

# Webster Township

## ZONING ORDINANCE

Adopted: June 21, 2011  
Effective: July 8, 2011  
Last Revised: May 17, 2022



## Summary Table of Amendments

<b>Adoption Date</b>	<b>Affected Sections</b>	<b>Summary</b>
No. 01 - 12 Jan. 17, 2012	13.140.B.1.a 13.140.H.4 13.200	Added language (signage). Added new section (signage). Added new section (site lighting).
No Ord. Number Nov. 20, 2012	2.10 8.05.L 9.10.B.xii 9.15.B.vi 12.72	Amended commercial kennel, added hobby kennel. Clarified major & minor site plan amendments. Added hobby kennel as a permitted use. Added hobby kennel as a permitted use. Added use regulations for hobby kennels.
No. 2013 - 01 April 4, 2013	Zoning Map	Rezoned Parcel # C-03-32-300-020 (4144 Mast Road) From Agricultural (Ag) to Industrial (I).
No. 01 - 14 May 20, 2014	2.10 13.140	Added definitions (signs). Revised section for content neutrality (signs).
No. 02-14 June 17, 2014	8.05.E.3.h 9.10.C 9.12.C 9.35.C 9.37.C 10.05.A.8 13.190	Added clarification RE: wireless telecommunications Added wireless communication tower to special uses. Added wireless communication tower to special uses. Added wireless communication tower to special uses. Added wireless communication tower to special uses. Clarified process for wireless telecom towers. Added provisions for other tower types.
No. 01-15 April 21, 2015	2.10 2.10 2.10 2.10 2.10 2.10 2.10 2.10 2.10 2.10 2.10 2.10 2.10 6.10(A) 9.50(A) 13.15(C) 13.35(B)(4) 13.80(E)(4) 13.90(G) 13.90(K) 13.95(A)	Added definition (Administratively Complete) Added definition (Cable Microcell Networks) Amended definition (Dimensional Variance) Amended definition (Lot Area) Added definition (Receive-only Antenna) Amended definition (Recreation Vehicle) Amended definition (Setback) Amended definition (Setback (1) Front) Amended definition (Setback (2) Rear) Amended definition (Setback (3) Side) Added definition (Stealth Design) Amended in its entirety Amended in its entirety Amended in its entirety Amended in its entirety Amended in its entirety Amended in its entirety Amended in its entirety Amended in its entirety Amended in its entirety



No. 02-17 October 4, 2017	2.10 3.70.B.(12)(c) 9.10.C.xix	Added definition (Township Engineer) Amended in its entirety Repealed Special Land Use: Private Landing Strip
No. 07-18 May 15, 2018	12.15.A.(2) “ 12.30.C. 12.35.B.1 12.45.A.(2) 12.65.B. 13.35.B.(7) “ 13.35.C.(1) “ 13.75.E. 13.75.H.(3) 13.140.I.(1)(a)(ii)	Amended an arterial or collector street to a primary road Amended arterial to primary road Amended collector or arterial street to primary road Amended collector or arterial street to primary road Amended major or intermediate street to primary road Amended all references to major, arterial and collector streets to primary road Amended all references to major, arterial and collector streets to primary road Amended arterial street to primary road Amended arterial street to primary road Amended intermediate or major streets to primary roads
No. 08-18 May 15, 2018	3.70.B.(7) 3.75.B. 6.05.B.(10) 8.05.E.(3)(i) 10.05.A.(2)	Amended a to an Amended in its entirety Amended in its entirety Amended may to shall Amend Township to Zoning Administrator
No. 09-18 May 15, 2018	16.30	Added Section: Natural River Overlay District
No. 12-18 August 9, 2018	2.10 2.10 2.10 9.10.B.ii. 9.10.C.xi. 9.12.C. 9.35.B.viii.	Added definition (Affiliated Farm) Added definition (Farm Market) Added definition (Farmers Market) Amended to read, “Farm Market” Added “Farmers Market” to list of Special Uses Added “Farmers Market” to list of Special Uses Amended to read, “Farmers Market”
No. 13-18 August 9, 2018	9.10.B.ix “ 2.10 2.10 9.10.B.ix.	Rescission of previous Amendments approved September 19, 2017 Added definition (Farm Operation) Added definition (Seasonal Agri-tourism) Amended to read, “Seasonal Agri-tourism”
No. 15-18 August 21, 2018	2.10 “ “ 2.10 2.10 2.10 13.105.A.(2) 13.160	Term “Inoperable or Abandon Motor Vehicle” amended to “Inoperable or Junk Motor Vehicle”. Definition amended in its entirety Amended definition (Junk) Amended definition (Junk Yard) Added definition (Motor Vehicle) Amended in its entirety Amended in its entirety

No. 16-19 October 15, 2019	2.10	Amended definition (Roads) Amended definition (Marginal Access Road)
No. 17-19 October 15, 2019	9.10.B.viii  9.10.B.ix 9.10.B.x 9.10.B.xi 9.10.C. 9.40.B.xxvii 9.40.B.xxviii 9.40.B.xxix	Delete “Public Utilities” replace with “Seasonal Agri-tourism” Amend to “Stable: Private” Amend to “State Licensed Residential facility” Amend to “Kennel: Hobby” Add “xxix. Public Utilities” Amend to “Public Utilities” Amend to “Other uses clearly similar in nature...” Amend to “Accessory uses and structures when related and incidental to...”
No. 18-19 October 15, 2019	9.50.D.(3)(f)  9.50.D.(3)(g)	Amend to “Maximum Height Principal Structure - Forty (40') feet.” Add “Maximum Height Detached Accessory Structure- Twenty-five (25') feet.”
B.O.T. Approved February 16, 2021	2.10  9.10.C.xxix 9.35.B.xvii 9.37.B.xvii 9.40.B.xvii 9.50.C. Article 12 Article 12 9.55(H)(6) 12.85(D)(8) 2.10	Added Definitions of the following terms: Abandoned Solar Energy System, Building Mounted Solar Energy System (SES), Ground Mounted Solar Energy System (SES), Photovoltaic Device, Public Utilities Facility, Solar Array, Solar Collector Surface, Solar Energy System (or SES), Large Solar Energy System, Small Solar Energy System and Unreasonable Safety Hazard Amend to “Public Utilities Facility” Amend to “Public Utilities Facility” Amend to “Public Utilities Facility” Amend to “Public Utilities Facility” Add 9.50.C.iv. Public Utilities Facility Add new Section 12.110 Small Solar Energy Systems Add new Section 12.115 Large Solar Energy Systems Amended in its entirety Amended in its entirety Amended definition (Motel)
No. 08-11 January 18, 2022	2.10 12.30	Amended definition (Special Event) Amended and retitled as “Special Event Permits”
No. 08-11 May 17, 2022	9.22.D.ix 6.10.B.(3).(b).iv	Detached Accessory Structure Regulations Dimensional Variances



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# **WEBSTER TOWNSHIP ZONING ORDINANCE**

## **Ordinance No. 08-11**

*An Ordinance to establish zoning districts and regulations governing the development and use of land within the zoning jurisdiction of Webster Township in accordance with the provisions of the Michigan Zoning Enabling Act, and to further the goals and objectives set forth in the Master Plan adopted in accordance with the Michigan Planning Enabling Act; to provide for regulations governing nonconforming uses and structures; to provide for a Board of Appeals and for its powers and duties; to provide for a Planning Commission and for its powers and duties; to provide for permits, fees, penalties and other administrative provisions to enforce this Ordinance; to provide regulations regarding conflicts with other ordinances or regulations; and to provide for the repeal and replacement of prior zoning ordinances.*

**WEBSTER TOWNSHIP, WASHTENAW COUNTY, MICHIGAN ORDAINS:**

### **ARTICLE 1 TITLE, INTENT, AND PURPOSE**

#### **Section 1.05**

#### **Title**

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This Ordinance may be cited as the “Webster Township Zoning Ordinance.”

#### **Section 1.10**

#### **Intent and Purpose**

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It is the purpose of this Ordinance to promote the public health, safety, comfort, convenience, and general welfare of the inhabitants of Webster Township by encouraging the use of lands and natural resources in accordance with their character, adaptability and suitability for particular purposes; to enhance social and economic stability; to prevent excessive concentration of population; to reduce hazards due to flooding; to conserve and stabilize the value of property; to provide adequate open space for light and air and preserving rural community character; to prevent fire and facilitate the fighting of fires; to allow for a variety of residential housing types and commercial and industrial land uses; to lessen congestion on the public and private streets and highways; to facilitate adequate and economical provision of transportation, sewage and drainage, water supply and distribution, education, recreation and other public services and facilities; to assure adequate provision for the state’s citizens for food, fiber, energy and other natural resources; to ensure appropriate locations and relationships for uses of land; and to facilitate the expenditure of funds for adequate public facilities and services by establishing herein standards for physical development in accordance with the goals, objectives and policies contained in the Master Plan for the Township; and to provide for the administration and enforcement of such standards.

## **Section 1.15**

### **Enabling Authority**

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This Ordinance is adopted under the authority of the Michigan Zoning Enabling Act. It also advances the goals and objectives of the Master Plan adopted under the authority of the Michigan Planning Enabling Act.

## **Section 1.20**

### **Types of Regulated Uses**

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No use or structure shall be allowed or constructed, erected, placed, or maintained, and no use shall commence or continue within Webster Township except as specifically or by necessary implication authorized by this Ordinance. The following types of uses are recognized in Webster Township:

- A. Permitted Use.** A use specified in a zoning district allowed by right.
- B. Special Use.** A use specified in a zoning district only allowed following review by the Planning Commission and approval of the Township Board.
- C. Accessory Use.** A use not specified in a zoning district that is clearly incidental to, customarily found in conjunction with, subordinate to, and located on the same zoning lot as the permitted use or special use to which it is exclusively related.
- D. Nonconforming Use.** A use lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of this Ordinance, but which is allowed to continue in accordance with the terms of this Ordinance.

## **Section 1.25**

### **Prior Unlawful Buildings and Uses**

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Any building, use, or lot that was unlawfully constructed, occupied, or created prior to the date of adoption of this Ordinance shall continue to be unlawful, unless expressly permitted by this Ordinance. Such buildings, uses or lots shall not be considered to be nonconforming buildings or uses or lots of record under this Ordinance.

## **Section 1.30**

### **Effect of Zoning**

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No building or structure, or part thereof, shall hereinafter be moved into the Township, erected, constructed, reconstructed or altered and maintained, and no new use or change of use shall be made or maintained of any structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

## **Section 1.35**

### **Relationship to Other Laws**

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- A.** The provisions of this Ordinance shall be in addition to all other ordinances and regulations in effect within the Township. This Ordinance shall not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other ordinances or regulations, except as

expressly stated herein, nor shall this Ordinance repeal or affect private restrictions or restrictive covenants, all of which shall continue to have whatever effect may be imparted to them by law.

**B.** Where this Ordinance imposes greater restrictions, limitations or requirements upon the use of lands, buildings and structures than are imposed or required by other laws, ordinance, regulations, private restrictions or restrictive covenants, the provisions of this Ordinance shall control.

**Section 1.40**      **Repeal of Prior Ordinances**

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**A.** The “*Webster Township Zoning Ordinance*,” adopted December 17, 1985, effective January 1, 1986, and all amendments thereto, are hereby repealed upon the effective date of this Ordinance.

**B.** The adoption of this Ordinance and repeal of such former ordinances, as amended, however, shall not affect or prevent any pending or future prosecution of, or action to abate, any violation of the “*Webster Township Zoning Ordinance*,” as amended, or any prior zoning ordinance, as amended, if the violation is also a violation of this Ordinance.

**C.** This Section shall not be construed to alter, limit, void, affect, or abate any pending litigation, administrative proceeding, or appeal that existed on the effective date of this Ordinance, order, permit, or decision that was based on the ordinances repealed by this Section.

**D.** Any structure for which a building permit has been issued and construction begun, or for which a contract or contracts have been entered into pursuant to a building permit issued prior to the effective date of this Ordinance may be completed and used in accordance with the plans and applications upon which the building permit was granted.

**Section 1.45**      **Severability**

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If any clause, sentence, sub-sentence, paragraph, section or part of this Ordinance is adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, sub-sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

**Section 1.50**      **Effective Date**

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This Ordinance was adopted at a Regular Meeting of the Webster Township Board on June 21, 2011, and it shall be effective at 12:01 a.m., July 8, 2011.





## ARTICLE 2 DEFINITIONS

### **Section 2.05**      **Construction of Language**

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The following rules of construction apply to this Ordinance:

- A.** Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
- B.** The word “*person*” includes a corporation, association, partnership, limited liability company, trust, firm, government agencies (including school districts) or similar entities well as an individual.
- C.** The word “*building*” includes the word “*structure*” and either includes any part thereof.
- D.** The word “*lot*” includes the word “*plot*”, “*tract*”, or “*parcel*”.
- E.** The term “*shall*” is always mandatory and not discretionary; the word “*may*” is permissive.
- F.** The words “*used*” or “*occupied*” as applied to any land or building shall be construed to include the words intended, arranged, maintained for or designed to be used or occupied.
- G.** The words “*this Ordinance*” means the text of this Ordinance as well as all maps, tables, graphics, and schedules, as included or attached as enacted or subsequently amended.
- H.** Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and,” “or,” “either...or,” the conjunction shall be interpreted as follows:
  - (1) “*And*” indicates that all the connected items, conditions, provisions, or events shall apply.
  - (2) “*Or*” indicates the connected items, conditions, provisions or events may apply singly or in any combination.
  - (3) “*Either...or*” indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.
- I.** The “*Township*” is Webster Township, Washtenaw County, Michigan; the “*Township Board*”, “*Board of Appeals*” and “*Planning Commission*” are the Township Board, Board of Appeals, and Planning Commission of Webster Township.
- J.** Any word or term not interpreted or defined by this Ordinance shall be used with a meaning of common or standard utilization. A dictionary may be consulted.

**K.** All necessary interpretations of this Ordinance shall be made by the Webster Township Board of Appeals.

**L.** In computing a period of time prescribed or allowed by this Ordinance, the day of the act, event, or default after which the designated period of time begins to run is not included; the last day of the period is included, unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday.

## **Section 2.10**      **Definitions**

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***Abandoned Solar Energy System.*** (Added February 16, 2021) Any Solar Energy System, Solar Array or combination of Photovoltaic Devices that remains nonfunctional or inoperative to the extent that it not used to generate electric energy for a continuous period of six months.

***Abandonment.*** The relinquishment of land or cessation of a use of the land by the owner or lessee without any intention of transferring rights to the land to another owner or of resuming that use of the land or building.

***Abutting.*** Having a common border with, or being separated from such a common border by a right-of-way, alley or easement.

***Accelerated Soil Erosion.*** The increased movement of soils that occurs as a result of the impact of development upon the flow of storm water.

***Access Drive.*** An easement or right-of-way that provides motor vehicles access to one or more lots, parcels or site condominiums.

***Accessory Building or Structure.*** A supplemental building or structure on the same lot as the main building occupied by or devoted exclusively to an accessory use, but not for dwelling, lodging, or sleeping purposes.

***Accessory Use.*** A use that is clearly incidental to, customarily found in connection with, subordinate to, and located on the same zoning lot as the principal use to which it is exclusively related.

***Activity.*** Any use, operation, development, or action on or to uplands or bottomlands caused by any person, including, but not limited to, constructing, operating, or maintaining any use or development; erecting buildings or other structures; depositing or removing material; dredging, ditching; land balancing, draining or diverting water; pumping or discharge of surface water; grading, paving, vegetative clearing or excavation; mining or drilling operations.

***Addition.*** An extension or increase in floor area or height of a building or structure.

***Administratively Complete.*** (Added April 21, 2015) An application for a wireless telecommunication tower or antenna that is administratively complete when both the Zoning Administrator and the Planning Commission Chairperson determine the application includes all required information, documents, and fees required by the Ordinance.

**Adult Business.** An adult business includes the following:

**A. Adult Bookstore.** An establishment that has a substantial portion of its stock in-trade and offers for sale, for any form of consideration, any one or more of the following:

- (1) Books, magazines, periodicals or other printed matter, or photographs, films, movies, motion pictures, video cassettes, slides, or other visual representations that are characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.
- (2) Instruments, devices or paraphernalia designed for use as part of, or in connection with, specified sexual activities.

**B. Adult Cabaret.** A nightclub, bar, restaurant, lounge, dance hall, or similar establishment where, for any form of consideration, employees and/or entertainers provide patrons, guests, or members with exposure to specified anatomical areas or specified sexual activities, on a regular, irregular, or special event basis. Specified anatomical areas means: (i) less than completely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola, and (ii) human male genitals in a discernible turgid state, even if completely and opaquely covered.

**C. Adult Personal Service Establishment.** An establishment or business having as a substantial portion of its activities, one or more persons who for any form of consideration, while nude or partially nude, provide personal services for one or more other persons in a closed room consisting of actual or simulated specified sexual activities, or erotic modeling, rubs, body painting, wrestling, or theatrical performances that are characterized by, or include emphasis on, the display of specified anatomical areas.

- (1) “**Substantial portion**” means a use or activity accounting for more than five (5%) percent of any one or more of the following: Stock-in-trade, display space, floor space, or viewing time, movie display time, or entertainment time measured per month.
- (2) “**Specified sexual activities**” means: (i) fondling or erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; (ii) human sex acts, normal or perverted, actual or simulated, including but not limited to intercourse, oral copulation, and sodomy; (iii) human masturbation, actual, or simulated; (iv) human excretory functions as part of, or as related to any of the activities described above; and (v) physical violence, bondage, mutilation, or rape, actual or simulated, as part of or as related to any of the activities described above.

**D. Adult Motion Picture Theater.** An establishment where, for any form of consideration, films, motion pictures, videos, slides, or other photographic reproductions are shown and in which a substantial portion of the total presentation is devoted to the showing of material characterized

by an emphasis on the depiction or description of specified anatomical areas or specified sexual activities.

