be returned to the applicant.
  - b. A complete application shall include all fully completed forms, the required review fee or escrow deposit, and 15 full-size copies of the site plan drawing(s).

- c. Required review fees and escrow deposits shall be paid in full at the time of the filing of the application. No part of any nonrefundable fee shall be returnable to the petitioner.
2. **Technical review.** Prior to Planning Commission consideration, copies of the site plan and application shall be distributed to designated Township officials, the Township Planner, and other designated Township consultants for review and comment. The Zoning Inspector or Planning Commission may also request comments from outside agencies with jurisdiction.
3. **Planning Commission consideration of the site plan.** The Planning Commission shall review the site plan at a public meeting, together with any reports and recommendations from Township officials, the Township Planner, other designated Township consultants, and any outside agencies with jurisdiction.
4. **Planning Commission action.** The Planning Commission shall make a determination based on the requirements of this Ordinance and the standards of Section 12.01G (Standards for Site Plan Approval). The Planning Commission is authorized to table, approve, approve subject to conditions or deny the preliminary or final site plan as follows:
  - a. **Tabling.** Upon determination by the Planning Commission that a preliminary or final 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 consideration until a later meeting.
  - b. **Denial.** Upon determination that a preliminary or final site plan does not comply with the standards and regulations set forth in this Ordinance, or would require extensive revisions to comply with said standards and regulations, the site plan shall be denied.
    - (1) If a preliminary or final 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.
    - (2) Failure of the applicant or agent to attend two (2) or more meetings shall be grounds for the Planning Commission to deny site plan approval.
  - c. **Approval.** Upon determination that a preliminary or final site plan is in compliance with the standards of this Ordinance, the site plan shall be approved.
  - d. **Approval subject to conditions.** The Planning Commission may approve a preliminary or final site plan, subject to any conditions necessary to address necessary modifications; ensure that public services and facilities can accommodate the proposed use; protect significant site

features; ensure compatibility with adjacent land uses; or otherwise meet the intent and purpose of this Ordinance.

5. **Recording of site plan action.** Planning Commission action on the 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, the findings of fact and conclusions or grounds for the Planning Commission’s action, and any conditions of approval.
  - a. After the Planning Commission has taken action on a preliminary or final site plan, the Chair or Secretary shall clearly mark at least one (1) copy of the site plan APPROVED or DENIED as appropriate, with the date that action was taken and a list of any conditions of approval.
  - b. The Planning Commission shall advise the petitioner in writing of its actions on a preliminary or final site plan. The minutes of the meeting at which action was taken may constitute the written notification.
  - c. One (1) marked copy of the site plan and written record shall be placed on file at the Township offices per State of Michigan retention guidelines.

**F. Required Information for Site Plans**

The following minimum information shall be included with all applications for site plan approval, except where the Planning Commission determines that it is not applicable to the project or necessary for complete review of the proposed site plan, based upon a written request by the applicant:

<b>Minimum Site Plan Information</b>	<b>Concept Plan</b>	<b>Preliminary Site Plan</b>	<b>Final Site Plan</b>
<b>SITE PLAN DESCRIPTIVE INFORMATION</b>			
Name, address, and telephone number of the property owner; name, address, telephone, and facsimile numbers of the applicant; the applicant’s interest in the property; and the owner’s signed consent if the 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, engineer, landscape architect or land surveyor registered or licensed in the State of Michigan shall bear the individual’s professional seal.		●	●
Address(es) and tax identification number(s) of the subject parcel(s) and lot area.		●	●
Legal description of the parcel(s), dimensions, and the gross and net land area. For metes and bounds descriptions, angles or bearings shall be indicated on the plan. Lot line dimensions and angles or bearings shall be based upon a boundary survey prepared by a registered surveyor and correlated with the legal description.			●

<b>Minimum Site Plan Information</b>	<b>Concept Plan</b>	<b>Preliminary Site Plan</b>	<b>Final Site Plan</b>
Description of deed restrictions, if any.			●
A detailed use statement describing the proposed use(s), including floor areas to be occupied, number of units, number of anticipated employees, and other information necessary to verify compliance with this Ordinance.		●	●
<b>SITE PLAN DATA AND NOTES</b>			
Site plans shall be drawn to an engineer's scale not greater than 1:100 and appropriate for the sheet size. If a large development is shown in sections on multiple sheets, then one overall composite sheet shall be provided for clarity.		●	●
Vicinity map, scale, north arrow, date of plan, and date of revisions thereto.	●	●	●
Existing use(s) and existing zoning classification(s) for the subject parcel(s) and surrounding parcels (including across road rights-of-way).		●	●
Dimensions of all property boundaries and interior lot lines.	●	●	●
Percentage of lot coverage, total ground floor area, and floor area ratio.		●	●
Net dwelling unit density for residential projects.		●	●
Calculations for parking, gross and net residential density of development, and other Ordinance requirements.		●	●
<b>EXISTING CONDITIONS</b>			
General topography and soil information, including identification of areas with slopes from 12% to 18%; from 18% to 25%; and 25% and above.		●	●
Delineation of the 100-year floodplain, and all lakes, ponds, stream courses, and wetlands, including the on-site watershed for such on-site water features.		●	●
Delineation of all vegetation within 25 feet of all on-site and off-site surface water features, including wetlands.		●	●
Description of groundwater recharge areas located on the subject parcel(s), and a rough delineation of their borders.		●	●
General delineation of existing vegetation on the subject property to be preserved or removed, including trees, upland brush, hedgerows, woodlands, prairies, and meadows.		●	●
Details of the location, size, and species of all existing tree species present on the site, including landmark trees, individual deciduous trees six (6) inches or larger in diameter and individual evergreen trees six (6) feet or more in height indicated by species, location, and size; and groups of trees shown by an approximate outline of the total canopy.			●

<b>Minimum Site Plan Information</b>	<b>Concept Plan</b>	<b>Preliminary Site Plan</b>	<b>Final Site Plan</b>
The location and height of all existing structures, driveways, fences, walls, signs, utility poles and towers, easements, pipelines, excavations, bridges, culverts, and other site features on the subject property, with notes regarding their preservation or alteration.		●	●
<b>SITE PLAN DETAILS</b>			
Delineation of required yards and setback areas.		●	●
Identification of the general location(s) and area(s) of each development phase.		●	●
Planned construction program and projected phasing schedule for each development phase.			●
Locations and descriptions of all existing and proposed easements and rights-of-way for utilities, access, and drainage.			●
An exterior lighting plan with all existing and proposed lighting locations, heights from grade, specifications, lamps types, and methods of shielding.			●
Outdoor sales, display or storage locations and method of screening, if applicable.		●	●
<b>BUILDING DESIGN AND ORIENTATION</b>			
Location, outline, number of floors, height, and a complete schedule of the number, size, and type of dwelling units where applicable.		●	●
Building dimensions, and gross and net floor area.		●	●
Separation distances from adjacent structures.			●
Building façade elevations for any proposed principal building, drawn to an appropriate scale and indicating type and color of building materials.		●	●
Location and exterior dimensions of proposed structures referenced to property lines or to a common base point; and finished floor elevations and contact grade elevations.			●
<b>ACCESS AND CIRCULATION</b>			
Dimensions and centerlines of existing and proposed rights-of-way and access drives, names of abutting roads, and indication whether proposed roads are to be public or private.	●	●	●
Dimensions and type of paving materials for all roads, parking lots, curbs, sidewalks, and other paved surfaces.		●	●
Locations and dimensions of vehicle access points, and distances between adjacent or opposing driveways and road intersections.		●	●
Parking space and maneuvering aisle dimensions, pavement markings, traffic control signage, angle of spaces, surface type, designation of fire lanes, and location of loading areas.			●



<b>Minimum Site Plan Information</b>	<b>Concept Plan</b>	<b>Preliminary Site Plan</b>	<b>Final Site Plan</b>
Spot elevations of the road surface for existing roads on and adjacent to the subject parcel(s), including elevations at intersections with the internal roads and drives serving the proposed development.			●
<b>SCREENING, NATURAL FEATURES, AND OPEN SPACE AREAS</b>			
Location and size of required transition and landscape strips, if applicable.		●	●
Location, area, and dimensions of open areas and recreation areas within the proposed development.		●	●
Landscape plan, including location, size, quantity and type of proposed plant materials and any existing plant materials to be preserved.			●
Planting list for proposed 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 or other screening devices, including typical cross-section, materials and height above grade.		●	●
Locations and methods of screening for any waste receptacles; ground-mounted generators, transformers, and mechanical (HVAC) units; and similar devices.		●	●
<b>UTILITIES, STORMWATER MANAGEMENT, AND GRADING</b>			
General description of existing and proposed public water supply, sanitary sewerage, and storm drainage systems.		●	●
Location and size of water lines and hydrants; location, size, and inverts for sanitary sewer and storm sewer lines; location of manholes, catch basins, and any surface-mounted equipment; and location and size of wells, septic tanks, and drain fields, where applicable.			●
Location and size of retention ponds and degrees of slopes of sides of ponds; calculations for size of storm drainage facilities; and location and size of underground tanks where applicable.			●
Grading plan, with areas of intended 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 at the property lines.			●
Location and size of existing and proposed telephone, gas, electric, and similar utility lines and surface-mounted equipment.			●

Minimum Site Plan Information	Concept Plan	Preliminary Site Plan	Final Site Plan
<b>ADDITIONAL REQUIRED INFORMATION</b>			
Other information as requested by the Township Planner or Planning Commission to verify that the site and use are in accordance with the purpose and intent of this Ordinance and the Township's General Development Plan.	●	●	●

**G. Standards for Site Plan Approval.**

The following criteria shall be used as a basis upon which preliminary and final site plans will be reviewed.

1. **Standards for preliminary site plan approval.** The following criteria shall be used as a basis upon which preliminary site plans will be reviewed and approved, approved with conditions or denied:
  - a. **Adequacy of information.** The applicant is legally authorized to apply for site plan review, and the site plan includes all required information in a complete and understandable form.
  - b. **Conformance with this Ordinance and the General Development Plan.** The site plan provides an accurate description of the proposed uses, complies with all applicable Ordinance requirements, and is compatible with the adopted General Development Plan.
  - c. **Site appearance and coordination.** The site is designed to promote the normal and orderly development and use of surrounding lands; and all site design elements are harmoniously organized in relation to topography, adjacent facilities, building orientation, and improvements serving existing and future uses in the area.
  - d. **Preservation of natural features.** The site design preserves and conserves natural features to the maximum feasible extent, minimizes the amount and extent of cutting and filling required, and will not cause soil erosion or sedimentation.
  - e. **Access and circulation.** Roads, drives, and vehicular access elements are designed to minimize traffic conflicts and promote safe and efficient traffic circulation; and pedestrian facilities comply with applicable barrier-free access regulations and are insulated as completely as possible from the vehicular circulation system.
  - f. **Parking and loading.** Off-street parking lots and loading areas are arranged and located to accommodate the intensity of proposed uses,

minimize conflicts with adjacent uses, and promote shared-use of common facilities where feasible.

- g. **Screening.** Landscaping and screening are provided in a manner that adequately buffers adjacent land uses and screens off-street parking, mechanical appurtenances, loading and unloading areas and storage areas from adjacent residential areas and public rights-of-way.
  - h. **Phasing.** The phases of development are in logical sequence so that any phase will not depend upon a subsequent phase for adequate access, public utility service, drainage, or erosion control.
2. **Standards for final site plan approval.** The following criteria shall be used as a basis upon which final site plans will be reviewed and approved, approved with conditions or denied:
- a. **Adequacy of information.** The applicant is legally authorized to apply for site plan review, and the site plan includes all required information in a complete and understandable form.
  - b. **Conformance with this Ordinance and the General Development Plan.** The site plan provides an accurate description of the proposed uses, complies with all applicable Ordinance requirements, and is compatible with the adopted General Development Plan.
  - c. **Compatibility with the preliminary site plan.** The final site plan is compatible with the overall site layout and improvements shown on the approved preliminary site plan.
  - d. **Building design and orientation.** The proposed building design, architecture, and orientation relate to and are harmonious with the surrounding area with regard to location, scale, mass, proportion, and materials.
  - e. **Exterior lighting.** All exterior lighting fixtures are designed arranged and shielded to minimize glare and light trespass, prevent night blindness and vision impairments, and maximize security.
  - f. **Impact upon public services.** The impact upon available public services (including utilities, roads, police and fire protection, and pedestrian facilities) will not exceed the existing or planned capacity of such services.
  - g. **Drainage and soil erosion.** Adjoining land and uses, public rights-of-way and the capacity of stormwater management facilities and drainage systems will not be adversely impacted by stormwater runoff, soil erosion or sedimentation during and after construction.

- h. **Grading and filling.** Grading or filling will not destroy the character of the property or the surrounding area, and will not adversely affect the adjacent or neighboring property.
- i. **Emergency access and vulnerability to hazards.** All sites and buildings are designed to allow convenient and direct emergency access, and the level of vulnerability to injury or loss from incidents involving hazardous materials or processes will not exceed existing or planned emergency response capabilities.
- j. **Compliance with outside agency standards.** The plan meets the standards of other government agencies, where applicable, and that the approval of these agencies has been obtained or is assured.

**H. Outside Agency Permits or Approvals.**

The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies, prior to the start of development or construction on the site. Copies of all written approvals shall be provided to the Zoning Inspector for the official Township record.

**I. As Built Plans.**

As built plans for all site improvements shall be submitted to the Zoning Inspector and approved by the Township Planner and other designated Township consultants prior to issuance of any zoning compliance for occupancy permits or release of performance guarantees.

- 1. The as-built drawings shall show, but shall not be limited to, such information as the exact size, type, and location of utilities and fire hydrants; and the depth and slopes of retention basins. The drawings shall show plan and profile views of any sanitary and storm sewer lines and plan views of all water lines.
- 2. The as-built drawings shall show all work as actually installed and as field-verified by a professional engineer or a representative thereof. The drawings shall be identified as "As-Built Drawings" in the title block of each drawing, 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.

**J. Approval of Phased Developments.**

The Planning Commission may grant approval for site plans with multiple phases, subject to the following:

- 1. The site design and layout for all phases and outlots shall be shown on the approved preliminary site plan to ensure proper development of the overall site.
- 2. Improvements associated with each phase shall be clearly identified on the approved preliminary site plan, along with a timetable for development.

Development phases shall be designed so that each phase will function independently of any improvements planned for later phases, and shall be capable of substantial occupancy, operation, and maintenance upon completion of construction and development.

3. Each future phase shall be subject to a separate final site plan review by the Planning Commission, and shall be required to meet all applicable Ordinance standards effective at the time of such review.
4. The Planning Commission may require the applicant to post a performance guarantee in accordance with Section 1.08C (Performance Guarantees) to ensure that site improvements, amenities, and infrastructure planned for later phases of the development are completed in a timely fashion.

**K. Amendments to Approved Site Plans**

Amendments to an approved preliminary or final site plan shall be subject to the following:

1. **Amendment request.** The applicant shall make an amendment request in writing to the Planning Commission, clearly stating the reasons for the request. Such reasons may include changing social or economic conditions, potential improvements in layout or design features, unforeseen difficulties, changes in applicable regulations, or advantages mutually affecting the interest of the Township and the developer. The burden shall be on the petitioner to show good cause for any requested change, subject to the standards of this Section.
  - 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.
2. **Determination of major/minor change.** The Planning Commission shall have the authority to determine whether the proposed change is major or minor in accordance with this subsection. The Planning Commission shall record its determination and reasons therefore in the minutes at the meeting at which the action is taken.
  - a. **Major changes.** Major changes shall require reapplication for a new preliminary or final site plan approval in accordance with the procedures and requirements of Section 12.01E (Preliminary and Final Site Plan Review Procedures). 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 site 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) Increase in GFC or FAR of more than one percent (1%).
- (7) Rearrangement of lots, blocks or building tracts.
- (8) Reduction in land area set aside for common area open space or the relocation of such area(s).
- (9) Increase in building height.
- (10) Any change that will have an adverse impact on neighboring properties or uses.

b. **Minor changes.** Minor changes may be incorporated into a final site plan without an amendment to the approved preliminary site plan, at the discretion of the Planning Commission. The Planning Commission shall have the authority to require that a revised preliminary or final site plan be submitted for purposes of the official Township record. Changes to be considered minor shall include, but shall not be limited to the following:

- (1) A change in residential floor area.
- (2) An increase in non-residential floor area of five percent (5%) or less.
- (3) Minor variations in layout that do not constitute major changes.
- (4) An increase in GFC and FAR of one percent (1%) or less.
- (5) A decrease in the number of approved dwelling units.

3. The Township Planner shall have the authority to approve minor revisions to an approved final site plan that do not materially alter the approved site design, intensity of use or demand for public services.

**L. Site Plan Resubmission.**

A site plan that has been denied may be revised by the applicant to address the reasons for the denial and then resubmitted for further consideration. The resubmitted site plan shall be subject to the same requirements, review fees, and approval procedures as a new application for site plan approval.

**M. Expiration of Site Plan Approval.**

Site plans shall expire 365 days after the date of approval. Upon written request received by the Township prior to the expiration date, the Planning Commission may grant an extension of preliminary or final site plan approval for up to 365 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 all applicable provisions of this Ordinance.

**N. Rescinding Final Site Plan Approval.**

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 final 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 12.03 (Public Hearing Procedures), at which time the owner of an interest in land for which site plan 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 or designated agent.

**O. Compliance with an Approved Final Site Plan.**

It shall be the responsibility of the property owner, and the owner or operator of the use(s) for which final 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 final site plan and all conditions of approval, until the property is razed, or a new final 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.

1. To ensure compliance with this Ordinance, the approved final site plan, and any conditions of site plan approval, the Township may require that a performance guarantee be deposited with the Township Treasurer, subject to the standards of Section 1.08C (Performance Guarantees). The amount of the performance guarantee shall be sufficient to ensure faithful completion of the improvements associated with a project for which site plan approval is sought, as determined by the Township Planner.
2. The Zoning Inspector, Township Planner or other Township designee shall make periodic investigations of developments for which site plans have been approved. Noncompliance with the requirements and conditions of the approved site plan shall be considered a violation of this Ordinance, and shall constitute grounds for the Planning Commission to rescind site plan approval.

## Section 12.02 Special Uses.

### A. Purpose.

This Section provides a set of procedures and standards for special uses of land or structures, which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent land, uses, and residents; and the community as a whole. Special uses include those uses that:

1. Serve an area, interest or purpose that extends beyond the borders of the Township;
2. Create particular problems of control in relation to adjoining uses or districts;
3. Have detrimental effects upon public health, safety or welfare; or
4. Possess other unique characteristics that prevent such uses from being permitted without special approval in a particular zoning district.

This Section is intended to provide a consistent and uniform method for review of special use 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 General Development Plan.

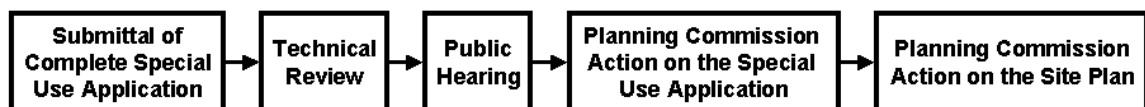
### B. Application Requirements.

Special use applications shall be submitted in accordance with the following:

1. **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 special use approval is sought, or by the owner's designated agent. The applicant or agent shall be present at all scheduled review meetings. Applications that are found by the Township Planner to be incomplete or inaccurate shall be returned to the applicant without further review or consideration.
2. **Application.** Special use applications submitted to the Township shall include the following information:
  - a. Names, addresses and telephone numbers for the applicant and property owner, and proof of ownership.
  - b. 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 special use application.
  - c. Address, location, legal description, and tax identification number of the parcel.



- d. A detailed description of the proposed use.
- e. A certified survey drawing of the subject parcel, and a complete site plan per Section 12.01 (Site Plan Review).
- f. Appropriate review fees or escrow deposit, as determined by Township Board.
- g. 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 12.02H (Standards for Special Use Approval).
- h. Any other information deemed necessary by the Township Planner or Planning Commission to determine compliance with this Ordinance.



## **Special Use Review Process**

### **C. Special Use Review Procedure.**

Special use applications shall be shall be reviewed in accordance with following procedures:

1. **Coordination with site plan review.** A site plan associated with a special use shall not be approved unless the special use has first been approved. The Planning Commission may, at its discretion, consider special use and site plan applications at the same meeting.
2. **Technical review.** Prior to Planning Commission consideration, the application materials shall be distributed to appropriate Township officials and the Township Planner for review and comment. The Zoning Inspector or Planning Commission may also request comments from other designated Township consultants, local agencies or departments with jurisdiction.
3. **Public hearing.** A public hearing shall be held for all special uses in accordance with Section 12.03 (Public Hearing Procedures).
4. **Planning Commission consideration.** Subsequent to the hearing, the Planning Commission shall review the application for special use approval, together with any reports and recommendations from Township officials, the Township Planner, other designated Township consultants, and any local agencies or departments with jurisdiction, along with any public comments. The Planning Commission shall then make a determination based on the

requirements of this Ordinance and the standards contained in Section 12.02H (Standards for Special Use Approval).

5. **Planning Commission action.** The Planning Commission is authorized to table, approve, approve subject to conditions or deny the special use as follows:
- a. **Tabling.** Upon determination by the Planning Commission that a special use 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 consideration until a later meeting.
  - b. **Denial.** Upon determination that a special use application is not in compliance with the provisions of this Ordinance, including Section 12.02H (Standards for Special Use Approval), or would require extensive modifications to comply with said standards and regulations, the special use shall be denied. If a special use is denied, a written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for such denial. Failure of the applicant to attend two (2) or more meetings shall be grounds for the Planning Commission to deny the special use.
  - c. **Approval.** The special use may be approved by the Planning Commission upon determination that it is in compliance with the provisions of this Ordinance, including Section 12.02H (Standards for Special Use Approval). Upon approval, the special use shall be deemed a conforming use permitted in the district in which it is proposed, subject to site plan approval, and any conditions imposed on the use. Such approval shall affect only the lot or area thereof upon which the use is located.
  - d. **Approval subject to conditions.** The Planning Commission may approve a special use subject to reasonable conditions:
    - (1) Designed to protect natural resources, the health, safety, welfare, and social and economic well-being of users or patrons of the use under consideration, residents and landowners immediately adjacent to the proposed use, or the community as a whole;
    - (2) Related to the valid exercise of the police power, and the impacts of the proposed use; or
    - (3) Necessary to meet the intent and purpose of this Ordinance, related to the standards established in this Ordinance for the special use under consideration, and necessary for compliance with those standards.

Conditions of approval shall remain unchanged except upon mutual consent of the Planning Commission and the landowner. Any such

changes shall be entered into Township records and recorded in the minutes of the Planning Commission meeting at which the action occurred.

- e. **Recording of special use action.** Planning Commission action on the special use shall be recorded in the Planning Commission meeting minutes, stating the name, description, and location of the proposed use; address and tax identification number of the parcel; the findings of fact and conclusions or grounds for the Planning Commission's action, and any conditions of approval. The Secretary or Chair shall file one (1) copy of the written record with the Township Clerk for the permanent Township record, and shall forward one (1) copy to the applicant as evidence of special use approval.

**D. Resubmission after Denial.**

A special use application that has been denied shall not be resubmitted for a period of 365 days from the date of denial, except on grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid.

**E. Appeals of Special Use Decisions.**

The Zoning Board of Appeals shall not have the authority to consider appeals of special use determinations by the Planning Commission.

**F. Expiration of Special Use Approval.**

Special use approval shall expire 365 days after the date of approval, unless the use has been established on the site, or the construction plan associated with the special use has been submitted for review. Special use approval shall also expire upon expiration of the approved construction plan associated with a special use.

Upon written request received by the Township prior to the expiration date, the Planning Commission may grant one (1) extension of up to 180 days, provided that the approved special use conforms to current Zoning Ordinance standards.

**G. Rescinding Special Use Approval.**

Approval of a special use 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 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 12.03 (Public Hearing Procedures), at which time the operator of the use or owner of an interest in the land or structure(s) for which special use 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.

#### **H. Standards for Special Use Approval.**

Approval of a special use shall be based upon the determination that the proposed use complies with all applicable requirements of this Ordinance, and all of the following standards as deemed applicable to the use by the Planning Commission:

1. **Compatibility with adjacent uses.** The special use is compatible with adjacent uses and the existing or intended character of the zoning district and area. The use will not be detrimental, hazardous or disturbing to existing or future neighboring uses, persons, property or the public welfare.
2. **Compatibility with the General Development Plan.** The special use location and character is consistent with the general principles, goals, objectives, and policies of the adopted General Development Plan.
3. **Compliance with applicable regulations.** The proposed special use is in compliance with all applicable Ordinance provisions.
4. **Impact upon public and utility services.** The impact of the special use upon public services will not exceed the existing or planned capacity of such services; including utilities, roads, police and fire protection services, area drinking water wells, and drainage structures. The proposed use will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.
5. **Environmental and public health, safety, welfare impacts.** The location, design, activities, processes, materials, equipment, and operational conditions of the special use will not be detrimental or injurious to the environment or the public health, safety, and welfare by reason of traffic, noise, vibration, smoke, fumes, odors, dust, glare, light, drainage, pollution or other adverse impacts.
6. **A documented need exists for the proposed use.** A documented need exists for the proposed use within the community.
7. **Isolation of existing uses.** Approval of the special use location will not result in a small residential or non-residential area being substantially surrounded by incompatible uses.