**E. *Massage Parlor.*** An establishment where persons conduct or permit to be conducted or engaged in, massages of the human body or parts thereof by means of pressure, imposed friction, stroking, kneading, rubbing, tapping, pounding, vibrating or otherwise stimulating the same with hands or other parts of the human body, mechanical devices, creams, ointments, oils, alcohol or any other means of preparations to provide relaxation or enjoyment to the recipient.

**F. *Escort Service.*** A business engaged in, for either direct or indirect financial remuneration, making arrangements to match a person of the same or opposite sex to patrons, for social entertainment purpose, either on or off the premises.

***Adult Day Care.*** A facility that provides care for over twelve (12) adults for less than twenty-four (24) hours.

***Affiliated Farm.*** (Added August 9, 2018) A Farm Operation: Crops or Farm Operation: Animals under the same ownership or control (e.g. leased) as the applicable Farm Market in question, whether or not said Farm Market is located on the farm property where production occurs.

***Agricultural Land.*** Substantially undeveloped land devoted to the production of plants or 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, trees (including Christmas trees), and other similar uses and activities.

***Agricultural Teaching Centers.*** (Added May 17, 2016) Agricultural land established as a demonstration farm designed for members of the public or groups to experience agricultural activities and practices through tours and hands on learning experiences.

***Alteration.*** Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams or girders; or any change that may be referred to herein as altered or reconstructed.

***Animal Slaughter House.*** (Added May 17, 2016) facility used for the, butchering and/or processing of animals.

***Antenna.*** Any transmitting or receiving device that radiates or captures wireless communication signals.

***Apartment.*** A room or suite of rooms, including bath and kitchen facilities, in a two-family or multiple family dwelling intended and designed for use as a residence by a single family.

***Applicant.*** A natural person, firm, trust, association, limited liability company, partnership, corporation, government agency (including school districts) or combination of any of them that seeks authorization under this Ordinance.

**Arborist.** A person skilled and trained in the art and sciences of arboriculture, who holds a college degree or its equivalent in arboriculture, horticulture, forestry or other closely related fields.

**Archeological Park.** An area and/or structures used for recreating, reenactments or study of matters relating to the life or culture of the residents of the area, including but not limited to community houses, assembly halls, pavilions, exhibit halls, artifact repositories, museums, gardens, pastures and fields.

**Area Plan or Plot Plan.** A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. An area plan generally contains less comprehensive and detailed information about improvements proposed on the site than does a site plan, and is required for such uses as single family dwellings and two family dwellings.

**Automobile.** Any motorized vehicle including, by way of example, cars, light trucks, vans, motorcycles, and the like.

**Automobile Demolition/Salvage.** Any commercial activity involving the demolition and/or salvage of motor vehicles or engines.

**Automobile Service Station.** Building and premises where gasoline, oil, grease, batteries, tires, and automobile accessories are dispensed at retail cost and minor maintenance services may be provided. Uses permitted at an automobile service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operable condition, or other characteristics to an extent greater than normally found in automobile service stations. An automobile service station is not a repair station or body shop. Automobile filling stations may also incorporate a convenience store operation as an accessory use, and that is clearly incidental to the filling station use. An automobile service station does not include an operation commonly referred to as a truck stop or truck plaza whose designated purpose, orientation, size, and intent is to service large semi type trucks and offer accessory uses designed for this purpose.

**Automobile Repair Facility: Major.** A place where the following services may be carried out: General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; transmission repair; oil change establishment; collision service, such as body, frame, or fender straightening and repair, panel replacement, overall painting, undercoating of automobiles; glass work; upholstery; muffler repair or replacement; tire repair or replacement and similar activities.

**Automobile Repair Facility: Minor.** A place for the sale of minor accessories for motor vehicles such as, but not limited to, windshield wipers and minor automobile repairs, but not including the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles or major automobile repairs such as, but not limited to, vehicle body repair, painting, engine rebuilding, auto dismantling, upholstery, glass work, undercoating, and other such activities.

**Auto Wash: Automatic.** A structure that is completely enclosed in a building containing facilities for washing one or several automobiles at one time using a chain conveyor or other method of moving the cars along a predetermined path and with automatic or semiautomatic applications of

cleaner, brushes, rinse water, and air, heat or towel drying. This use is typically staffed with auto wash attendants.

***Auto Wash: Self Service or Coin Operated.*** A structure containing individual washing stalls whereby the customer applies cleaner, rinse water, car wax and similar agents directly to his/her personal vehicle.

***Backhaul Network.*** The lines that connect a provider's towers/cell sites to one or more switching offices, and/or long distance providers, or the public switched telephone network.

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

***Bed and Breakfast.*** A single family dwelling that is owner-occupied in which overnight accommodations are provided or offered for transient guests for compensation, often including provisions for a morning meal for overnight guests.

***Best Management Practice (BMP).*** A structural, vegetative or managerial practice or combination of design criteria and practices used to treat Nonpoint Source Pollution and to prevent or reduce to the maximum extent practicable, the discharge of Nonpoint Source Pollution directly or indirectly to storm water, storm water conveyance systems, or receiving waters. BMPs must comply with other regulations as well as Storm water regulations; BMPs must be compatible with the area's land use, character, facilities, and activities; and BMPs must be technically feasible (considering area soil, geography, water resources, and other resources available). Innovative BMPs are those practices designed by the applicant's engineer to meet or exceed these performance standards.

***Boat.*** A watercraft having a motor, engine or other machinery of more than five horsepower or the equivalent, also including a "personal watercraft" as defined in the Marine Safety Act, Act 303 of the Public Acts of 1967, as amended.

***Boat Access.*** Boat launching, mooring and docking and overnight anchoring within 50 feet of the shore from or incidental to a single private riparian property, public or private road end abutting an inland lake, and/or a public or private multi-boat access site as defined in this Ordinance.

***Bottom Land.*** The land area of an inland lake or stream that lies below the ordinary high-water mark and that may or may not be covered by water.

***Breezeway.*** A covered structure connecting an accessory building with the principal dwelling unit.

***Building.*** (Amended May 17, 2016) A structure covered by a roof, built, erected, and framed of component structural parts, designed for the housing, shelter, enclosure, and support of individuals, animals or property of any kind.

**Building Area or Envelope.** The three dimensional space within which a structure is permitted to be built and that is defined by the dimensional regulations of this Ordinance.

**Building Inspector or Building Official.** The Washtenaw County official or officials who have the responsibility of administering and enforcing building codes within the Township.

**Building Line.** A line that defines the minimum distance (as determined by the minimum front, side, or rear yard setback) that any building shall be located from a property line, existing street right-of-way line, or ordinary high water mark.

**Building Mounted Solar Energy System (SES).** (Added February 16, 2021) A Solar Energy System that is affixed to a permanent principal or accessory building (i.e. roof or wall), which building meets all of the following criteria: (i) the building is constructed in accordance with the Michigan State Construction Code; (ii) the building is constructed upon and attached to a permanent foundation set in the ground, with a depth of at least forty-two inches (42”) below grade; (iii) the building is enclosed by exterior walls on all sides, or else is enclosed by exterior walls on all sides but one (such as a run-in livestock shelter that is open on one side); (iv) the primary use and purpose of the building is entirely separate and independent from the purpose of providing physical support for mounting the Solar Energy System; and (v) the building meets all requirements set forth in this Ordinance applicable to a principal or accessory structure.

**Building Permit.** The written authority issued by the Building Inspector permitting the construction, removal, moving, alteration or use of a building in conformity with the provisions of this Ordinance and the Building Code.

**Business Center.** Any group of six (6) or more commercial and/or office establishments having a development area of not less than two (2) acres that also meets one (1) of the following land uses:

- (1) Under one (1) common ownership or management.
- (2) Have a common arrangement for the maintenance of the grounds and are connected by party walls, partitions, covered canopies or other structural members to form one continuous structure, or separate units that share a common interior drive.
- (3) Share a common parking area.
- (4) Otherwise present the appearance of one (1) continuous commercial and or office area.

**Cable Microcell Networks.** (Added April 21, 2015) A network of remote connection nodes including at least one antenna for the transmission and reception of a wireless service provider’s signals connected by a medium to a central communication hub site, including additional equipment such as antennas, amplifiers, signal converters and power supplies.

**Campground.** An area in which space is maintained or used for overnight or temporary lodging by transients in their own tents, truck campers, travel trailers, or motor homes. Outdoor cooking facilities may be furnished. Water and sanitary facilities, if furnished, must be approved by the Washtenaw County Health Department.



**Caption.** The name by which a development, such as a plat or site condominium, is legally and commonly known.

**Carport.** A partially open structure intended to shelter one or more vehicles. Such structure shall comply with all yard requirements applicable to private garages.

**Cemetery.** Land used for the burial of the dead, including crematoriums, mausoleums, and mortuaries.

**Certificate of Occupancy.** A document issued by the Building Inspector that indicates that a parcel or structure thereon is in compliance with the provisions of the Building Code and authorizes its use in accordance with this Ordinance.

**Certificate of Zoning Compliance.** A document issued by the Zoning Administrator that indicates that a proposed use of the land or structure thereon complies with the provisions of the Township's ordinances, rules and regulations and authorizes the commencement of activity to facilitate its use in accordance with this Ordinance.

**Change in Use: Major.** Any change in use that requires or results in (i) a new use or additional use of any land, building, or structure, (ii) an increase in the amount of required parking, or driveway width or change of location, (iii) increase in the area or bulk of any building or structure, or (iv) a special use.

**Change in Use: Minor.** Any permitted use within a zoning district that does not require or result in (i) an increase in parking or driveway width or change in location, (ii) any increase in bulk or area of any building or structure, or (iii) a special use.

**Church.** A building wherein persons assemble for religious observance or expression and that is maintained and controlled by a religious body or organization, together with permitted accessory buildings and accessory uses.

**Clear, Clearing, Clear Cutting.** Disturbance of the existing topography and all or a portion of the existing trees and/or vegetation on a parcel by operations including, but not limited to, tree and vegetation cutting or removal.

**Clinic.** An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professions.

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

**Commercial Subdivision.** A subdivision of land, as defined in the Land Division Act, in which the land is to be developed for retail stores, wholesale businesses, offices, business services, and similar uses.

**Commercial Vehicle.** Any of the following shall be considered a commercial vehicle:

- (1) All motor vehicles used for the transportation of passengers for hire, or constructed or used for transportation of goods, wares or merchandise, and/or all motor vehicles designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.
- (2) A bus, school bus, or motor vehicle, except a motor home, having a gross vehicle weight rating of 26,001 or more pounds, a motor vehicle towing a vehicle with a gross vehicle weight rating of more than 10,000 pounds, or a motor vehicle carrying hazardous material on which is required to be posted a placard as defined and required under 49 C.F.R. parts 100 to 199. A commercial motor vehicle does not include a vehicle used exclusively to transport personal possessions or family members for non-business purposes.
- (3) Truck tractor.
- (4) Semi-trailer, which shall include flat beds, stake beds, roll-off containers, tanker bodies, dump bodies and full or partial box-type enclosures.
- (5) Vehicles of a type that are commonly used for the delivery of ice cream, milk, bread, fruit or similar vending supply or delivery trucks. This category shall include vehicles of a similar nature that are also of a type commonly used by electrical, plumbing, heating and cooling, and other construction oriented contractors
- (6) Tow trucks.
- (7) Commercial hauling trucks.
- (8) Vehicle repair service trucks.
- (9) Snow plowing trucks (subject to listed exclusions below).
- (10) Any vehicle exceeding twelve (12') feet in height or thirty-five (35') feet in length.

The following vehicles are excluded from the definition of a commercial vehicle for the purposes of this Ordinance: pickup trucks and passenger vehicles, with or without snow plows; and all farm vehicles, including those used for transportation of agricultural products.

**Communication Tower.** Any structure or system of, including but not limited to, wires, poles, rods, reflecting discs, or similar devices attached to the ground or any other structure or any other equipment used to facilitate, improve, support, or constructed primarily for the purpose of transmission, reception or transfer of radio, telephone, television, microwave, other telecommunication signals and similar communication purposes, including but not limited to,

self-supporting lattice towers, guyed towers, or monopole towers. The term includes the structures and supports thereto.

***Community Water or Wastewater Utility System or Systems.*** A facility that is owned by a non-governmental entity and is designed, constructed, operated, and maintained to transport, collect, process, and treat sanitary sewage from or provide potable water supply to more than one structure.

***Condominium Act.*** Public Act 59 of 1978, as amended [MCL §559.101 *et. seq.*].

***Conservation Easement.*** As defined in Section 2140 of the Natural Resources and Environmental Protection Act [MCL §324.2140].

***Construction.*** The erection, alteration, repair, renovation, demolition or removal of any structure and the excavation, filling, and grading in connection therewith.

***Contiguous Property.*** Any portion of an individual's lot or property that can be identified as one parcel, including those properties in the same ownership that would otherwise be touching except for a public right-of-way or easement running through them.

***Contractor's Establishment.*** A business providing a service(s) that may entail the use and/or supply of materials. The service(s) generally takes place at the customer's location, but may include preparatory or other activities conducted at the location of the business. Contractor's establishments may include, but are not limited to, such services and materials as the following: acoustical; asphalt paving and seal coating; bathroom remodeling; building contractors; carpenters; caulking; ceiling; chimney builders and repair; concrete; demolition; drill and boring; dry wall; electrical; excavating; fire and water restoration; foundation; garage builders; gazebo builders; geothermal heating and cooling; grading; heating and ventilation; home, office and industrial builders; home improvements; kitchen remodeling; landscaping contractors, architects, equipment and supplies; lawn care, excluding licensed home based occupations; marine; mason; mechanical; mud jacking; painting; patio and deck builders; paving contractors; pest control; pile driving; plastering; plumbing; road building; roof; septic tank and system; sewer; siding; site development; solar energy; stair; stone setting; stucco and exterior coating; telephone and cable contractors; tennis court and pool; tile non-ceramic; tree removal; utility; water main; water proofing; and wells.

***Convalescent, Nursing Home, or Senior Assisted Living Home.*** A structure for the care of the aged, infirmed, or a place of rest for those suffering bodily disorders who require continuous nursing care and supervision.

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

***Day Care Center.*** A facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless

of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child care center or day care center do not include any of the following:

- (1) A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than three (3) hours per day for an indefinite period, or not greater than eight (8) hours per day for a period not to exceed four (4) weeks during a twelve (12) month period.
- (2) A facility operated by a religious organization where children are cared for not longer than three (3) hours while persons responsible for the children are attending religious services.
- (3) A private home (private residence) in which the licensee or registrant permanently resides as a member of the household, which residency shall not be contingent upon caring for children or employment by a licensed or approved child placing agency. Private home includes a full-time foster family home, a full-time foster family group home, a group day care home, or a family day care home.

**Deck.** A floored structure having footings, posts and steps, typically with railing, that adjoins a house.

**Dedicated Open Space.** Open land that is permanently set aside by the owner for protection in an undeveloped state.

**Dedication.** The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of less than fee interest, including an easement.

**Density.** The number of dwelling units situated on or to be developed per net or gross acre of land excluding area devoted to public right-of-way or easements.

**Design Standards.** A set of standards regarding the appearance and quality of new developments, which include but are not limited to: building materials, landscaping, signs, lighting or overall site layout.

**Detention Basin.** A structure or facility, natural or artificial, which stores storm water on a temporary basis and releases it at a controlled rate. A detention basin may drain completely after a storm event, or it may be a pond with a fixed minimum water elevation between runoff events.

**Development.** (Amended May17, 2016) The physical alteration of land by humans. Development includes: subdivision of land; construction or alteration of structures, roads, utilities, and other facilities; any mining, excavation, land fill or land disturbance; installation of septic systems; grading; deposit of refuse, debris, or fill materials; and clearing of natural vegetative cover (with the exception of agricultural activities).

**Development Agreement.** A document approved by the Township that sets forth the terms and condition under which a development shall be constructed.

***Dimensional Variance.*** (Amended April 21, 2015) Permission from the Zoning Board of Appeals to depart from the literal requirements of the Ordinance, including relating to setbacks, building height, lot width, and/or lot area as regulated by this Ordinance.

***Discharge.*** Any addition or introduction of any pollutant, storm water, or any other substance into the storm water system or into groundwater.

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

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

***Disturbed Area.*** An area of land subjected to development.

***Divide or Division.*** The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his/her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels of less than forty (40) acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the Land Division Act [MCL(s) §560.108 and §560.109] and the Township Land Division Ordinance. “*Divide*” and “*Division*” does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the Land Division Act, the Township Land Division Ordinance, and other applicable local ordinances.

***Drainage.*** The collection, conveyance, or discharge of ground water and/or surface water. The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development, and includes the means necessary to preserve the water supply or to prevent or alleviate flooding.

***Drainage System.*** The area within which surface water or groundwater is carried from one part of a lot or parcel to another part of the lot or parcel or to adjacent land. All facilities, measures, areas, and structures that serve to convey, catch, hold, filter, store, and/or receive storm water, either on a temporary or permanent basis.

***Drainage Way.*** The area within which surface water or groundwater is carried from one part of a lot or parcel to another part of the lot or parcel or to adjacent land. Any drainage course, watercourse, drain, pipe, grassed waterway, natural stream, creek, or swale that serves to transport storm water runoff.

**Driveway.** That portion of a lot intended to be the area upon which vehicles travel from a road (public or private) to a dwelling or other improvement located on the lot.

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

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

- (1) Persons related to the occupant of the principal residence by blood, marriage or legal adoption,
- (2) Domestic servants or gratuitous guests.

**Dwelling: Multiple Family.** A building containing three or more dwelling units designed for residential use for three or more families living independently of each other.

**Dwelling: Single-Family Attached.** A single-family residential dwelling unit that is attached to another single family residential dwelling unit, that may have a condominium style ownership. An apartment is a type of an attached single-family residential dwelling unit.

**Dwelling: Single-Family Detached.** A detached residential building, designed for and containing one (1) dwelling unit only and not structurally connected with any other dwelling unit or residential building.

**Dwelling: Two Family (Duplex).** A building containing not more than two (2) separate dwelling units designed for residential use.

**Dwelling Unit.** One room, or rooms, connected together, constituting a separate independent housekeeping unit for owner occupancy, or rental or lease, and physically separated from any other rooms or dwelling units that might be located within the same structure. A dwelling unit shall contain kitchen, bathroom, sleeping, and living facilities, and shall be designed for and occupied by one (1) family only.

**Earth Change.** A human-made change in the natural cover or topography of land, including but not limited to cut and fill activities, that may result in or contribute to soil erosion or sedimentation of watercourses or wetlands.

**Easement.** A right-of-way granted, but not dedicated, for the limited use of private land for private, public or quasi-public purposes, such as for franchised utilities.

**Educational Facility.** The following words, terms, and phrases related to educational facilities, when used in this Ordinance, shall have the following meanings ascribed:

- (1) **College, University, or other such Institutions of Higher Learning.** A post secondary institution of higher learning that grants associate, bachelor, master, and/or doctoral degrees. This may also include business schools that issue degrees or certificates of completion of the course of study.
- (2) **Primary School.** A public, private, or parochial school offering instruction at the elementary and/or intermediate levels, most commonly grades kindergarten through eight.
- (3) **Secondary School.** A public, private, or parochial school offering instruction at the senior high school levels, most commonly grades nine through twelve.
- (4) **Vocational/Trade School.** A specialized instructional establishment that provides on-site training of trade skills such as welding, tool and die, and auto mechanics.

**Electric Distribution Line.** Electric power lines mounted on poles that carry electricity from a substation to local neighborhoods.

**Electric Transmission Line.** Electric power lines mounted on towers that carry energy from power plants to substations.

**Engineered Site Grading.** A sealed drawing or plan and accompanying text prepared by a registered engineer or landscape architect that shows alterations of topography, alterations of watercourses, flow directions of storm water runoff, and proposed storm water management and measures, having as its purpose to ensure that the objectives of this Ordinance are met.

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

**Erected.** Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises that are required for construction, excavation, fill, drainage, and the like, shall be considered a part of the erection.

**Erosion or Soil Erosion.** The process by which the ground surface is worn away by action of wind, water, gravity or a combination thereof.

**Escrow Deposit.** An advance deposit to cover costs and expenses incurred by the Township that are not fixed costs. An escrow deposit is intended to cover items that vary depending on the scope of the project, and includes such items as (but not limited to) engineering costs, land use planner costs, attorney fees, other expert costs, inspection costs, recording fees, testing and laboratory analysis.

**Essential Services.** The erection, construction, alteration, or maintenance by public utilities or municipal department of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission or distribution system, collection, communication, supply or disposal system, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including, buildings that are necessary for the furnishing of adequate service by such utilities or

municipal department for the general health, safety, or welfare. Wireless telecommunication towers and antennas shall not be regulated or permitted as essential services, public utilities, or private utilities.

***Exit Ramp.*** A roadway connecting a limited access highway with a feeder road and used for access from such limited access highway to a feeder road.

***Extraction Operations.*** Any excavation or mining operation for the purpose of searching for or removing for commercial use, any earth, sand, gravel, clay, stone, or other non-metallic mineral. The term shall not include oil wells, or excavations preparatory to the construction of a building, structure, roadway or pipeline.

***Façade.*** The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

***Facilities and Services.*** Those facilities and services that are normally accepted as necessary for urban living such as paved streets, public and/or private water supply and sanitary sewer disposal, storm drainage system, schools, parks and playgrounds.

***Factor of Safety.*** A factor used in engineering calculations to adjust design parameters to account for uncertainties associated with data, construction and long-term performance. Use of a factor of safety provides a more conservative design.

***Family.*** An individual or group of two (2) or more persons related by blood, marriage, adoption, or guardianship living together as a single housekeeping unit. In addition, a family shall also be defined as not more than two (2) persons living together as a single house-keeping unit who are not related by blood, marriage, adoption or guardianship.

***Family Day Care Home.*** A private residence licensed by the State of Michigan to provide temporary day care for up to six (6) minor children for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Licensee must live in the residence.

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

***Farm Market.*** (Added August 9, 2018) An on-farm location upon a Farm Operation: Crops or Farm Operation: Animals, established and operated in accordance with local, state and federal laws, where an individual Farm operator may sell to the public fruits, vegetables and other Farm Products. This includes Roadside Stands. A Farm Market may operate seasonally or year-round. At least 50 percent of the products marketed and offered for sale at the Farm Market must be produced on and by the Farm in question, or by an Affiliated Farm. Other activities and services designed to attract and entertain customers while they are at the Farm Market shall not constitute the "Farm Market" (or part thereof), and must be separately and independently allowed under specific provisions of this Zoning Ordinance. (For example, bed & breakfasts, beer breweries, bonfires, camping, carnival rides, concerts, etc. shall not be deemed to be a "Farm Market" or part



thereof, and must be separately, independently and specifically permitted under this Zoning Ordinance.)

For processed products, at least 50 percent of the products' main 'namesake' ingredient must be produced on and by the Affiliated Farm. For example, the apples used in apple pie, maple sap in maple syrup, strawberries in strawberry jam, etc. For purposes of determining the percentage of products being marketed at a Farm Market, the primary measure will be 50 percent of the retail space used to display products offered for retail sale during the affiliated Farm's marketing season. If measurement of retail space during the marketing season is not feasible, then the percent of the gross sales dollars of the Farm Market will be used. The Farm Market operator is responsible for collecting and maintaining documentation of products produced on and by his/her Farm operation, and the percentage of the retail space used to display products offered for retail sale within their Farm Market; and when applicable, maintain records of gross sales for products sold at their Farm Market.

***Farmers Market.*** (Added August 9, 2018) A location established and operated in accordance with local, state and federal laws, where farmers and related vendors transport and sell directly to the public the fruits, vegetables or other Farm Products produced by such farmers and vendors. The Farmers Market may be indoors or outdoors and may consist of booths, tables or stands where farmers and related vendors sell their agricultural products to customers. Other activities and services designed to attract and entertain customers while they are at the Farmers Market shall not constitute the "Farmers Market" (or part thereof), and must be separately and independently allowed under specific provisions of this Zoning Ordinance. (For example, carnival rides, concerts, etc. shall not be deemed to be a "Farmers Market" or part thereof, and must be separately, independently and specifically permitted under this Zoning Ordinance.)

***Farm Operation.*** (Added August 9, 2018) Collectively, Farm Operation: Crops and/or Farm Operation: Animals.

***Farm Operation: Animals.*** All aspects of a Farm Operation: Crops with the addition of the following: use of feed lots; handling and care of farm animals for profit. A Farm Operation: Animals does not include an Intensive Livestock Operation (ILO).

***Farm Operation: Crops.*** The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but is not limited to: Marketing produce at roadside stands; The generation of noise, odors, dust, fumes, and other associated conditions; The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations; Field preparation and ground and aerial seeding and spraying; The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides; Use of alternative pest management techniques; The fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals not for profit; The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes; The conversion from a farm operation activity to other farm operation

activities; The employment and use of labor. This use includes greenhouses and orchards, but does not include nurseries (see definition) or landscape contractors.

**Farm Product.** Those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aqua-cultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product that incorporates the use of food, feed, fiber, or fur, as determined by the Michigan Department of Agriculture.

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

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

**Fence.** A permanent or temporary barrier enclosing or bordering a plot or land or portion thereof composed of suitable man-made materials for the purpose of preventing or controlling entrance or to confine within or to mark boundary. Such fence shall not be considered a structure and shall not be subject to setback requirements.

**Filing Date.** The date on which a completed application, all required materials and fees are all deposited with the Township Clerk.

**Fixed Costs and Expenses.** Costs and expenses incurred by the Township that are generally shared by all functions performed under the authority of this Ordinance and include (but not limited to) such items as telephone expense; copy expense; supplies and equipment; electric-heating expenses; per diem hourly-salary expenses; transportation; facility expenses such as (but not limited to) repair, janitorial service, construction costs; postage; and publication costs.

**Flood or Flooding.** A temporary rise in the level of any water body, watercourse or wetland that inundates areas not ordinarily covered by water or the unusual and rapid accumulation of surface water runoff from any source.

**Flood Hazard Area.** The relatively flat areas or lowlands adjoining a river, stream, water course, or lake that are inundated by a flood discharge that results from a one hundred (100) year storm frequency of a twenty-four (24) hour duration. The flood hazard area includes the stream channel and overbank area (the floodway) and the fringe areas of the floodway.

**Floodplain.** For a given flood event, that area of land adjoining a continuous watercourse that has been or is reasonably expected to be covered temporarily by water.

**Floor Area.** The floor area of a building shall be the sum of the gross horizontal floor areas of the several stories of a building as measured to the exterior face of the exterior walls, plus that area similarly measured of all other floors. Minimum floor area shall not include cellars or basements, attached garages or attics, unheated breezeways or porches.

**Floor Area Ratio.** The ratio of the floor area of all principal and accessory buildings to the area of the lot on which the buildings are located. The ratio is calculated by dividing the total floor area of principal and accessory buildings by the lot area, with both areas in the same unit of measure, and expressing the quotient as a decimal number.

**Food Processing Establishment.** Manufacturing establishments producing or processing foods for human consumption and certain related products. Includes: (1) bakery products, sugar and confectionery products (except facilities that produce goods only for on-site sales with no wider distribution); (2) dairy products processing; (3) fats and oil products (not including rendering plants); (4) fruit and vegetable canning, preserving, and related processing; (5) grain mill products and by-products; (6) meat, poultry, and seafood canning, curing, and byproduct processing (not including facilities that also slaughter animals); and (7) miscellaneous food preparation from raw products, including catering services that are independent from food stores or restaurants.

**Forest.** A biological community dominated by trees and other woody plants.

**Forty Acres or the Equivalent.** Either forty (40) acres, a quarter-quarter section containing not less than thirty (30) acres, or a government lot containing not less than thirty (30) acres.

**Foster Family Group Home.** A private home licensed by the Michigan Department of Social Services 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 twenty-four (24) hours a day, for four (4) or more days per week for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

**French Drain.** A below-ground drain consisting of a trench filled with gravel to permit movement of water through the gravel and into the ground. Perforated pipe may be used to enhance the efficiency of the system.

**Funeral Home.** A building, or part thereof, used for human funeral services. Such building may contain space and facilities for: (i) embalming and the performance of other services used in preparation of the dead for burial; (ii) the performance of autopsies; (iii) the storage of caskets, funeral urns and other related funeral supplies; and (iv) the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

**Garage.** An accessory structure for the principal permitted use, used for the storage of passenger cars and vehicles and for other incidental storage. A garage shall not provide repairing or servicing of vehicles for remuneration.

**Gasoline Service Station.** Gasoline service station for the sale of gasoline, oil and minor accessories only, and where no repair work is done, other than incidental service as provided for

elsewhere in this Ordinance, but not including vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, and such other activities whose external effects could adversely extend beyond the property line.

**Geographic Information System (G.I.S.).** A method of inventorying spatial information for analysis and mapped display.

**Golf Course.** A tract of land for playing golf with tees, greens, fairways, hazards, etc. A golf course does not include driving ranges or miniature golf courses unless part of a nine (9) or eighteen (18) hole golf course.

**Grade.** A ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined to be the average grade.

- (1) **Average Grade.** A reference plain representing the average of the level of the ground adjoining the building at all exterior walls.
- (2) **Natural Grade.** The elevation of the ground surface before any grading, excavation, filling or man-made alterations.
- (3) **Finished Grade.** The final elevation of the ground surface after completion of alterations and development.

**Grading.** Any stripping, cutting, digging, excavating, filling, or stockpiling of soil or any combination thereof and the land in its excavated or filled condition.

**Greenhouse.** A structure, all or some of whose roof and side walls are of glass or similar material that is used for the cultivation of plants and flowers.

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

**Gross Area.** All areas within a development including that intended for residential use, steep slopes, local access streets and alleys, off-street parking spaces and recreational sites. Areas reserved for parks, highways, wetlands, marshlands and floodplain areas not qualified as recreation sites, shall be excluded from the gross area calculation.

**Gross Density.** The number of dwelling units per gross area of a development.

**Ground Mounted Solar Energy System (SES).** (Added February 16, 2021) A free-standing Solar Energy System that is not attached to a principal or accessory building on the parcel of land on which the Solar Energy System is located, or which does not meet the definition of “Building Mounted Solar Energy System (SES)”. Any Solar Energy System that does not meet this

Ordinance’s definition of “Building Mounted Solar Energy System (SES)” shall be deemed a Ground Mounted Solar Energy System for purposes of this Ordinance.

**Group Day Care Home.** A private home in which more than six (6) but not more than twelve (12) children are given care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, including a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

**Grubbing.** The effective removal of under-canopy vegetation from a site. This does not include the removal of any trees.

**Habitable Space.** Space in a structure for living, sleeping, eating or cooking.

**Hazardous Substances.** Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive, explosive or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such materials or substances.

**Hazardous Tree.** A tree that is likely to cause injury to a person or property as determined by the criteria established by the International Society of Arboriculture.

**Height: Building.** The vertical distance measured from the finished grade at the center of the front of the building to the highest point of the roof.

**Height: Tower.** When referring to a tower or similar structure, the distance measured from the original finished grade of the parcel, adjacent to the tower, to the highest point on the tower or other structure, including the base pad and any antenna.

**Historical Museum.** (Added May 17, 2016) An institution that cares for (conserves) a collection of artifacts and other objects of artistic, cultural, historical, or scientific importance and makes them available for public viewing through exhibits that may be permanent or temporary.

**Home Occupation.** An occupation, including instruction in a craft or fine art, that is carried on within a dwelling unit and its accessory buildings by resident members of the family only, and that is clearly incidental and secondary to the principal residential use.

**Horse.** Mule, burro, pony, jack, hinny, and all other quadrupeds of the genus equus.

**Hospital.** An institution providing health service, primarily for inpatients and medical or surgical care of the sick or injured. The term shall also include as an integral part of the institution, such related facilities as laboratories, out-patient department, training facilities, central service facilities, and staff offices. The term shall not include nursing home or private dwellings.

**Household Pet.** Animals that are customarily kept for personal use of enjoyment within the home. Household pets shall include domestic dogs, domestic cats, domestic tropical birds, domestic tropical fish, and domestic rodents, but excluding snakes and animals that meet this Ordinance’s definition for “livestock” or “wild animal.”

***Impervious Surface.*** Surface that does not allow storm water runoff to slowly percolate into the ground.

***Improvements.*** Those features and actions associated with a project that are considered necessary by the body or official granting zoning approval to protect natural resources or the health, safety, and welfare of the residents and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. Improvements do not include the entire project that is the subject of zoning approval.

***Infiltration.*** The percolation of water into the ground, expressed in inches per hour.

***Infiltration Facility.*** A structure or designated area that allows runoff to seep gradually into the ground, e.g., bio-retention basin, rain garden, French drains, seepage pits, infiltration trenches (dry swale), dry well, perforated pipe, or green roof.

***Ingress and Egress.*** As used in this Ordinance, “*ingress and egress*” generally is used in reference to a driveway that allows vehicles to enter or leave a parcel of property, or a sidewalk that allows pedestrians to enter or leave a parcel of property, a building, or another location.

***Inoperable or Junk Motor Vehicle.*** (Amended August 21, 2018) Any Motor Vehicle that either: (i) is intended to be self-propelled but is incapable of being propelled under its own power, whether by reason of dismantling, disrepair or other cause; or (ii) does not bear an affixed current license plate and current vehicle registration.

***Intensity of Development.*** The height, bulk, area, density, setback, use, activity, and other similar characteristics of development.

***Intensive Livestock Operation (ILO).*** The raising of livestock or fowl, for remuneration or sale, shall be considered intensive if the number of livestock or fowl raised are so large that the waste thereof cannot be completely disposed of on the farm on which raised, by spreading as fertilizer at recommended application rates, without chemical or mechanical treatment. For purposes of this definition, a density of two cows, three steers, 60 hogs, or 650 hens or more per acre shall constitute an intensive livestock operation.

***Junk.*** (Amended August 21, 2018) Any Motor Vehicles, machinery, appliances, products, or merchandise with parts missing, or scrap metals or other trash, rubbish, refuse, paper, building materials and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, plastic, cordage or scrap materials that are damaged or deteriorated whether or not the same could be put to any reasonable use, except if in a completely enclosed building. Junk includes any Inoperable or Junk Motor Vehicle and shall also include, whether licensed or not, any Motor Vehicle that is inoperative for any reason and that is not in a completely enclosed building.

***Junk Yard.*** (Amended August 21, 2018) An open lot or any accessory buildings where waste, used, or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled,

or handled, including but not limited to, scrap iron and other metals, paper, rags, tires, wood, and bottles. The term junk yard shall include automobile graveyards.

**Kennel: Commercial.** Any lot or premises used for keeping, breeding or commercial sale of eleven (11) or more dogs over six months of age, or boarding of any number of dogs or cats. (amended Nov. 20, 2012)

**Kennel: Hobby.** Any lot or premises used for breeding or commercial sale of more than three (3) but less than eleven (11) dogs over six months of age. (amended Nov. 20, 2012)

**Lakes or Inland Lake.** A large body of fresh water, excluding ponds, rivers or streams.

**Land Clearing.** The large-scale, indiscriminate removal of trees, shrubs, and undergrowth with the intention of preparing real property for non-agricultural development purposes.

**Land Division Act.** Public Act 288 of 1967, as amended [MCL §560.101 *et seq.*].

**Landscaping.** The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines and other live plant material. In addition, a landscape design may include other decorative natural materials, such as wood chips, rocks, boulders or mulch. Structural features such as fountains, pools, statues and benches shall also be considered a part of landscaping if provided in combination with live plant material. The following are applicable definitions related to landscaping:

- (1) **Berm.** A continuous, raised earthen mound comprised of non-toxic materials with a flattened top and sloped sides, capable of supporting live landscaping materials.
- (2) **Buffer Strip or Zone.** A strip of land with landscaping, berms or walls singularly or in combination required along mutual lot lines between certain zoning districts based on the landscaping standards of this Ordinance. The intent of the required buffer zones is to lessen the impact to less-intensive uses from the noise, light, traffic, clutter and litter of adjacent land uses.
- (3) **Caliper.** The diameter of a tree trunk measured at breast height.
- (4) **Diameter at Breast Height (“DBH”).** The diameter of a tree measured in inches at four and one half (4½) feet above the existing grade.
- (5) **Drip Line.** An imaginary vertical line that extends downward from the outermost tips of the tree branches to the ground.
- (6) **Grass.** Any family of plants with narrow leaves normally grown as permanent lawns in southern Michigan.
- (7) **Greenbelt.** A strip of land of definite width and location along a public road right-of-way or private road easement reserved as a landscaped area to serve as an obscuring screen, noise abatement and visual enhancement along roadway corridors.