#### **I. Compliance with Special Use Approval.**

It shall be the responsibility of the owner of the property and the operator of the use for which special use approval has been granted to develop, improve, 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 special use approval until the use is discontinued. Failure to comply with the provisions of this Section shall be a violation of

the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

The Zoning Inspector, Township Planner or other Township designee may make periodic investigations of developments for which a special use has been approved. Noncompliance with Ordinance requirements or conditions of approval shall constitute grounds for the Planning Commission to rescind special use approval.

### **Section 12.03 Public Hearing Procedures.**

Upon receipt of a complete and accurate application, 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 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. If eleven (11) or more adjacent lots or parcels are 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 notices shall not be required for amendments to or interpretations of the text of this Ordinance, appeals of administrative decisions, and if eleven (11) or more adjacent lots or parcels are proposed for rezoning.
  - c. 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.
  - d. 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, post this notice at other public-accessible locations, including the Township Hall, community bulletin boards or the Internet. The Township Board may also establish a policy to consistently send this notice 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. 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.

**D. 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.

**E. Timeframe for Hearings.**

The public hearing shall be scheduled for a date not more than 90 calendar days after receipt of a complete and accurate application by the body charged with conducting the hearing, unless a further time is agreed upon by the parties concerned.

**F. 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.

**G. 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 giving further notice, accumulating further evidence or information or for such other reasons that the body finds to be sufficient.

**H. 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.

**Section 12.04 Amendments.**

The Township Board may amend, supplement or revise the provisions of this Ordinance or Official Zoning Map. Such actions shall be in accordance with the provisions of the Michigan Zoning Enabling Act and the following:

**A. Conditional Rezoning Prohibited.**

Conditional rezoning, as authorized by Section 405 of the Michigan Zoning Enabling Act, shall be prohibited in Saline Township. Any application for a rezoning amendment to the Official Zoning Map that includes proposed conditions or voluntary use or development limitations shall be returned to the applicant without Township review or consideration.

**B. Initiation of Amendment.**

Amendments to the provisions of this Ordinance may be initiated by the Township Board, Planning Commission, or Zoning Inspector, or by petition from one (1) or more residents or property owners of the Township. A rezoning amendment to the official Zoning Map may be initiated by the Township Board, Planning Commission, or Zoning Inspector; or by the titleholder for the property subject to the proposed amendment.

1. All proposed amendments shall first be referred to the Planning Commission for review and recommendation, prior to any final action by the Township Board.

2. No fee shall be charged for amendments initiated by the Township Board, Planning Commission or Zoning Inspector.

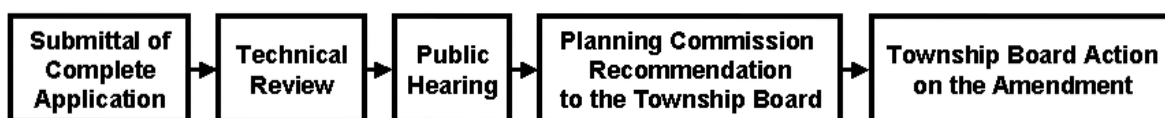
**C. Application.**

An amendment to this Ordinance (except those initiated by the Township Board, Planning Commission or Zoning Inspector) shall be initiated by submission of a complete and accurate application to the Township, along with the required review fees or escrow deposit established by Township Board.

1. **Rezoning application.** In the case of an amendment to the official Zoning Map, the following information shall accompany the application and fee:
  - a. A legal description, street address(es), and property tax identification number(s) of the subject property.
  - b. A scaled survey and location map identifying the subject property in relation to surrounding parcels, roads, and other area features.
  - c. A vicinity map showing the location of the subject property, and adjacent land uses and zoning classifications.
  - d. The name and address of the applicant.
  - e. 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 rezoning application. In the case of a rezoning amendment initiated by the Township Board, Planning Commission or Zoning Inspector, the signed consent of the owner(s) shall not be required.
  - f. Signature(s) of the applicant and owner(s) certifying the accuracy of the application information. In the case of a rezoning amendment initiated by the Township Board, Planning Commission or Zoning Inspector, such certification shall not be required.
  - g. The existing and proposed zoning district designation of the subject property and surrounding properties.
  - h. A general description of the natural resources and features, including wetlands, streams and other waterbodies, steep slopes, woodlands, and floodplains depicted on scaled drawings. In the case of a rezoning amendment initiated by the Township Board, Planning Commission or Zoning Inspector, such information shall not be required.
  - i. A written description of how the requested amendment meets the criteria stated in this Section.



2. **Zoning Ordinance text amendments.** In the case of an amendment to the text of the Zoning Ordinance, the petitioner shall submit the following information:
  - a. A detailed statement of the petition, clearly and completely setting forth all proposed provisions and regulations, including all changes in the Zoning Ordinance necessary to accommodate the proposed amendment.
  - b. Reasons for the proposed amendment.
  - c. The name and address of the petitioner.



## Amendment Review Process

### D. Amendment Review Procedure.

Proposed amendments to this Ordinance or Official Zoning Map shall be reviewed in accordance with the following:

1. **Technical review.** Prior to Planning Commission consideration, the proposed amendment and application materials shall be distributed to appropriate Township officials and the Township Planner for review and comment. The Zoning Inspector or Planning Commission may also request comments from other designated Township consultants, local agencies or departments with jurisdiction.
2. **Public hearing.** A public hearing shall be held for all proposed amendments in accordance with Section 12.03 (Public Hearing Procedures).
3. **Planning Commission consideration and recommendation.** Subsequent to the hearing, the Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies and any public comments. The Planning Commission shall identify and evaluate all relevant factors, and shall report its findings and recommendation to the Township Board.
4. **Township Board action.** The Zoning Inspector shall forward a copy of the proposed amendment and report and recommendation from the Planning Commission to the Township Board for consideration and final action.

- a. The Township Board may adopt or reject the proposed amendment, or may refer the amendment back to the Planning Commission for revision or further consideration.
- b. If the Township Board requests revisions to the proposed amendment, the amendment and requested revisions shall be referred back to the Planning Commission for further consideration.
- c. The Township Board may, at its discretion, hold additional public hearings on the proposed amendment, provided that notice of the hearing shall be published once in a newspaper of general circulation in the Township not less than five (5) and not more than 15 days before the hearing date.

**E. Findings of Fact Required.**

In reviewing any application for a rezoning amendment to the Official Zoning Map, the Planning Commission shall identify and evaluate all factors relevant to the application, and shall report its findings and recommendations to the Township Board. The facts to be considered shall include, but shall not be limited to the following:

1. Compatibility of the proposed rezoning with the General Development Plan's goals, policies, and future land use map, including planned timing or sequence of development. If conditions have changed since the General Development Plan was adopted, the consistency with recent development trends in the area shall be considered.
2. Compatibility of all the potential uses allowed in the proposed zoning district(s) with the site's physical, geological, hydrological, and other environmental features, and with surrounding uses and zoning districts.
3. Capacity of available utilities, roads, and public services to accommodate the uses permitted in the district(s) without compromising the health, safety, and welfare of Township residents or burdening the Township or Washtenaw County with unplanned capital improvement costs or other unplanned public expenses.
4. The apparent demand for the types of uses permitted in the district(s) in relation to the amount of land currently zoned and available in the Township and surrounding communities to accommodate the demand.
5. Whether the requested rezoning is justified by a change in conditions since the Zoning Ordinance or Official Zoning Map was adopted, or by an error in the Ordinance or Map.
6. The precedents or possible effects of such precedents that might result from approval or denial of the proposed rezoning.
7. Impacts or effects of approval of the rezoning on the condition, character or value of property in the Township or adjacent municipalities.

8. Consistency of the proposed rezoning with the applicable development policies of abutting municipalities or other governmental agencies with jurisdiction.

**F. Notice of Adoption.**

Following Township Board adoption of an amendment to the Zoning Ordinance or Official Zoning Map, the amendment shall be published within 15 calendar days of such adoption in a newspaper of general circulation in the Township. The amendment shall take effect seven (7) calendar days after the date of publication of the notice of adoption, unless a later date is specified by the Township Board. The notice of adoption shall include the following information:

1. The article(s) and section(s) affected, in the case of a text amendment.
2. Either a summary of the regulatory effect of the amendment, including any geographic area affected, or the text of the amendment.
3. The effective date of the amendment.
4. The place and time where a copy of the amended Zoning Ordinance or Official Zoning Map may be inspected or purchased.

**G. 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 calendar days after publication of the notice of adoption for an amendment to the Zoning Ordinance or Official Zoning Map, a petition may be filed with the Township Clerk requesting therein for the submission of the amendment to the electors residing in the unincorporated portion of the Township for their approval. To qualify, the petition shall be signed by a number of qualified and registered voters residing in the unincorporated portion of Saline 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.
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 the amendment to the Zoning Ordinance or Official Zoning Map, if the petition is not filed within that time period.

- b. The Township Clerk finds that the petition, if filed within 30 calendar days after publication of the notice of adoption for the amendment to the Zoning Ordinance or Official Zoning Map, is inadequate.
- c. If a petition is filed within 30 calendar days after publication of the notice of adoption for the amendment to the Zoning Ordinance or Official Zoning Map, the Township Clerk finds 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 date that provides sufficient time for proper notices and printing of ballots, as determined by the Township Clerk. 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.

**H. Conformance to Court Decree.**

Any amendment for the purpose of conforming to a provision of a decree of a court of competent jurisdiction shall be adopted by the Township Board and the amendment published without referral to any other board, commission or agency.

**I. Re-Application.**

Whenever an application for an amendment to this Ordinance has been rejected by the Township Board, a new application for the same amendment shall not be accepted by the Township for a period of 365 calendar days unless the Zoning Inspector determines that one 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.

## ARTICLE 13

# CONDOMINIUM REGULATIONS

### Section 13.01 Purpose.

The purpose of this Article is to regulate projects that divide real property under a contractual arrangement known as a condominium. 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, condominium subdivision plans shall be regulated by this Ordinance as site condominiums, and shall be considered equivalent to a platted subdivision for the purposes of enforcing the Township's site development standards. It is the intent of this Article to ensure that:

1. Review of condominium subdivision (site condominium) plans be accomplished, aside from procedural differences, with the objective and intent of achieving the same results as if the site were to be developed under the Land Division Act, except that nothing in this Article shall be construed to require a site condominium development to obtain plat approval.
2. Condominium subdivisions are developed in compliance with all applicable standards of this Ordinance and the Land Division Act, except that the review procedures of this Article and Ordinance shall apply.

### Section 13.02 Condominium Unit Requirements.

The following regulations shall apply to all condominium units:

#### A. Types of Permitted Condominium Units.

The following types of condominium units shall be permitted under this Article, subject to conformance with the use and zoning district 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), not more than one (1) single-family dwelling unit and permitted accessory structure shall be proposed or constructed on a condominium lot. No dwelling unit may be located on a condominium lot with any other approved principal use. The condominium unit shall be considered a lot under this Ordinance.
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 and the applicable zoning district.

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.

**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 Land Division Act, and shall comply with the dimensional standards of the zoning district.

**C. Area Computation.**

The minimum area of the site condominium unit and the surrounding limited common element shall be equivalent to the minimum lot area and lot width requirements for the zoning district where the project is located. Areas within a public or private road right-of-way or equivalent easement or dedication shall not be included in the calculation of minimum condominium lot area or determination of dwelling density for a site.

**D. Relocation of Lot Boundaries.**

The relocation of boundaries or any other change in the dimensions of a condominium unit or site condominium lot 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 3 (Dimensional Standards), and shall be subject to the review procedures specified in Section 12.01E (Preliminary and Final Site Plan Review Procedures).

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 3 (Dimensional Standards) or shall be placed into common areas within the project.

### **Section 13.03 Review Requirements.**

A condominium project shall be subject to the site plan review procedures specified in Section 12.01E (Preliminary and Final Site Plan Review Procedures), and the following:

**A. Conceptual Review.**

To minimize time, costs, and interpretation of Township development requirements, applicants are encouraged to meet informally with the Township Planner and designated

Township consultants to discuss a conceptual condominium site plan, site issues and application of Ordinance standards, prior to submitting plans 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. Any person may also request that a conceptual site plan be placed on a regular Planning Commission meeting agenda as a discussion item. Conceptual plans submitted for Planning Commission discussion shall include all information required by Section 13.04 (Condominium Site Plan Requirements).
3. The Township may require payment of a fee or escrow deposit to cover the costs of a conceptual site plan meeting.
4. 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.

For condominium subdivision (site condominium) developments, conceptual condominium site plan review shall be considered the equivalent of an initial plat investigation, as specified in the Land Division Act.

**B. Preliminary and Final Condominium Site Plan Review.**

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.

1. The preliminary condominium site plan shall include all information required by Section 13.04B (Preliminary Condominium Site Plan Requirements).
2. The final condominium site plan shall include all information required by Section 13.04C (Final Condominium Site Plan Requirements).
3. The Planning Commission shall review and take action regarding a condominium site plan application in accordance with the review procedures specified in Section 12.01E (Preliminary and Final Site Plan Review Procedures), and the standards for approval specified in Section 12.01G (Standards for Site Plan Approval).

For site condominium developments, condominium site plan review shall be considered the equivalent of a preliminary plat review, as specified in the Land Division Act.

**C. Outside Agency Permits or Approvals.**

The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies, prior to the start of development or construction on the site. Copies of all written approvals shall be provided to the Zoning Inspector for the official Township record.

## Section 13.04 Required Plan Information.

### A. Conceptual Condominium Plan Requirements.

The following information shall be included with a conceptual condominium site plan:

1. **Ownership interest.** Declaration of all persons with an ownership interest in the land on which the condominium project will be located, including a description of the nature of each entity's interest (e.g. fee owner, option holder, lessee or land contract vendee).
2. **Proposed use.** The proposed use(s) of the condominium project.
3. **Density.** The total acreage of the condominium site, acreage set aside for road rights-of-way, number of condominium units to be developed on the subject parcel and density computation on a unit per acre basis.
4. **Circulation.** The vehicular and pedestrian circulation system planned for the proposed development, including the designation of any rights-of-way or other access easements for dedication to the public.
5. **Road layout.** The location of existing roads adjacent to the development, with details for the location and design of interior roads and access drives, and proposed connections to abutting roads.
6. **Unit lot orientation.** The proposed layout of structures, unit lots, parking areas, open space and recreation areas.
7. **Drainage.** Site drainage showing topography and flow directions, including computations of flows into storm sewers or retention or detention areas;
8. **Natural features.** Specific locations and dimensions of wetland areas, wetland buffers, floodplain, and significant natural features such as tree stands, unusual slopes, streams and water drainage areas. The gross land area of all wetland areas and proposed open space dedications shall be provided.

### B. Preliminary Condominium Site Plan Requirements.

The following information shall be included with a preliminary condominium site plan application:

1. **Preliminary site plan information.** All information required for a preliminary site plan review, as specified in Section 12.01F (Required Information for Site Plans). For condominium subdivision (site condominium) developments, all information required for preliminary plat approval shall be provided on the condominium subdivision plan.
2. **Condominium restrictions.** All deed restrictions, restrictive covenants or other proposed regulations for the layout, use and maintenance of public or



common areas and structures shall be incorporated into the site plan as detail sheets and notes.

3. **Common areas defined.** Limited common elements, common elements, unit lots, preservation areas, convertible areas and any other designated ownership areas shall be clearly delineated on the site plan.
4. **Documents.** The master deed, condominium bylaws, restrictive covenants, and other condominium documents shall be provided for Township review.
5. **Additional information.** The following additional information shall be submitted for Township review:
  - a. Cross sections of roads, driveways, sidewalks, and other paved areas.
  - b. Details of any proposed improvements to public utility systems.
  - c. All necessary easement documents showing the dedication of land areas for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing or removing pipelines, mains, conduits and other installations of a similar character; providing public utilities, including conveyance of sewage, water and storm water run-off across, through and under the property subject to said easement; and excavating and refilling ditches and trenches necessary for the location of said structures.

**C. Final Condominium Site Plan Requirements.**

The following shall be submitted to the Township as part of any final condominium site plan application:

1. **Final site plan information.** All information required for a final site plan review, as specified in Section 12.01F (Required Information for Site Plans).
2. **Section 71 comments.** Presentation of all comments pursuant to Section 71 of the Condominium Act.
3. **Condominium documents.** Copies of the condominium documents in their final recordable form.

**Section 13.05 Project Standards.**

The following standards are applicable to condominiums:

**A. Use Standards.**

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

**B. Subdivision Requirements.**

All design standards and requirements for roads, sidewalks, utilities, storm drainage, subdivision lots, and other site improvements specified in the Land Division Act and any Township subdivision regulations shall apply to condominium subdivision (site condominium) projects.

**C. Setbacks.**

The setback requirements of the underlying zoning district, as specified in Article 3 (Dimensional Standards), shall establish the required interior and perimeter setbacks for the condominium development. Such setbacks shall be measured from the perimeter of the condominium lot or road right-of-way line to the nearest part of the structure or building envelope.

**D. Utility Connections.**

Each site condominium unit shall be separately connected to available public water supply and sanitary sewer systems.

**E. Roads and Sidewalks.**

The internal circulation system shall provide adequate means of vehicular and non-vehicular circulation, subject to the following:

1. **Roads.** The proposed development shall provide logical extensions of existing or planned roads in the Township, and shall provide suitable road connections to adjacent parcels, where applicable. Internal roads and road rights-of-way shall be designed to meet Washtenaw County Road Commission design and construction standards, and shall be dedicated to the public. Curb cuts and driveway access shall comply with the standards of Section 7.13 (Access Management).
2. **Pedestrian facilities.** To provide access to all common areas and uses, minimum five (5) foot wide concrete sidewalks shall be provided along both sides of all interior and perimeter roads serving a condominium development. Pedestrian access and circulation shall be further subject to the following:
  - a. Additional pedestrian paths of concrete, asphalt, crushed limestone or similar material approved by the Planning Commission may be provided for secondary pedestrian access and circulation within and through the site.
  - b. Logical connections to and extensions of sidewalks and pedestrian paths outside of the condominium project shall be provided, where applicable.
  - c. The Planning Commission may approve alternative sidewalk locations or may waive the sidewalk requirement upon determination that it would not serve the purpose of providing adequate pedestrian access and circulation.

3. **Traffic impacts.** Traffic to, from, and within the site shall not be hazardous or inconvenient to the project or to the neighborhood. In applying this standard, the Planning Commission shall consider, among other things, convenient routes for pedestrian traffic, relationship of the proposed project to main thoroughfares and road intersections; and the general character and intensity of the existing and potential development of the neighborhood. A traffic impact study may be required by the Planning Commission, per Section 7.14 (Traffic Impact Studies).

**F. Infrastructure and Other Site Improvements.**

Drainage and utility facilities and improvements shall meet or exceed the applicable Township and Washtenaw County requirements. All new utilities shall be installed underground. Stormwater detention/retention basins shall be designed to emulate a naturally formed or free form depression, and to minimize the need for perimeter fencing.

**Section 13.06 Monuments.**

All condominium subdivision (site condominium) projects shall be clearly marked with monuments as follows:

**A. Required.**

Monuments shall be placed in the ground according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a road to mark angles in the boundary of the condominium project if the angle points can be readily re-established by reference to monuments along the sidelines of the roads.

**B. Construction.**

Monuments shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and 36 inches long, and completely encased in concrete at least four (4) inches in diameter.

**C. Location.**

Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of roads and at the intersection of the lines of roads with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature, and angle points in the side lines of roads and alleys; at all angles of an intermediate traverse line; and at the intersection of all limited common elements and all common elements.

1. **Reference.** If the required location of a monument is inaccessible or locating a monument would be impractical, it is sufficient to place a reference monument nearby, with the precise location clearly indicated on the plans and referenced to the true point.

2. **Steel rods.** If a monument point is required to be on a bedrock outcropping, a steel rod, at least one-half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
3. **Set at grade.** All required monuments should be placed flush with the surrounding grade where practicable.

**D. Condominium Unit Corners.**

Each site condominium unit corner shall be identified by monuments in the field consisting of iron or steel bars or iron pipes at least 18 inches long and one-half (1/2) inch in diameter, or other markers approved by the Township's engineering consultant. Each condominium lot must be able to be defined by reference to appropriate condominium unit monuments.

**E. Timing.**

The Planning Commission may, after recommendation of the Township's engineering consultant and as part of final condominium site plan approval, waive the placing of any required monuments and markers for a reasonable time period on the condition that the proprietor deposits with the Township a performance guarantee in an amount sufficient for the installation of all required monuments and markers, per Section 1.07 (Fees and Performance Guarantees). Cost estimates for completing such improvements shall be made or verified by the Township's engineering consultant.

The performance guarantee shall be returned to the proprietor upon receipt of a certificate by a licensed surveyor that the monuments and markers have been placed as required within the time specified. Failure to complete within the time period will lead to a forfeiture of the performance guarantee and the completion of the placement under the direction of the Township's engineering consultant.

## **Section 13.07 Post Construction Requirements.**

**A. Document Submittals.**

The developer or proprietor shall also record all condominium documents and exhibits with the Washtenaw County Register of Deeds office in a manner and format acceptable to the County. It shall be the responsibility of the developer or proprietor of a condominium project to furnish the following items to the Zoning Inspector:

1. The recorded Master Deed, Bylaws, and any other condominium documents, including Exhibit B, as required by the Condominium Act;
2. 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; and

The Zoning Inspector 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 Inspector to do so.

**B. Condominium Plan and Document Amendments.**

Amendments to any condominium document or the approved final condominium site plan (Exhibit B, as required by the Condominium Act) shall be subject to Township review and approval in accordance with Section 12.01K (Amendments to Approved Site Plans).

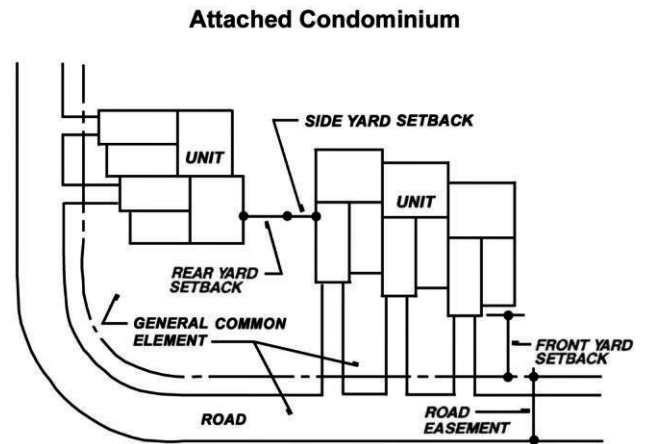
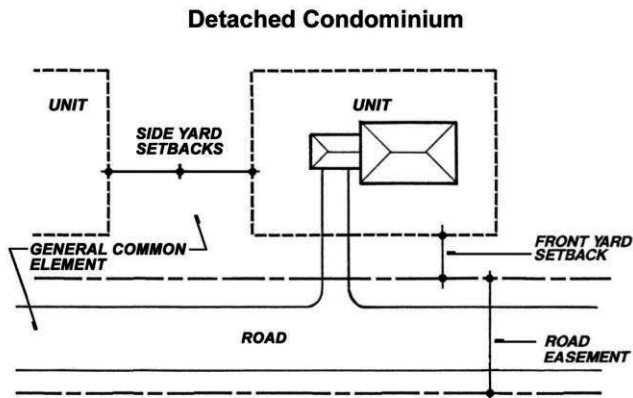
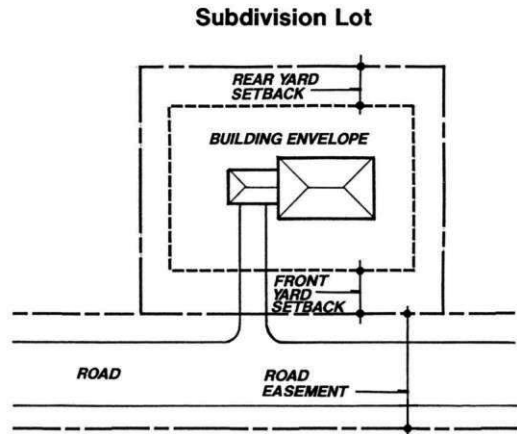
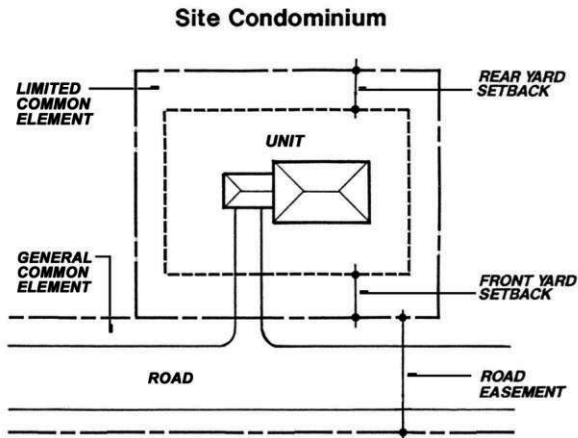
**D. Condominium Site Plan Expiration.**

Expiration of preliminary and final condominium site plans shall be subject to the provisions Section 12.01M (Expiration of Site Plan Approval).

**E. 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 the procedural requirements of Section 12.01N (Rescinding Site Plan Approval).