- (8) **Ground Cover.** Low-growing plants, including grass, that forms a dense, extensive growth after one (1) complete growing season and tends to prevent weeds and soil erosion.
- (9) **Native Vegetation, Trees, or Landscape.** Plant species that are native to southeastern Michigan and characteristic of a pre-settlement landscape.
- (10) **Parking Lot Landscaping.** Landscaped areas located in and around a parking lot in specified quantities to improve the safety of pedestrian and vehicular traffic, guide traffic movement, improve the environment and improve the appearance of the parking area and site.
- (11) **Planting.** A young tree, vine or shrub that would be placed on or in the ground.
- (12) **Screen or Screening.** A structure providing enclosure and/or visual barrier between the area enclosed and the adjacent property. A screen may also be a non-structure, consisting of shrubs or other growing materials of sufficient height and density as to provide an enclosure and/or a visual barrier.
- (13) **Shrub.** A self-supporting, deciduous or evergreen woody plant generally less than fifteen (15') feet in height with several erect, spreading or prostrate stems and having a general bushy appearance.
- (14) **Tree.** A self-supporting woody, deciduous, or evergreen plant that at maturity is fifteen (15') feet or more in height with an erect perennial trunk and having a definite crown of foliage.
  - (a) **Deciduous Tree.** A tree that sheds its foliage at the end of the growing season.
  - (b) **Deciduous Canopy Tree.** A deciduous tree that has a height of twenty-five (25') feet or more and a trunk with at least five (5') feet of clear stem at maturity.
  - (c) **Deciduous Ornamental Tree.** A deciduous tree that is typically grown because of its shape, flowering characteristics or other attractive features and typically grows to a mature height of twenty-five (25') feet or less.
  - (d) **Evergreen Tree.** A tree that has foliage that persists and remains green throughout the year.

**Landscaping Contractors.** Operation that installs and maintains plant materials off-site. May include the storage of trucks, grading equipment; and tree-moving equipment. May also include wholesaling of nursery products.

**Laundromat.** An establishment providing washing and drying facilities.

**Licensed Home-Based Occupation.** An occupation or business carried on within a dwelling unit and its accessory buildings by only resident members of the family and no more than two (2) non-



resident persons that is clearly incidental and subordinate to the residential use and is licensed under the Webster Township Licensed Home-Based Occupation Ordinance.

**Lighting.** The following words, terms, and phrases related to lighting, when used in this Ordinance, shall have the following meanings described:

- (1) **Canopy Structure.** Any overhead protective structure that is constructed in such a manner as to allow pedestrians/vehicles to pass under.
- (2) **Direct Light.** Light emitted directly by a lamp, off a reflector, or through a refractor of a luminaire.
- (3) **Fixture.** The assembly that holds a lamp and may include an assembly housing, mounting bracket or pole socket, lamp holder, ballast, reflector or mirror, and refractor or lens.
- (4) **Flood or Spot Light.** Any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.
- (5) **Foot candle.** A unit of illumination produced on a surface, all points of which are one (1') foot from a uniform point source of one (1) candle.
- (6) **Full Cutoff Shielding.** A light fixture that cuts off all upward transmission of light and emits light projected below an imaginary plane passing through the fixture below the light source.
- (7) **Glare.** Direct light emitted by a lamp, luminous tube lighting or other light source.
- (8) **Illuminance.** The level of light measured at a surface.
- (9) **Lamp.** The component of a luminaire that produces the actual light including luminous tube lighting.
- (10) **Light Emitting Surface.** Part of a fixture (lamp, diffuser) that emits light rays.
- (11) **Light Fixture.** The assembly that holds a lamp and may include an assembly housing, mounting bracket or pole socket, lamp holder, ballast, reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.
- (12) **Light Pollution.** Artificial light that causes a detrimental effect on the environment, enjoyment of the night sky or causes undesirable glare or unnecessary illumination of neighboring properties or uses.
- (13) **Light Shield.** Any attachment that interrupts and blocks the path of light emitted from a luminaire or fixture.

- (14) **Light Trespass.** Light emitted by a luminaire that shines beyond the boundaries of the property on which the luminaire is located.
- (15) **Lumen.** A unit of measurement of luminous flux.
- (16) **Luminaire.** The complete lighting system, including the lamp and the fixture.
- (17) **Luminaire, Full Cutoff.** A luminaire that allows no direct light emissions above a horizontal plane through the luminaire's lowest light-emitting part.
- (18) **Luminaire, Permanent Outdoor.** Any fixed luminaire or system of luminaries that is outdoors and this is intended to be used for seven (7) days or longer.
- (19) **Luminous Tube Lighting.** Gas filled tubing that, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g., neon, argon, etc.
- (20) **Outdoor Light Fixtures.** Outdoor artificial illuminating devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable, used for floodlighting, general illumination, or advertisement.
- (21) **Roadway Lighting.** Permanent outdoor luminaries that are specifically intended to illuminate roadways for automotive vehicles.
- (22) **Shielded Fixture.** Outdoor light fixtures shielded or constructed so that light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted, e.g. shoebox-type fixtures. A luminaire mounted in a recessed fashion under a canopy or other structure such that the surrounding structure effectively shields the light in the same manner is also considered fully shielded for the purposes of this Ordinance.

**Litter.** The term shall include, without limitation, shavings, sawdust, refuse, rubbish, trash, chips, bricks, ice, dirt, manure, filth, parts of machinery or motor vehicles, parts of broken furniture, stoves or other appliances or any other loose or cast-off material or articles of any kind.

**Livestock.** Horses, cattle, sheep, swine, and similar domestic animals.

**Loading Area.** An off-street area that is safely and conveniently located for pickups and deliveries, scaled to the delivery vehicles expected to be used.

**Lot.** A parcel of land, excluding any street or other right-of-way and any easement area for a private street, with at least sufficient size to meet the minimum requirements for use, coverage, and lot area and to provide such yards and open spaces as herein required. Such lot shall have frontage on a public street or on a private street approved by the Township Board and may consist of:

- (1) A single lot of record.

- (2) A portion of a lot of record.
- (3) Any combination of complete and/or portions of lots of record if contiguous.
- (4) A parcel of land described by metes and bounds.
- (5) A condominium lot.

Provided that in no case of division or combination shall any lot or parcel created, including residuals, be less than that required by this Ordinance. In addition to the land required to meet the regulations herein, the lot shall include all other land shown in a request for a certificate of zoning compliance, building permit or a certificate of occupancy, occupied by a principal building or use, and any accessory building or use.

**Lot Area.** (Amended April 21, 2015) The total horizontal area within the lot lines. The lot area shall not include that part of the lot within the right-of-way or easement when a front, rear or side lot line lies in part or in whole in a public right-of-way or private road easement. For any lot or parcel created after June 1, 2015, areas that are part of the Storm Water Management Facility shall not be included for the purposes of computing minimum lot size or densities.

**Lot Coverage.** The total ground floor area of the principal and all accessory buildings divided by the total lot area, both areas being in the same unit of measure, and expressed as a percentage.

**Lot Frontage.** The front of a lot shall be construed to be the portion nearest and abutting the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage and yards shall be provided as indicated under “Yards” in this Section.

### **Lot Lines**

- (1) **Front Lot Line.** In the case of a lot not located on a corner, the line separating said lot from the street right-of-way. In the case of a corner lot or double frontage lot the “*Front Lot Line*” shall be that line that separates said lot from that street that is designated as the front street on the plat, or that is designated as the front street on the site plan review application or requirement for a building permit.
- (2) **Rear Lot Line.** Ordinarily, that lot line that is opposite and most distant from the “*front lot line*”. In the case of lots that are pointed at the rear, the “*rear lot line*” shall be an imaginary line parallel to the “*front lot line*”, not less than ten (10') feet in length, lying farthest from the “*front lot line*” and wholly within the lot.
- (3) **Side Lot Line.** Any lot line other than a front or rear lot lines. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

### ***Lot Measurements***

- (1) ***Depth.*** The horizontal distance between the front street line and rear lot line, measured along the median between the side lot lines.
- (2) ***Width.*** The straight line distance between the side lot lines measured at the two (2) points where the minimum front yard setback line intersects the side lot line. Lot width shall be measured at the right-of-way line of any public or private street.

***Lot of Record.*** A lot that is part of a platted subdivision shown on a map thereof that has been recorded in the office of the Register of Deeds of Washtenaw County; a lot described by metes, and bounds, the description of which has been recorded in said office; or a lot that is a result of a division that can be documented, such as by land contract sale, long term lease, or tax description.

### ***Lot Types***

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

***Lot Width.*** The minimum required width of any lot shall be measured in accordance with the following rules:

- (1) ***Lots with parallel side lot lines.*** The required width shall be measured on a straight line that is perpendicular to the side lot lines. No part of such measuring line shall be closer to the street line than the depth of the required front yard.
- (2) ***Lots with non-parallel side lot lines.*** The required lot width shall be measured on a straight line, which shall be a measuring line that is parallel to a straight line that connects the side lot lines where they intersect the street line. The measuring line shall be located at least the distance of the required front yard from the street line. If the measuring line must be located behind the rear line of the required front yard in order to obtain the required minimum lot width, the measuring line shall also be the front building line. The minimum width for lots located on the turning circle of a cul-de-sac street shall not be required to be greater than one hundred-fifty (150') feet. For lots located on a turning circle of a cul-de-sac street, said distance shall not be less than twenty (20') feet.

***Maintenance Agreement.*** A binding agreement that sets forth the terms, measures and conditions for the maintenance of an improvement to include (but not limited to) a private road and storm water systems and facilities.

**Manufacturing.** The process of making products by hand, by machinery, or by other agency, often with the provision of labor and the use of machinery.

**Master Plan.** The “*Webster Township Master Plan*” adopted pursuant to the Michigan Zoning Enabling Act, as amended, (MCL 125.3101 et seq.) and the Michigan Planning Enabling Act, as amended (MCL 125.3801 et seq.), being the basis on which this Ordinance is developed.

**Michigan Planning Enabling Act.** Public Act 33 of 2008, as amended [MCL §125.3801 et seq.].

**Michigan Zoning Enabling Act.** Public Act 110 of 2006, as amended [MCL §125.3101 et seq.].

**Migratory Labor.** Temporary or seasonal labor employed in planting, harvesting, or construction.

**Mobile Home.** A structure, transportable in one or more sections, that is built on a chassis and designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. Mobile home shall not include a recreational vehicle.

**Mobile Home Park.** A parcel or tract of land upon which three (3) or more mobile homes are located on a continual, non-recreational basis and that is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

**Mobile Home Site.** The entire area that is designed for and designated in a mobile home park for use by one mobile home.

**Motel.** (Amended February 16, 2021) A building, group of buildings, part of a building, dwelling or dwelling unit used for overnight accommodation of transient guests for compensation on a short-term basis (i.e. stays generally shorter than thirty consecutive days). The term shall include any building, group of buildings, part of a building, dwelling or dwelling unit designated as a hotel, resort, short-term rental or by any other title intended for providing lodging for compensation on a transient basis, but shall not include a Bed and Breakfast, as defined in this Ordinance.

**Motor Vehicle.** "Motor Vehicle" means, but is not limited to, automobiles, motorcycles, trucks, buses, motorized recreational vehicles, campers, travel trailers, boat trailers, utility trailers, or other similar devices capable of moving or being moved on public right-of-way, and shall also include parts of vehicles, but shall not include farm machinery, prominently displayed ornamental machinery, devices designed to be moved by human or animal power, or devices used exclusively upon stationary rails or tracks.

**Multi-boat Access Site.** A facility that extends into or over a lake, or provides dry docking space, for mooring or docking of boats for use during the boating season. A facility for the mooring or docking of a boat or boats owned and operated exclusively by a single-family residing in one dwelling unit shall not be included within the definition and meaning of multi-boat access site where the docking or mooring facility is on property that is owned exclusively by such family and that is a contiguous part of the property on which the dwelling is situated.

**Municipal Civil Infraction.** An act or omission that is prohibited by Township Ordinance, but that is not a criminal offense, 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.

**National Pollution Discharge Elimination System (NPDES).** Federal permitting system for point and non-point source discharges.

**Natural Features.** Any one (1) or more of the following: soils, topography, geology, vegetation, woodlands, historic/landmark tree, animal life, endangered species habitat, floodplain, watercourse, lakes, rivers, streams, creeks, ponds, wetland, groundwater and watersheds.

**Noise Disturbance.** Any sound that endangers or injures the safety or health of humans or animals, annoys or disturbs a reasonable person with normal sensitivities, or endangers or injures personal or real property.

**Non-Erosive Velocity.** Storm water flow that does not cause accelerated soil erosion.

**Non-Point Source.** Diffuse source of pollution, distinguished from a point source where the discharge comes from one identifiable location; e.g., a treatment plant outfall.

**Nonconforming Structure.** A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is located. Such building and/or structure may be further defined as provided by statute and/or case law.

**Nonconforming Use.** A use of a building or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the zoning district in which it is situated. A nonconforming use may also be defined as provided by relevant statute and/or other law.

**Nursery: Commercial.** A space, building or structure, or combination thereof, used exclusively for the storage or retail sale of live trees, shrubs or plants not grown on the property. Products used for gardening or landscaping such as but not limited to fertilizers, mulch, groundcovers, boulders, etc. may also be sold.

**Obscuring.** To conceal from view, and/or make less conspicuous.

**Offsite Facility.** All or part of an improvement, to include (but not limited to) drainage system, that is located partially or completely off of the development site that it serves.

**Open Air Business.** A business that involves activities for the display and sale of goods, products and objects outside of a building, including: motor vehicles, bicycles, trailers, swimming pools, snow mobiles and boat sales; rental equipment and services; manufactured home sales; flea markets, lawn furniture, playground equipment, and other home garden supplies and equipment, cemetery monuments, and similar uses.

**Open Space.** That part of a lot that is open and unobstructed by any built features from its lowest level to the sky, and is accessible to all residents upon the lot. This area is intended to provide light and air, and is designed for environmentally, scenic, agricultural or recreational purposes. Open space may include, but is not limited to lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, living plant materials, wetlands, and water courses. Open space shall not be deemed to include required setbacks for lots, storm water retention and detention ponds, driveways, parking lots or other surfaces designed or intended for vehicular travel except for buildings and access routes to support allowed uses cited above. Areas qualifying as open space within a PUD shall be more narrowly defined and shall exclude submerged lands and golf courses.

**Open Space Preservation Community.** A residential development that at the option of the land owner may be developed in the manner provided for under Section 506 of the Michigan Zoning Enabling Act [MCL §125.3506].

**Ordinary High Water Mark.** The line to which high water normally reaches under natural conditions, but not including floods, storms, or severe meteorological conditions, that has been maintained for a sufficient period of time to leave evidence upon the landscape. Commonly, it is the point where the natural vegetation changes from predominantly aquatic to predominately terrestrial.

**Outdoor Storage.** The keeping, in an unroofed area, of any goods, junk material, merchandise or vehicles in the same place for more than twenty-four (24) hours.

**Outlot.** When included within the boundary of a recorded plat, is a lot set aside for purposes other than a building site, i.e. park or other land dedicated to public use or reserved to private use.

**Owner or Proprietor.** Any person who has dominion over, control of, or title to any land.

**Parcel.** A designated parcel, lot, tract, building site or other interest in land established by plat, subdivision, conveyance, condominium master deed or as otherwise permitted by law to be used, developed or built upon as a unit.

**Park.** As used in this Ordinance, the term “Park” shall be deemed to refer exclusively to outdoor recreation areas where individuals and families gather for outdoor eating, socialization and recreation and not to any type of commercial development and/or any permanent artificially created thrill or amusement rides.

**Parking Lot.** A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than two (2) vehicles.

**Parking Space.** An area for the parking of one vehicle only; said area to be exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

**Pasture.** A grazing area for animals that may be located anywhere on a lot.

**Patio.** An uncovered courtyard or platform extending horizontally out from the main building or structure located on grade (i.e. not elevated).

**Peak Rate of Discharge.** The maximum rate of storm water flow at a particular location following a storm event, as measured at a given point and time in cubic feet per second.

**Pedestrian Way.** A separate right-of-way dedicated to or reserved for public use by pedestrians, that crosses blocks or other tracts of land for the purpose of facilitating pedestrian access to adjacent streets and properties.

**Pen.** A fenced enclosure for animals.

**Performance guarantee.** A cash deposit, certified check, irrevocable bank letter of credit, or such other instrument acceptable to the Township.

**Petting Farm.** (Added May 17, 2016) A collection of farm animals, such as goats, ducks, and sheep, and sometimes docile wild animals such as turtles or deer, for children to feed and pet.

**Photovoltaic Device.** (Added February 16, 2021) A system of components that generates electric energy from sunlight by means of the photovoltaic effect, whether or not the device is able to store the electric energy produced for later use. These Photovoltaic Devices may be integrated into the building envelope where the solar panels themselves act as a building material (roof shingles) or structural elements (e.g. façade).

**Planned Unit Development (PUD).** A zoning district established pursuant to Section 503 of the Michigan Zoning Enabling Act [MCL §125.3503]. The phrase includes such terms as cluster zoning, planned development, community unit plan, planned residential development, and other terminology denoting zoning requirements designed to accomplish the objectives of the zoning ordinance through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.

**Playground.** Properties and facilities owned and operated by any governmental agency, or owned and operated by any private agency, including day care centers, that are open to the general public for recreation or child care purposes.



**Pollutant.** A substance discharged that includes, but is not limited to the following: any dredged spoil, solid waste, vehicle fluids, yard wastes, animal wastes, agricultural waste products, sediment, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological wastes, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, commercial and agricultural waste, or any other contaminant or other substance defined as a pollutant under the Clean Water Act.

**Pond.** A natural or manmade body of water that is less than five (5) acres and does not have a stream outlet that is used to provide water for livestock, fish and wildlife, recreation, fire control, crop and orchard spraying and irrigation, and other related uses for the personal use of the property owner and/or tenants.

**Porch.** A roofed structure providing shelter at the entrance of a building.

**Primary Conservation Area.** All area in watercourses or regulated wetlands, any area devoted to natural or improved flood control channels, or those areas encumbered by floodway or county drain easements.

**Principal Use.** The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

**Private Road Easement.** An easement that is granted exclusively for private access to four (4) or more abutting parcels of land and that contains or is intended to contain a private road.

**Professional Office.** Rooms or buildings used for office purposes by members of any recognized profession, including doctors, dentists, lawyers, accountants, engineers, architects, etc., but not including medical or dental clinics.

**Prohibited Use.** A use of land that is not permitted within a particular zoning district.

**Property Owner.** Any person having legal or equitable title to property or any person having or exercising care, custody, or control over the property.

**Public Access.** A multi-boat access site operated by a governmental entity, including access from a public road authorized expressly or implicitly by a governmental entity.

**Public Building.** Buildings that are financed largely by public funding and are available for public use, as distinguished from buildings that are government financed, but are intended for private use; e.g., public housing.

**Public Lands.** Property owned and controlled by the Township, the County, the State, or the Federal Government (or any department, agency, or instrumentality of any of the foregoing).

**Public Sewer Systems.** A public sewer system shall be defined as a central or community sanitary sewage and collection system of pipes and structures including pipes, conduits, manholes, pumping stations, sewage and waste water treatment works, diversion and regulatory devices, and outfall structures, collectively or singularly, actually used or intended for use by the general

public or a segment thereof, for the purpose of collecting, conveying, transporting, treating or otherwise handling sanitary sewage or industrial liquid waste of such a nature as to be capable of adversely affecting the public health operated and maintained by the general public.

**Public Storm Sewer.** A drainage system serving a platted subdivision or other development that has been designed and constructed and accepted to be operated and maintained by the Washtenaw County Water Resources Commissioner or the Washtenaw County Road Commission.

**Public Use Areas.** Public parks, playgrounds, or other recreational areas; scenic or historic sites; public school sites or sites for other public buildings, and other areas dedicated to public use or enjoyment.

**Public Utility.** Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, cable television, telephone, telegraph, transportation or water.

**Public Utilities Facility.** (Added February 16, 2021) A facility at which a regulated public utility directly or indirectly generates, stores, transmits or furnishes one or more of the following goods or services to the public: gas, steam, electricity, communication, cable television, telephone, telegraph, transportation or water. Public Utilities Facilities shall include Large Solar Energy Systems, but shall not include windmills, wind farms, or wind energy generation sites; airports, landing strips or heliports; solid waste landfills; sewage disposal; or wireless telecommunication towers and antennas.

**Public Water Course.** A stream or creek that may or may not be serving as a drain as defined by the Michigan Drain Code, as amended [MCL §280.1 *et seq.*], or any body of water that has definite banks, a bed and visible evidence of a continued flow or occurrence of water.

**Receiving Body of Water.** Any watercourse or wetland into which storm waters are directed, either naturally or artificially.

**Receive-only Antenna.** (Added April 21, 2015) An antenna or tower installed to primarily receive a fixed-wireless data signal at a single location. The antenna or tower shall not be used to retransmit a data signal to multiple individuals' locations.

### **Recreation Facilities**

- (1) **Indoor.** A building or structure utilized for recreation activities having an indoors orientation, such as, but not limited to, bowling alleys, health spas, tennis clubs, squash courts, ice and roller-skating rinks, electronic game arcades and other indoor recreation activities.
- (2) **Outdoor.** A use, area, building or structure utilized by the general public for recreation activities having an out-of-doors orientation, such as but not limited to: miniature golf, golf driving ranges, marinas, swimming pools, carnivals, public meeting tents and circuses, baseball fields, soccer fields, tennis courts, and similar uses.

## ***Recreation Use***

- (1) ***Active.*** A recreational use that involves more extensive administrative support, instruction, facilities and equipment than does passive recreational use. Small recreational areas serving either single or multi-family residences, such as private tennis courts, swimming pool or clubhouse, are not included in this definition.
- (2) ***Passive.*** A recreational use that involves relatively low impact to its surroundings, such as but not limited to: strolling/walking, biking, hiking, non-motorized vehicles, horseback riding, picnicking, fishing, hunting, forestry and wild life preserve, parks and playgrounds.

***Recreation Vehicle.*** (Amended April 21, 2015) A vehicle designed and intended for temporary occupancy, either self-propelled or pulled by another vehicle and shall not be designed, intended, or used for full-time residential occupancy. Such unit shall not exceed eight (8') feet (on the road) in width. Recreation vehicles shall include, but are not limited to: vehicles commonly referred to as travel trailer, travel camper, pickup camper, tent camper, motor home, boats, jet skis and other personal watercraft, snowmobiles, all-terrain vehicles (ATVs), associated trailers, and other similar vehicles.

***Registered Engineer.*** An engineer registered and qualified to practice in the State of Michigan.

## ***Restaurant***

- (1) ***Standard Restaurant.*** A standard restaurant is any establishment whose principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes one (1) or both of the following characteristics:
  - (a) Customers, normally provided with an individual menu, are served their foods, desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed; and
  - (b) A cafeteria type of operation where foods, desserts, or beverages generally are consumed within the restaurant building.
- (2) ***Carry-Out Restaurant.*** A carry-out restaurant is any establishment whose principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state, and whose design or method of operation includes both of the following characteristics:
  - (a) Foods, desserts, or beverages are usually served in edible containers, or in paper, plastic, or other disposable containers; and
  - (b) The consumption of foods, desserts, or beverages within the restaurant building or within a motor vehicle parked upon the premises is prohibited. Food is primarily intended to be consumed off the premises.

- (3) **Fast-Food Restaurant.** A fast-food restaurant is any establishment whose principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises (including service through a drive-through window), and whose design or principal method of operation includes foods, desserts, or beverages that are usually served in edible containers or in paper, plastic, or other disposable containers.
- (4) **Drive-in Restaurant.** A drive-in restaurant is any establishment whose principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state, and whose design, method of operation, includes one (1) or both of the following characteristics:
- (a) Foods, desserts, or beverages are served directly to the customer in a motor vehicle either by a carhop, or by other means that eliminate the need for the customer to exit the motor vehicle.
  - (b) The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is permitted.

**Restrictive Covenant or Deed Restriction.** A provision in a deed or other recorded document restricting the use of property and prohibiting certain uses. Such restrictions are binding on subsequent owners. Unless the Township has an ownership interest in the property or is a third party beneficiary of the deed restriction, a restrictive covenant is enforced by the parties to the agreement, not by the Township.

**Retail Store.** Any building or structure in which goods, wares, or merchandise are sold to the ultimate consumer for direct consumption and not for resale.

**Retention Basin.** A holding area for storm water, either natural or man-made, that does not have an outlet. Water is removed from retention basins through infiltration and/or evaporation processes, and retention basins may or may not have a permanent pool of water.

**Right-of-Way.** A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

**Right-of-Way Line.** The established right-of-way line or if not established, shall be thirty-three (33') feet from the center of the road.

**Roads.** (amended October 15, 2019) A public or private thoroughfare or right-of-way dedicated to or designed for travel and access to any land, lot or parcel, whether designated as a road, avenue, highway, boulevard, drive lane, place, court, or any similar designation. Various types of roads are defined as follows:

- (1) **Alley.** Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulations. (amended October 15, 2019)
- (2) **Commercial Driveway.** Any vehicular access except those serving up to three (3) dwelling units, or serving just an essential public service structure. (amended October 15, 2019)
- (3) **Cul-de-Sac.** A road that terminates in a vehicular turnaround. (amended October 15, 2019)
- (4) **Local Road.** A road whose principal function is to carry traffic between county primary roads and neighborhood roads but may also provide direct access to abutting properties. These roads are intended to be the township's community roads linking the residents of the township together. They serve a multi-modal function. (amended October 15, 2019)
- (5) **Marginal Access Road.** A service roadway parallel to a Primary Road and that provides access to abutting properties and protection from through traffic. (amended October 15, 2019)
- (6) **Neighborhood Road.** A road whose principal function is to provide access to abutting properties and within developments. Neighborhood roads are designed for low volume. (amended October 15, 2019)
- (7) **Primary Road.** A road that serves as an avenue for circulation of traffic onto, off of, or around the Township. Since the principal function of the primary road is to provide mobility, access to adjacent land uses may be controlled to optimize capacity along the roadway. Includes the following roads: Mast Road, North Territorial Road, Webster Church Road, Joy Road, Huron River Drive, Strawberry Lake Road, Dexter Pinckney Road and Island Lake Road. (amended October 15, 2019)
- (8) **Private Road.** A road owned and maintained by the owners of the property it serves and non-residential main buildings. Private roads include roads within site condominium projects, roads serving more than three (3) single-family dwelling units and roads within commercial, office or industrial complexes. The definition of "private road" does not include drives serving multiple family buildings with three (3) or more attached dwelling units, parking lot aisles or drives connecting parking lots to internal roads. (amended October 15, 2019)
- (9) **Public Road.** Any road or portion of a road that has been dedicated to and accepted for maintenance by Webster Township, Washtenaw County, State of Michigan or the federal government. (amended October 15, 2019)
- (10) **Service Drive.** An access road that parallels the public right-of-way in front of or behind a building or buildings or may be aligned perpendicular to the road between buildings, that provides shared access between two (2) or more lots or uses. (amended October 15, 2019)

- (11) **Shared Residential Driveway.** A shared driveway is that portion of a lot intended to be the area upon which vehicles travel from a road (public or private) to a dwelling or other improvement located on the lot, but used by a maximum of three (3) lots. (amended October 15, 2019)

**Roadside Stand.** A structure (with no space for customers within the structure itself) for the seasonal display of agricultural products produced exclusively on lands used for farming upon which the structure is located or on lands adjacent to the structure. The character and scope of the structure and activity shall be such as not to adversely affect the quiet enjoyment of those persons residing in the vicinity of the roadside stand or pose a threat to public health and general welfare of the public.

**Roof Line.** The top edge of a roof or building parapet, whichever is higher, excluding cupolas, pylons, chimneys, or similar minor projections.

**Root Zone.** The circular area surrounding a tree that is considered to contain tree roots within eighteen (18") inches of the ground surface. The radius of the critical root zone is, in feet, the same numerical value as the tree's diameter at breast height (D.B.H.) in inches, and is measured outward from the center of the tree. For example, the critical root zone of a twelve (12") inch D.B.H. tree has a radius of twelve (12') feet.

**Runoff.** That part of precipitation that flows over the land.

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

**Seasonal Agri-tourism.** (Added August 9, 2018) Land uses and activities that are seasonal, community-oriented, open to the public, related to farming and agriculture, and operated for education and enjoyment, which entail participation, learning or involvement in the farming activities of a Farm Operation, and which meet all of the following criteria:

- (i) are inherently connected with the agricultural activities and Farm Products of the Farm Operation;
- (ii) take place on the premises of the Farm Operation, primarily in an outdoor setting;
- (iii) are directly connected with a specific agricultural or harvest season;
- (iv) primarily produce sounds and noise traditionally associated with agricultural activities;
- (v) produce traffic patterns consisting primarily of passenger vehicles widely dispersed throughout the day (but not traffic patterns concentrated at the start and end of events, and not a material amount of commercial traffic for vendors, service providers or other commercial vehicles);
- (vi) primarily occur during daylight hours.

Seasonal Agri-tourism includes, for example, hay rides, sleigh rides, corn mazes, pumpkin patches, u-pick operations, and Christmas tree farms. Seasonal Agri-tourism does not include event barns, wedding barns or other facilities that host parties, receptions or special events; restaurants or cafes; lodges, bed and breakfasts, campgrounds or other facilities hosting overnight guests; concerts, fairs or festivals; game/hunting preserves; any use or activity that would constitute a Special Use pursuant to Section 9.10.C of this Zoning Ordinance; and other activities not meeting the criteria included within the above definition of "Seasonal Agri-tourism."

**Sediment.** Mineral or organic particulate matter that has been removed from its site of origin by the processes of soil erosion, is in suspension in water, or is being transported.

**Setback.** (Amended April 21, 2015) The minimum distance between the lot line and the principal and accessory buildings, as required by the Ordinance. Structures, such as principal and accessory buildings, may not be occupied within the setback. The area within the setback may be used for fences; subterranean installments such as sewers, septic tanks, and drain fields; and trees and shrubs; and parking in residential districts as may be permitted by the Ordinance.

(1) **Front.** (Amended April 21, 2015) Minimum unoccupied distance, extending the full lot width, between the principal building and the front lot line.

(2) **Rear.** (Amended April 21, 2015) The minimum required unoccupied distance, extending the full lot width, between the principal and accessory buildings and the lot line opposite the front lot line.

(3) **Side.** (Amended April 21, 2015) The minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal and accessory buildings and the side lot line.

**Shared Drive.** A shared driveway is that portion of a lot intended to be the area upon which vehicles travel from a road (public or private) to a dwelling or other improvement located on the lot, but used by two (2) or three (3) lots.

**Shared Drive Easement.** An easement that is granted exclusively for a private access to two (2) or three (3) parcels of land and that contains or is intended to contain a private driveway.

**Shielding.** A permanently installed, non-translucent shade, baffle or other construction, that limits, restricts or directs light to meet the standards of this Ordinance.

**Sidewalk.** A facility, placed within the right-of-way of existing streets, or a facility connecting with buildings, parking lots, or other activities having access to the street right-of-way, for the purpose of providing safe movement of pedestrians.

**Sign.** (Amended May 20, 2014) Any structure, announcement, declaration, display, billboard, illustration, light device, figure, painting, drawing, message, plaque, poster, letters, numerals, symbol, trademark, logo, device, insignia banner, bulb, streamer, pennant, balloon, gas-filled figure, propeller or flag (other than the official flag of any nation or state) when designed and placed so as to attract

general public attention to the subject matter thereof, including an individual firm, profession, business, business location, organization, institution, commodity, service, activity, cause or purpose, and also any similar device of any type or kind whether bearing lettering or not.

- (1) **Announcement Bulletin.** A sign designed for the purpose of having readily changeable messages placed upon it.
- (2) **Banner.** A piece of cloth, canvas, plastic or other non-rigid material used to display any words, numerals, figures, devices, designs, artwork, graphics or trademarks used to convey a message or attract attention to an individual firm, profession, business, product or message and is visible to the general public.
- (3) **Beacon Light.** A device that intermittently flashes or shines a light.
- (4) **Canopy/Awning Sign.** A sign that is mounted or painted on, or attached to, an awning or canopy that is otherwise permitted by this Ordinance.
- (5) **Crop Identification Sign.** A sign placed on active farmland to identify the brand and variety of seed planted.
- (6) **Directional Sign.** Signs limited to directional messages, principally for pedestrian or vehicular traffic such as “one-way,” “entrance,” and “exit.” Directional signs do not contain any advertising copy or logo.
- (7) **Freestanding Sign.** A sign supported from the ground by one or more poles, posts, or similar uprights, with or without braces, upon which announcements, declarations, displays, etc., may be placed.
- (8) **Identification Sign.** A sign located along a public road and serving as the entrance marker to a development.
- (9) **Illuminated Sign.** A sign that is lighted by an internal or external artificial light source.
- (10) **Legal Posting Sign.** Signs providing notice to the public concerning the property and include signs such as “no hunting”, “no trespassing”, foreclosure notices, condemnations notices, and other similar notice signs.
- (11) **Marquee Sign.** A sign which is attached to or hung from a roof-like structure and projects over a building entrance. A canopy/awning sign shall not be considered a marquee sign.
- (12) **Monument Sign.** Signs limited to names of buildings, date of erection, monument citations, commemorative tablets, and the like, when carved into stone, concrete, or similar material or made of other permanent type construction and made an integral part of the structure.
- (13) **Moving Sign.** A sign or portion thereof that moves or assumes any motion constituting a non-stationary or fixed condition.
- (14) **Non-commercial Public Interest Sign.** A sign for directional, regulatory, warning, and/or informational purpose, erected by, or on the order of a public official, in the performance of a public duty.
- (15) **Pennant.** A long, tapering flag.



- (16) **Political Campaign Sign.** A sign announcing or supporting political candidates or issues in connection with any national, state, or local election.
- (17) **Real Estate Sign.** A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.
- (18) **Sandwich Board Sign.** A sign made of two connected posters or boards that hang in front of and behind a person.
- (19) **Search Light.** A device that projects a powerful beam of light in a particular direction or directions.
- (20) **Semi-historical and/or Traditional Barn Sign.** A sign such as “Mail Pouch” or other similar nostalgic message painted on the side or roof of traditional agricultural barns or created via a pattern with shingles on the roof of such building.
- (21) **Sidewalk or Curb Sign.** A-frame or sandwich board signs often used outside of storefronts and restaurants to advertise specials and promotions. They are lightweight and portable.
- (22) **Warning or Danger Sign.** A sign such as “no trespassing,” “no hunting,” “beware of animal,” and similar warning messages
- (23) **Vehicle Sign.** A sign painted on, incorporated in, or attached directly to any mode of transportation, including but not limited to automobiles, trucks, boats, busses, airplanes, and trailers.
- (24) **Wall Sign.** A sign that is attached directly to a building wall with the horizontal sign surface parallel to the building wall, including signs painted on any building wall.

**Site.** A parcel of land.

**Site Plan.** The documents and drawings required by this Ordinance to insure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes.

**Site Plan Review.** The submission of plans for review as part of the process of securing authorization for a use or structure under this Ordinance.

**Slaughterhouse.** A place where cattle, sheep, hogs, poultry, or other animals are killed or butchered for market or for sale.

**Soil Erosion Control Measure.** A structure, facility, barrier, berm, process, vegetative cover, basin, and/or other installations designed to control accelerated soil erosion. Temporary measures are installed to control soil erosion during construction or until soils in the contributing drainage area are stabilized. Permanent measures remain after the project is completed.