# ILLUSTRATIONS



## Condominium Terminology

## **ARTICLE 14**

### **PLANNED UNIT DEVELOPMENT (PUD) DISTRICT**

#### **Section 14.01 Intent.**

It is the intent of this Article to allow the use of the planned unit development (PUD) process authorized by the Michigan Zoning Enabling Act as an optional method of development review and approval. This Article has been established for the purposes of:

1. **Conserving prime farmlands and rural open space.** It is the intent of this Article to promote and encourage the conservation of prime farmlands and rural open space in the Township through the transfer of residential development potential from areas planned for agricultural, open space or natural features preservation to areas planned for suburban residential uses.
2. **Implementing the General Development Plan.** It is the intent of this Article to encourage development that is consistent with the Township's General Development Plan.
3. **Promoting innovative development.** It is the intent of this Article to promote innovation in the development and use of land consistent with its location, character, and adaptability.

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 modifications from the applicable use or development standards of this Ordinance as applied to a particular site and development project.

#### **Section 14.02 Scope.**

The provisions of this Article may be applied to any parcel of land under single ownership in any zoning district, subject to a determination that the proposed project and site satisfy Section 14.3 (Eligibility Criteria). These regulations are not intended as a device for ignoring specific Township standards or the planning upon which such standards are based.

The PUD process shall not be used in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards. Further, PUD projects shall not materially add public service or facility loads beyond those contemplated in the General Development Plan or other adopted policies or plans.

#### **Section 14.03 Eligibility Criteria.**

To be eligible for planned unit development (PUD) approval, the applicant shall demonstrate to the Planning Commission's satisfaction that the following criteria will be met:

1. **Conservation of agricultural land.** Long-term conservation of agricultural land in the Township will be achieved, where such land could otherwise be subdivided or converted to non-agricultural uses through development permitted by this Ordinance.
2. **Compatibility with the planned development intent.** The proposed development shall be consistent with the intent and scope of this Article.
3. **Compatibility with the General Development Plan.** The proposed development shall be compatible with the Township's General Development Plan.
4. **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 capacity of existing or planned utility facilities.
5. **Public benefit.** A recognizable and material benefit will be realized by both the future users of the development and the Township as a whole, where such benefit would otherwise be unachievable under the provisions of this Ordinance.
6. **Economic impact.** The proposed development shall not impede the continued use or development of surrounding properties for uses that are permitted in the Zoning Ordinance or planned in the General Development Plan.
7. **Preservation of site features.** Long-term conservation of natural, historical, architectural or other significant site features or open space will be achieved, where such features would otherwise be destroyed or degraded by development as permitted by the underlying zoning district(s).
8. **Sufficient land area for proposed uses.** The 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.
9. **Brownfield classification.** Any site designated as a brownfield under state or federal law shall qualify for consideration as a PUD.

### **Section 14.04 Regulatory Flexibility.**

Unless otherwise waived or modified as part of an approval in accordance with this Section and Article, the standards of this Ordinance shall be applicable to uses in a planned unit development. To encourage flexibility and creativity consistent with the intent of this Article, limited deviations from specific Ordinance standards may be authorized, subject to the following:



1. Proposed deviations shall be identified on the PUD Area Plan, and shall be subject to review and recommendation by the Planning Commission and approval by the Township Board.
2. Such deviations may include modifications to yard and bulk standards; height requirements; use standards; or parking, loading, lighting, landscaping or other Ordinance requirements.
3. Such deviations shall be consistent with the intent and scope of this Article, and shall result in a higher quality of development than would be possible without the granting of the deviation.

### **Section 14.05 Use Standards.**

Proposed uses within a PUD project shall be compatible with the goals, objectives, and policies of the Township's General Development Plan, as determined by the Planning Commission, and shall conform to the following standards:

1. **Permitted uses.** Permitted principal uses within the development area of a PUD project shall be limited to the following use groups defined in Article 4 (Land Use Table): RURAL USES; RESIDENTIAL USES; OFFICE, SERVICE, AND COMMUNITY USES; COMMERCIAL USES; and INDUSTRIAL, RESEARCH AND LABORATORY USES.
  - a. Use groups and specific uses proposed to be included as part of a PUD shall be identified on the PUD Area Plan.
  - b. The Township Board may exclude use groups or specific uses from a PUD after recommendation by the Planning Commission.
  - c. To support the inclusion of a specified use in a PUD project, the applicant may be required to provide documentation, such as a professional market study, that a demand exists for the proposed use within the market area.
  - d. INDUSTRIAL, RESEARCH AND LABORATORY USES, as defined in Article 4 (Land Use Table), shall only be permitted in a non-residential PUD project.
2. **Use standards.** The specific standards of Article 5 (Use Standards) shall apply to all uses permitted within a PUD project.
3. **Non-residential uses in a residential PUD.** Where the Township's General Development Plan designation is residential, the Township Board may permit a limited range of non-residential uses within a PUD project after recommendation by the Planning Commission, subject to the following:
  - a. Permitted non-residential uses shall be limited to a maximum of five percent (5%) of the gross area of the residential land and ten percent (10%) of the gross floor area of any building occupied by residential uses.

- b. Permitted non-residential uses shall be primarily designed and operated for the use and benefit of the residents of the development.

## **Section 14.06 Residential Development Standards.**

The purpose of this Section is to address the unique characteristics and development requirements of residential planned developments in Saline Township. The intensity and layout of residential uses in a planned unit development (PUD) project shall be subject to the following:

### **A. Permitted Residential Density.**

The maximum permitted density of a residential PUD project shall be determined as follows:

1. **Parallel plan preparation.** The number of dwelling units permitted within a PUD project shall be determined through review of a parallel plan prepared by the applicant, subject to the following:
  - a. The parallel plan for the project shall be consistent with all applicable requirements for the type of dwelling unit proposed.
  - b. The parallel plan shall meet all dimensional and use standards normally required for such development.
  - c. The parallel plan shall also provide sufficient area for storm water detention.
  - d. Lots in a parallel plan shall provide sufficient building size without impacting regulated wetlands.
2. **Planning Commission determination.** The Planning Commission shall review the design and determine the number of dwelling units that could feasibly be constructed and economically viable following the parallel design. This number, as determined by the Planning Commission, shall be the maximum number of dwelling units allowable in the PUD project, except where additional dwelling units are permitted by the Planning Commission per Section 14.06B (Density Bonus for Off-Site Open Space Preservation) or Section 14.06C (Density Bonus for Exemplary Project Design).
3. **Variety of housing types.** The Planning Commission may require that a variety of housing types be provided as part of a residential PUD project.

### **B. Density Bonus for Off-Site Open Space Preservation.**

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 14.06A (Permitted Residential Density), subject to the following:

1. **Designated development area.** The development area of the proposed PUD shall be located within an area designated in the Township’s General Development Plan for suburban or higher density residential development.
2. **Minimum conservation area.** The proposed PUD shall include conservation of a minimum of 20 acres of non-contiguous farmland or open space within an area designated in the Township’s General Development Plan for agricultural land, open space or natural resources preservation.
3. **Maximum residential density.** The maximum permitted dwelling unit density within a PUD project, including permitted bonus dwelling units, shall conform to the planned maximum residential density for the subject land, as designated in the General Development Plan.
4. **Bonus dwelling unit calculation.** The bonus dwelling unit potential of a proposed conservation area shall be equal to the greater of the following options:

Method of Calculation	Maximum Bonus Dwelling Unit Potential
Land Division Potential	Number of available lot splits for the subject parcel(s) per and Article 3 (Dimensional Standards)
Preservation Calculation	One (1) bonus dwelling unit for each ten (10) acres of conserved land

5. **Standards for areas to be conserved.** Land proposed to be conserved shall be located in the farmland and open space preservation area(s) designated in the General Development Plan, and 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 rural residential dwellings 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.
6. **Conservation easement.** Non-contiguous land to be conserved as part of the PUD 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.
- 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.

**C. 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 twenty percent (20%) above the number of dwelling units otherwise permitted by Section 14.06A (Permitted Residential Density), subject to the following:

1. **Designated development area.** The development area of the proposed PUD shall be located within an area designated in the Township's General Development Plan for suburban or higher density residential development.
2. **Maximum residential density.** The maximum permitted dwelling unit density within a PUD project, including permitted bonus dwelling units, shall conform to the planned maximum residential density for the subject land, as designated in the General Development Plan.
3. **Bonus dwelling unit calculation.** The PUD project shall include a minimum of three (3) of the following elements:
  - a. On-site or off-site pedestrian walkways and access improvements above the minimum required by this Ordinance.
  - b. Provisions for a minimum of fifty percent (50%) of the gross land area of the development site to be permanently preserved as dedicated open space.
  - c. Dedicated open space areas adjacent to the perimeter road rights-of-way that are designed to preserve the rural appearance of the site from the road, with a minimum undisturbed depth of 150 feet from the road right-of-way line.
  - d. Provisions for new or improved recreation facilities above the minimum required by this Ordinance.

- e. An integrated mixture of housing types or lot sizes.
- f. Rehabilitation and re-use of a blighted site, contamination removal or demolition of obsolete structures.
- g. Improvements to public facilities, access, or utilities above the minimum required by this Ordinance, other Township ordinances, or other governmental agencies with jurisdiction.
- 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.

## **Section 14.07 Development Standards.**

A planned unit development (PUD) project shall be consistent with the following general standards for the type, bulk, design and location of structures, common space, and public facility requirements. The Township Board may waive or modify the standards of this Section, upon determination that an alternative standard would be in accordance with the intent of this Article.

### **A. Unified Control.**

The entire area of the proposed development shall be under single ownership or unified control, such that there is a single entity having responsibility for completing the entire project. This provision shall not prohibit a transfer of ownership or control, provided that notice of such transfer is given in advance to the Zoning Inspector and a unified ownership remains.

### **B. Dimensional and Use Standards.**

The area, height, lot, yard, and bulk standards of Article 3 (Dimensional Standards) shall apply to uses permitted within a PUD project. These requirements may be modified within the PUD project, subject to approval by the Township Board after recommendation by the Planning Commission.

### **C. Roads and Access.**

The internal circulation system shall provide adequate means of access and circulation, subject to the following:

1. **Roads.** The proposed development shall provide logical extensions of existing or planned roads in the Township, and shall provide suitable road connections to adjacent parcels, where applicable. Roads shall be designed to meet the engineering standards of the Township or agency with jurisdiction.
2. **Pedestrian pathways.** To provide access to all common areas and uses, the following pedestrian facilities shall be provided within and through a PUD project:

- a. Minimum five (5) foot wide concrete sidewalks along interior and perimeter roads serving the development.
  - b. Paved pedestrian paths constructed of asphalt, crushed limestone or similar durable materials.
  - c. Where required, such paths shall include logical connections to and extensions of pedestrian paths outside of the PUD project area.
3. **Traffic impacts.** Traffic to, from, and within the site shall not be hazardous or inconvenient to the project or to the neighborhood. In applying this standard, the Planning Commission shall consider, among other things, convenient routes for pedestrian traffic, relationship of the proposed project to main thoroughfares and road intersections; and the general character and intensity of the existing and potential development of the neighborhood. The Planning Commission may require the applicant to submit a traffic impact study for review, per Section 7.14 (Traffic Impact Studies).

**D. Common Recreation Areas.**

PUD projects that include residential uses shall provide one (1) or more areas of land reserved for passive or active recreational uses, or for the preservation of natural features within the development area. Such common recreation areas shall subject to the following:

1. **Minimum area.** A minimum of twenty percent (20%) of the net contiguous land area of the PUD project shall be designated and maintained as common recreation areas accessible and available to the residents of the PUD project.
2. **Continuity.** The location of such common recreation areas shall be coordinated with surrounding uses and lands, as well as the natural features of the site.
3. **Wetlands, floodplains or open water.** A maximum of twenty-five percent (25%) of any required common recreation area may be occupied by wetlands, floodplains or open water.
4. **Use of common recreation areas.** Common recreation areas may be used for nature preserves, passive recreation (walking paths, trails, etc.) or active recreation (riding stables, playgrounds, ball fields, golf courses, etc.).
5. **Not included as recreation areas.** Common recreation areas shall not include land areas occupied by road rights-of-way, driveways, off-street parking areas, required setback areas or the lot area of individual lots within the PUD.
6. **Dedication.** The applicant shall provide for a conservation easement, deed restriction, Master Deed or similar device satisfactory to the Township Board to ensure that the common recreation areas will be irrevocably committed for that purpose. Such conveyance shall:

- a. Indicate the proposed use(s) of the common recreation areas.
- b. Include a long-term maintenance plan for the common recreation areas, including standards and provisions for financing of future maintenance and improvements. Such areas shall be maintained by the private property owners with an interest in the open space.
- c. State whether public access will be allowed for such common recreation areas.
- d. Provide notice of possible assessment to the private property owners by the Township for the cost of necessary maintenance, in the event that a lack of maintenance causes the open space to become a public nuisance.
- e. 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 PUD.

**E. Infrastructure.**

Road, drainage, and utility design shall meet or exceed the applicable Township, county, and state requirements. All utilities shall be installed underground, where feasible. Drainage structures (detention/retention basins, swales) shall be designed to blend with the site's topography and minimize the need for perimeter fencing.

**F. Other Site Improvements.**

Exterior lighting, signs, structures, landscaping, and other improvements shall be designed and constructed to be consistent with the rural character of the Township, existing and planned land uses, and the site's natural features. Except where specifically permitted by the Township Board as a modification, all standards of this Ordinance shall apply to a PUD project.

## **Section 14.08 Project Phasing.**

Where a planned unit development (PUD) project is proposed to be constructed in phases, the project shall be so designed that each phase shall be complete in terms of the presence of services, construction, facilities, and open space, and shall contain the necessary components to ensure the health, safety and welfare of the users of the planned development, and the residents of the Township. If a project will be constructed in phases, the following shall apply:

1. A narrative description of the phased process that describes all work to be done in each phase shall be depicted in conceptual form on the PUD Area Plan, and shown in the intended final form on the PUD preliminary site plan.
2. A phase shall not be dependant upon subsequent phases for safe and convenient vehicular and pedestrian access, utilities, open spaces or recreation facilities. Each phase shall be designed to provide a proportional share of the common open space required for the entire project.

### Section 14.09 Fees and Performance Guarantees.

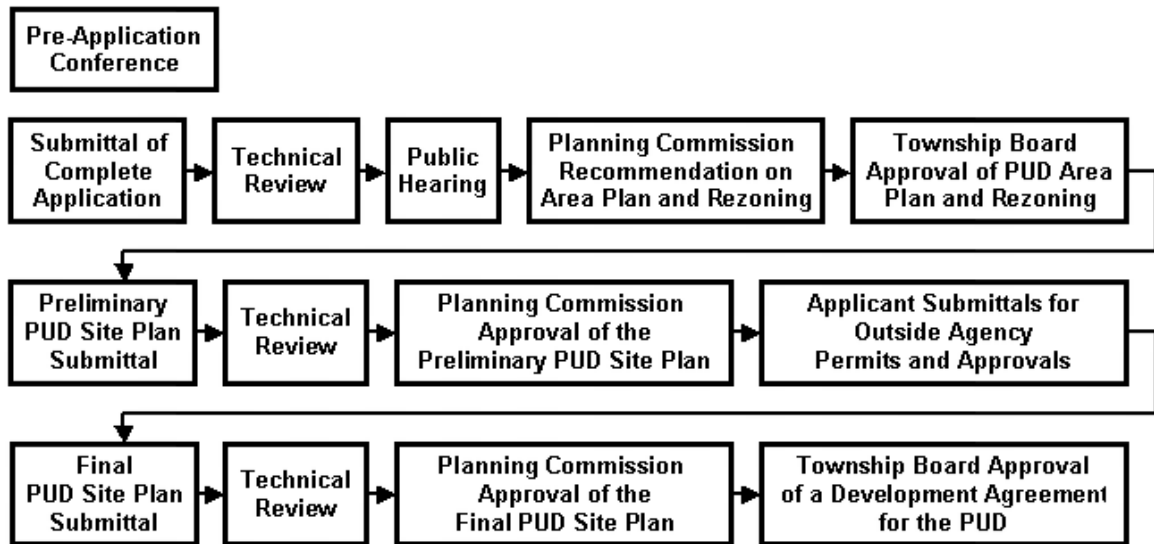
Fees or escrow deposits for the review of planned unit development (PUD) applications shall be in accordance with the schedule of fees adopted by resolution of the Township Board and Section 1.08 (Fees and Performance Guarantees). The applicant shall reimburse the Township for any outstanding review costs and fees, prior to any PUD approval. Performance guarantees may be required for all public and common improvements in single- and multi-phased developments, in accordance with Section 1.08C (Performance Guarantees). Estimates for such improvements shall be made or verified by the Township Engineer.

### Section 14.10 PUD Review Procedures.

This Section is intended to provide a consistent and uniform method for review of planned unit development (PUD) applications per the standards of this Ordinance. Approval of a PUD application shall require an amendment to the Official Zoning Map. PUD applications shall be subject to review and approval in accordance with the following:

#### A. PUD Review and Approval Process.

Final approval of a PUD application shall include approval of a rezoning of the subject property, approval of a PUD final site plan, and approval of a development agreement for the project. The PUD review and approval process shall be as follows:



### PUD Approval Process

#### B. Subdivision Plats or Site Condominiums.

Planned unit developments that require condominium or subdivision plat approval shall be subject to the following:



1. Where a PUD includes a site condominium development, the regulations and procedures of Article 13 (Condominium Regulations) shall apply in parallel with the provisions of this Article.
2. Where a PUD includes a subdivision plat, the regulations and procedures of the Land Division Act (P.A. 288 of 1967, as amended) and any Township subdivision regulations shall apply in parallel with the provisions of this Article.
  - a. The preliminary PUD site plan shall include the tentative preliminary plat.
  - b. The final PUD site plan shall include the final preliminary plat.
  - c. The development agreement for the PUD project shall the final plat.

### **Section 14.11 Pre-Application Conference.**

A potential applicant for planned unit development (PUD) approval shall request a pre-application conference with Township officials prior to filing a PUD application.

#### **A. Purpose.**

The purpose of the conference is to inform Township and other officials of the concept of the proposed development, and to provide the potential applicant with information regarding applicable land development policies, procedures, standards, and requirements of the Township and other agencies. Statements made in a pre-application conference shall not be legally binding commitments.

#### **B. Pre-application Conference Procedure.**

The request shall be made to the Township Clerk, who shall convey the request to the Planning Commission Chair. The Chair shall set a date for the conference and shall inform the Township Board of Trustees and Planning Commissioners of the conference and invite their attendance. The Planning Commission Chair shall also invite other Township and County officials, employees, and consultants who may have an interest in the proposed development or who may assist the Township in the review process.

#### **C. Required Information for Conceptual PUD Plans.**

The conceptual plan of the proposed PUD shall include the following minimum information:

1. **Ownership interest.** Declaration of all persons with an ownership interest in the land on which the PUD project will be located, including a description of the nature of each entity's interest (e.g. fee owner, option holder, lessee or land contract vendee).
2. **Proposed uses.** The proposed use(s) of the PUD project, including the dwelling unit density of proposed residential uses, size and location of proposed recreation areas, and gross floor area and land area of any non-residential uses.

3. **Circulation.** The vehicular and pedestrian circulation system planned for the proposed development, including the location of existing roads and pedestrian paths adjacent to the development, and the location and design of interior roads, paths, and access drives, and proposed connections to abutting properties.
4. **Structures and improvements.** The proposed layout of structures, parking areas, and other improvements.
5. **Drainage.** Site drainage patterns, including generalized topography and flow directions.
6. **Natural features.** Specific locations and dimensions of wetland areas, wetland buffers, floodplain, and significant natural features such as woodlands, steep slopes, streams, and groundwater recharge areas.
7. **Conservation areas.** The location and gross land area of any proposed off-site open space conservation areas, if available.

**D. Pre-Application Conference Fee.**

The Township Board may establish and require payment of a fee or escrow deposit to cover the costs of a pre-application conference.

## **Section 14.12 PUD Area Plan and Rezoning Review.**

This Section is intended to provide a consistent and uniform method for review of planned unit development (PUD) Area Plan and rezoning applications per the standards of this Ordinance. PUD Area Plan and rezoning applications shall be subject to review and approval in accordance with the following procedures:

**A. PUD Area Plan and Rezoning Application Requirements.**

PUD Area Plan and rezoning applications shall be filed with the Township Clerk by the owner of an interest in land for which PUD approval is sought, or by the owner's duly designated agent. The following written documentation and graphical information shall be included as part of a PUD Area Plan and rezoning application:

1. The applicant shall provide evidence of ownership of all land in a proposed PUD, such as legal title or execution of a binding sales agreement. 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 PUD application.
2. The required review fee and escrow deposit, per Section 1.08 (Fees and Performance Guarantees).
3. Fifteen (15) full-size copies of the PUD Area Plan, which shall include all information required by this Section and Section 14.11C (Required Information for Conceptual PUD Plans).

4. Documentation that the PUD application satisfies the standards of Section 14.03 (Eligibility Criteria).
5. Detailed descriptions and documentation for all proposed uses, per Section 14.05 (Use Standards). If the PUD will contain a residential component, a parallel plan and dwelling unit density calculations shall be included per Section 14.06 (Residential Development Standards).
6. Total site acreage and percent of total PUD project in various uses.
7. Depiction of proposed site improvements; general concept for screening elements and landscape plantings, mounds, berms, and similar features; lot and road layout; and the type, bulk, design and location of structures, common space, and public facilities per Section 14.07 (Development Standards).
8. Identification and descriptions of any proposed modifications from the standards of this Ordinance per Section 14.04 (Regulatory Flexibility).
9. Depiction of proposed development phases per Section 14.08 (Project Phasing).
10. Description and depiction of existing and proposed covenants, easements, rights-of-way or other restrictions to be imposed upon land or buildings; and a general description of the organization that will own and maintain common open space.
11. Description of applicant's intentions regarding selling or leasing of all or portions of land and dwelling units or other structures in a PUD.
12. Other data and graphics that will serve to further describe the proposed PUD, and any additional information required by the Planning Commission to ensure complete and efficient review of the proposed development.

**B. Confirmation of a Complete and Accurate Application.**

The Clerk shall transmit one (1) copy of the application and all materials to the Township Planner for a determination of completeness, as follows:

1. PUD applications or development plans that are found by the Township Planner to be incomplete or inaccurate shall be returned to the applicant, and shall not be formally reviewed until revised to be substantially complete.
2. Upon determination by the Township Planner that the PUD application is complete and accurate, the Clerk shall transmit the application to the Planning Commission for review and report to the Township Board.

**C. Technical Review.**

Prior to Planning Commission consideration, copies of the site plan and application shall be distributed to designated Township officials, the Township Planner, and other designated Township consultants for review and comment. The Zoning Inspector or

Planning Commission may also request comments from outside agencies with jurisdiction.

**D. Planning Commission Recommendation.**

The Planning Commission shall review the PUD Area Plan and rezoning application in accordance with the following:

1. **Public hearing.** A public hearing shall be held for the PUD Area Plan and rezoning application in accordance with Section 12.03 (Public Hearing Procedures). The Planning Commission and Township Board may hold a joint public hearing on a PUD application. The public hearing and notice required by this Section shall satisfy the public hearing and notice requirements of the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended) for amendment of the Zoning Ordinance.
2. **Planning Commission review.** Subsequent to the hearing, the Planning Commission shall review the PUD Area Plan and rezoning application at a public meeting, together with any reports and recommendations from Township officials, the Township Planner, other designated Township consultants, and outside agencies with jurisdiction. As part of its review, the Planning Commission shall make specific findings regarding the standards of this Article and Ordinance, including Section 14.12F (PUD Area Plan and Rezoning Standards of Review).
3. **Recommendation to the Township Board.** The Planning Commission shall make a determination on the PUD Area Plan and rezoning application based on the requirements of this Article and Ordinance. The Commission shall submit a record of the public hearing and a report of findings, conclusions, and recommendation(s) relevant to the action to the Township Board in accordance with the following:
  - a. **Tabling.** Upon determination by the Planning Commission that the PUD Area Plan and rezoning application is not sufficiently complete for consideration, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone consideration and action on the application until a later meeting.
  - b. **Recommendation of approval.** Upon determination that the PUD Area Plan and rezoning application conforms to the standards of this Article and Ordinance, the Planning Commission may recommend to the Township Board that the PUD Area Plan and rezoning be approved.
  - c. **Recommendation of approval subject to conditions.** The Planning Commission may recommend approval of a PUD Area Plan and rezoning to the Township Board, subject to reasonable conditions necessary to:

- (1) Ensure that public services and facilities affected by the proposed development will be capable of accommodating increased service loads caused by the development.
  - (2) Protect the natural environment and conserve natural resources and energy.
  - (3) Ensure compatibility with adjacent uses of land.
  - (4) Promote the use of land in a socially and economically desirable manner.
  - (5) Protect the public health, safety, and welfare of the individuals in the development and those immediately adjacent, and the community as a whole.
  - (6) Achieve the intent and purpose of this Article and Ordinance.
- d. **Recommendation of denial.** Planning Commission shall recommend to the Township Board that the PUD Area Plan and rezoning application be denied upon determining that the application:
- (1) Fails to meet the PUD eligibility standards of Section 14.03 (Eligibility Criteria);
  - (2) Fails to conform with specific provisions of this Article or Ordinance;
  - (3) May be injurious to the public health, safety, welfare or orderly development of the Township; or
  - (4) Is otherwise not in conformance with the intent of this Article.