**Solar Array.** (Added February 16, 2021) Any number of Photovoltaic Devices connected together to provide a single output of electric energy or other energy.

**Solar Collector Surface.** (Added February 16, 2021) Any part of a Solar Energy System that absorbs, reflects or refracts solar energy for use in the system’s transformation or collection

process. The collector surface does not include frames, supports or mounting hardware.

**Solar Energy System (or SES).** (Added February 16, 2021) A system (including solar collector surfaces and ancillary solar equipment) either affixed to a permanent principal or accessory building or functioning as a freestanding structure that collects and converts solar energy (or sunlight) into electrical, thermal or mechanical energy. Such energy may or may not be stored on site prior to use or distribution. Solar Energy Systems include, but are not limited to, photovoltaic (PV) electric power systems and solar thermal heating systems. A Solar Energy System is considered a structure. Solar Energy Systems shall include the following:

**Large Solar Energy System.** A Solar Energy System that meets one or more of the following:

1. The Solar Energy System is the principal and primary use on the site; and/or
2. The total surface area of all Ground Mounted SES Solar Collector Surfaces exceeds 1,500 square feet, or 3,000 square feet if serving a Farm Operation engaged in the commercial production of Farm Products for a profit (as evidenced by such Farm Operation's Federal income tax returns); and/or
3. The Solar Energy System is primarily used for generating electricity for sale and distribution to a Public Utility or other off-site user(s).

**Small Solar Energy System.** A Solar Energy System that meets all of the following:

1. Is accessory to the primary use of the parcel; and
2. Size limits:
  - (a) For a Ground Mounted SES, the total surface area of all Solar Collector Surfaces within the Solar Energy System shall not exceed 1,500 square feet, or 3,000 square feet if serving a Farm Operation engaged in the commercial production of Farm Products for a profit (as evidenced by such Farm Operation's federal income tax returns), or
  - (b) For a Building Mounted SES, the total surface area of all Solar Collector Surfaces within the Building Mounted Solar Energy System may be any size; and
3. The sale and distribution of excess available energy, if permitted, to a Public Utility or other third party, shall be incidental to this type of system, and is not its primary purpose.

**Special Event.** Any event that will or can be reasonably expected to generate, invite or attract one (1) or more persons in public attendance, participation and/or spectator-ship for a particular and

limited purpose and time, including but not limited to festivals, concerts, shows, exhibitions, mud-bogging, carnivals, circuses, fundraising walks and runs, fairs, or any similar events or activities, irrespective of whether such events or activities are for or intended for profit, charity or for any other purpose and irrespective of whether the Special Event is to occur on public or privately-owned property.

**Special Use.** A use that would be detrimental to other uses permitted in the same zoning district unless carefully controlled as to number, area, size, exterior design, location or relation to the adjacent properties and to the neighborhood. Such uses may be considered necessary or important to the public health, safety, and welfare of the neighborhood or township as a whole and may be permitted if proper safeguards are taken. Such uses may be permitted in such zoning districts as special uses if specific provisions for such special uses are made in this Ordinance.

**Stable: Commercial.** Any structure and adjacent lands used for the boarding, breeding, or care of horses, other than horses used for farming or agricultural purposes and where the care of horses is the principal use of the parcel. A riding stable may include areas and facilities for training, riding, or driving of horses and for offering of lessons to teach the riding and driving of horses.

**Stable: Private.** Any structure and adjacent lands where the raising and keeping of horses is an incidental agricultural activity to the principal use of a single-family dwelling.

**State Licensed Residential Facility.** A structure constructed for residential purposes that is licensed by the state under the adult foster care facility licensing act, 1979 PA 218 [MCL §400.701 to §400.737], or 1973 PA 116 [MCL §722.111 to §722.128], and provides residential services for 6 or fewer persons under 24-hour supervision or care.

**Stealth Design.** (Added April 21, 2015) A design that camouflages or conceals the presence of antennas and towers into the surrounding environment and to minimize the visual impact, including, but not limited to, man-made trees, clock towers, water towers, chimneys and similar structures.

**Stop Work Order.** An administrative order that is either posted on the property or mailed to the property owner that directs a person not to continue or not to allow the continuation of an activity that is in violation of this Ordinance.

**Storage Facility (Warehouse).** A building or group of buildings in a controlled access or fenced area that contains individual compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares that are generally not used on a daily basis.

**Storm Drain.** A conduit, pipe, swale, natural channel or manmade structure that serves to transport storm water runoff. Storm drains may be either enclosed or open.

**Storm Water Discharge.** The volume of water passing a given point at a given time expressed in cubic feet per second.

**Storm Water Management Measure and Facility.** Any facility, structure, channel, area, process or measure that serves to control storm water runoff in accordance with the purposes and standards of this Ordinance.

**Storm Water Management Plan.** Drawings and written information prepared by a registered engineer, registered landscape architect or registered surveyor that describe the way in which accelerated soil erosion and/or storm water flows are proposed to be controlled, both during and after construction, having as its purpose to ensure that the objectives of this Ordinance are met.

**Storm Water Management System.** Entire storm water conveyance and storage facilities and all appurtenances thereto.

**Storm Water Storage Facility.** A basin, structure, or area, either natural or human made, that is capable of holding storm water for the purpose of controlling or eliminating discharge from the site.

**Story.** That portion of a building between the top surface of any floor and the top surface of the floor next above it, or if there be no floor above, the space between such floor and the ceiling next above it. A basement shall not be counted as a story. A mezzanine floor shall be counted as a story if it covers more than one-third of the area of the floor next below it or if the vertical distance between the floor next below it and the floor next above it is twenty (20') feet or more.

**Story: One-Half.** An uppermost story lying under a sloping roof having a floor area less than fifty (50%) percent of the floor area directly below it. For the purpose of this Ordinance, the usable floor area of a half-story is only that area having at least four (4') feet clear height between the finished floor and ceiling of such story.

**Street Line.** A right-of-way of a public street or an easement line of a private street. In the case of section line roads the street line shall be a line thirty-three (33') feet from and parallel to the section line unless an easement or right-of-way of different width is held by the County Road Commission or is otherwise recorded.

**Structure.** Anything constructed or erected in or upon the ground and having a permanent location in or upon the ground including, though not limited to buildings, accessory buildings, sheds, patios, gazebos, tennis courts, swimming pools, radio and television towers, satellite dishes, decks and platforms; provided, however, that patios shall not be deemed structures if no parts thereof are above the ground and if they are located outside the minimum front, side, and rear yard setback lines. Lawful fences or walls, utility poles, basketball goals, mailboxes, sidewalks, driveways, streets, parking areas, retaining walls, or sea walls shall not be considered to be structures for the purposes of this Ordinance.

**Surveyor.** Either a land surveyor who is registered in the State of Michigan as a registered land surveyor or a civil engineer who is registered in the State of Michigan as a registered professional engineer.

**Swale.** Defined contour of land with gradual slopes that transports and directs the flow of storm water.

**Swimming Pool.** Any structure that contains water over twenty-four (24") inches in depth and that is used, or intended to be used, for swimming or recreational bathing. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

**Tavern.** Any place where malt, vinous, or spirituous liquors are sold for consumption on the premises.

**Theater.** Any building or other place used primarily for the presentation of dramatic spectacles, shows, movies, or other entertainment open to the public, with or without charge, but not including athletic events.

**Topographical Map.** A map showing existing physical characteristics, with contour lines of not greater than two (2') foot intervals to permit determination of grades and drainage.

**Tower.** Any structure that is designated and constructed primarily for the purpose of supporting one or more antennas for wireless communication purposes, including self-supporting lattice towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

**Township Engineer.** (Amended October 4, 2017) Any person, persons or firm authorized by the Township Board or Planning Commission, as applicable, to perform the duties of Township Engineer as set forth in this Ordinance. The Township Engineer shall be a licensed professional engineer, and may be a consultant or employee of the Township. The responsibilities of this position may be divided between more than one (1) person or firm.

**Transition Strip.** A strip at least fifteen (15') feet wide shall be required along a property line that is adjacent to a lot in an agricultural, residential, or public lands zoning district. The strip shall be provided in accordance with this Ordinance.

**Transportation or Truck Terminal.** A building or area in which freight or other goods brought or delivered by truck are assembled, handled or stored for routing or re-shipment or a building or area in which semi-trailers, including tractor or trailer units and other trucks are parked or stored on a temporary basis, as a part of a transportation business, function or activity. Also a place where trucks can be parked or stored.

**Undeveloped State.** A natural state preserving natural resources, natural features, 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, but is not required to be, dedicated to the use of the public.

**Upland Area.** The portion of the site that does not contain soils associated with a wetland, marsh or floodplain, and are not wet for more than thirty (30) days during a given year.

***Unreasonable Safety Hazard.*** (Added February 16, 2021) Any condition that could reasonably be expected to create, cause, or compound the substantial likelihood that death, illness or personal injury may occur to any member of the public, including but not limited to the property owner, operator, invitees, trespassers or emergency services personnel. Adherence by the property owner and operator to industry standards for safeguarding against such risks will be taken into consideration in determining whether a condition poses an Unreasonable Safety Hazard.

***Use.*** The purpose for which land, a premise, or a building thereon is arranged, designed, or intended, or for which it is or may be occupied, maintained or leased.

***Veterinary Clinic.*** A veterinary clinic is a facility for the medical treatment of animals. Keeping animals for limited periods for observation when in the care of a veterinarian does not constitute a kennel.

***Vicious Animal.*** Any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or that because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.

***Warehouse.*** A building or area used for the storage of goods and materials and that may include facilities for a wholesale or retail outlet.

***Watershed.*** An area in which there is a common receiving body of water into which surface water, including storm water, ultimately flows, otherwise known as a drainage area.

***Wetland.*** Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life and that is commonly referred to as a bog, swamp, fen, marsh, or wet meadow.

***Wholesale.*** Primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

***Wild Animal.*** Any animal not domesticated by humans or an animal that a person is prohibited from possessing by law.

***Wildlife Habitats.*** Areas of the natural environment upon which wildlife depend for survival as self-sustaining populations in the wild, including land and water needed for cover, protection or food supply. Wildlife may include mammals, birds, reptiles, amphibians, fishes, and invertebrates. Areas may include nesting areas, aquatic habitat, waterfowl staging areas, deer yards, and habitat of endangered and threatened species.

***Wireless Communication Facilities.*** All structures, accessory facilities, transmitters, receivers, and antennas relating to the use of radio and microwave frequency electromagnetic radiation for transmitting and receiving information.

***Woodland.*** One-quarter acre or more of contiguously wooded land where the largest trees measure at least six (6") inches in diameter at breast height (DBH). The acreage is to be measured

from the drip line to drip line of trees on the perimeter. Contiguous shall be defined as the majority of the one-fourth (¼) acre being under the vegetation drip line. A grove, forming one canopy, of at least ten (10) trees with a DBH of ten (10") inches or more is also a woodland.

**Yards.** The open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:

- (1) **Front Yard.** The minimum required yard extending the full width of the lot and situated between a street line and the front building line, parallel to the street line. The depth of the front yard shall be measured at right angles to the street line, in the case of a straight street line, and radial to the street line, in the case of a curved street line.
- (2) **Rear Yard.** The minimum required yard, extending the full width of the lot, between the side lot lines, and situated between the rear building line, parallel to the rear lot line.
- (3) **Side Yard.** The minimum required yard situated between the side building line and the adjacent side lot lines and from the rear interior line of the required front yard to the rear interior line of the required rear yard, and parallel to the side lot line.

Yards shall be measured from the exterior faces of a structure to lots lines. Roof overhangs and cornices that project one (1') foot or less from the exterior face shall not be included in the yard measurements. Yards shall be measured from the outer edge of roof overhangs or cornice extending more than one (1') foot from the exterior face of the structure. Front and side yards and corner lots, and rear yards that abut a public or private street, shall be measured from existing public street right-of-way or private street easement lines. All required yards shall be located parallel and adjacent to property lines, or to transition strips where required.

**Zoning Administrator.** The administrative official designated by the Township Board charged with the responsibilities of administering and enforcing this Ordinance.

**Zoning Jurisdiction.** The area encompassed by the legal boundaries of Webster Township outside the limits of incorporated cities and villages. See Section 102(w) of the Michigan Zoning Enabling Act [MCL §125.102(w)].





## **ARTICLE 3**

### **ADMINISTRATION AND ENFORCEMENT**

#### **Section 3.05      Purpose**

[\(Back to Table of Contents\)](#)

This Article outlines the general administration and enforcement of this Ordinance.

#### **Section 3.10      Division of Authority**

[\(Back to Table of Contents\)](#)

This Ordinance, together with the Michigan Zoning Enabling Act, as amended, and the Michigan Planning Enabling Act, as amended, delegate responsibilities and duties for the administration of this Ordinance to the following:

- i. Township Board
- ii. Planning Commission
- iii. Board of Appeals
- iv. Zoning Administrator

#### **Section 3.15      Township Board**

[\(Back to Table of Contents\)](#)

The Township Board has both legislative and administrative authority. The Township Board has the authority to create various zoning agencies and to appoint persons to fill various positions under this Ordinance; approve the Master Plan and amendments in conjunction with the Planning Commission; adopt and amend this Ordinance, as well as amendments previously considered by the Planning Commission; approve, approve with conditions, or deny special uses previously reviewed by the Planning Commission; review and approve, approve with conditions or deny site plans submitted in conjunction with a conditional rezoning, special use, planned unit development or other rezoning applications; and perform all other activities as provided under this Ordinance.

#### **Section 3.20      Planning Commission**

[\(Back to Table of Contents\)](#)

**A. Authority.** The Township Board shall appoint members to the Planning Commission; annually appropriate and make funds available for carrying out the purposes and functions of the Planning Commission; match Township funds with federal, state, county or other local government or private grants; and accept and use gifts and grants for Planning Commission purposes.

**B. Members.** The Planning Commission shall consist of seven (7) members appointed by the Supervisor with the approval of the Township Board.

- (1) One (1) member of the Township Board shall be a member of the Planning Commission, whose term shall be limited to the time he or she is a member of the Township Board, and the period stated in the resolution appointing them.

(2) The members shall be representative of major interests as they exist in the Township, including but not limited to agriculture, recreation, education, public health, government, environment, commerce, transportation and industry.

(3) All members shall be qualified voters and property owners of the Township.

**C. Term of Office.** The term of each member shall be for three (3) years. A successor shall be appointed not more than one (1) month after the term of the preceding commission member has expired. All vacancies for unexpired terms shall be filled for the remainder of such term.

**D. Compensation.** Members of the Planning Commission may be compensated for their services as provided by the Township Board.

**E. Removal from Office.** A member of the Planning Commission may be removed by the Supervisor after a public hearing for misfeasance, malfeasance or nonfeasance in office. A member shall abstain from voting on any question on which he/she has a conflict of interest. Failure of a member to abstain in such cases shall constitute misconduct of office.

**F. Officers.** The Planning Commission shall elect a Chairperson, Vice-Chairperson, and Secretary from its membership at its regular meeting in February each year. The term of each officer shall be one (1) year.

**G. Rules of Procedure.** The Planning Commission shall adopt rules for the transaction of its business, and shall keep a public record of its resolutions, transactions, findings, and determinations.

**H. Quorum.** The Planning Commission shall not conduct business unless a majority of its members is present.

**I. Meetings.** The Planning Commission shall hold not less than four (4) regular meetings each year, and by resolution shall determine the time and place of the meetings. A special meeting of the Planning Commission can be called by the Chairperson or by two (2) members upon written request to the secretary, who must give forty-eight (48) hours written notice to the Planning Commission members.

**J. Voting.** The concurring vote of the members present is required to make any decision, except that the majority vote of the membership is required to approve the Master Plan, a revision thereto, or a geographical portion thereof.

**K. Records.** Minutes shall be recorded of all proceedings that shall contain evidence and dates relevant to every matter considered, together with the votes of the members and the final disposition of each matter. Such minutes shall be filed in the office of the Township Clerk and shall be public records. A writing prepared, owned, used, in the possession of, or retained by the Planning Commission in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, as amended.

**L. Advisory Committees.** The Planning Commission may appoint advisory committees outside of its membership.

**M. Consultants.** The Planning Commission may make use of expert advice and information that may be furnished by appropriate federal, state, county, and municipal officials, departments, and agencies having information, maps, and data pertinent to Township planning.

**N. Annual Budget.** The Planning Commission may prepare a detailed budget and submit same to the Township Board for consideration. The Township Board annually may appropriate and make available funds for carrying out the purposes and functions permitted under the Michigan Planning Enabling Act. The expenditures of the Planning Commission, exclusive of gifts and grants, shall be within the amounts appropriated by the Township Board.

**O. Annual Report.** The Planning Commission shall prepare an annual written report to the Township Board concerning its operations and the status of planning activities, including recommendations regarding actions by the Township Board related to planning and development.

### **Section 3.25      Board of Appeals**

[\(Back to Table of Contents\)](#)

**A. Authority.** The Township Board shall appoint members to the Board of Appeals and annually appropriate reasonable sums to pay for per diem and actual expenses incurred in the discharge of its duties.

**B. Members.** The Board of Appeals shall consist of five (5) members appointed by the Township Board. The composition of the Board of Appeals shall be as follows:

- (1) One member shall be a member of the Township Planning Commission.
- (2) The remaining members shall be selected from the electors of Webster Township and shall be representative of the population distribution and of the various interests present in the Township.
- (3) One (1) member may be a member of the Township Board, but that member may not serve as the chairperson of the Board of Appeals.
- (4) An employee or contractor of the Township Board may not serve as a member or an employee of the Board of Appeals.

**C. Alternate Members.** The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Board of Appeals.

- (1) An alternate member shall be called to service by the Chairperson (or in the absences of the Chairperson by the Vice Chairperson) to serve as a member of the Board of Appeals in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings.

- (2) An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which a member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made.
- (3) An alternate member when called to serve has the same voting rights as a regular member of the Board of Appeals.

**D. Terms of Office.** Members shall be appointed for three (3) year terms, except in the case of Planning Commission and Township Board members, whose terms shall be limited to their terms as Planning Commission or Township Board members. A successor shall be appointed not more than one month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term. Members may be reappointed.

**E. Compensation.** Members shall be paid a per diem amount for meeting and for actual expenses incurred as determined by the Township Board.

**F. Removal from Office.** A member of the Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

**G. Officers.** The Board of Appeals shall elect a Chairperson, Vice-Chairperson, and Secretary from its membership at its first meeting following January 1 each year. The term of each officer shall be one (1) year.

**H. Rules of Procedure.** The Board of Appeals may adopt rules to govern its procedures sitting as a Board of Appeals.

**I. Quorum.** A Board of Appeals shall not conduct business unless a majority of the regular members of the Board of Appeals are present. Any alternate acting for a regular member shall be counted for the purpose of establishing a quorum.

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

**K. Oaths.** The Chairperson, or in his or her absence the acting chairperson, may administer oaths.

**L. Witnesses.** The Chairperson or in his or her absence the acting chairperson, may compel the attendance of witnesses.

**M. Voting.** The concurring vote of three members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of any Township officer or official charged with interpreting or enforcing the provisions of this Ordinance, to decide in favor of the applicant in any matter upon which they are required to pass under this Ordinance, or to effect any variation in this Ordinance. A member of the Board of Appeals who sits on the Township Board

and/or Planning Commission may not vote on a matter that they had voted upon as member of the Township Board and/or Planning Commission.

**N. Records.** Minutes shall be recorded of all proceedings that shall contain evidence and dates relevant to every matter considered, together with the votes of the members and the final disposition of each matter. Such minutes shall be filed in the office of the Township Clerk and shall be public records.

**O. Annual Budget.** The Board of Appeals is authorized to prepare an annual budget to be submitted to the Township Board.

### **Section 3.30            Zoning Administrator**

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The Township Board by resolution shall appoint a person to the position of Zoning Administrator, who shall serve at the pleasure of the Township Board. The Zoning Administrator shall administer and enforce the provisions of this Ordinance and such other ordinances, rules and regulations as specified by resolution of the Township Board, and decisions rendered by the Township Board, Planning Commission and Board of Appeals pursuant to those ordinances, rules and regulations. The Zoning Administrator shall have the following duties and powers:

- A.** Apply all provisions of this Ordinance.
- B.** Enforce provisions of this Ordinance, rules and regulations duly adopted by the Township Board, and issue notices, orders, directives, citations for municipal civil infractions, and initiate other legal proceedings to ensure compliance with this Ordinance.
- C.** Receive applications and issue certificates of zoning compliance.
- D.** Review, approve, approve with conditions, or reject site plans for single and two-family dwellings and such other site plans as assigned to the Zoning Administrator by the Planning Commission.
- E.** Review zoning applications for variance requests, appeals, substitution and expansion of nonconforming uses and structures, rezoning, conditional rezoning, special use, permits, site plan review, and development plans, and make recommendations thereon to Planning Commission, Board of Appeals, and Township Board.
- F.** Review site plans and consult with developers and appropriate reviewing agencies to ensure quality and compliance with policies, regulations, and ordinances.
- G.** Make inspections to enforce this Ordinance, and engage the assistance of the Township Fire Chief and Building Inspector in making such inspections, and such other experts as approved by the Township Board.
- H.** Prosecute violations of orders, directives, decisions, certificates and permits issued by the Township Board, Planning Commission, and Board of Appeals.

I. Keep official records of applications and complaints received, certificates issued, fees collected, reports of inspections, and notices, orders and citations.

J. Submit written reports to the Township Board at such intervals as directed by the Township Board, summarizing the activities of the Zoning Administrator.

K. Attend meetings of the Township Board, Planning Commission and Board of Appeals, as directed by the Township Board.

L. Assist in the presentation of facts, documents, and other material necessary for the Township Board, Planning Commission and Board of Appeals to make an informed decision.

M. Prepare special reports and studies as requested by the Planning Commission and Township Board.

N. Submit written recommendations to the Planning Commission and Township Board concerning proposed changes to the Master Plan, this Ordinance, and other ordinances.

O. The Zoning Administrator shall also serve as the primary Ordinance Enforcement Officer. The Washtenaw County Sheriff Department and its deputies are granted supplementary authority to assist the Ordinance Enforcement Officer as needed.

P. The Zoning Administrator is authorized to enforce all ordinances of Webster Township, whether currently or hereafter enacted, and whether such ordinances specifically designate a different official to enforce the same or do not designate any particular enforcing officer.

Q. The ordinance enforcement duties herein authorized shall include, among others, investigating ordinance violations; serving notice of violations; serving appearance tickets as authorized under Chapter 4 of the Code of Criminal Procedure Act, as amended [MCL 764.9c]; appearing in court or other judicial proceedings to assist in the prosecution of ordinance violations; and such other ordinance enforcement duties as may be delegated by the Township Supervisor or assigned by the Township Attorney.

**Section 3.35**            **Administrative Standard**

[\(Back to Table of Contents\)](#)

Whenever, in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decision, then, unless other standards are provided in this Ordinance, the decision shall be made so that the result will not be contrary to the spirit and purpose of this Ordinance, or inconsistent with the goals and objectives set forth in the Master Plan, or injurious to the surrounding neighborhood.

**Section 3.38**            **Performance of Township Services**

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It is understood that upon receipt of an application, the rendering of township services is expected. Applications for site plan reviews, variances, appeals, land divisions, zoning amendments, conditional rezonings, planned unit developments, special use permits, address

assignments, and zoning compliance permits, whether to the Township Board, Planning Commission, Board of Appeals, Zoning Administrator, or Township Assessor will only be accepted and processed for those parcels of land without delinquent property taxes. Property taxes for a parcel of land are deemed to be delinquent if summer or winter taxes are past due and the parcel has not been granted tax deferment status by the municipality for the subject year.

### **Section 3.40**      **Public Hearing Notices**

[\(Back to Table of Contents\)](#)

**A. Public Notification.** When the provisions of the Michigan Zoning Enabling Act or this Ordinance require notice of a public hearing on an application, the following provisions shall apply.

**B. Responsibility.** The Township Clerk or his/her designee shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Webster Township and mailed or delivered as required by law.

**C. Registration to Receive Notice by Mail.**

(1) *General.* Any neighborhood organization, public utility, railroad or any other person may register with the Township Clerk to receive written notice of all notices provided under Section 3.40. The Township Clerk or designee shall be responsible for providing this notification. Fees may be assessed for the provision of this notice as established by resolution of the Township Board.

(2) *Requirements.* The requesting party must provide to the Township Clerk information on an official form to ensure notification can be made. All registered persons must register every two (2) years to continue to receive notification pursuant to this Section.

### **Section 3.45**      **Information and Documentation**

[\(Back to Table of Contents\)](#)

**A.** The Township Board, Planning Commission, Board of Appeals, and Zoning Administrator may require any applicant under this Ordinance to submit information and documentation they deem necessary to ascertain whether the standards and provisions of this Ordinance are met. The refusal or untimely submission of such materials may provide grounds for delay, denial of authorization, or such other action as provided by law.

**B.** Nothing in this Ordinance shall preclude the applicant or any interested person from submitting additional or other relevant and pertinent data or evidence related to a specific matter.

### **Section 3.50**      **Private Covenants**

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The Township has no authority to enforce restrictive covenants between private parties. The Township Board, Planning Commission, Board of Appeals or Zoning Administrator may not deny an application under this Ordinance when the application complies with the conditions and requirements of this Ordinance and other ordinances and laws, despite possible violations of private covenants.

## **Section 3.55**      **Development Agreements**

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**A.** The Zoning Administrator, in conjunction with the Planning Commission, shall draft development agreements when necessary to ensure that the provisions of applicable federal and state statutes, local ordinances, rules, regulations, and conditions are adhered to by the owner of the land and/or developer of the project, such agreements to be reviewed by the Planning Commission and approved, approved with revisions or disapproved by the Township Board.

**B.** As a condition to the grant of authority under this Ordinance, the owner and developer may be required to enter into a development agreement. The development agreement shall embody the parties' intent with respect to the project. The agreement may include the following provisions:

- i. Posting of funds with the Township to ensure that the costs incurred by the Township with respect to the subject property are borne by the owner and/or developer and not the Township.
- ii. Installation of specified improvements at the expense of the developer in accordance with federal, state and local requirements and standards and, if applicable, to provide for the conveyance of such improvements to the Township by deed, easement, bill of sale or other means.
- iii. Depiction of all dedicated open spaces, common areas, conservation easements and improvements on the site plan, together with a statement that specifies the use(s) that may be made of such areas.
- iv. Set forth conditions to a conditional rezoning; to a site plan review; to a special use; or to a planned unit development.
- v. Specify the authorized use(s) on the subject property.
- vi. Posting financial guarantees to ensure faithful completion of improvements and compliance with conditions.
- vii. Posting certificates of insurance and hold harmless provisions.
- viii. Provisions to ensure maintaining improvements in perpetuity.
- ix. Construction completion date(s).
- x. Such other and further provisions as come within the scope of authority granted to the Township that have a reasonable relationship to the subject property.

**C.** The Development Agreement, among other things, is intended to assure that the improvements depicted on the site plan are properly installed and that the costs associated with the project are borne by the owner and/or developer (not the Township) of the project. The site plan shall become part of any subsequent permit issued by the Township, such as (but not limited



to) certificates of zoning compliance and certificates of occupancy. The Development Agreement may be amended with the mutual consent of the parties to the Agreement or their successors in interest.

**D.** The Development Agreement, at the expense of the owner/developer, shall be recorded with the Washtenaw County Register of Deeds and bind successors in interest. Any transfer of responsibility under the agreement from one developer to another shall require the approval of the Township Board that shall not be unreasonably withheld, but may require the posting of additional financial assurances.

### **Section 3.60**            **Performance Guarantees**

[\(Back to Table of Contents\)](#)

**A.** To ensure compliance with this Ordinance and any conditions imposed under the Ordinance, the Township may require that a cash deposit, certified check, or irrevocable letter of credit acceptable to the Township covering the estimated cost of improvements be deposited with the Township Clerk to insure faithful completion of the improvements and fulfillment of conditions. The form of the performance guarantee shall be approved by the Township Treasurer and Township Attorney.

**B.** As used in this Section, “*improvements*” means those features and actions associated with a project that are considered necessary by the body or official granting zoning approval, to protect natural resources, or the health, safety, and welfare of the residents of a Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities such as water and sewage, sidewalks, bike and walking paths, screening, grading, landscaping and drainage. Improvements do not include buildings.

**C.** The Township Board, Planning Commission, Board of Appeals and Zoning Administrator are authorized to require the posting of a performance guarantee by an applicant seeking authorization under this Ordinance.

**D.** The performance guarantee shall be deposited at the time of issuance of the document that authorizes the activity or project. The Township may not require the deposit of the performance guarantee until it is prepared to authorize the activity or project.

**E.** The letter or credit or other acceptable security shall provide that any documents required by the Township to obtain the funds may be hand delivered to a financial institution within 100 miles of the City of Ann Arbor or transmitted by facsimile.

**F.** The performance guarantee shall insure that the improvements comply with the standards set forth in applicable statutes, ordinances, rules and regulations at the time the project is completed; that conditions are met; that all materials, debris and equipment are removed from the site; and that actual costs incurred by the Township related to the project, including (but not limited to) inspection costs, are paid by the applicant (and not the Township).

**G.** The amount of the performance guarantee shall be sufficient to cover the estimated cost of the improvements depicted on the approved site plan, under the jurisdiction of the Township. The applicant shall provide an itemized schedule of estimated costs for materials and installation to be

covered by the performance guarantee, such estimate shall be verified as to the amount by the Township Engineer. The exact amount shall be determined by the Township Engineer.

**H.** If development is staged or phased over time, a separate guarantee for each stage or phase shall be submitted at the beginning of each stage or phase as a prerequisite.

**I.** If at any time it appears the amount of the performance guarantee is inadequate to cover the purposes for which the performance guarantee was posted, and the applicant declines to provide requested additional or further performance guarantees, then the Zoning Administrator may issue a stop work order and/or decline to issue further certificates of zoning compliance or certificates of occupancy for buildings or other structures for which the improvements are intended to benefit, or take such other action as provided by law.

**J.** As the contingencies covered by the performance guarantee diminish, the Zoning Administrator, upon direction of the Township Board, may decrease the amount.

**K.** The amount of a performance guarantee may be reduced to an amount not less than ten (10%) percent when all the improvements depicted on the approved site plan appear satisfactorily completed. The amount is intended to cover damages that may occur to the improvement during the construction of houses or other non-improvement structures, ensure against defects in workmanship and materials; replace dead or dying landscape materials; ensure proper grading; and that actual costs incurred by the Township related to the project are fully paid by the owner/developer.

**L.** For improvements under the zoning jurisdiction of the Township, “*satisfactorily completed*” means the Zoning Administrator or Township Engineer has conducted a final inspection and determined the improvements appear to meet or exceed applicable standards. For improvements under the jurisdiction of another governmental body, “*satisfactorily completed*” means the receipt by the Township of a certificate of completion by the governmental body indicating the improvement appears to meet or exceed applicable standards.

**M.** The performance guarantee shall provide that it shall not terminate without providing the Township at least sixty (60) days written notice prior to the date of termination. If a substitute performance guarantee in a form acceptable to the Township is not filed with the Township Clerk within thirty (30) days of the date of termination, then the Township may call the existing performance guarantee due and payable.

**N.** Upon failure to comply with a requirement of this Ordinance, approved site plan, or condition of approval, the performance guarantee, or portion thereof, shall be forfeited by the applicant. The Township Board shall determine the amount to be forfeited, including administrative costs, and have the authority to correct the violation. Whenever required improvements are not completed, properly installed, or are damaged within the specified time, the Township may complete, correct or repair the improvements and charge the costs, including administrative costs and attorney fees, against the performance guarantee.

**O.** The Township recognizes that development projects can be sold or transferred. When such a transaction occurs on a project with a performance guarantee (PG), the original PG will

remain valid and on file until replaced with a new one. The replacement PG must be approved by the Township before the original PG can be released.

## **Section 3.65      Violations and Enforcement**

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### **A. Compliance with Applications and Plans.**

- (1) The owner of record of real property, a tenant on any real property, and any builder, architect, contractor or agent or person who commits, participates in, assists in, contributes to, or maintains a violation of this Ordinance shall be found responsible for a separate violation of this Ordinance.
- (2) Any person or entity who violates any provision of this Ordinance, or any approval, permit, license or exception granted under this Ordinance, or any lawful order of the Zoning Administrator, Board of Appeals, Planning Commission, or Township Board issued under the authority of this Ordinance, whether as owner, lessee, tenant, licensee, agent, servant, occupant or employee, shall be found responsible for a violation of this Ordinance.
- (3) Building plans, site plans, certificates and permits issued on the basis of plans and applications approved by the Zoning Administrator, Board of Appeals, Planning Commission, or Township Board authorize only the use, design and construction set forth in such approved plans and applications, and no other use, design, or construction. Use, design, or construction different than that authorized shall be deemed a violation of this Ordinance.
- (4) Any violation of any provision of any lawful order of the Zoning Administrator, Board of Appeals, Planning Commission, or the Township Board issued under the authority of this Ordinance shall be deemed a violation of this Ordinance.

**B. Stop Work Order.** Upon notice from the Zoning Administrator that work on any structure or premises is being prosecuted contrary to this Ordinance, such work shall immediately cease. The stop work order shall be posted on the property with a copy mailed or delivered to the owner of the property in question, person occupying the property or the person doing the work, and shall state the conditions under which the work may be resumed. Any person who shall continue any work in or about the structure or premises after having been served with a stop work order, except such work as such person is directed by the Zoning Administrator to perform in order to remove violations or unsafe conditions, shall be found responsible for a violation of this Ordinance.

**C. Municipal Civil Infraction.** Any person, firm or corporation who violates any of the provisions of this Ordinance, or any permit, license or exception granted under this Ordinance, or any lawful order of the Township Board, Planning Commission, Board of Appeals, Zoning Administrator, or such other duly authorized official shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute, which shall be punishable by a civil fine of not more than five hundred (\$500.00) dollars for each occurrence or incident, together with costs that may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than nine

(\$9.00) dollars nor more than five hundred (\$500.00) dollars be ordered for each occurrence or incident. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan law. Each day an occurrence or incident continues shall be deemed a separate violation of this Ordinance.

**D. Fines.** The payment of any fine does not alleviate the necessity of the offender from complying with the provisions of this Ordinance. All fines collected shall be promptly deposited in the General Fund of Webster Township. Each day during which a violation continues shall be deemed a separate offense. The foregoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

**E. Nuisance *Per Se*.** Any building erected, moved, altered, razed, or converted, or any use of land that is begun or changed subsequent to the effective date of this Ordinance, or its amendment, and is in violation of any provision of this Ordinance or the requirements thereof or any condition attached to a zoning compliance permit, certificate of occupancy, site plan, special use permit, decision of the Board of Appeals or a variance, is hereby declared to be a public nuisance per se, and shall be abated by any court of competent jurisdiction.

**Section 3.70**                      **Zoning Ordinance Amendments**                      [\(Back to Table of Contents\)](#)

**A. Authority.** The Township Board, after review and recommendation by the Planning Commission, has authority to adopt amendments to the text of this Ordinance and the official zoning map (rezoning).

**B. Procedure for Amendment of Zoning Ordinance.**

(1) *Applicants.* Amendments may be initiated by the Township Board, the Planning Commission, or by petition of one or more residents of Webster Township, or by one or more persons acting on behalf of a resident of Webster Township.

(2) *Pre-Application Conference.* The applicant/property owner must attend a pre-application conference to be coordinated by the Zoning Administrator. This meeting may include the Township Supervisor, Chairperson of the Planning Commission, Zoning Administrator, Township Engineer, consultants hired by the Township or other officials to discuss the project. The Zoning Administrator may require the applicant to make an escrow deposit to cover the Township’s actual costs incurred for such a meeting.

(3) *Application.* An application and ten (10) copies seeking an amendment to the text or map shall be filed with the Township Clerk. The Township Clerk shall date stamp all materials received, retain the original documents, and distribute the copies appropriately.