**E. Township Board Action.**

Following review and recommendation of the PUD Area Plan and rezoning application by the Planning Commission, the applicant shall submit sufficient copies of the PUD Area Plan and rezoning application to the Township Board for consideration. The Township Board shall review the PUD Area Plan and rezoning application, together with the Planning Commission report and recommendation(s), and any reports and recommendations from Township officials, consultants, and other reviewing agencies.

- 1. **Additional public hearing.** The Township Board may, at their discretion, schedule and hold an additional public hearing in accordance with Section 12.03 (Public Hearing Procedures).
- 2. **Determination.** The Township Board may approve, approve with modifications, or deny the PUD Area Plan and rezoning application, or may refer the application back to the Planning Commission for further review. The

applicant shall be notified of the Township Board's action in writing, which shall identify all findings and conclusions relevant to the action.

**F. PUD Area Plan and Rezoning Standards of Review.**

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

1. The proposed development meets the standards of Section 14.03 (Eligibility Criteria).
2. The proposed development shall conform to the intent and to all regulations and standards of this Article and Ordinance.
3. The proposed development shall be adequately served by public facilities and services, or that the persons or agencies responsible for the proposed development shall be able to provide such facilities and services in a manner acceptable to the Township Board.
4. The common open space, any other common properties, individual properties, and all other elements of a PUD are so planned that they will achieve a unified open space and recreation area system, with open space and all other elements in appropriate locations and suitably related to the site and surrounding land.
5. 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 any improvements shown on the plan for open space areas, and common use areas which are to be included within the development.
6. The location of the proposed uses, layout of the site, and its relation to roads, intersections, and access shall be such that traffic to, from, and within the site will not be hazardous or inconvenient to the project or the area. In applying this standard, the Planning Commission shall consider convenient routes for pedestrian traffic, and the general character and intensity of existing and planned development in the area.
7. The mix of housing unit types and densities, and the mix of residential and non-residential uses shall be acceptable in terms of convenience, privacy, and compatibility.
8. The proposed development shall create a minimum disturbance to natural features and landforms; and noise, odor, light, or other external effects connected with the proposed use will not adversely affect adjacent and neighboring lands and uses.
9. Internal roads and access drives shall follow topography, be properly spaced, and be located and aligned in accordance with their intended function. The PUD shall

have adequate access to public roads, and shall provide for suitable and logical extensions of public roads to adjacent parcels, where applicable.

10. Major pedestrian circulation shall be provided for within the site and shall interconnect all use areas, where applicable. The pedestrian system shall provide for a logical extension of pedestrian ways outside the site, and shall provide pedestrian connections to the edges of the site, where applicable.

**G. Effect of PUD Area Plan and Rezoning Approval.**

Approval of a PUD Area Plan and rezoning application shall constitute an amendment to the Zoning Ordinance. The approved PUD Area Plan and any conditions of PUD Area Plan approval shall constitute an inseparable part of the Zoning Map amendment.

1. The Township Clerk shall designate the subject property on the Official Zoning Map as "PUD#" using a sequential numbering system that identifies each PUD project.
2. The Township Clerk shall publish notice of the adoption of the Zoning Map amendment in accordance with the requirements of Section 12.04 (Amendments).
3. Approval of a PUD Area Plan and rezoning shall authorize the applicant to file a preliminary PUD site plan for each phase of the proposed development as delineated on the approved PUD Area Plan.
4. No construction shall begin within any phase until after a final PUD site plan and development agreement is approved per the requirements of this Article.

**Section 14.13 PUD Preliminary Site Plan Review**

A preliminary PUD site plan shall be submitted and reviewed in accordance with, and shall meet the requirements of Section 12.01 (Site Plan Review) for preliminary site plan approval.

1. The preliminary PUD site plan shall be consistent with the layout, design, and proposed use(s) depicted on the approved PUD Area Plan. Changes in the site layout or design from the approved PUD Area Plan shall be subject to the standards of Section 14.18 (Amendments).
2. A preliminary PUD site plan shall be submitted for approval for each phase of development as delineated on the approved PUD Area Plan. The applicant may submit and the Planning Commission may approve one (1) preliminary PUD site plan for all phases of the proposed development.

**Section 14.14 Outside Agency Permits or Approvals.**

The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies, prior to the start of development or construction on the site.

Copies of all written approvals shall be provided to the Zoning Inspector for the official Township record.

### **Section 14.15 PUD Final Site Plan Review.**

A final PUD site plan shall be submitted for approval for each phase of development as delineated on the approved PUD Area Plan. The final PUD site plan shall be submitted and reviewed in accordance with, and shall meet the requirements of Section 12.01 (Site Plan Review) for final site plan approval.

1. The final PUD site plan shall be consistent with the layout, design, and proposed use(s) depicted on the approved PUD Area Plan and preliminary PUD site plan. Changes in the site layout or design from the approved PUD Area Plan shall be subject to the standards of Section 14.18 (Amendments).
2. Each phase depicted on a final PUD site plan shall conform to the approved PUD Area Plan and preliminary PUD site plan.
3. The Planning Commission shall transmit the approved final PUD site plan to the Township Board for its information. The applicant and all owner(s) of record or the legal representative(s) of the owner(s) shall sign the approved plan.
4. No construction shall begin within any phase until after a final PUD site plan and development agreement is approved per the requirements of this Article.

### **Section 14.16 Development Agreement.**

Upon approval of a final PUD site plan by the Planning Commission, a written development agreement shall be prepared setting forth all conditions of approval of the PUD Area Plan and final PUD site plan to ensure that the PUD project will conform with the standards of this Article and Ordinance. The development agreement shall be subject to Township Board approval.

#### **A. Technical Review.**

Prior to consideration by the Township Board, the Township Attorney and Township Planner shall review the proposed agreement, and may recommend revisions to the proposed agreement to ensure conformance with the standards of this Article and Ordinance.

#### **B. Minimum Contents.**

The agreement shall at a minimum:

1. Incorporate by reference the final approved PUD Area Plan, final PUD site plan, and any associated development documents.
2. List all conditions of PUD approval.



3. List the proposed use(s) of the PUD project, including the dwelling unit density of proposed residential uses, size and location of proposed open spaces, and gross floor area and land area of any non-residential uses.
4. Provide the legal description of the entire project, and specify the gross and net land area of the PUD project and gross land area of all dedicated open space conservation areas.
5. Identify and describe all conservation easements, maintenance agreements, and dedications for common recreation areas, rights-of-way, utilities, and other infrastructure associated with the PUD.
6. Detail a program and related financing mechanisms for maintaining common areas and other site improvements as shown on the PUD plan.
7. Detail a program and related financing mechanisms for maintenance of any private roads and infrastructure improvements required to serve the PUD project as shown on the approved PUD plan.
8. Verify that the site will be developed in strict conformance with the approved PUD plan and any conditions of approval, and that existing site features will be preserved as shown on the approved plan.
9. Provide a detailed timeline for completion of all components of the PUD project, as shown on the approved PUD Area Plan and final PUD site plan.

**C. Recording of Approved Development Agreement.**

The applicant shall record the approved PUD agreement with the Washtenaw County Register of Deeds Office, and shall provide proof of recording and a copy of the recorded documents to the Township.

**Section 14.17 Appeals.**

The Zoning Board of Appeals shall have no authority to consider any appeal of a decision by Township Board or Planning Commission concerning a planned unit development (PUD) application.

**Section 14.18 Amendments.**

Amendments to an approved planned unit development (PUD) shall be subject to the following:

1. **Minor amendments.** The following amendments to an approved PUD plan shall be considered minor amendments, which shall be subject to review and approval by the Planning Commission:
  - a. Substituting screening or landscape materials, provided that the substituted materials are of a similar nature or quality.

- b. Limited alterations to the location or design of structures, signage, fencing, exterior light fixtures, and similar site improvements, provided that the revised design or location is consistent with the overall PUD site design and the requirements of this Ordinance.
  - c. Similar changes that, in the determination of the Planning Commission, will not adversely impact the overall PUD site design, intensity of proposed uses, general configuration of structures and uses on the site, demand for public services or intent of this Article.
2. **Other amendments.** All other amendments to an approved PUD shall be subject to review and approval in accordance with the procedures specified in this Article for approval of a new PUD Area Plan.

### **Section 14.19 As Built Plans.**

As built plans for all site improvements shall be submitted to the Zoning Inspector and approved by the Township Planner and other designated Township consultants prior to issuance of any zoning compliance for occupancy permits or release of performance guarantees.

1. The as-built drawings shall show, but shall not be limited to, such information as structures; site improvements; the exact size, type, and location of utilities and fire hydrants; and the depth and slopes of retention basins. The drawings shall show plan and profile views of any sanitary and storm sewer lines and plan views of all water lines.
2. The as-built drawings shall show all work as actually installed and as field-verified by a professional engineer or a representative thereof. The drawings shall be identified as "As-Built Drawings" in the title block of each drawing, 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 14.20 Expiration of PUD Approval.**

Expiration of PUD approvals shall be subject to the following:

**A. Expiration of the PUD Area Plan.**

PUD Area Plan approval shall expire two (2) calendar years after the date of approval by the Township Board unless a preliminary PUD site plan has been approved by the Planning Commission.

**B. Expiration of Preliminary and Final PUD Site Plans.**

Expiration of approved preliminary and final PUD site plans shall be subject to the provisions of Section 12.01M (Expiration of Site Plan Approval).

**C. Effects of Expiration**

If an approved PUD Area Plan, preliminary or final PUD site plan expires as set forth in this Section, the Township Board shall be authorized to revoke the approved PUD Area Plan and rezoning in accordance with Section 14.22 (Rescinding Approval of a PUD).

1. The Township Board may require that a new PUD Area Plan be submitted and reviewed in accordance with the requirements of this Article.
2. The expiration shall also authorize the Township Board to initiate a zoning amendment to place the subject property into one or more zoning districts deemed by the Township Board to be appropriate.
3. If an approved PUD Area Plan or approved final PUD site plan has expired as set forth in this Section, no permits for any development or use of the property included in the PUD shall be issued until the applicable requirements of this Section have been met.

**D. Extension of PUD Area Plan Approval.**

Upon written request received prior to the expiration date, Township Board may grant an extension of PUD Area Plan approval for up to 365 calendar days, provided that the approved PUD Area Plan remains in conformance with the intent and eligibility requirements of this Article, and adequately represents current conditions on and surrounding the site.

**E. Extension of Preliminary or Final PUD Site Plan Approval.**

Extension of preliminary or final PUD site plan approval shall be subject to the provisions of Section 12.01M (Expiration of Site Plan Approval).

**Section 14.21 Compliance Required.**

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 PUD approval until the requirements of this Article have been met. Any violation of the approved PUD Area Plan, final PUD site plan or development agreement shall be a violation of this Ordinance, which shall be subject to enforcement action and penalties as described in this Ordinance.

**Section 14.22 Rescinding Approval of a PUD.**

Approval of a planned unit development may be rescinded by the Township Board upon determination that the approved PUD Area Plan or development agreement have been violated, or that the site has not been improved, constructed or maintained in compliance with the approved final PUD site plan. 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 12.03 (Public Hearing Procedures), at which time the developer of the PUD project, the owner of an interest in land for which PUD 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.

**ARTICLE 15**  
**RESERVED**



## ARTICLE 16

# NONCONFORMITIES

### Section 16.01 Intent.

It is the intent of this Section to provide for the regulation of legally nonconforming structures, lots of record, sites, and uses; and to specify those circumstances and conditions under which such nonconformities shall be permitted to continue. It is necessary and consistent with the regulations prescribed by this Ordinance that those nonconformities that adversely affect orderly development and the value of nearby property shall not be permitted to continue without restriction.

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. The continued existence of nonconformities is inconsistent with the purposes of which such regulations are established, so the gradual elimination of such nonconformities is desirable. 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:

1. 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.
2. Specify the limited conditions and circumstances under which nonconformities shall be permitted to continue.
3. Establish standards for determining whether a use is nonconforming, and whether a nonconforming use has ceased to occupy a particular lot or parcel.
4. Recognize that certain nonconformities may not have a significant adverse impact upon nearby properties or the public health, safety and welfare. Accordingly, this Article establishes a "preferred class" of nonconforming uses that distinguishes between nonconforming uses that are not desirable and should be eliminated, and those that may be perpetuated and improved in a manner that protects adjacent properties and the character of the district.

### Section 16.02 Scope.

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.

## **Section 16.03 Nonconforming Structures.**

Nonconforming structures shall be allowed to continue after the effective date of this Ordinance or amendments thereto, subject to the following conditions:

### **A. Expansion Restricted.**

A nonconforming structure may be altered in a manner that does not increase or intensify its nonconformity. Alterations to a nonconforming structure that would increase or intensify a nonconformity shall be prohibited.

### **B. Normal Repairs and Maintenance.**

Normal repair, maintenance or replacement of interior non-bearing walls, fixtures, wiring, plumbing or heating and cooling systems in nonconforming structures may be permitted in accordance with applicable code requirements, provided that such improvements do not result in an enlargement of a nonconforming structure, and provided that the cost of such improvements does not exceed the state equalized value of the structure at the time such work is proposed.

1. 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 enforced by Washtenaw County, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.
2. This Article shall not prevent work required for compliance with the provisions of the State Construction Code enforced by the Washtenaw County.

### **C. 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.

### **D. Damaged or Unsafe Structures.**

Nothing in this Ordinance shall prevent the reconstruction, repair, or restoration and the continued use of any nonconforming structure damaged by fire, collapse, explosion, acts of God or acts of public enemy, provided that the expense of such reconstruction shall not exceed one hundred fifty percent (150%) of the state equalized value of the structure immediately prior to the damage.

1. 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.



2. The lot and damaged structure shall be adequately secured from unauthorized access to the Zoning Inspector's satisfaction. The damaged structure shall be protected against further damage from the elements.
3. Where pending insurance claims require an extension of time, the Zoning Inspector 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.
4. 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 enforced by Washtenaw County, it shall not thereafter be restored, repaired or rebuilt except in conformity with all Ordinance requirements.
5. Nonconforming single-family dwellings and customary accessory structures shall be exempt from this Section, provided that application for a building permit shall be made within 365 days from the date of damage or destruction.

### **Section 16.04 Nonconforming Lots.**

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. Lot Division and Combination.**

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. Where possible, nonconforming lots of record shall be combined to create lots that comply with the requirements of this Ordinance.

**B. Use of Nonconforming Lots.**

Use of a nonconforming lot of record shall be subject to the regulations of this Ordinance for the district where it is located. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory structures may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance.

1. This provision shall apply even though such lot fails to meet the requirements for minimum lot area or lot width generally applicable in the district.
2. Use of a nonconforming lot shall conform to all other yard dimensions and other use and dimensional standards for the district in which such lot is located.
3. Public water and sanitary sewer service, or a potable water supply and wastewater disposal system approved by the Michigan Department of

Environmental Quality or Washtenaw County Environmental Health Division, shall be provided to the dwelling.

### **Section 16.05 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 resolve public safety deficiencies and pedestrian/vehicle conflicts, and improve emergency access.
3. The proposed site improvements shall address at least three (3) of the standards specified in Section 12.01G (Standards for Site Plan Approval).
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 16.06 Nonconforming Uses.**

All nonconforming uses that have been designated as "preferred class" by Township action shall not be subject to the requirements of this Section, but rather shall be subject to the provisions of Section 16.07 (Preferred Class Designations). Nonconforming uses not designated as "preferred class" 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.

1. The owner, operator or person having beneficial use of land or structures occupied by a nonconforming use shall be responsible for demonstrating compliance with this requirement.

2. Failure to do so, or failure to bring the use into compliance with current laws, ordinances, regulations and codes within 180 days of their effective date, shall constitute grounds for the Township to seek court approval to terminate or remove the use at the owner's expense.

**B. Expansion Prohibited.**

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.

**C. Cessation.**

A nonconforming use that ceases for a period of more than 365 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.

## **Section 16.07 Preferred Class Designations.**

It is the intent of this Section to establish a "preferred class" designation that the Planning Commission may approve for certain nonconforming uses, subject to the following:

**A. Procedure.**

Procedures for considering preferred class nonconforming designations shall be as follows:

1. **Application.** Applications for consideration of a preferred class designation for a nonconforming use may be initiated by the owner, operator or person having beneficial use of the lot occupied by the nonconforming use. The application shall include a detailed description of the use, and the reasons for the request.
2. **Public hearing.** A public hearing shall be held for all requests for a preferred class nonconforming designation in accordance with the procedures set forth in Section 12.03 (Public Hearing Procedures).

**B. Conditions for Approval of a Preferred Class Designation.**

Subsequent to a public hearing, the Planning Commission may grant a preferred class designation upon finding that all of the following conditions exist:

1. **Use standards.**
  - a. The nonconformity does not significantly depress the value of nearby properties.

- b. The use does not adversely impact the health, safety, and welfare of Township residents or the general public.
  - 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.
2. **Signage.** The Planning Commission may require that signage associated with the use be brought into compliance with Article 9 (Signs).
  3. **Plan for site improvements.** The Planning Commission may require that a site plan be submitted for review per Section 12.01 (Site Plan Review), which addresses the site improvement priorities listed in Section 16.05 (Nonconforming Sites).
  4. **Other conditions.** The Planning Commission may attach conditions to the approval to assure that the use does not become contrary to the purpose of this Article and Ordinance; or to the public health, safety, and welfare.

**C. Effect of Approval of a Preferred Class Designation.**

Preferred class nonconformities may be perpetuated and expanded in accordance with an approved site plan, subject to the provisions of this Section and any conditions of approval. Preferred class nonconforming structures may be perpetuated, expanded, improved or rebuilt if damaged or destroyed, in accordance with an approved site plan and subject to the provisions of this Section and any conditions of approval.

**D. Effect of Denial of a Preferred Class Designation.**

An application for a preferred class designation that has been denied by the Planning Commission may not be appealed to the Zoning Board of Appeals, but may be resubmitted for Planning Commission consideration after a minimum of 365 calendar days have elapsed from the date of denial.

**E. Cessation of Preferred Class Nonconforming Uses.**

The preferred class designation shall be deemed removed when the principal structure occupied by a preferred class nonconforming use is permanently removed, or when a preferred class nonconforming use is replaced by a conforming use. All subsequent uses shall conform to the use provisions of this Ordinance.

**F. Rescinding Approval of a Preferred Class Designation.**

Failure of the owner, operator or person having beneficial use of a lot occupied by a preferred class nonconforming use to maintain or improve the site in accordance with the provisions of this Section, an approved site plan, or any conditions of approval shall be grounds for the Planning Commission to rescind the preferred class designation. 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 12.03 (Public Hearing Procedures), at which time the owner, operator or person having beneficial use occupied by a preferred class nonconforming use shall be given an opportunity to present evidence in opposition to rescission.
2. **Determination.** Subsequent to the hearing, the decision of the Commission with regard to the rescinding of approval shall be made, and written notification provided to said owner, operator or person having beneficial use occupied by a preferred class nonconforming use.

**G. Existing Dwellings in Non-Residential Districts.**

Single-family dwellings lawfully established in non-residential zoning districts before the effective date of adoption or amendment of this Ordinance are hereby designated as preferred class nonconforming uses. Such dwellings and accessory structures may be used, repaired, expanded, altered or replaced if destroyed, subject to the following:

1. Use, repair, expansion, alteration, or replacement of the dwelling or accessory structures shall conform to all applicable dimensional and use standards of the R-1 (Rural Residential) District.
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.

**Section 16.08 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 Inspector 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 Nonconforming.**

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:**
  - a. 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.
  - b. Dated telephone directories, or similar dated records that provide information about the occupants or uses located on a street by address or lot number.
  - c. Utility records, including but not limited to providers of water, sewer, electric, natural gas or telecommunications service.
  - d. 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.
  - e. Dated aerial photos from the State of Michigan, Washtenaw County or other sources accepted by the Zoning Board of Appeals.
  - f. 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.**

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 that show the address associated with the use as vacant or occupied by another use, or show 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.

### **Section 16.09 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 16.10 Change of Tenancy or Ownership.**

There may be a change of tenancy, ownership or management of any existing nonconforming lot, structure, site or use, provided that there is no change in the nature or character of the nonconformity.

### **Section 16.11 Recording of Nonconforming Uses.**

The Zoning Inspector shall prepare and keep a record of all known nonconforming uses in the Township, which shall include the names and addresses of the owners of record and any occupants, the legal description of the lot occupied by the use, and the nature and extent of use.

### **Section 16.12 Cessation of Nonconformities by Township Action.**

The elimination of nonconforming structures and uses shall be considered to be for a public purpose and for a public use. The Township may acquire private property by purchase, condemnation, or other means for the removal of nonconforming uses. 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 Zoning 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.

## **Section 16.13 Nonconforming Extractive Operations.**

An extractive operation legally existing at the effective date of adoption or amendment of this Ordinance shall be a nonconforming use, and may continue subject to the following:

### **A. Standards for Extension of Nonconforming Extractive Operations.**

Extraction may be extended within the lot based upon the lot boundaries of record at the time this Ordinance was adopted or amended, subject to the following:

1. Such extensions shall not cross a public road.
2. All extensions to be commenced following the effective date of adoption or amendment of this Ordinance shall first comply with all provisions of this Section and Section 5.604 (Extractive Operations).
3. Any extensions of operations shall not exceed the depth of extraction of the portion existing at the effective date of adoption or amendment of this Ordinance, unless extraction to a greater depth is approved by the Township as part of site plan approval.
4. Plans for the future extension of operations and restoration of the site shall be filed with the Planning Commission within one (1) calendar year of the effective date of adoption or amendment of this Ordinance. Failure to file such plans within the one (1) calendar year period shall be grounds for the Township Board to refuse any extensions for the site following the one (1) calendar year period. Failure to file may also be grounds for determining intent to abandon extractive operations for the remainder of the site.

### **B. Cessation of a Nonconforming Extractive Operation.**

If a nonconforming extractive operation ceases for any reason for a period of 365 calendar days, the extractive operation shall thereafter conform to all regulations of this Ordinance and the zoning district where it is located.

### **C. Standards for Equipment Upgrades.**

The equipment and processes of a nonconforming extractive operation may be upgraded periodically to maintain the operation in a modern condition, and to meet contemporary pollution control standards. Such changes shall be permitted, even if they will result in an increase of production, subject to the following:

1. The changes in equipment and processes shall not have the effect of changing the nature or character of the operation into a use prohibited in the zoning district where it is located.
2. The noise, dust, odors, and other objectionable attributes of the operation shall not be increased beyond the levels existing at the effective date of adoption or amendment of this Ordinance.



3. The owner of the extractive operation shall notify the Zoning Inspector in writing prior to the installation of each change.
4. Building permits for any structure shall be obtained prior to installation or construction.



## **ARTICLE 17**

### **ZONING BOARD OF APPEALS**

#### **Section 17.01 Authority.**

The Zoning Board of Appeals (ZBA) is hereby established, which shall perform its duties as provided for in this Ordinance and the Michigan Zoning Enabling Act in such a way that the objectives of this Ordinance shall be served, public health, safety and welfare protected, and substantial justice done.

#### **Section 17.02 Membership.**

The Zoning Board of Appeals (ZBA) shall consist of five (5) members and up to two (2) alternates appointed by the Township Board for three (3) year terms.

1. One (1) member shall be a member of the Planning Commission.
2. One (1) member may be a member of the Township Board, but shall not serve as Chair of the ZBA.
3. All members shall have been a resident of the Township for at least one (1) year prior to the date of appointment, and shall be a qualified and registered elector of the Township on such day and throughout his or her tenure of office.
4. An employee or contractor of the Township may not serve as a member of the Zoning Board of Appeals.
5. Alternate members called to serve in place of an absent ZBA member, or where a member has abstained from deliberation and voting on a case because of a conflict of interest, shall have the same voting rights as a regular ZBA member.
6. Members of the Zoning Board of Appeals may be removed from office for misfeasance, malfeasance or nonfeasance in office, including failure of a member with a conflict of interest to abstain from deliberations or voting on the matter. The Township Board may remove a ZBA member after written charges have been filed with the Township Clerk and the Board has held a public hearing.
7. In the event a Zoning Board of Appeals member is elected to The Township Board and such election increases the number of Township Board members serving on the ZBA to more than one (1), then such member's seat on the ZBA shall be deemed vacant. Such vacancy shall be filled for the remainder of the un-expired term by appointment in the same manner as for regular appointments for full terms.

### Section 17.03 Rules of Procedure.

The Zoning Board of Appeals (ZBA) shall conduct business, organize meetings, and perform its duties as provided for in this Ordinance, the Michigan Zoning Enabling Act, and any adopted Zoning Board of Appeals bylaws and rules of procedure.

1. At the first ZBA meeting following January 1 of each calendar year, the ZBA shall elect a Chair, Vice-Chair, and Secretary from its membership, who shall serve until successor officers shall be elected.
  - a. The Chair shall preside at and conduct ZBA 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 ZBA.
  - b. In the absence of the Chair, the Vice-Chair shall exercise all powers and authority of the Chair.
  - c. The Secretary shall be responsible for ensuring that complete and accurate written records are kept of all ZBA proceedings.
2. Meetings shall be held at the call of the Chair, and at such other times as the ZBA may determine.
3. The ZBA shall select a reasonable time and place for hearings, and shall give due notice thereof to the parties. All hearings shall be open to the public. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.
4. The ZBA shall render all decisions within a reasonable time, not to exceed 90 calendar days from the filing date of a complete and accurate application. The time limit may be extended by written agreement between the applicant and ZBA.
5. The concurring vote of a minimum of three (3) members of the ZBA shall be necessary to take action on or make a determination regarding any matter upon which the ZBA is required to act. The ZBA shall not conduct business unless at least three (3) members are present.
6. An appeal to the ZBA shall stay all proceedings in furtherance of the appealed action, unless the Zoning Administrator certifies to the ZBA, after the notice of appeal shall have been filed, that by reason of the facts stated in the appeal, a stay would cause imminent peril to life or property; in which case proceedings shall not be stayed other than by a restraining order granted by the Circuit Court.
7. The ZBA shall keep minutes of its proceedings, which shall include a record of all hearings, all motions, and each member's attendance, votes, and abstentions. Copies of all approved meeting minutes shall be filed with the Township Clerk for the permanent Township record.

## Section 17.04 Hearings and Decisions.

Applications to the Zoning Board of Appeals (ZBA) shall be subject to the following requirements and review procedures:

### A. Application Requirements.

Applications to the ZBA shall be filed with the Township Clerk or Zoning Inspector. At a minimum, applications shall 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. Appropriate review fees or escrow deposit, as determined by Township Board.
5. Zoning classification of the subject parcel(s) and all abutting parcels.
6. A plot plan of the site, drawn to scale with a north-arrow, showing all lot lines, street rights-of-way, easements, structures, setback dimensions, parking areas, driveways, sidewalks and other site improvements.
7. 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.
8. Any additional information deemed necessary by the Zoning Board of Appeals to make a determination on the issue in question.

The application and all associated materials shall be forwarded to the members of the ZBA by the Township Clerk or Zoning Inspector within ten (10) calendar days of the filing date.

### B. Application Review Procedure.

Applications shall be shall be reviewed in accordance with following procedures:

1. **Technical review.** Prior to ZBA consideration, the ZBA Chair, Zoning Inspector or Township Supervisor may distribute copies of the application materials to the Township Planner for review and comment, and may request that the Township Planner be present at the meeting where the application will be considered.
2. **Public hearing.** The ZBA shall make no determination on a specific application until after a public hearing has been conducted in accordance with Section 12.03 (Public Hearing Procedures).

3. **Deliberation and action.** Subsequent to the hearing, the ZBA shall review the application, together with any report from the Township Planner and any public comments. ZBA determinations shall be based on the applicable criteria of this Article, as follows:
  - a. **Appeals.** Appeal of any administrative order, requirement, decision or determination made under this Ordinance shall be subject to Section 17.05 (Administrative Appeals).
  - b. **Interpretations.** Interpretations of the provisions of this Ordinance or Official Zoning Map shall be subject to Section 17.06 (Interpretations).
  - c. **Variances.** Variances from specific requirements of this Ordinance shall be subject to Section 17.07 (Variances).
  - d. **Exceptions.** Exceptions, as authorized by this Ordinance, shall be subject to Section 17.08 (Exceptions).

**C. Motions.**

Any motion for action on an application shall include specific findings of fact and conclusions made by the ZBA in the case. Approved motions, including findings of fact and conclusions, shall be incorporated into the written record for the case. A copy of the approved written record shall be provided to the applicant.

**D. Tabling and Dismissal.**

The ZBA 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 by the ZBA 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 the ZBA to dismiss the application without further consideration.

## **Section 17.05 Administrative Appeals.**

The Zoning Board of Appeals shall hear and decide appeals where it is alleged there is error of principle in any order, requirement, decision or determination made by the person or body charged with administration or enforcement of the Zoning Ordinance. Consideration of administrative appeals shall be subject to the following:

**A. Standing to Appeal.**

Such appeals may be taken to the ZBA by the person, firm or corporation aggrieved by the order, requirement, decision or determination; or by an officer, department, board, commission or bureau of the state or the Township. Applications for administrative appeals shall be filed with the Township within 21 calendar days of the order, requirement, decision or determination.

**B. Review Criteria for Administrative Appeals.**

The ZBA shall reverse an administrative decision only upon determining that the order, requirement, decision or determination:

1. Constituted an abuse of discretion;
2. Was arbitrary or capricious;
3. Was based upon an erroneous finding of a material fact; or
4. Was based upon an erroneous interpretation of the Zoning Ordinance.

After making such a determination, the ZBA may reverse or modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as, in its determination, ought to be made under the provisions of this Ordinance. In doing so, the ZBA shall exercise all authority granted by this Ordinance to the person or body from whom the appeal is taken.

**Section 17.06 Interpretations.**

The ZBA shall have the power to hear and decide requests for interpretations of Zoning Ordinance provisions as follows:

**A. Interpretations of Zoning Ordinance Regulations.**

The ZBA shall have the power to hear and decide requests for interpretations of Zoning Ordinance regulations 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 the Township's General Development Plan.

**B. Interpretation of Zoning District Boundaries.**

Where an ambiguity exists as to zoning district boundaries, the ZBA shall have the power to interpret the Official Zoning Map in such a way as to carry out the intent and purposes of this Ordinance and the Township's General Development Plan. The following rules shall apply to such interpretations:

1. Boundaries indicated as approximately following the centerlines of streets, highways, alleys, watercourses, lot lines, or municipal boundaries shall be construed to follow such lines.
2. Boundaries indicated as following railroad lines or utility easements shall be construed to be midway between the main tracks, or along the centerline of such easements.
3. Boundaries that parallel or are extensions of features indicated in this Section shall be so construed.
4. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the Map.

5. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, the ZBA shall interpret the district boundaries.

**C. Determinations of Similar Uses.**

In recognition that every potential use cannot be addressed in this Ordinance, the ZBA shall have the authority to determine whether a proposed use not listed in this Ordinance is similar to a use listed in Article 4 (Land Use Table), subject to the following:

1. Prior to making such a determination, the ZBA shall find that the proposed use closely resembles the use listed in Article 4 (Land Use Table) in terms of characteristics, intensity, nature and other applicable common elements of such uses.
2. The ZBA may determine that the use is (or is not) similar to a use listed in Article 4 (Land Use Table), or may recommend to the Township Board that the proposed use be addressed through an amendment to this Ordinance.
3. If it is determined that there is no similar use listed in Article 4 (Land Use Table), the use shall be prohibited.
4. If it is determined that the proposed use is similar to a use listed in Article 4 (Land Use Table), the proposed use shall comply with any zoning district limitations, special use requirements, and use standards that apply to the listed use.
5. The ZBA may impose additional conditions or limitations upon the proposed use necessary to satisfy the intent and purposes of this Ordinance, to protect the health, safety, or welfare, or to preserve the social and economic well being of adjacent residents and landowners, or the Township as a whole.

**Section 17.07 Variances.**

The Zoning Board of Appeals shall have the authority to grant variances from particular area, setback, frontage, height, bulk, density or other dimensional (non-use) standards of this Ordinance in accordance with the Michigan Zoning Enabling Act and the provisions of this Article. The ZBA shall state the findings of fact and conclusions upon which it justifies the granting or denying of a variance, and may consider lesser variances than that requested by an applicant. In granting a variance, the ZBA may impose conditions or limitations as it may deem reasonable in furtherance of the intent and purposes of this Ordinance.

**A. Criteria for Granting of a Variance.**

To grant a variance, the ZBA shall determine that the request satisfies the following criteria:

1. **Practical difficulties.** Strict compliance with the specified dimensional standard(s) will deprive the applicant of rights commonly enjoyed by other



property owners in the same zoning district, create an unnecessary burden on the applicant, or unreasonably prevent the owner from using the property for a permitted purpose.

2. **Substantial justice.** The variance will give substantial relief and justice to the applicant, consistent with justice to other property owners in the same district.
3. **Unique circumstances.** The need for the variance is due to unique circumstances peculiar to the land or structures involved, that are not applicable to other land or structures in the same district.
4. **Preservation of property rights.** The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property owners in the same zoning district.
5. **Public safety and welfare.** The requested variance can be granted in such fashion that the spirit of this Ordinance will be observed and public safety and welfare secured.
6. **Not self-created.** The problem and resulting need for the variance has not been self-created by the applicant or the applicant's predecessors.
7. **More than mere inconvenience.** The alleged hardship and practical difficulties that will result from a failure to grant the variance include substantially more than mere inconvenience or an inability to attain a higher financial return.

**B. Additional Considerations.**

To ensure that the proposed variance is the minimum necessary to satisfy the criteria of Section 17.07A (Criteria for Granting of a Variance), the ZBA also shall consider all of the following:

1. The granting of a lesser variance will not give substantial relief and justice to the applicant, consistent with justice to other property owners in the same district.
2. The granting of a variance will not increase the hazard of fire or otherwise endanger public safety.
3. The granting of a variance will not unreasonably diminish or impair the value of surrounding properties.
4. The granting of a variance will not alter the essential character of the area or surrounding properties.
5. The granting of a variance will not impair the adequate supply of light and air to any adjacent property.

### **Section 17.08 Exceptions.**

The Zoning Board of Appeals (ZBA) shall have the authority to hear and decide requests for exceptions and other matters upon which this Ordinance specifically authorizes the ZBA to act. Any exception shall be subject to such conditions as the ZBA may require to preserve and promote the purpose of this Ordinance, and the character of the zoning district in question.

### **Section 17.09 Coordination with Site Plan Review.**

Consideration of an application for an administrative appeal, variance or exception associated with an application for Planning Commission approval of a site plan per Section 12.01 (Site Plan Review) shall be subject to the following:

1. The applicant shall first apply for preliminary site plan approval.
2. The Planning Commission shall review the preliminary site plan and shall determine the layout and other features required to obtain approval of the plan.
3. The Planning Commission shall transmit the preliminary site plan application materials and the Commission's findings to the Zoning Board of Appeals (ZBA).
4. The ZBA shall, upon deciding on the application for an administrative appeal, variance or exception, transmit the plan and its decision to the Planning Commission for action on the preliminary site plan.
5. The Planning Commission shall then take action on the preliminary site plan, taking into account the action(s) of the ZBA.

### **Section 17.10 Resubmission and Appeal to Circuit Court.**

Decisions of the Zoning Board of Appeals (ZBA) shall be final. No application for which the ZBA has rendered a final decision shall be resubmitted for a period of 365 calendar days from the date of the decision except upon grounds of new evidence or proof of changed conditions found by the ZBA to be valid. A party aggrieved by the decision may appeal to the Circuit Court as provided for in Section 606 of the Michigan Zoning Enabling Act.

### **Section 17.11 Limitations of Authority.**

The following specific limitations shall apply to the authority and jurisdiction of the Zoning Board of Appeals (ZBA) under this Ordinance:

1. **Expiration of approval.** No order of the ZBA permitting the construction or alteration of a permanent structure or establishment of a use shall be valid for a period longer than 365 calendar days, unless the final site plan has been approved, appropriate permits for such construction or alteration have been obtained, or the use has been lawfully established within such period.
2. **Use variances.** In accordance with Section 604 of the Michigan Zoning Enabling Act, the ZBA shall not have authority to consider or authorize variances

from the uses of land permitted in the various zoning districts per Article 4 (Land Use Table).

3. **Limitations on review.** The ZBA shall not have the authority to consider appeals of any decisions by the Planning Commission or Township Board regarding:
  - a. Recommendation, adoption, or disapproval of amendments to this Ordinance or Official Zoning Map;
  - b. Approval, denial or imposition of any conditions of approval for special uses authorized under Section 12.02 (Special Uses) and preferred class nonconforming use designations authorized under Section 16.07 (Preferred class Designations); and
  - c. Recommendation, approval, denial or imposition of any conditions of approval for planned unit developments authorized under Article 14 (Planned Unit Developments).
4. **Ordinance changes prohibited.** The Zoning Board of Appeals shall not have the authority to alter this Ordinance or Official Zoning Map.

Effective Date: February 1, 2008

Article 17  
Zoning Board of Appeals

## **ARTICLE 18 DEFINITIONS**

### **Section 18.01 Rules of Construction**

The following rules of construction apply to the text of this Ordinance:

1. The particular shall control the general. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
2. The word "shall" is always mandatory and not discretionary; the word "may" is permissive and discretionary. The term "act" or "action" includes an act of omission. The words "include" or "including" shall mean "including but not limited to."
3. Words used in the present tense shall include the future; words used in the singular number shall include the plural; and words used in the plural shall include the singular, unless the context clearly indicates the contrary.
4. The word "building" includes the word "structure." The word "build" includes the words "erect" and "construct." A "building" includes any part thereof. The word "dwelling" includes "residence." The word "lot" includes the word "parcel."
5. The terms "Zoning Ordinance" or "this Ordinance" includes the Zoning Ordinance of Saline Township, Washtenaw County, Michigan and associated Official Zoning Map, and any amendments thereto.
6. The terms "abutting" or "adjacent to" includes land across a boundary, property line, road, or other dedicated right-of-way or access easement.
7. The word "person" includes an individual, firm, association, organization, corporation (public or private), partnership or co-partnership, limited liability company, incorporated or unincorporated association, trust or any other entity recognizable as a "person" under the laws of Michigan.
8. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more provisions connected by one of the following conjunctions, the conjunction shall be interpreted as follows: "And" indicates that all the connected provisions shall apply. "Or" indicates that the connected provisions may apply singly or in any combination.
9. Words or terms defined in this Article shall be construed as defined herein; any undefined words or terms shall be characterized and described in terms of their common or customary usage.

## Section 18.02 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. **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.
5. **Adult Entertainment Use.** Any business which primarily features sexually stimulating material or performances, including the following uses:

- 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, video cassettes or video reproductions, slides or other visual representations, recording tapes 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 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.
- g. **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, video cassettes, slides 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.
- h. **Escort Service.** An establishment that provides the services of escorting members of the opposite sex for payment of a fee.
- i. **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.

- j. **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.
- k. **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.
- l. **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.
- m. **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.
- n. **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.
- o. **Specified Sexual Activities.** The explicit display of one or more of the following:
- (1) Human genitalia 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.
- p. **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.
6. **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.

7. **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.
8. **Aircraft Landing Strip, Private.** The use of land for the landing or take off 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.
9. **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.
10. **Amusement Center.** Business from which the proprietor's primary income or substantial portion thereof is derived from the operation of pool tables, billiard tables, video games, miniature or "putt-putt" golf, batting cages and machines, miniature raceway or "go-cart" tracks, water parks, or other indoor or outdoor amusement devices, facilities, or equipment of a similar nature.
  - 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 pool, billiards, 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.

11. **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. Fish (non-biting or non-poisonous)
  - g. Lizard (non-poisonous)
  - h. Marmoset (bred)
  - i. Primate (only as a trained aide for a disabled person)
  - j. Rodent (bred)
  - k. Snake (non-poisonous)
  - l. Spider (non-poisonous)
  
12. **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. Ferret
  - i. Fish (biting and or poisonous)
  - j. Lemur
  - k. Lizard (poisonous)
  - l. Marten
  - m. Opossum (family)

- n. Primate (family)
  - o. Raccoon
  - p. Snake and other reptile (poisonous)
  - q. Skunk
  - r. Spider (poisonous)
  - s. Weasel (family)
  - t. Wild boar or swine (family)
13. **Appeal.** An entreaty or petition for a hearing or review of facts or actions in connection with the public enforcement of this Ordinance.
14. **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.
15. **Awning.** Any overhead protective structure that is constructed in such a manner as to allow pedestrians or vehicles to pass under.
16. **Balcony.** An exterior floor projecting from and supported by a structure without additional independent supports.
17. **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 (see "**Basic Structural Terms**" illustration).
18. **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.
19. **Bedroom.** A room in a dwelling used for or intended to be used solely for sleeping purposes by human beings.
20. **Berm.** A mound of soil graded, shaped and improved with landscaping in such a fashion so as to be utilized for screening purposes.
21. **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).
22. **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.

23. **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 in which is conducted the principal use of the lot on which said building is situated.
  - 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.
24. **Building Envelope.** The portion(s) of a lot located outside of all road and other rights-of-way, utility and other easements, and 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).
25. **Building Line.** The line formed by the junction of the plane of the outer surface of the building with the plane of the finish grade or surface of the adjoining ground (see "**Accessory Structure**" illustration).
26. **Building Official.** The person or persons designated by Washtenaw County or Saline Township to administer and enforce the State Construction Code.
27. **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.
28. **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.
29. **Cemetery.** Land used or intended to be used for burial of the human dead and dedicated for such purpose.
30. **Certificate of Zoning Compliance.** Authorization given by the Township 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.**"

31. **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.
32. **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. See also **Lodge.**
33. **Clinic.** Offices for one or more health practitioners engaged in treating the sick or injured on an outpatient basis.
34. **Cocktail Lounge or Night Club.** 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.
35. **Commercial Vehicle.** Any one of a class of vehicles and similar vehicles whose characteristics are described below which have or require commercial license plates and have a gross vehicle weight in excess of 6,500 pounds. Any commercially licensed vehicle that does not possess the characteristics of a commercial vehicle, as defined below, shall not be subject to the restrictions applying to commercial vehicles.
  - a. **Semi-trailer.** A 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.
  - b. **Truck Tractor.** A commercial vehicle capable of attaching to and propelling semi-trailers, manufactured homes, modular homes, boat trailers and similar units, and which is not customarily operated without an attached trailer.
  - c. **Other Commercial Vehicles.** Any truck or motor vehicle with 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. This shall include any vehicle which has a commercial license plate and which is designed to



accommodate a body length in excess of nine (9) feet. This term does not include motor homes or recreational vehicles, but does include construction equipment such as backhoes, power shovels, bulldozers, earth moving equipment, and similar vehicles.

36. **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.
37. **Common Open Space.** An unoccupied area within a planned unit development which is reserved primarily for the leisure and recreational use of all the planned unit development residents, owners and occupants, and generally owned and maintained in common.
38. **Composting.** A controlled process of degrading compostable organic material by microorganisms.
  - a. **Compostable Material.** Compostable or organic matter and material shall include typical yard wastes and clippings, such as and limited to leaves, grass clippings, vegetable, garden, or agricultural plantings debris, shrubbery or brush, weeds, tree trimmings less than four (4) feet in length and two (2) inches in diameter, that can be converted to compost humus. This term does not include stumps, roots, animal waste, sewage sludge, or garbage.
  - b. **Composting Methods.** Composting may be achieved by several methods:
    - (1) **Mechanical.** A method in which the compost is continuously and mechanically mixed and aerated;
    - (2) **Ventilated cell.** Compost is mixed and aerated by being dropped through a vertical series of ventilated cells; and,
    - (3) **Windrow.** An open-air method in which compostable material is placed in windrows, piles, or ventilated bins or pits and occasionally turned or mixed. The process may be anaerobic or aerobic, however, for purposes of this Ordinance only aerobic is permitted. Furthermore, sheet composting is not permitted.
  - c. **Composting Support Service Facility.** Those structures and spaces necessary for the operation of a composting facility. Such support services shall be devoted exclusively to the facility to which they are adjacent.
  - d. **Sheet Composting.** The composting of material that is spread in a thin layer over a large surface area on the ground in a sheet-like manner.

39. **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. **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.
  - c. **General Common Element.** The common elements other than the limited common elements intended for the common use of all co-owners.
  - d. **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.
  - e. **Site Condominium.** All allocation or division of land permitted under the Condominium Act, which permits single-family detached housing pursuant to a master deed.
  - f. **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.
  - g. **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.
  - h. **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.
- i. **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.
  - j. **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.
  - k. **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.
  - l. **Condominium Conversion.** A condominium project containing condominium units that were occupied before the establishment of the condominium project.
  - m. **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.
40. **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.

41. **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.
42. **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.
43. **Deceleration Lane.** An added roadway lane that permits vehicles to slow down and leave the main vehicle stream before turning.
44. **Deck.** A platform, commonly constructed of wood, which is typically attached to a dwelling unit, and which is typically used for outdoor leisure activities.
45. **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.
46. **Density.** The number of dwelling units per net acre of land.
47. **Detention basin.** A facility designed for holding stormwater runoff for a limited period before releasing it to a natural watercourse.
48. **Development.** The construction of new structures or other site improvements on a zoning lot; relocation, alteration or expansion of an existing building; or the use of open land for a new use.

49. **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.
50. **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."
51. **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, to facilitate consumption within motor vehicles.
52. **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, to facilitate consumption within motor vehicles.
53. **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.
54. **Dumpster Enclosure.** Any exterior space that secures or screens containers, structures or other receptacles intended for temporary storage of solid waste materials.
55. **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.
  - 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 (i.e. "mother-in-law" apartment).
  - 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 for three (3) or more families.
  
- 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. 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.
- 56. **Easement.** A grant of one (1) or more of the property rights by a property owner to or for use by the public or another person or entity.
- 57. **Elderly Housing.** See **Senior Housing.**
- 58. **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.
- 59. **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 furnishing of adequate service 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.
- 60. **Excavation.** The removal, movement or breaking of ground, soil, gravel, stone or fill dirt, except common household gardening, farming, and general ground care of a residential or agricultural character.
- 61. **Extraction 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.
- 62. **Exception.** An exclusion from the normal Zoning Ordinance rules and regulations allowed by the Zoning Board of Appeals under certain conditions.
- 63. **Facade.** The vertical plane of the exterior surface of a building, including all visible architectural, decorative, and structural features.

64. **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 Inspector 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 Inspector's determination to the Zoning Board of Appeals, subject to the standards of this Ordinance for such appeals.
65. **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.
66. **Farming and Active Agricultural Uses.**
- 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 ANIMAL AND AGRICULTURAL USES permitted by this Ordinance or incidental to the active agricultural use.
- b. **Farm Buildings.** 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.** Temporary facilities provided for the housing of workers who are employed in the seasonal planting, harvesting, or processing of crops. This term is synonymous with "migratory labor camp."
- d. **Livestock or Farm Animals.** Animals used for human food and fiber or animals used for service to humans, including 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.
67. **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.
68. **Filling.** Filling shall mean 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.
69. **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.
70. **Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of Inland or tidal 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.
71. **Floor Area.** The sum total of the area of all buildings on a site excluding utility rooms and mechanical rooms, measured between the outer perimeter walls of the buildings, provided that space in a structure used for parking of motor vehicles shall not be computed in the floor area (see "**Floor Area**" illustration).
- a. **Floor Area Ratio (FAR).** The ratio of the gross floor area of a building to the net lot area of the lot upon which the building is located; as calculated by dividing the gross floor area by the net lot area where the divisor and dividend are both expressed in the same unit of measure, and the result is expressed as a decimal number.
  - b. **Gross Floor Area (GFA).** The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, not including any basements, utility rooms, breezeways, unfinished attics, porches or attached garages.
  - c. **Residential Floor Area (RFA).** The sum of the horizontal areas of each story of the dwelling, as measured from the exterior faces of the exterior walls or from the centerline of walls separating dwellings units. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, or porches.
  - d. **Usable Floor Area (UFA).** That portion of the floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or to customers, patrons, clients or patients, including areas occupied by fixtures or equipment used for the display or sale of goods or merchandise, but not including areas used or intended to be used for the storage of merchandise, utility or mechanical equipment rooms or sanitary facilities. In the case of a half story, the usable floor area shall be considered to be only that portion having a clear height above it of four (4) feet or more.
72. **Foster Family Home.** A private home in which one (1) but not more than four (1) 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.

73. **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.
74. **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.
75. **Garage.** An accessory structure that is used for storage and maintenance of occupant-owned motor vehicles as an accessory use.
76. **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.
77. **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.
78. **General Development Plan.** The adopted master land use and growth management plan for Saline 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.
79. **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.
80. **Greenbelt.** A strip of land, not less than five (5) feet in width, which is planted with trees or shrubs in compliance with the requirements of this Ordinance.
81. **Ground Floor Coverage (GFC).** The gross floor area of the ground or street level floor of all principal buildings and accessory structures divided by the net lot area of the lot upon which the building is located, where the divisor and dividend are both expressed in the same unit of measure and the result is expressed as a percentage (%).
82. **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).
83. **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 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).
84. **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. **Hobby.** An incidental activity carried on by the occupant of the premises for personal enjoyment, amusement or recreation, where the articles produced or constructed are not sold and the activity is not obnoxious or offensive by reason of vibration, noise, odor, dust, smoke or fumes.
  - b. **Home Office.** An activity by the occupant of the premises within a dwelling unit that is incidental and secondary to the use of the structure as dwelling unit, 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.
85. **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.
86. **Hotel or Inn.** One or more buildings containing individual living or sleeping units primarily designed as temporary quarters for transient guests.
87. **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.
88. **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.
89. **Junk.** Any motor vehicle, machinery, appliance, product, merchandise with parts missing, scrap metal or other scrap material that is damaged, deteriorated or in a condition which cannot be used for the purpose for which the product was manufactured.
90. **Kennel.** Any building, lot or premises where four (4) or more dogs or cats over twelve (12) weeks of age are kept, 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.

91. **Laboratory.** A facility devoted to experimental study such as testing and analyzing, but not devoted to the manufacturing of a product or products.
92. **Laboratory.** A facility devoted to experimental study such as testing and analyzing, but not devoted to the manufacturing of a product or products.
93. **Land Division Act.** Act 288 of the Michigan Public Acts of 1967, as amended (also referred to as the "Subdivision Control Act"), and any successor state statute.
94. **Lighting.** The following definitions are related to lighting:
  - a. **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.
  - b. **Floodlight.** A fixture or lamp designed to direct light over a broad area.
  - c. **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.
  - d. **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.
  - e. **Glare.** An intense and blinding light that results in reduced visual performance and visibility, and is often accompanied by discomfort.
  - f. **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) **High Pressure Sodium (HPS) Lamp.** High-intensity discharge lamp where radiation is produced from sodium vapor at relatively high partial pressures.
    - (2) **Incandescent or Tungsten-Halogen Lamp.** A lamp that produces light by a filament heated to a high temperature by electric current.
    - (3) **Low Pressure Sodium (LPS) Lamp.** A discharge lamp where the light is produced by radiation from sodium vapor at a relatively low partial pressure.

- (4) **Mercury Vapor Lamp.** A high-intensity discharge lamp where the light is produced by radiation from mercury vapor.
  - (5) **Metal Halide Lamp.** A high-intensity discharge lamp where the light is produced by radiation from metal-halide vapors.
  - g. **Laser Source Light.** An intense beam of light, in which all photons share the same wavelength.
  - h. **Light Trespass.** Light falling where it is not wanted or needed (also called spill light).
  - i. **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.
  - j. **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.
95. **Loading Space.** An off-road space on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.
96. **Lodge.** An association of persons meeting regularly for their mutual benefit or for the promotion of some common purpose, supported jointly through payment of membership dues, all members having the right to vote on club policies and business.
97. **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.

98. **Lot Area.**

- a. **Gross 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.
- b. **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.

99. **Lot Depth.** The mean horizontal distance measured from the front road right-of-way line to the rear lot line (see "**Yard Terms**" illustration).

100. **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 33 feet back from the centerline of the pavement.
  - (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 a flag lot, 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.

101. **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.
102. **Lot Split or Consolidation.** The dividing or uniting of lots by virtue of changes in the deeds recorded with the Washtenaw County Register of Deeds and the Township Assessor.
103. **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).
104. **Manufactured Home.** A structure, transportable in one (1) or more sections, which is built on a non-motorized chassis and designed to be used with or without a permanent foundation as a dwelling when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A manufactured home shall not include modular homes, motor homes, house trailer, trailer coach or travel trailers.
- a. **Manufactured Home, HUD-Code.** A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include a recreational vehicle as that term is defined by 24 CFR § 3282.8(g).
  - b. **Manufactured Home Site.** An area within a manufactured home park that is designated for the exclusive use of a specific manufactured home.
105. **Manufactured Housing Park.** A parcel or tract of land under the control of a person upon which three (3) or more manufactured 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 manufactured 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.

106. **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.
107. **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).
108. **Michigan Planning Enabling Act.** Act 168 of the Michigan Public Acts of 1959, as amended (also referred to as the "Township Planning Act"), and any successor state statute.
109. **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.
110. **Mixed Use.** A structure or project containing residential and nonresidential uses.
111. **Motor Home (Trailer Coach).** A self-propelled motorized vehicular unit primarily designed, used or constructed for travel or recreational usage, and duly licensable as such, which vehicular unit also contains facilities for cooking and for overnight lodging for one (1) or more persons. "Motor home" does not include "mobile home."
112. **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.
113. **Motor Vehicle Repair Station.** An enclosed building where minor and major motor vehicle repair services may be carried out.
  - a. **Major Repair.** Engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair; and similar servicing, rebuilding or repairs.
114. **Motor Vehicle Service Center.** A 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.
115. **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.
116. **Natural Resources.** Natural resources include land, soils, wetlands, floodplains, surface and ground water, topography, trees and other types of vegetative cover, subsurface strata, geologic formations, animal life, and naturally occurring substances and living organisms that can be useful to people. Natural resources are of two types; renewable (e.g., plants and trees) and nonrenewable (e.g., mineral resources). Natural resources may also be referred to as "natural features" in this Ordinance.
117. **New Construction.** Structures for which the "start of construction" commenced on or after the effective date of this Ordinance.
118. **Noise.** Any sound which annoys or disturbs humans 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, operations of school libraries, churches, hospitals, and 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.

119. **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. **Preferred Class Nonconforming Designation.** A nonconforming use designated by the Planning Commission to be perpetuated and improved in accordance with this Ordinance and an approved site plan.
- h. **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.
- i. **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.
120. **Noxious.** An element creating an impact that may interfere with the enjoyment and use of property, including smoke, odors, noise, vibration, glare or heat.
121. **Nuisance.** Any offensive, annoying, unpleasant or obnoxious object or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which prevents the free use of one's property or renders its normal use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts that give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endangers life and health.
122. **Nursery.** A space, structure or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, structure used for the sale of fruits, vegetables or Christmas trees.
123. **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].
124. **Occupancy or Occupied.** The purpose for which a building or part thereof is used or intended to be used. The term "occupied" includes "arranged," "designed," "built," "altered," "converted to," "rented," "leased" or "intended to be inhabited."
125. **Occupancy Load.** The maximum capacity of a structure or building space, expressed in the number of individuals normally permitted to occupy the structure or building space.
126. **Open Air Business.** COMMERCIAL USES not otherwise specified and regulated under this Ordinance that are conducted primarily out-of-doors, including:

- a. Retail sales of garden supplies and equipment, including but not limited to trees, shrubbery, plants, flowers, seed, topsoil, trellises, and lawn furniture;
  - b. Outdoor display and sale of products or equipment; and
  - c. Outdoor dealership sales lots.
127. **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.

128. **Outdoor Sales or Display.** The placement or exhibition of products or services on a lot outside of a building. See also **Open Air Business**.
129. **Outdoor Storage.** An open area where goods, equipment, merchandise, components awaiting assembly, finished products, building materials, and similar items are kept or stored for use on-site or later distribution or shipment off-site. The term does not include uses established entirely within enclosed buildings, motor vehicle storage or dismantling yards or drop-off stations for recyclables.
130. **Outdoor Motor Vehicle Storage or Dismantling Yard.** An open area used for any of the following purposes:
- a. Purchase, sales, exchange, storage, disassembly or handling of used parts of motor vehicles.
  - 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. "Motor vehicle storage or dismantling yard" does not include uses established entirely within enclosed buildings and drop-off stations for residential recyclables.
131. **Outlot.** A parcel of land designated on a site plan for future development.
132. **Park.** Any developed park, playground, beach, outdoor swimming pool, golf course, tennis courts or otherwise intended for active or passive recreational pursuits.
133. **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.
- 134. **Pavement Or Hard Surface.** Plant-mixed bituminous material, concrete, brick, masonry pavers or similar durable materials approved by the Township.
- 135. **Performance Guarantee.** A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, regulations, and approved plans and specifications of the development.
- 136. **Person.** An individual, trustee, executor, fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.
- 137. **Pet.** A domesticated dog, cat, bird, gerbil hamster, guinea pig, turtle, fish, rabbit, or other similar animal that is commonly available and customarily kept for pleasure or companionship.
- 138. **Planning Commission.** The Planning Commission for Saline Township, Washtenaw County, Michigan, as authorized by the Michigan Planning Enabling Act and the Michigan Zoning Enabling Act.
- 139. **Plat.** A map of a subdivision of land.
- 140. **Pond.** A small man-made body of water developed for the personal use of the property owner and maintained by surface water runoff, groundwater or a public or private water distribution system.
- 141. **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.
- 142. **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.
- 143. **Produce Stand.** A temporary structure or use operated for the purpose of seasonally selling agricultural products, a portion of which are raised or produced on the same premises by the proprietor of the stand. A roadside stand shall not include small operations consisting of a portable table that are operated intermittently.
- 144. **Quarry.** See **Extraction Operation.**
- 145. **Racetrack.** A linear, oval, or similar defined and specially surfaced course and facility, open to the general public, for the racing of horses, cycles, automobiles, and other motor vehicles conducted for competition and entertainment purposes.



146. **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.
147. **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.
148. **Recreational Facility, Indoor.** A publicly or privately owned facility designed and equipped for the conduct of sports, play, enjoyment, or leisure activities and other customary recreational activities within an enclosed building, such as gymnasiums and fitness centers, indoor soccer facilities, racquetball and tennis clubs, community swimming pools, ice and roller skating rinks, curling centers, and indoor ranges.
149. **Recreational Facility, Outdoor.** A publicly or privately owned facility designed and equipped for the conduct of sports, play, enjoyment, or leisure activities and other customary recreational activities outside of an enclosed building, such as tennis clubs, outdoor ranges, golf courses, golf driving ranges, community swimming pools, and skateboarding parks.
150. **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.
151. **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.
152. **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.
153. **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. Such goods, wares or merchandise shall include appliances, bicycles, books, clothing, crafts, drugs and pharmaceutical items, dry goods, electronics, flowers, home furnishings, gifts, grocery and produce items, hardware, jewelry, musical instruments and supplies, optical goods, paint or wallpaper, pets, photographic supplies, recorded music, sporting goods, toys, and similar items.
  - b. Included in this definition are convenience stores, department stores, variety stores, "big-box" stores, supermarkets, wholesale club stores, shopping centers and shopping malls.
  - c. 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.
  - d. This definition does not include temporary uses, temporary outdoor display or sales areas or adult uses and sexually-oriented businesses.
154. **Retention Basin.** A pond, pool, or basin used for the long-term storage of water runoff.
155. **Rezoning.** The amendment of this Ordinance to change the Official Zoning Map classification on land from its existing district to a new district classification.
156. **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).

157. **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.
158. **Right-Of-Way.** A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied, or occupied by, a road, utility, and other similar uses.
159. **Road.** A public or private thoroughfare or way for passage or travel, other than public alley, which affords principal means of access to adjacent land.
  - a. **Private road.** A road that is used or intended to be used to access land that does not abut a public road right-of-way; or any other road that does not meet the definition of a public road.
  - b. **Public road.** A road that is under public ownership, located within a dedicated public road right-of-way, or otherwise granted to and accepted by a municipality or other governmental agency for purposes of ownership and maintenance.
160. **Roadside Stand.** A temporary structure or use operated for the purpose of seasonally selling agricultural products, a portion of which are raised or produced on the same premises by the proprietor of the stand. A roadside stand shall not include small operations consisting of a portable table that are operated intermittently.
161. **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.
162. **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; including all treatment and disposal facilities, pumps, lines, lift stations, and appurtenances.
  - a. **Municipal Sanitary Sewer System.** A sanitary sewer system owned and operated by one or more governmental entities.

- b. **Private Community Wastewater System (PCWS).** A sanitary sewer system owned by a non-governmental entity, including any individual septic tanks, pumps, and drainfields that serve individual dwellings.
163. **School, Nonpublic.** A nonpublic school is any school other than a public school giving instruction to children below the age of 16 years and not under the exclusive supervision and control of the officials having charge of the public schools of the state. Nonpublic schools include private, denominational, and parochial schools.
164. **School, Public.** A public school is a public elementary or secondary educational entity or agency that has as its principal mission the teaching and learning of academic and vocational-technical skills and knowledge, and is operated by a school district, local act school district, special act school district, intermediate school district, public school academy corporation, public state university or by the department or state board.
165. **Screen.** A structure, vegetation, topographic variation or similar materials of sufficient height and density to provide an enclosure or a visual barrier between the area or use enclosed and the adjacent property or use.
166. **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.
167. **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. 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.
168. **Separate Ownership.** Ownership of a lot wherein the owner does not own adjoining lot(s). Such ownership may include dual or multiple ownership by a partnership, corporation or other group, provided that any number of contiguous lots of record may be considered as a single lot of record, for the purpose of this Ordinance.
169. **Setback.** The minimum horizontal distance required 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.
170. **Shopping Center.** A group of commercial establishments, owned and managed as a unit; and related in location, size, and type of shops to the trade area it serves.
171. **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, adjacent to 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. **Portable Sign.** A sign that is not permanently affixed to the ground or structure and is capable of being easily moved from one location to another.
- m. **Roof Sign.** Any sign erected or maintained on or above the roof of the building, or that extends above the roofline.
- n. **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.
- o. **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.
- p. **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.

- q. **Sign Height.** The vertical distance measured from the average grade at the sign location to the highest point of the sign.
  - r. **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.
  - s. **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.
  - t. **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.
  - u. **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.
172. **Site Plan.** A scaled drawing illustrating existing conditions, detailing the proposed use and development of a zoning lot, and including all required elements applicable to the proposed development to ensure compliance with this Ordinance.
173. **Soil.** The word soil as used herein shall be topsoil, subsoil, sand, gravel, muck or any other type of natural earthy material.
174. **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).

175. **Steep slopes.** A rise of twenty-five (25) feet or more over a distance of 100 feet.
176. **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 basement floor below is less than one-half (1/2) the total vertical distance from the basement floor to the ceiling.
177. **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.
178. **Street.** See **Road.**
179. **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, manufactured homes, 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.
- (1) **Tent or Carport Shelter.** A structure consisting of canvas or the like supported by poles and fastened by cords or pegs driven into the ground, and not intended for permanent use on a site.
180. **Subdivision.** A subdivision as defined in the Land Division Act, and any Township subdivision regulations.
181. **Subdivision Regulations.** The adopted subdivision ordinance of Saline Township, Washtenaw County, Michigan; or, if there is no Township ordinance, the subdivision plat regulations of the Land Division Act.
182. **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.

183. **Tavern (Pub).** 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.
184. **Township.** The geographical area and governmental entity encompassing Saline Township (Washtenaw County), Michigan; as governed by the Township Board.
185. **Township Board.** The elected board of trustees for Saline Township, Washtenaw County, Michigan.
186. **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.
187. **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.
188. **Tract.** Two (2) or more parcels that share a common property line and are under the same ownership.
189. **Truck Terminal.** The use of land or buildings for the temporary parking of motor freight vehicles or trucks of common carriers, during loading and unloading and between trips, including necessary warehouse space for storage of transitory freight.
190. **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. **Permitted Use.** A use permitted in each zoning district by right subject to site plan review approval.
  - c. **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 and standards of this Ordinance.
  - d. **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.
  - e. **Special 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.
  - 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.
191. **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.
192. **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.
193. **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.

194. **Variance.** A modification of the literal provisions of this Ordinance granted by the Zoning Board of Appeals.
195. **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.
196. **Wall.** A screening structure of definite height and location constructed of a masonry, concrete, rock or similar material.
197. **Watercourse.** Any natural or open artificial watercourse, diversion, stream, river, creek, ditch, channel, canal conduit, culvert, drain, waterway, gully, ravine, or wash in which waters flow in a definite direction or course, either continuously or intermittently, and which has a definite channel, bed, and banks, and shall include the floodplain.
198. **Water Distribution 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; including all potable water sources, treatment and purification facilities, pumps, lines, and appurtenances.
  - a. **Municipal Water System.** A water distribution system owned and operated by one or more governmental entities.
  - b. **Community Well.** A water distribution system that is owned by a non-governmental entity.
199. **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.
200. **Wetland, Regulated.** Certain wetlands as regulated by the Michigan Department of Environmental Quality (MDEQ), that have any of the following characteristics:

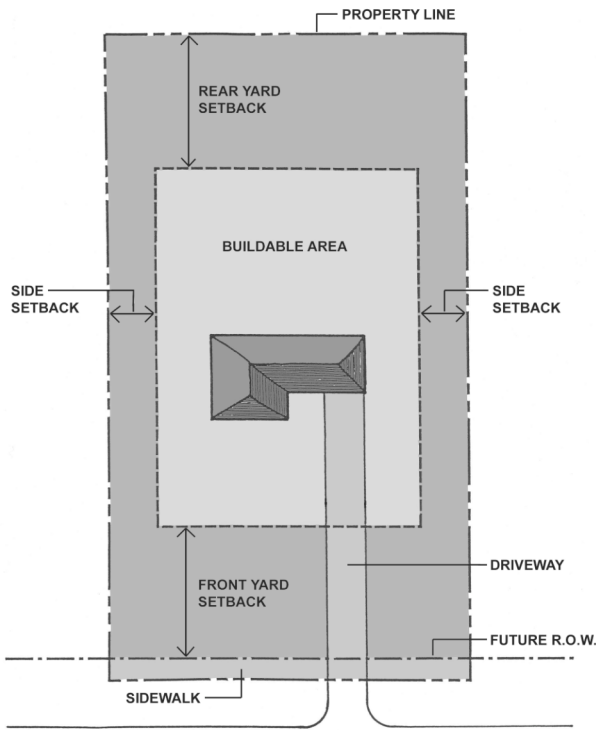
- a. Contiguous to an inland lake, pond, river or stream;
  - b. Not contiguous to an inland lake, pond, river or stream, and more than five (5) acres in size;
  - c. Other wetlands where the MDEQ determines, with notification to the land owner, that protection is essential to preserve natural resources of the state from pollution, impairment or destruction.
201. **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.
202. **Wireless Communications Facility.** All structures, equipment and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals.
- a. **Abandoned Tower Or Antenna.** An antenna that is not operated for a continuous period of twelve months or a tower constructed or maintained without an operational antenna shall be considered abandoned.
  - b. **Alternative Tower Structure.** Man-made trees, clock towers, bell steeples, utility poles, flagpoles and similar decorative structures that camouflage or conceal the presence of antennae or towers.
  - c. **AM Array.** One or more tower units with a supporting ground system that function as one AM broadcasting antenna shall be considered as one tower with a perimeter equaling the smallest rectangular figure that can encompass all elements associated with the array. Setbacks and other distances shall be measured from this perimeter. Additional tower units may be added within the perimeter of an approved array by right.
  - d. **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.

- e. **Antenna.** Any exterior transmitting or receiving device mounted on a tower, structure and used in communications that radiate or capture electromagnetic waves, digital or analog signals, radio frequencies (except radar) or other wireless communication signals.
  - f. **Backhaul Network.** The lines that connect a provider's towers or antennae to one or more switching offices, long-distance providers or public-switched telephone network.
  - g. **Collocation.** The location of two (2) or more wireless telecommunication facilities on a common structure, tower or building.
  - h. **Equipment Enclosure.** A dedicated and secured area for the placement of accessory structures and equipment associated with a wireless communications facility.
  - i. **Satellite Dish.** An antenna structure designed to receive from or transmit to orbiting satellites.
  - j. **Tower.** A structure, and any support thereto, designed primarily for the purpose of supporting one or more antennae for wireless communication purposes, including, but not limited to monopoles, lattice towers, light poles, wood poles and guyed towers and other structures.
203. **Yard.** An open space of prescribed width or depth on the same zoning lot with a building or group of buildings between the building or group of buildings and the nearest lot line, and is unoccupied from the ground upward except as otherwise provided herein (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.
  - 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.
  - 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.

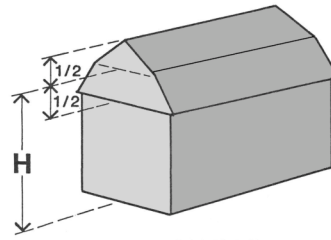
204. **Zoning Board of Appeals.** The board created pursuant to the provisions of this Ordinance and the Michigan Zoning Enabling Act to hear and decide appeals, variances, interpretations, and exceptions under this Ordinance.
205. **Zoning District.** See **District.**
206. **Zoning Inspector.** The person(s) designated by the Township to administer and enforce the provisions of this Zoning Ordinance on a day-to-day basis.
207. **Zoning Permit.** See **Certificate of Zoning Compliance.**



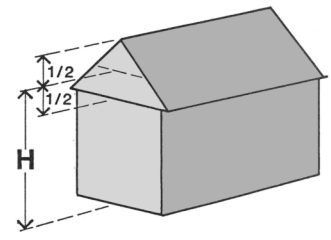
**ILLUSTRATIONS**



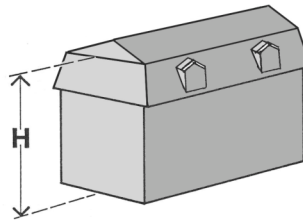
**Building Envelope**



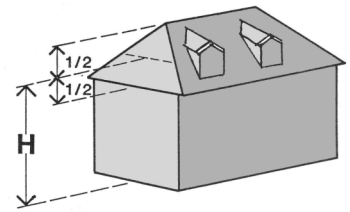
**GAMBREL**



**GABLE**

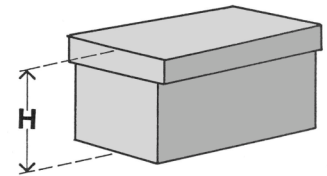


**MANSARD**

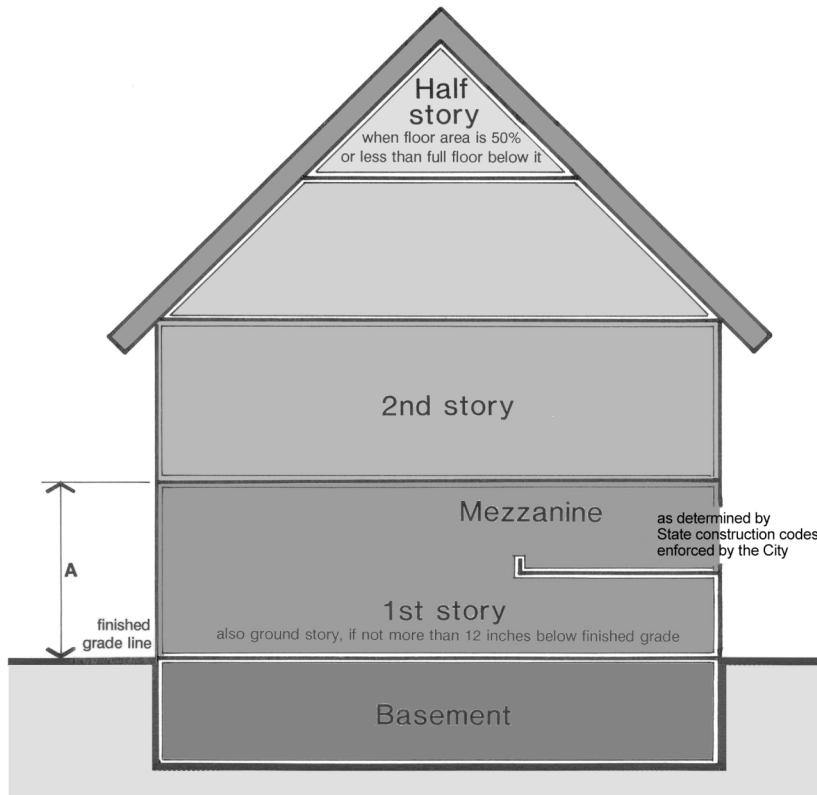


**HIP**

**Building Height**

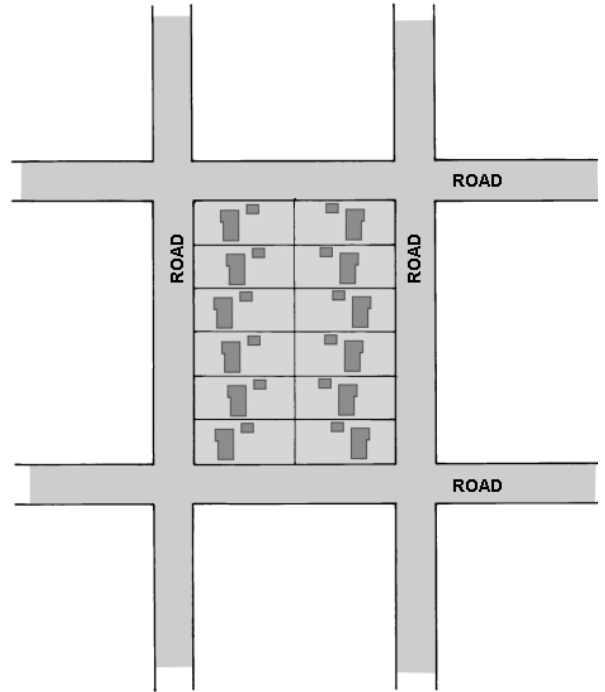
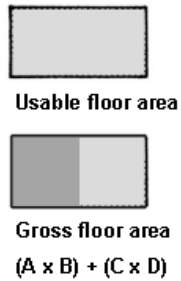
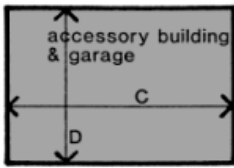
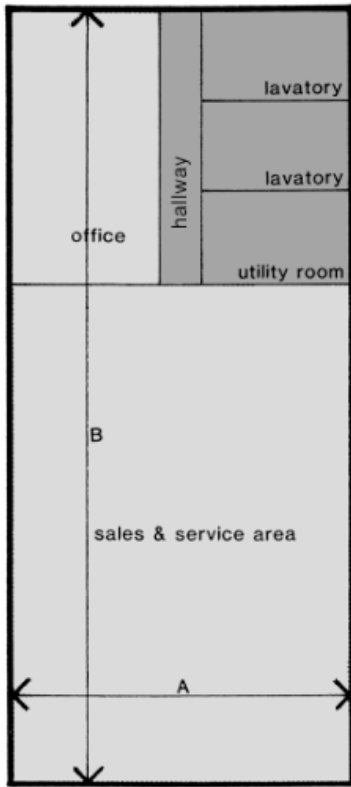


**FLAT**



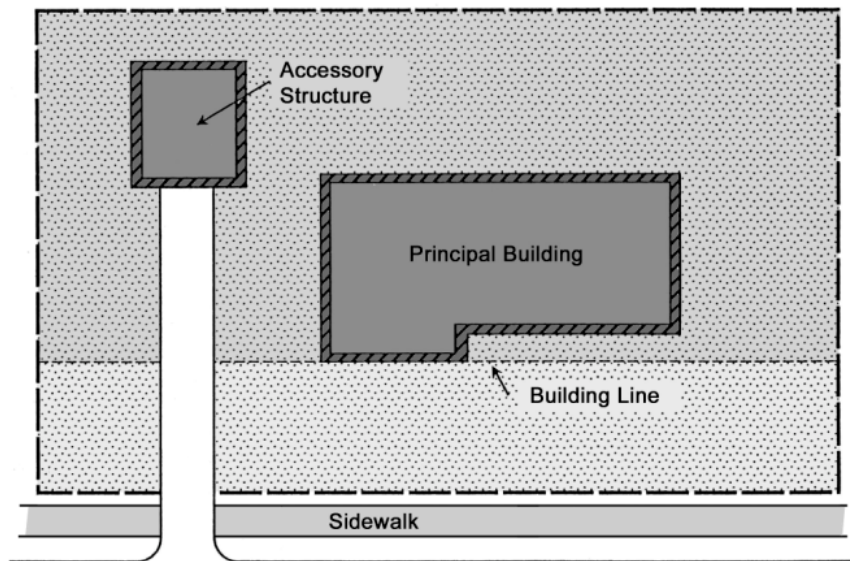
**Basic Structural Terms**

### ILLUSTRATIONS



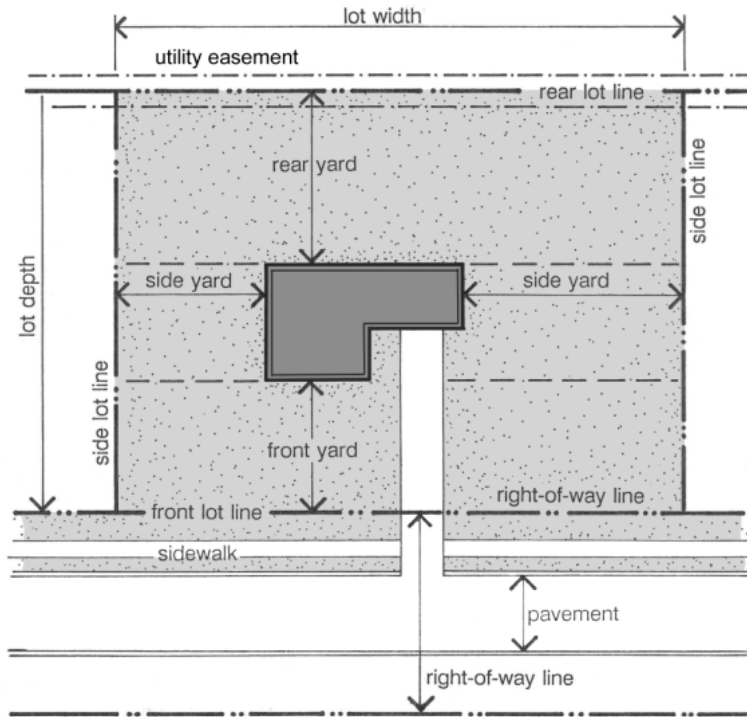
**Floor Area**

**Block**

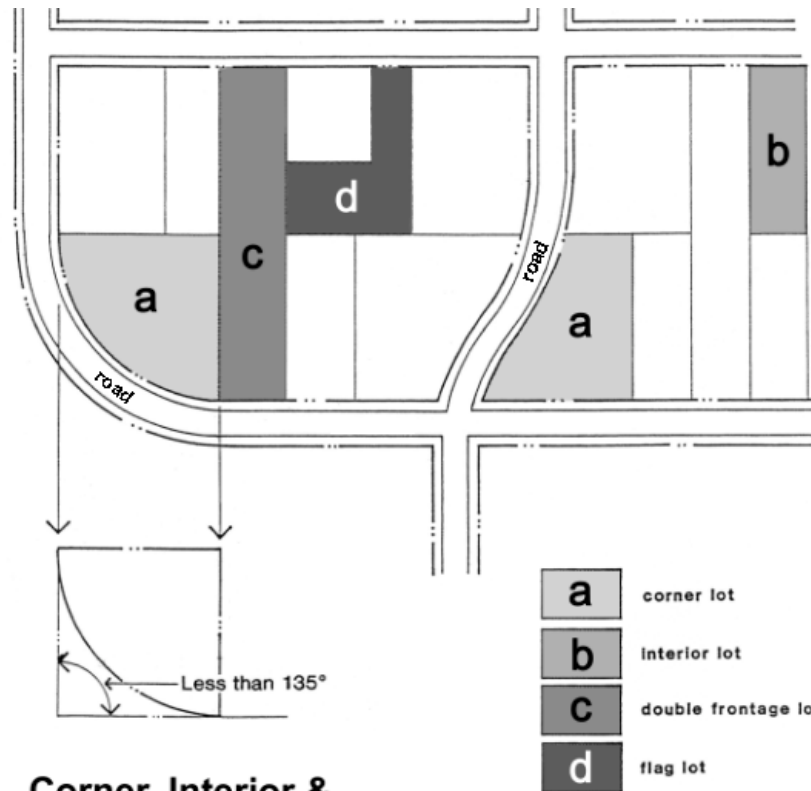


**Accessory Structure**

### ILLUSTRATIONS



### Yard Terms



### Corner, Interior & Double Frontage Lots



## **ARTICLE 19**

### **LEGAL STATUS PROVISIONS**

#### **Section 19.01 Adoption.**

This Ordinance was adopted by the Township Board of Saline Township, Washtenaw County, Michigan, following compliance with all procedures required by the Michigan Zoning Enabling Act, at its regular meeting duly held on the fourteenth day of January, 2008, and ordered to be given publication in the manner prescribed by law.

#### **Section 19.02 Effective Date.**

This Ordinance is hereby declared to be effective as of the first day of February, 2008, pursuant to the notice of adoption required under the Michigan Zoning Enabling Act. This Ordinance shall remain in full force and effect from this date forward unless repealed.

#### **Section 19.03 Repeal of Previous Ordinances.**

All previous zoning ordinances adopted by the Township Board of Saline 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 19.04 Severability.**

If any court of competent jurisdiction shall declare any part, sentence, paragraph, section or provision of this Ordinance unconstitutional or invalid, such declaration shall not affect any other provision of this Ordinance or the validity of this Ordinance as a whole. It is hereby declared that the legislative intent would have been to adopt this Ordinance as if the invalid provision had not been included.

If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, use, building or structure, such declaration shall not affect the application of the subject provision to any other land, parcel, lot, district, use, building or structure.

## **Section 19.05 Conflict With Other Laws.**

Where any condition imposed by any provision of this Ordinance upon the use of any lot, building or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance or by the provision of any ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.

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

**SALINE TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN**

**NOTICE OF ADOPTION OF NEW ZONING ORDINANCE**

NOTICE IS HEREBY GIVEN THAT A COMPREHENSIVE NEW ZONING ORDINANCE TEXT REGULATING THE DEVELOPMENT AND USE OF LAND WAS ADOPTED BY THE TOWNSHIP BOARD FOR SALINE TOWNSHIP, WASHTENAW COUNTY, MICHIGAN AT A REGULAR MEETING HELD ON JANUARY 14, 2008.

THE ZONING ORDINANCE SHALL BECOME EFFECTIVE ON FEBRUARY 1, 2008, FOLLOWING PUBLICATION OF THIS NOTICE.

A COPY OF THE NEW ZONING ORDINANCE TEXT AND THE OFFICIAL TOWNSHIP ZONING MAP MAY BE PURCHASED OR INSPECTED BY APPOINTMENT IN THE TOWNSHIP CLERK'S OFFICE LOCATED AT 6104 BRAUN ROAD, SALINE, MICHIGAN 48176.

THE ADOPTED TEXT AMENDMENTS SHALL BECOME EFFECTIVE SEVEN (7) DAYS AFTER PUBLICATION OF THIS NOTICE OF ADOPTION, UNLESS REFERENDUM PROCEDURES ARE INITIATED UNDER MCL 125.3402. IF REFERENDUM PROCEDURES ARE INITIATED, THE ORDINANCE SHALL TAKE EFFECT IN ACCORDANCE WITH MCL 125.3402.

PUBLISHED BY ORDER OF THE TOWNSHIP BOARD  
SALINE TOWNSHIP, WASHTENAW COUNTY, MICHIGAN

PUBLICATION DATE: JANUARY 24, 2008





## Civil Infraction Ordinance

*An ordinance providing for municipal civil infractions of certain township ordinances and penalties pursuant thereto; establishing procedures relating thereto; authorization of which township officials can issue civil infraction tickets and appearance tickets; penalties; and procedures relating to such matters.*

### **THE TOWNSHIP OF SALINE, WASHTENAW COUNTY, MICHIGAN, ORDAINS:**

#### **Section 1. Title**

This Ordinance shall be known as the Saline Township Civil Infraction Ordinance."

#### **Section 2. Definitions.**

As used in this Chapter:

- 2.1 "Act" means Act No. 236 of the Public Acts of 1961, as amended, and Public Acts 1226 of 1994, as amended.
- 2.2 "Authorized township official" means a township official, police officer or other personnel or agent of the township authorized by this Ordinance or any ordinance to issue municipal civil infraction citations.
- 2.3 "Municipal civil infraction action" means an act or omission that is prohibited by any ordinance of the township, but which is not a crime under the ordinance, and for which civil sanctions, including, without limitation, fines, damages, expenses and costs, may be ordered, as authorized by Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended. A municipal civil infraction is not a lesser included offense of a violation of any township ordinance that is a criminal offense.
- 2.4 "Municipal civil infraction citation" means a written complaint or notice prepared by an authorized township official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.
- 2.5 "Township" means Saline Township.

#### **Section 3. Municipal Civil Infraction Action; Commencement**

A municipal civil infraction action may be commenced upon the issuance by an authorized township official of a municipal civil infraction citation directing the alleged violator to appear in court.

#### **Section 4. Municipal Civil Infraction Citations; Issuance and Service**

Municipal civil infraction citations shall be issued and served by authorized township officials as follows:

- 4.1 The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.
- 4.2 The place for appearance specified in a citation shall be the District Court that has jurisdiction over Township.
- 4.3 Each citation shall be numbered consecutively and shall be in a form approved by the state court administrator. The original citation shall be filed with the District Court. Copies of the citation shall be retained by the township and issued to the alleged violator as provided by Section 8705 of the Act.
- 4.4 A citation for a municipal civil infraction signed by an authorized township official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the complaint and if the citation contains the following statement immediately above the date and signature to the official: "I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief."
- 4.5 An authorized township official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.
- 4.6 An authorized township official may issue a citation to a person if:
  - A. Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or
  - B. Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction and if the township attorney approves in writing the issuance of the citation.
- 4.7 Municipal civil infraction citations shall be served by an authorized township official as follows:
  - A. Except as otherwise provided below, an authorized township official shall personally serve a copy of the citation upon the alleged violator.
  - B. If the municipal civil infraction action involves the use or occupancy of land, a building or other structure, a copy of the citation does not need to be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building or structure by posting a copy on the land or attaching the copy to the building or structure. In addition, a copy

of the citation shall be sent by first-class mail to the owner of the land, building or structure at the owner's last known address.

**Section 5. Municipal Civil Infraction Citations; Contents**

- 5.1 A municipal ordinance citation shall contain the name and address of the alleged violator, the municipal civil infraction alleged, the place where the alleged violator shall appear in court, the telephone number of the court, and the time at or by which the appearance shall be made.
- 5.2 Further, the citation shall inform the alleged violator that he or she may do one of the following:
  - A. Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.
  - B. Admit responsibility for the municipal civil infraction "with explanation" by mail by the time specified for appearance or, in person, or by representation.
  - C. Deny responsibility for the municipal civil infraction by doing either of the following:
    - i. Appearing in person for an informal hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the township.
    - ii. Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.
- 5.3 The citation shall contain a notice in boldfaced type that the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgment against the alleged violator on the municipal civil infraction.

**Section 6. Schedule of Civil Fines/Costs**

- 6.1 Unless a different schedule of civil fines is provided for by an applicable ordinance, the civil fines payable to the bureau upon admissions of responsibility by persons served with municipal ordinance violation notices shall be determined pursuant to the following schedule and on the basis of the date of the violation(s):
  - A. First violation.....\$100
  - B. Second violation within a 3-year period ..... \$200\*
  - C. Third violation within a 3-year period ..... \$400\*

D. Fourth or subsequent violation within a 3-year period ..... \$500\*

\*Determined on the basis of the date of commission of the offense(s)

- 6.2 In addition to the above prescribed civil fines, costs in the amount of \$10 shall be assessed by the bureau if the fine and costs are paid within 10 days of the date of service of the municipal ordinance violation notice. Otherwise, costs of \$20 shall be assessed by the bureau.
- 6.3 A "violation" includes any act which is prohibited or made or declared to be unlawful or an offense by an ordinance, and any omission or failure to act where the act is required by an ordinance.
- 6.4 Each day on which any violation of an ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.
- 6.5 In addition to any remedies available at law, the Township may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of any Township ordinance.

**Section 7. Authorized Persons-Civil Infractions Tickets**

Unless prohibited by state law or unless otherwise provided by specific provisions of a particular Saline Township ordinance to the contrary, the following officials are hereby designated as the authorized Township officials to issue and serve municipal civil infraction citations for violations of Township ordinances which provide for a municipal civil infraction for a violation thereof:

- The Washtenaw County building, mechanical and electrical inspectors
- The Washtenaw County Sheriff and all other deputy county sheriffs of said county
- The Township supervisor
- The Township ordinance enforcement officer
- The Township zoning administrator
- Any certified officers of a private company or companies contracted with the township for enforcement purposes.

**Section 8. Applicability of the Act**

If this Ordinance is silent as to given procedural requirements or in any way conflicts with the Act, the Act shall govern.

**Section 9. Severability**

The various parts, sections and clauses of this Ordinance are hereby declared to be

severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

**Section 10. Repeal**

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Section 11. Effective Date**

This Ordinance shall become effective thirty (30) days after its publication (or publication of a summary thereof) in a newspaper in general circulation within Saline Township.

YEAS: (5) Prehn, J. Marion, K. Marion, Gordon, R. Marion

NAYS: (0)

**ORDINANCE DECLARED ADOPTED ON FEBRUARY 11, 2013.**

## Amendment to Section 12.02 of the Saline Township Zoning Ordinance

An Ordinance to amend Article 12, Section 12.02 Special Uses for Solar Energy Systems of the Saline Township Zoning Ordinance to transfer the final decision authority to grant special uses from the Planning Commission to the Township Board.

### **THE TOWNSHIP OF SALINE, WASHTENAW COUNTY, MICHIGAN ORDAINS:**

#### **Section 1. Amendment to Article 12, Section 12.02, Special Uses.**

Section 12.02, Special Uses, of Article 12, is amended in its entirety to read as follows:

#### **Section 12.02 Special Uses.**

##### **A. Purpose.**

This Section provides a set of procedures and standards for special uses of land or structures, which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent land, uses, and residents; and the community as a whole. Special uses include those uses that:

1. Serve an area, interest or purpose that extends beyond the borders of the Township;
2. Create particular problems of control in relation to adjoining uses or districts;
3. Have detrimental effects upon public health, safety or welfare;  
or
4. Possess other unique characteristics that prevent such uses from being permitted without special approval in a particular zoning district.

This Section is intended to provide a consistent and uniform method for review of special use 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 General Development Plan.

##### **B. Authority to grant permits.**

The township board shall have the authority to grant special use permits, subject to such conditions of design and operation, safeguards and time limitations as it may determine for all special uses specified in the various district provisions of this chapter.

**C. Application Requirements.**

Special use applications shall be submitted in accordance with the following:

- (1) **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 special use approval is sought, or by the owner's designated agent. The applicant or agent shall be present at all scheduled review meetings. Applications that are found by the Township Planner to be incomplete or inaccurate shall be returned to the applicant without further review or consideration.
- (2) **Application.** Special use applications submitted to the Township shall include the following information:
  - (a) Names, addresses and telephone numbers for the applicant and property owner, and proof of ownership.
  - (b) 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 special use application.
  - (c) Address, location, legal description, and tax identification number of the parcel.
  - (d) A detailed description of the proposed use.
  - (e) A certified survey drawing of the subject parcel, and a complete site plan per Section 12.01 (Site Plan Review).
  - (f) Appropriate review fees or escrow deposit, as determined by Township Board.
  - (g) 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 12.02H (Standards for Special Use Approval).

- (h) Any other information deemed necessary by the Township Planner, or Planning Commission, or Township Board to determine compliance with this Ordinance.



**D. Special Use Review Procedure.**

Special use applications shall be reviewed in accordance with following procedures:

- (1) **Coordination with site plan review.** A site plan associated with a special use shall not be approved unless the special use has first been approved. The Planning Commission may, at its discretion, consider special use and site plan applications at the same meeting.
- (2) **Technical review.** Prior to Planning Commission consideration, the application materials shall be distributed to appropriate Township officials and the Township Planner for review and comment. The Zoning Inspector or Planning Commission may also request comments from other designated Township consultants, local agencies or departments with jurisdiction.
- (3) **Public hearing.** A public hearing shall be held by the Planning Commission for all special uses in accordance with Section 12.03 (Public Hearing Procedures).
- (4) **Planning Commission consideration.** Subsequent to the hearing, the Planning Commission shall review the application for special use approval, together with any reports and recommendations from Township officials, the Township Planner, other designated Township consultants, and any local agencies or departments with jurisdiction, along with any public comments. The Planning Commission shall then make a recommendation to the Township Board based on the requirements of this Ordinance and the standards contained in Section 12.02H (Standards for Special Use Approval).
- (5) **Review Standards.** The planning commission shall review the



application for a conditional use permit in reference to the standards and findings required herein and in relation to the information provided at the public hearing. The planning commission may request additional information it deems necessary to make a decision. The planning commission shall recommend approval, approval with conditions or denial of the application for a conditional use permit and shall transmit its recommendations, together with a report thereon, to the township board. The report shall contain the planning commission's analysis of the application in relation to the required standards and findings and shall include a summary of the findings made as a result of the public hearing.

- (6) **Township Board action.** The township board shall review the recommendation and report of the planning commission and shall approve, approve with conditions, or deny an application for a conditional use permit. The township board's decision, the basis for the decision, and all conditions imposed shall be described in a written statement, which shall be made a part of the record of the meeting at which action is taken.
- (7) **Conditions of approval.** In granting a conditional use permit, the township board may impose conditions it deems necessary to achieve the objectives and standards of this chapter, the standards of the Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.), and the public health, safety and welfare of the township. Failure to comply with any such conditions shall be considered a violation of this chapter. An approved conditional use permit, including all attached conditions, shall run with the parcel in the approval and shall be binding upon all successors and assigns.
- (8) **Recording of special use action.** Township Board action on the special use shall be recorded in the Township Board meeting minutes, stating the name, description, and location of the proposed use; address and tax identification number of the parcel; the findings of fact and conclusions or grounds for the Township Board's action, and any conditions of approval. The Township Clerk shall file one (1) copy of the written record for the permanent Township record, and shall forward one (1) copy to the applicant as evidence of special use approval.

#### **E. Resubmission after Denial.**

A special use application that has been denied shall not be resubmitted for a period of 365 days from the date of denial, except on grounds of new evidence or proof of changed conditions found by the Township Board to be valid.

**F. Appeals of Special Use Decisions.**

The Zoning Board of Appeals shall not have the authority to consider appeals of special use determinations by the Township Board.

**G. Expiration of Special Use Approval.**

Special use approval shall expire 365 days after the date of approval, unless the use has been established on the site, or the construction plan associated with the special use has been submitted for review. Special use approval shall also expire upon expiration of the approved construction plan associated with a special use.

Upon written request received by the Township prior to the expiration date, the Township Board may grant one (1) extension of up to 180 days, provided that the approved special use conforms to current Zoning Ordinance standards.

**H. Rescinding Special Use Approval.**

Approval of a special use may be rescinded by the Township Board 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 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 by the Township Board in accordance with the procedures set forth in Section 12.03 (Public Hearing Procedures), at which time the operator of the use or owner of an interest in the land or structure(s) for which special use 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 said owner, operator or designated agent.

**I. Standards for Special Use Approval.**

Approval of a special use shall be based upon the determination that the proposed use complies with all applicable requirements of this Ordinance, and all of the following standards as deemed applicable to the use by the Township

Board:

- (1) **Compatibility with adjacent uses.** The special use is compatible with adjacent uses and the existing or intended character of the zoning district and area. The use will not be detrimental, hazardous or disturbing to existing or future neighboring uses, persons, property or the public welfare.
- (2) **Compatibility with the General Development Plan.** The special use location and character is consistent with the general principles, goals, objectives, and policies of the adopted General Development Plan.
- (3) **Compliance with applicable regulations.** The proposed special use is in compliance with all applicable Ordinance provisions.
- (4) **Impact upon public and utility services.** The impact of the special use upon public services will not exceed the existing or planned capacity of such services; including utilities, roads, police and fire protection services, area drinking water wells, and drainage structures. The proposed use will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.
- (5) **Environmental and public health, safety, welfare impacts.** The location, design, activities, processes, materials, equipment, and operational conditions of the special use will not be detrimental or injurious to the environment or the public health, safety, and welfare by reason of traffic, noise, vibration, smoke, fumes, odors, dust, glare, light, drainage, pollution or other adverse impacts.
- (6) **A documented need exists for the proposed use.** A documented need exists for the proposed use within the community.
- (7) **Isolation of existing uses.** Approval of the special use location will not result in a small residential or non-residential area being substantially surrounded by incompatible uses.

**J. Compliance with Special Use Approval.**

It shall be the responsibility of the owner of the property and the operator of the use for which special use approval has been granted to develop, improve, 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 special use approval until the use is

discontinued. Failure to comply with the provisions of this Section shall be a violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

The Zoning Inspector, Township Planner or other Township designee may make periodic investigations of developments for which a special use has been approved. Noncompliance with Ordinance requirements or conditions of approval shall constitute grounds for the Planning Commission to rescind special use approval.

**Section 2. Saving Provision.**

All provisions of the Saline Township Zoning Ordinance not amended by the provisions of this ordinance shall remain in full force and effect.

**Section 3. Severability.**

The various parts, sections and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

**Section 4. Repeal.**

All ordinances in conflict with this ordinance are, to the extent of such conflict, hereby repealed.

**Section 5. Effective Date.**

This ordinance shall become effective thirty (30) days after its publication (or publication of a summary thereof) in a newspaper in general circulation within Saline Township.

YEAS: \_\_\_\_\_  
NAYS: \_\_\_\_\_  
ABSENT: \_\_\_\_\_

**Ordinance declared adopted on \_\_\_\_\_, 2021.**

\_\_\_\_\_  
James Marion  
Supervisor, Saline Township

**CERTIFICATE OF ADOPTION AND PUBLICATION**

I, Kelly Marion, the duly elected Clerk of Saline Township certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of Saline Township on \_\_\_\_\_, 2021 and published in \_\_\_\_\_ a newspaper circulated in Saline Township on \_\_\_\_\_, 2021.

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Kelly Marion  
Clerk, Saline Township

**Amendment to Section 12.02 of the  
Saline Township Zoning Ordinance**

An Ordinance to amend Article 12, Section 12.02 Special Uses for Solar Energy Systems of the Saline Township Zoning Ordinance to transfer the final decision authority to grant special uses from the Planning Commission to the Township Board.

**THE TOWNSHIP OF SALINE, WASHTENAW COUNTY, MICHIGAN ORDAINS:**

**Section 1. Amendment to Article 12, Section 12.02, Special Uses.**

Section 12.02, Special Uses, of Article 12, is amended in its entirety to read as follows:

**Section 12.02 Special Uses.**

**A. Purpose.**

This Section provides a set of procedures and standards for special uses of land or structures, which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent land, uses, and residents; and the community as a whole. Special uses include those uses that:

1. Serve an area, interest or purpose that extends beyond the borders of the Township;
2. Create particular problems of control in relation to adjoining uses or districts;
3. Have detrimental effects upon public health, safety or welfare; or
4. Possess other unique characteristics that prevent such uses from being permitted without special approval in a particular zoning district.

This Section is intended to provide a consistent and uniform method for review of special use 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 General Development Plan.

**B. Authority to grant permits.**

The township board shall have the authority to grant special use permits, subject to such conditions of design and operation, safeguards and time limitations as it may determine for all special uses specified in the various district provisions of this chapter.

**C. Application Requirements.**

Special use applications shall be submitted in accordance with the following:

- (1) **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 special use approval is sought, or by the owner's designated agent. The applicant or agent shall be present at all scheduled review meetings. Applications that are found by the Township Planner to be incomplete or inaccurate shall be returned to the applicant without further review or consideration.
- (2) **Application.** Special use applications submitted to the Township shall include the following information:
  - (a) Names, addresses and telephone numbers for the applicant and property owner, and proof of ownership.
  - (b) 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 special use application.
  - (c) Address, location, legal description, and tax identification number of the parcel.
  - (d) A detailed description of the proposed use.
  - (e) A certified survey drawing of the subject parcel, and a complete site plan per Section 12.01 (Site Plan Review).
  - (f) Appropriate review fees or escrow deposit, as determined by Township Board.
  - (g) 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 12.02H (Standards for Special Use Approval).

- (h) Any other information deemed necessary by the Township Planner, or Planning Commission, or Township Board to determine compliance with this Ordinance.



**D. Special Use Review Procedure.**

Special use applications shall be reviewed in accordance with following procedures:

- (1) **Coordination with site plan review.** A site plan associated with a special use shall not be approved unless the special use has first been approved. The Planning Commission may, at its discretion, consider special use and site plan applications at the same meeting.
- (2) **Technical review.** Prior to Planning Commission consideration, the application materials shall be distributed to appropriate Township officials and the Township Planner for review and comment. The Zoning Inspector or Planning Commission may also request comments from other designated Township consultants, local agencies or departments with jurisdiction.
- (3) **Public hearing.** A public hearing shall be held by the Planning Commission for all special uses in accordance with Section 12.03 (Public Hearing Procedures).
- (4) **Planning Commission consideration.** Subsequent to the hearing, the Planning Commission shall review the application for special use approval, together with any reports and recommendations from Township officials, the Township Planner, other designated Township consultants, and any local agencies or departments with jurisdiction, along with any public comments. The Planning Commission shall then make a recommendation to the Township Board based on the requirements of this Ordinance and the standards contained in Section 12.02H (Standards for Special Use Approval).
- (5) **Review Standards.** The planning commission shall review the



application for a conditional use permit in reference to the standards and findings required herein and in relation to the information provided at the public hearing. The planning commission may request additional information it deems necessary to make a decision. The planning commission shall recommend approval, approval with conditions or denial of the application for a conditional use permit and shall transmit its recommendations, together with a report thereon, to the township board. The report shall contain the planning commission's analysis of the application in relation to the required standards and findings and shall include a summary of the findings made as a result of the public hearing.

- (6) **Township Board action.** The township board shall review the recommendation and report of the planning commission and shall approve, approve with conditions, or deny an application for a conditional use permit. The township board's decision, the basis for the decision, and all conditions imposed shall be described in a written statement, which shall be made a part of the record of the meeting at which action is taken.
- (7) **Conditions of approval.** In granting a conditional use permit, the township board may impose conditions it deems necessary to achieve the objectives and standards of this chapter, the standards of the Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.), and the public health, safety and welfare of the township. Failure to comply with any such conditions shall be considered a violation of this chapter. An approved conditional use permit, including all attached conditions, shall run with the parcel in the approval and shall be binding upon all successors and assigns.
- (8) **Recording of special use action.** Township Board action on the special use shall be recorded in the Township Board meeting minutes, stating the name, description, and location of the proposed use; address and tax identification number of the parcel; the findings of fact and conclusions or grounds for the Township Board's action, and any conditions of approval. The Township Clerk shall file one (1) copy of the written record for the permanent Township record, and shall forward one (1) copy to the applicant as evidence of special use approval.

**E. Resubmission after Denial.**

A special use application that has been denied shall not be resubmitted for a period of 365 days from the date of denial, except on grounds of new evidence or proof of changed conditions found by the Township Board to be valid.

**F. Appeals of Special Use Decisions.**

The Zoning Board of Appeals shall not have the authority to consider appeals of special use determinations by the Township Board.

**G. Expiration of Special Use Approval.**

Special use approval shall expire 365 days after the date of approval, unless the use has been established on the site, or the construction plan associated with the special use has been submitted for review. Special use approval shall also expire upon expiration of the approved construction plan associated with a special use.

Upon written request received by the Township prior to the expiration date, the Township Board may grant one (1) extension of up to 180 days, provided that the approved special use conforms to current Zoning Ordinance standards.

**H. Rescinding Special Use Approval.**

Approval of a special use may be rescinded by the Township Board 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 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 by the Township Board in accordance with the procedures set forth in Section 12.03 (Public Hearing Procedures), at which time the operator of the use or owner of an interest in the land or structure(s) for which special use 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 said owner, operator or designated agent.

**I. Standards for Special Use Approval.**

Approval of a special use shall be based upon the determination that the proposed use complies with all applicable requirements of this Ordinance, and all of the following standards as deemed applicable to the use by the Township

**Board:**

- (1) **Compatibility with adjacent uses.** The special use is compatible with adjacent uses and the existing or intended character of the zoning district and area. The use will not be detrimental, hazardous or disturbing to existing or future neighboring uses, persons, property or the public welfare.
- (2) **Compatibility with the General Development Plan.** The special use location and character is consistent with the general principles, goals, objectives, and policies of the adopted General Development Plan.
- (3) **Compliance with applicable regulations.** The proposed special use is in compliance with all applicable Ordinance provisions.
- (4) **Impact upon public and utility services.** The impact of the special use upon public services will not exceed the existing or planned capacity of such services; including utilities, roads, police and fire protection services, area drinking water wells, and drainage structures. The proposed use will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.
- (5) **Environmental and public health, safety, welfare impacts.** The location, design, activities, processes, materials, equipment, and operational conditions of the special use will not be detrimental or injurious to the environment or the public health, safety, and welfare by reason of traffic, noise, vibration, smoke, fumes, odors, dust, glare, light, drainage, pollution or other adverse impacts.
- (6) **A documented need exists for the proposed use.** A documented need exists for the proposed use within the community.
- (7) **Isolation of existing uses.** Approval of the special use location will not result in a small residential or non-residential area being substantially surrounded by incompatible uses.

**J. Compliance with Special Use Approval.**

It shall be the responsibility of the owner of the property and the operator of the use for which special use approval has been granted to develop, improve, 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 special use approval until the use is

discontinued. Failure to comply with the provisions of this Section shall be a violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

The Zoning Inspector, Township Planner or other Township designee may make periodic investigations of developments for which a special use has been approved. Noncompliance with Ordinance requirements or conditions of approval shall constitute grounds for the Planning Commission to rescind special use approval.

**Section 2. Saving Provision.**

All provisions of the Saline Township Zoning Ordinance not amended by the provisions of this ordinance shall remain in full force and effect.

**Section 3. Severability.**

The various parts, sections and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

**Section 4. Repeal.**

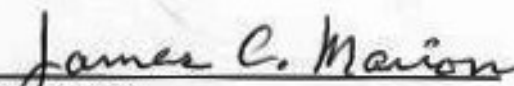
All ordinances in conflict with this ordinance are, to the extent of such conflict, hereby repealed.

**Section 5. Effective Date.**

This ordinance shall become effective thirty (30) days after its publication (or publication of a summary thereof) in a newspaper in general circulation within Saline Township.

YEAS: J. Marion, R. Marion, K. Marion and J. Zink  
NAYS: None  
ABSENT: Hammond

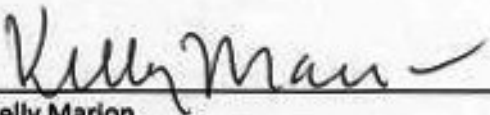
**ORDINANCE DECLARED ADOPTED ON NOVEMBER 10, 2021.**

  
James Marion  
Supervisor, Saline Township

**CERTIFICATE OF ADOPTION AND PUBLICATION**

I, Kelly Marion, the duly elected Clerk of Saline Township certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of Saline Township on

November 10, 2021 and that a summary of summary of the regulatory effect of the amendment was published in the Sun Times a newspaper circulated in Saline Township on 11.17, 2021.

  
\_\_\_\_\_  
Kelly Marion  
Clerk, Saline Township

ORDINANCE NO. 2

**Amendment to Article 11 of the  
Saline Township Zoning Ordinance**

An Ordinance to amend Section 11.09 Special Development Standards for Solar Energy Systems of the Saline Township Zoning Ordinance to (1) increase the required setback for utility grade solar energy systems (2) add a requirement that utility grade solar energy systems be screened from agriculturally zoned or used land and (3) add subsection h requiring perimeter fencing.

**THE TOWNSHIP OF SALINE, WASHTENAW COUNTY, MICHIGAN ORDAINS:**

**Section 1. Amendment to Article 11, Special Development Standards, Section 11.09 Solar Energy Systems to increase setbacks.**

Section 11.09.D.2.a. of Article 11, Special Development Standards, Section 11.09 Solar Energy Systems, is amended to read as follows:

**Setbacks.** Utility-scale SES shall be set back at least six hundred (600) feet from road right-of-way lines and all noncontiguous development area parcel property lines.

**Section 2. Amendment to Article 11, Special Development Standards, Section 11.09 Solar Energy Systems to require screening adjacent to agriculturally zoned or used land.**

Section 11.09.D.2.g. of Article 11, Special Development Standards, Section 11.09 Solar Energy Systems, is amended to read as follows:

**Screening.** Where a utility-scale SES is located adjacent to a agriculturally or residentially zoned or used lot, side and rear yard screening may be required as determined by the Planning Commission to address specific site needs at the time of site plan review. Solar panels shall be placed such that concentrated radiation or solar glare shall not be directed onto nearby properties or roadways. When deemed appropriate, the Planning Commission may require a report from a registered civil engineer or other professional to address this issue.

**Section 3. Amendment to Article 11, Special Development Standards, Section 11.09 Solar Energy Systems to add subsection h. requiring perimeter fencing.**

Section 11.09.D.2. of Article 11, Special Development Standards, Section 11.09 Solar Energy Systems, is amended by adding subsection h. to read as follows:

**h. Fencing.** All ground mounted solar equipment, including but not limited to solar panels and ancillary solar equipment such as, but not limited to,

SALINE TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN

ORDINANCE NO. 2017-03

*An ordinance to amend Article 11 of the Saline Township Zoning Ordinance by adding Section 11.09 regarding the solar energy systems within the Township.*

**The Township of Saline ordains:**

**Section 1. Amended to Article 11**

Article 11 of the Saline Township Zoning Ordinance is amended by adding Section 11.09 – Solar Energy Systems, as follows:

**Section 11.09 Solar Energy Systems**

**A. Intent.**

Saline Township promotes the effective and efficient use of solar energy systems. It is the intent of the Township to permit these systems by regulating their siting, design, and installation to protect public health, safety, and welfare, and to ensure their compatibility with adjacent land uses. Solar energy systems, as defined herein, are only permitted as authorized by this Section.

**B. Definitions.**

1. **Ancillary Solar Equipment** shall mean any accessory part or device of a solar energy system that does not require direct access to sunlight, such as batteries, electric meters, converters, or water heater tanks.
2. **Solar Collector Surface** shall refer to any part of a solar energy system that absorbs solar energy for use in the system's transformation process. The collector surface does not include frames, supports, and mounting hardware.
3. **Solar Energy** shall mean radiant energy received from the sun that can be collected in the form of heat or light by a solar energy system.
4. **Solar Energy System (SES)** shall mean a system (including, as parts, solar collectors and ancillary solar equipment) either affixed to a permanent principal or

accessory building or functioning as a freestanding structure, that collects, stores, and distributes solar energy for heating or cooling, generating electricity, or heating water. Solar Energy Systems shall include, but are not limited to, photovoltaic (PV) power systems and solar thermal systems.

- a. **Personal-Scale SES** shall mean a solar energy system that is an accessory to the principal use on the site. The total surface area of all solar collector surfaces on a personal-scale SES shall not exceed 1,500 square feet. The sale and distribution of excess available energy, if permitted, to an authorized public utility for distribution shall be incidental to this type of system, and shall not serve as its primary purpose. Sale of excess energy to anything other than an authorized public utility shall be prohibited.
- b. **Utility-Scale SES** shall mean a solar energy system that meets one or more of the following:
  - i. Primarily used for generating electricity for sale and distribution to an authorized public utility; and/or
  - ii. The total surface area of all solar collector surfaces exceeds 1,500 square feet; and/or
  - iii. Does not serve as an accessory use or structure.
- c. **Building-Mounted SES** shall mean a solar energy system affixed to a permanent principal or accessory building.
- d. **Ground-Mounted SES** shall mean a freestanding solar energy system that is not attached to and is separate from any building on the subject parcel.

C. **Standards for Personal-Scale SES**

Personal-scale SES shall be permitted as an accessory use/structure in all zoning districts, subject to the following standards:



1. **Application for Certificate of Zoning Compliance.** Except as stated in Section 11.09.C.2 below, a property owner shall obtain a certificate of zoning compliance prior to constructing a personal-scale SES. An application for a certificate of zoning compliance shall include the following:
  - a. Photographs of the property's existing conditions.
  - b. Renderings or catalogue cuts of the proposed solar energy system.
  - c. Plot/sketch plan to indicate where the solar energy system is to be installed on the property (or, if building-mounted, the system's location on a permanent building), including property setbacks and the total solar collector surface area.
  - d. Elevations showing the height of the solar energy system.
    - i. For ground-mounted SES, the height of the system above ground to its tallest point.
    - ii. For pitched roof-mounted SES, the highest finished height of the system and the height of the finished roof surface on which it is mounted.
    - iii. For flat roof-mounted SES, the highest finished height of the system and the highest point of the roof, including any parapets on the building.
  - e. Description of the screening to be provided for ground or building-mounted SES.
2. **Exclusions from Certificate of Zoning Compliance for Personal-Scale SES.** The following situations do not require a certificate of zoning compliance, but shall still comply with all other standards of Section 11.09:
  - a. The installation of one (1) building-mounted SES with a total solar collector surface area of less than eight (8) square feet.

- b. The installation of one (1) ground-mounted SES with a height of less than six (6) feet and a solar collector surface of less than eight (8) square feet.
  - c. Repair and replacement of existing solar energy equipment, provided that there is no expansion of the size or coverage area of the SES.
3. **Ground-Mounted Personal-Scale SES.** Ground-mounted, personal-scale SES shall be subject to the following standards:
- a. **Setbacks.** In all zoning districts, ground-mounted SES shall be located only in the rear or side yard and shall conform to the setback requirements of Article 3 (Dimensional Standards).
  - b. **Height.** Ground-mounted SES shall not exceed sixteen (16) feet in height, measured from the ground at the base of the system to its highest point.
  - c. **Attachment.** SES shall be permanently and safely attached to the ground. Proof of the safety and reliability of the means of attachment shall be submitted in the form of certification by a professional engineer or other qualified person.
  - d. **Installation and Maintenance.** SES shall be installed, maintained, and used only in accordance with the manufacturer's directions. A copy of such directions shall be submitted with the application for the certificate of zoning compliance
  - e. **Visual Impact.** The SES shall not have a significant adverse impact on the natural features or neighborhood character of the surrounding area and shall be located to minimize glare on adjacent properties and roadways.
  - f. **Compliance with Additional Codes.** SES, and the installation and use thereof, shall comply with the Township/State construction

code, the electrical code, and other applicable Township and State codes. Installation of a SES shall not commence until all necessary permits have been obtained.

4. **Building-Mounted, Personal-Scale SES.** Building-mounted, personal-scale SES shall be subject to the standards of Section 11.09.E, in addition to the standards contained within this Section.
5. **Ancillary Solar Equipment.** Where feasible, ancillary solar equipment shall be located inside of a building or shall be screened from public view. All ancillary solar equipment such as, but not limited to, water tanks, supports, and batteries, shall be screened to the maximum extent possible without compromising the effectiveness of the SES. When solar storage batteries are included as part of the SES, they must be placed in a secure container or enclosure meeting the requirements of the State Building Code and, when no longer in use, shall be disposed of in accordance with applicable laws and regulations.

**D. Standards for Utility-Scale SES**

Utility-scale SES may be permitted as a special use and only within the A-1, Agricultural-Conservation, I-1, Industrial-Research, and PSP, Public/Semi-Public Services districts, subject to the following standards.

1. **Special Use Approval Required**
  - a. Prior to the construction of a utility-scale solar system, an application for a special use permit must be filed and approved by the Planning Commission. The Planning Commission shall review the special use based on the provisions of this Section as well as the standards of Section 12.02.
  - b. The construction and operation of all utility-scale solar systems shall be consistent with all applicable local, state and federal requirements. All buildings and fixtures forming part of a utility-scale SES shall be constructed in accordance with the Michigan Building Code.

- c. No utility-scale SES shall be constructed, installed, or modified as provided in this section without first obtaining all applicable permits.
- d. Applications to build a utility-scale SES in Saline Township must be accompanied by the fees required for a special use permit and site plan review.
- e. No utility-scale SES shall be approved until evidence has been provided to the planning commission that the owner has been approved by the authorized utility company to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

2. **Standards for Ground-Mounted Utility-Scale SES**

- a. **Setbacks.** Utility-scale SES shall be set back at least one-hundred (100) feet from road right-of-way lines and all property lines.
- b. **Height.** Utility-scale ground-mounted SES shall conform to the maximum height standards of the zoning district in which it is located.
- c. **Minimum Lot Area.** Minimum lot area for a utility-scale SES shall be five (5) acres.
- d. **Lighting.** On-site lighting shall meet the standards of Article 10 of the Zoning Ordinance.
- e. **Signage.** Signs shall comply with the requirements of Article 9 of the Zoning Ordinance.
- f. **Utility Connections.** All utility connections from the SES shall be placed underground, depending on site conditions any requirements of the utility provider. The Planning Commission may waive this requirement upon written confirmation from the utility provider that a connection cannot feasibly be constructed underground.
- g. **Screening.** Where a utility-scale SES is located adjacent to a residentially-zoned or used lot, side and rear yard screening may be required

as determined by the Planning Commission to address specific site needs at the time of site plan review. Solar panels shall be placed such that concentrated radiation or solar glare shall not be directed onto nearby properties or roadways. When deemed appropriate, the Planning Commission may require a report from a registered civil engineer or other professional to address this issue.

3. **Building-Mounted SES.** Building-mounted, utility-scale SES shall be subject to the standards of Section 11.09.E, in addition to the standards contained within this Section.
4. **Other Special Use Permit Requirements for Utility-Scale SES**
  - a. **Site Control.** The applicant shall submit information regarding construction vehicle access routes.
  - b. **Operation and Maintenance Plan.** The applicant shall submit a plan for the operation and maintenance of the SES, which shall include measures for maintaining safe access to the installation, storm water controls, and general procedures for operational maintenance of the installation.
  - c. **Emergency Services.** Upon request by Saline Township, the owner/operator of the SES shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the SES shall be clearly marked. The owner/operator shall identify a responsible person for public inquiries throughout the life of the installation. An information sign shall be posted and maintained at the site entrance(s) which lists the name and phone number of the operator.
  - d. **SES Maintenance.** The utility-scale SES owner/operator shall maintain the facility in good condition. Maintenance shall include, but shall not be limited to, painting, structural repairs, and integrity of security measures. Site access shall

be maintained to a level acceptable to local emergent response personnel. The owner/operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s).

- e. **Site Clearing.** Clearing of natural vegetation shall be limited to what is necessary for the construction, operation, and maintenance of the installation.

## 5. **Abandonment or Decommissioning**

- a. Any utility-scale SES which has reached the end of its useful life or has been abandoned consistent with this Section shall be removed, and parcel owners shall be required to restore the site to its original condition. The owner/operator shall physically remove the installation no more than one-hundred and fifty (150) days after the date of discontinued operations. The owner/operator shall notify the Township and the Planning Commission (by certified mail) of the proposed date of discontinued operation and of plans for removal.
- b. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the utility-scale SES shall be considered abandoned when it fails to operate for more than one (1) year. If the owner/operator fails to remove the installation in accordance with the requirements of this Section within 150 days of abandonment or the proposed date of decommissioning, Saline Township is permitted to enter the property and physically remove the installation.
- c. Decommissioning shall consist of:
  - i. Physical removal of all utility-scale SES, structures, equipment, security barriers, and transmission lines from the site.
  - ii. Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations.

- iii. Stabilization or re-vegetation of the site as necessary to minimize erosion.
- d. **Ancillary Solar Equipment.** Where feasible, ancillary solar equipment shall be located inside of a building or shall be screened from public view. All ancillary equipment such as, but not limited to, water tanks, supports, batteries, and plumbing, shall be screened to the maximum extent possible without compromising the effectiveness of the solar collectors. When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the State Building Code and, when no longer in use, shall be disposed of in accordance with applicable laws and regulations.
- e. **Financial Surety.** The applicant for a utility-scale SES shall provide a form of surety, either through an escrow account or bond, to cover the cost of removal in the event Saline Township must remove the installation; the amount of surety shall be determined by the Planning Commission, but shall not exceed more than 125 percent of the cost of removal. The applicant shall submit a fully-inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs associated with inflation.

**E. Standards for all Building-Mounted SES**

Personal-scale and utility-scale building-mounted SES shall be subject to the following standards:

- 1. **Height.** SES that are mounted on the roof of a building shall not project more than five (5) feet above the highest point of the roof and, in any circumstance, shall not exceed the maximum building height limitation for the zoning district in which it is located, and shall not project beyond the eaves of the roof.
- 2. **Weight.** SES mounted on the roof of a building shall be only of such weight as can be safely supported by

the roof. Proof thereof, in the form of certification by a professional engineer or other qualified person, shall be submitted to the Township Zoning Administrator prior to installation.

3. **Attachment.** SES that are roof-mounted, wall-mounted, or are otherwise attached to a building or structure shall be permanently and safely attached to the building or structure. Proof of the safety and reliability of the means of attachment shall be submitted to the Zoning Administrator prior to installation.
4. **Wall-Mounted SES.** SES that are wall-mounted shall not exceed the height of the building wall to which they are attached.
5. **Installation and Maintenance.** SES shall be installed, maintained and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to the Township Zoning Administrator prior to installation.
6. **Visual Impact.** The SES shall not have a significant adverse visual impact on the natural features or neighborhood character of the surrounding area and shall be located to minimize glare on adjacent properties and roadways. SES that are visible from the street must be either composed of building-integrated components (such as solar shingles) that are not readily evident, or shall be designed and mounted to match the shape, proportions, and slope of the roof.
7. **Compliance with Additional Codes.** SES, and the installation and use thereof, shall comply with the Township/State construction code, the electrical code, and other applicable Township and State codes. Installation of a SES shall not commence until all necessary permits have been issued.

#### **F. Solar Access**

The Township makes no assurance of solar access other than the provisions contained within this Section. The applicant may provide evidence of covenants, easements, or similar documentation for abutting property owners providing access to solar energy for the operation of a solar energy system.



**Section 2. Severability.**

If any section, subsection, subparagraph, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

**Section 3. Repeal.**

All ordinances or parts of ordinances in conflict with this Ordinance are repealed.

YEAS: 3

NAYS: \_\_\_\_\_

ABSENT: 2 Clark Marion Justin Linton

Ordinance declared adopted on August 14, 2017

James P. Marion  
James Marion  
Township Supervisor for the  
Township of Saline

**Certificate of Adoption and Publication**

I, Kelly Marion, the duly elected Clerk of the Township of Saline certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of the Township of Saline on August 14, 2017 and published in the Saline Reporter, a newspaper circulated in the Township of Saline on August 21, 2017.

Kelly Marion  
Kelly Marion  
Township Clerk for the  
Township of Saline

**SALINE TOWNSHIP**  
**WASHTENAW COUNTY, MICHIGAN**

**ORDINANCE NO. 2017-01**

*An ordinance to amend Article 5 of the Saline Township Zoning Ordinance by adding Section 5.112 regarding the keeping of animals within the Township.*

**The Township of Saline ordains:**

**Section 1. Amended to Article 5**

Article 5 of the Saline Township Zoning Ordinance is amended by adding Section 5.112 – Keeping of Animals as follows:

**Section 5.112 Keeping of Animals**

It is the intent of this Section to establish standards for any residential use wherein animals are kept for use by the owner of the premises and immediate family which will ensure compatibility with adjacent land uses. This Section does not intend to limit or revise in any manner the provisions of the Michigan Right to Farm Act or Generally Accepted Agricultural and Management Practices (GAAMPs) developed under the Michigan Right to Farm Act, and all such rights are excluded from the restrictions of this Section.

- A. Except as otherwise permitted by the Michigan Right to Farm Act, the keeping of livestock shall only be permitted within the A-1, Agriculture-Conservation zoning district. Maintaining animals in other zoning districts shall be prohibited, except that for each dwelling unit the occupant may keep for his or her personal use domestic pets, provided they are not kept or used for commercial breeding purposes and do not constitute a kennel. Any animal defined in the Michigan GAAMPs shall not be considered a domestic pet.
- B. The minimum lot area required to maintain livestock shall be five (5) acres. Adjacent lots may be used to satisfy the five (5) acre minimum upon the written agreement between all affected property owners regarding the shared keeping of animals.
- C. **Stocking Density:** Maximum livestock stocking densities shall be as follows:

Acres	Maximum Permitted Animal Units	Acres
5-6.99	2	
7-8.99	3	

9-11.01	5
11.1-20	1 additional animal unit per acre above 11 acres

- 1 Animal Unit: Cow, Horse, Pony, Llama (or similar size large animal)
- 0.5 Animal Unit: Sheep, Goats, Pigs (or similar size medium animal)
- 0.1 Animal Unit: Chickens, Rabbits, Ducks, Geese (or similar size small animal)

**Section 2. Severability.**

If any section, subsection, subparagraph, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

**Section 3. Repeal.**

All ordinances or parts of ordinances in conflict with this Ordinance are repealed.

YEAS: 3  
 NAYS: 0  
 ABSENT: 2 Clerk Marion Sustel

Ordinance declared adopted on August 14, 2017

James P. Marion  
 James Marion  
 Township Supervisor for the  
 Township of Saline

**Certificate of Adoption and Publication**

I, Kelly Marion, the duly elected Clerk of the Township of Saline certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of the Township of Saline on August 14, 2017 and published in the Saline Reporter, a newspaper circulated in the Township of Saline on August 14, 2017.

Kelly Marion  
 Kelly Marion  
 Township Clerk for the  
 Township of Saline