(4) *Application Information.* The application shall provide the following information:

*If an application involves an amendment to the official zoning map:*

- a. A legal description of the property, including the street address and tax code number(s).

- b. The name, address and telephone number of the applicant.
- c. The applicant's interest in the property. If the applicant is not the owner, the name and address of the record and known owner(s), and the owner(s) signed consent to the application.
- d. Identification of the zoning district requested and the existing zoning of the property.
- e. Signature(s) of the applicant(s) and owner(s), certifying the accuracy of the information.
- f. Further information as requested by the Zoning Administrator, consultants hired by the Township, Planning Commission, or Township Board that is relevant to the site and standards set forth in this Ordinance.

*If an application involves a change in the text of this Ordinance:*

- g. A detailed statement clearly and completely setting forth all proposed provisions and regulations, including all changes in the zoning ordinance necessary to accommodate the proposed amendment.
- h. Name and address of the applicant.
- i. Reasons for the proposed amendment.
- j. Further information as requested by the Zoning Administrator, consultants hired by the Township, Planning Commission, or Township Board, that is relevant to the proposed text amendment.

- (5) *Right of Entry.* The filing of an application to rezone shall constitute permission from the owner for the Township to complete an on-site investigation of the property in question for purposes of this Section.
- (6) *Application Fee.* The applicant shall submit to the Township Clerk with the application an application fee in an amount established by resolution of the Township Board to cover the fixed costs associated with processing the application.
- (7) *Escrow deposit.* The Zoning Administrator, after review of the application, shall establish an amount to be deposited by the applicant with the Township Clerk as an escrow deposit to defray the anticipated costs incurred by the Township to review and process the application(s). The Planning Commission shall not commence consideration of the merits of the application(s) until the escrow deposit is received by the Township Clerk. Any unused portions of the escrow deposit remaining after consideration and processing of the application shall be returned to the applicant(s). (amended May15, 2018)
- (8) *Initial Review.* The Zoning Administrator shall review the application(s) for completeness,

and indicate to the applicant additional information and documents to be provided. The Planning Commission shall schedule all public hearings and the Township Clerk or his/her designee shall coordinate public notices.

- (9) *Notice.* Notice shall be provided pursuant to the requirements of the Michigan Zoning Enabling Act.
- (10) *Public Hearing - Planning Commission.* The Planning Commission shall conduct a public hearing on the proposed text amendment or rezoning pursuant to the requirements of the Michigan Zoning Enabling Act. The hearing shall proceed as follows: open public hearing; acknowledge receipt of written comments; receive comments from applicant/owner and other persons attending the hearing; close public hearing
- (11) *Administrative Report.* Following the public hearing the Planning Commission may request that the Zoning Administrator and/or other persons retained by the Township present a report that analyzes the application(s) with respect to the requirements and standards of applicable federal and state statutes, ordinances, rules and regulations.
- (12) *Standards and Burden.* In deciding a request for a zoning text amendment or rezoning, the Planning Commission and Township Board shall be governed by the following principles and standards:
  - (a) The applicant shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact.
  - (b) Decisions to amend the ordinance text or official zoning map are legislative in nature, and the Township Board ultimately has discretion to act in the interest of the public health, safety and general welfare.
  - (c) In considering an application for rezoning, the following factors may be considered, among others: (Amended October 4, 2017)
    - i. Whether all required information has been provided and fees paid;
    - ii. Consistency with the goals, objectives, policies, and future land use map of the Webster Township Master Plan. If surrounding land use conditions have substantially and permanently changed since the Master Plan was adopted, the rezoning may be found to be consistent with recent development trends in the area;
    - iii. The compatibility of all uses permitted in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values compared to uses permitted under current zoning;

- iv. Whether the proposed rezoning and the uses permitted thereunder would adversely affect neighboring lands;
- v. Whether the proposed rezoning and the uses permitted thereunder would be compatible with, and would not have a significant adverse impact on, the natural environment;
- vi. The capacity of local utilities and public services sufficient to accommodate all the uses permitted in the requested district without compromising the "health, safety and welfare" of the township including the capacity of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district;
- vii. The precedents, and the possible effects of such precedents, that might result from approval or denial of the petition; and
- viii. Whether the requested rezoning will create an isolated and unplanned spot zone.

(13) *Payment of Costs.* Prior to any decision on an application for rezoning or concurrent application, the applicant shall pay all costs and expenses incurred by the Township to review and process the application(s). If sums due and owing the Township are not paid, the Township Board may delay making its decision(s) until such time as the sums are fully paid, dismiss the application(s), or take such other action as provided by law.

**C. Re-Application.** An application for an amendment that has been denied wholly or in part by the Township Board shall not be resubmitted for a period of 365 days from the date of such denial, except on grounds of new evidence or proof of changed conditions that reasonably could not have been submitted at the time of the initial application.

## **Section 3.75**

### **Fees**

[\(Back to Table of Contents\)](#)

**A. Application Fees.** The Township Board by resolution may establish fees to cover all or a portion of the fixed costs incurred to carry out this Ordinance and may require the payment of reasonable fees for zoning applications, permits, certificates, inspections and other matters as a condition to the granting of authority under this Ordinance.

**B. Escrow Deposit.** Escrow funds shall be determined and administered in accordance with provisions in this Ordinance and the policies adopted by resolution of the Township Board. (amended May 15, 2018)

## **Section 3.80**

## **Preliminary Certificate of Zoning Compliance**

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**A.** It shall be unlawful to change the type of use of land, or type of occupancy of any building, or to extend any use on any lot on which there is a nonconforming use until the Zoning Administrator has issued a preliminary certificate of zoning compliance.

**B.** Application for a preliminary certificate of zoning compliance may be made by the owner or lessee of the structure or lot, or agent of either, or by a licensed engineer or architect employed in connection with the proposed work or operation. If the application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner or owner's agent that the application and the proposed work or use is authorized by the owner in fee. An application form prepared by the Township (together with the application fee), amendments thereto, and all other materials shall be filed with the Township Clerk. The Township Clerk shall date stamp all documents received and forward the same to the Zoning Administrator. The Township Clerk, in conjunction with the Zoning Administrator, shall maintain such records.

**C.** The applicant shall bear the entire responsibility to provide the Zoning Administrator with all necessary supporting documentation required pursuant to this Ordinance. The Zoning Administrator may require the applicant to provide proof of ownership, including an abstract, deed or title insurance commitment or a title history search and a registered survey.

**D.** Prior to the issuance of a preliminary certificate of zoning compliance, all property lines, rights-of-way, easements, and all proposed structures and excavations shall be staked or otherwise physically identified on the site by the applicant, in such manner as deemed necessary by the Zoning Administrator to determine compliance with applicable ordinances.

**E.** An application for a preliminary certificate of zoning compliance shall be accompanied either by a site plan as required under this Subsection or a site plan as required under Section 8.05 of this Ordinance. The site plan submitted under this Subsection shall provide the following information:

- (1) The actual shape, location, dimensions and square footage of the lot.
- (2) Location of building envelope including all required yards and setbacks.
- (3) Dimension of abutting road rights-of-way, ingress and egress to property, and setbacks.
- (4) The shape, size and location of all existing and proposed buildings and structures (both principal and accessory) on the lot.
- (5) The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
- (6) Existing and proposed topography, including final grading contours if requested by the Zoning Administrator.



- (7) Storm water drainage plan, if requested by the Zoning Administrator. See Article 14, Storm Water Management Regulations, of this Ordinance.
- (8) Engineered grading plan, if requested by the Zoning Administrator. See Article 14, Storm Water Management Regulations, of this Ordinance.
- (9) Location and dimension of septic field, well or municipal or private treatment and potable water conduits.
- (10) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of applicable federal and state statutes, local ordinances, rules and regulations are being observed. The refusal or untimely submission of requested materials may provide a basis for an unfavorable decision.

**F.** The approved site plan shall become part of the record of approval and subsequent actions relating to the activity authorized shall be consistent with the approved plan, unless a minor change conforming to the Ordinance receives the mutual agreement of the landowner and the Zoning Administrator.

**G.** When the Zoning Administrator receives an application for a preliminary certificate of zoning compliance that requires action by the Board of Appeals or Planning Commission, such application, along with all supporting information, shall be conveyed by the Zoning Administrator to the Board of Appeals or the Planning Commission.

**H.** The Zoning Administrator may withhold issuance of a preliminary certificate of zoning compliance pending verification that an applicant has received required county, state or federal permits, including but not limited to, septic and water well permits, soil erosion and sedimentation control permits, wetlands permits, floodplain, culvert, driveway or building permits.

**I.** The Zoning Administrator shall examine or cause to be examined all applications for preliminary certificates of zoning compliance and amendments thereto within a reasonable time after filing. If an application or the plans do not conform to all requirements of applicable statutes, ordinances, rules and regulations, the Zoning Administrator shall reject the application in writing, stating the reasons therefore. If the application and plans conform to the provisions of applicable statutes, ordinances, rules and regulations, then the Zoning Administrator shall promptly issue the preliminary certificate of zoning compliance. The Zoning Administrator shall attach his/her signature to every certificate or authorize a subordinate to affix his/her signature. The Zoning Administrator shall stamp or endorse all sets of corrected and approved plans submitted with such application as "*Approved.*"

**J.** The development or usage proposed by an application for a preliminary certificate of zoning compliance shall be subject to an inspection by the Zoning Administrator after trenches are dug and prior to footing construction. The permit holder shall be responsible to notify the Zoning Administrator with at least a two (2) working-day notice regarding the time that the development/construction will be ready for inspection.

**K.** Grading shall comply with the provisions of Subsection 13.65(A) of this Ordinance.

**L.** Any amendments to a plan, application, or other records accompanying the same shall follow the same procedures as required for the original preliminary certificate of zoning compliance.

**M.** The Zoning Administrator under no circumstances shall permit or grant exceptions to the actual meaning of any clause, order, or regulation contained in this Ordinance to any person making application to excavate, construct, remove, alter, or use either building, structures or land within the Township.

**N.** Issuance of a preliminary certificate of zoning compliance shall in no case be construed as waiving any provisions of this Ordinance and a certificate issued contrary to the terms of this Ordinance shall be void.

**O.** The Zoning Administrator may revoke a preliminary certificate of zoning compliance in case of any false statement or misrepresentation of fact in the application or the plans on which the certificate was based.

**P.** No clearing or earth moving activity or construction for the purpose of development according to the proposed plan, may commence without a preliminary certificate of zoning compliance or written authorization from the Zoning Administrator.

**Q.** The preliminary certificate of zoning compliance shall be conspicuously displayed on the property until a certificate of occupancy has been issued.

**R.** A preliminary certificate of zoning compliance shall indicate that the plans on which the certificate was issued comply with all requirements of this and other applicable ordinances, statutes, rules and regulations.

**S.** A preliminary certificate of zoning compliance authorizes only the use and structure(s) evidenced by the approved application and plans.

**T.** The Zoning Administrator may require an applicant to deposit a performance guarantee in an amount to ensure conformance with this and other applicable ordinances, rules and regulations, to include (but not limited to) grading and landscaping.

### **Section 3.85**      **Building Permit**

[\(Back to Table of Contents\)](#)

**A.** Before building plans are submitted to the Washtenaw County Building Department, the plans must be submitted to and approved by the Zoning Administrator.

**B.** No building permit shall be issued by the Washtenaw County Building Department unless a certificate of zoning compliance has been issued by the Zoning Administrator and is in effect.

**C.** No structure shall be erected, moved, placed on a lot, added to, or structurally altered unless both a certificate of zoning compliance and building permit have been issued and are in effect.

## **Section 3.90**

## **Final Certificate of Zoning Compliance**

[\(Back to Table of Contents\)](#)

- A.** It shall be unlawful for any person to occupy a structure without a final certificate of zoning compliance issued by the Zoning Administrator.
- B.** The person to whom the preliminary certificate of zoning compliance was issued or his/her designee shall notify the Zoning Administrator when a final inspection is desired.
- C.** With the exception of final asphalt paving, a final certificate of zoning compliance shall not be issued for a structure or use until the road that accesses the parcel has been constructed in accordance with the applicable requirements and standards of the Washtenaw County Road Commission for a public road, or in accordance with the site plan and/or for development agreement for a private road.
- D.** Before a final certificate of zoning compliance is issued, the applicant shall submit to the Zoning Administrator verification that the sanitary sewer system and potable water system servicing the property are safe and properly installed.
- E.** Except as provided in Subsections C and D above, a final certificate of zoning compliance may be issued where one or more improvements depicted on a final site plan are not satisfactorily completed, provided the occupant's health, safety and welfare are not placed in jeopardy and adequate performance guarantees are posted to assure timely completion of the improvements, including (but not limited to) final grading.
- F.** Before a final certificate of zoning compliance is issued, the Zoning Administrator shall verify that the monuments have been placed on the property for a platted subdivision.
- G.** Before a final certificate of zoning compliance is issued, the Zoning Administrator, or his/her designee, shall conduct a final inspection of the lot and structure thereon to ensure that the premises and structures are in compliance with this and other applicable ordinances, statutes, rules and regulations.
- H.** Except as hereinafter provided, it shall be unlawful to use or permit the use or occupancy of any structure or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a final certificate of zoning compliance has issued a certificate of occupancy by the Zoning Administrator and the Building Inspector.
- I.** Accessory buildings or structures to dwelling shall not require a separate final certificate of zoning compliance, but, rather, may be included in the final certificate of zoning compliance for the principal dwelling on the same lot, when such accessory buildings or structures are completed at the same time as the principal use.
- J.** A certificate of occupancy, as required for occupancy or use of new construction or renovation of buildings and structures issued under the provisions of the Building Code, shall not constitute a final certificate of zoning compliance issued under this Ordinance.

**K.** A final certificate of zoning compliance for a dwelling unit within a project may be withheld by the Zoning Administrator in the event an improvement or condition associated with the project for which the unit is a part, has not been met or a satisfactory performance guarantee filed with the Township.

### **Section 3.95**      **Time Limits on Construction**

[\(Back to Table of Contents\)](#)

**A.** Unless another time period is provided for in a development agreement, construction of an improvement, dwelling, building or other structure for which a certificate of zoning compliance was issued shall be satisfactorily completed within eighteen (18) months of the date a certificate of zoning compliance is issued, unless, upon a showing of good cause for the delay, the Zoning Administrator extends the time limit for an additional six (6) months [for a total of twenty-four (24) months]. In extenuating circumstances, the Township Board may consider, for good cause, an additional extension of six (6) months.

**B.** In granting an extension, the Zoning Administrator may require the applicant to post performance guarantees in an amount to cover the costs of the improvement, structure or dwelling yet to be completed for which the certificate of zoning compliance was issued.

**C.** During the period of construction, other lots shall not be burdened with drainage from the property upon which the construction occurs.

### **Section 3.100**      **Temporary Certificate of Occupancy**

[\(Back to Table of Contents\)](#)

**A.** The Building Inspector shall, upon request, issue a temporary certificate of occupancy for a part of a building or development prior to the completion of the entire building or structure, if the Zoning Administrator determines that the temporary occupancy or use of the completed part shall not materially interfere with the completion, endanger the occupants and the remaining building or development can reasonably be completed within ninety (90) days from the issuance of the temporary certificate of occupancy.

**B.** If, after issuance of a temporary certificate of occupancy for a portion of a building or structure, the Building Inspector shall determine that the conditions for issuance of such certificate no longer exist or that the building or structure cannot or will not be completed within the time specified above, the Building Inspector shall revoke the temporary certificate of occupancy and the person to whom such revoked certificate shall have been issued shall, forthwith upon receipt of notice of such revocation, terminate and abandon or cause the termination or abandonment of such occupancy or use.

### **Section 3.105**      **Right of Entry**

[\(Back to Table of Contents\)](#)

The filing of an application for a certificate of zoning compliance, temporary certificate of occupancy, certificate of occupancy or any other application signed by the owner or the applicant's agent shall constitute permission from the owner for the Township to complete an on-site investigation of the property in question for purposes of this Ordinance.

**Section 3.110**      **Compliance with Plan and Application**      [\(Back to Table of Contents\)](#)

Certificates of zoning compliance issued on the basis of plans and applications approved by the Zoning Administrator or Township Board authorize only the use, design and construction set forth in such approved plans and applications, and no other use, design, or construction. Use, design, or construction different than that authorized shall be deemed a violation of this Ordinance.



**ARTICLE 4**  
[Reserved]





**ARTICLE 5**  
**[RESERVED]**



## ARTICLE 6 APPEALS AND VARIANCES

### **Section 6.05**

### **Appeals to the Board of Appeals**

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- A. Authority.** This Section outlines the process for appeals to the Board of Appeals.
- (1) *Scope of Authority.* Except as provided in Subsection 6.05 (A) (3), the Board of Appeals shall hear and decide questions that arise in the administration of this Ordinance, including the interpretation of the official zoning map. The Board of Appeals shall also hear and decide on matters referred to the Board of Appeals or upon which the Board of Appeals is required to pass under this Ordinance. It shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of this Ordinance including site plan review decisions by the Planning Commission.
  - (2) *Interpretation.* The Board of Appeals shall hear and decide upon the following requests:
    - (a) Interpret the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning. In deciding upon such request, the Board of Appeals shall ensure that its interpretation is consistent with the intent and purpose of this Ordinance, the Article in which the language is contained, and all relevant provisions of this Ordinance.
    - (b) Interpret the official zoning map when there is a question regarding the zoning classification of a property and there is dissatisfaction with the decision made by the Zoning Administrator. In making such an interpretation, the *Rules of Interpretation* in this Ordinance shall be followed.
    - (c) Classify a use that is not specifically mentioned within the use regulations of any zoning district based on a comparable permitted or special use, in accordance with the purpose and intent of each district. If no comparable use is found, the Board of Appeals shall so declare, the effect being that the use is not permitted until or unless the text of this Ordinance is amended to permit it.
    - (d) To ensure consistency in the interpretation of the provisions of this Ordinance, a record of decisions shall be kept in the office of the Township Clerk.
  - (3) *Limitation of Authority.*
    - (a) The Board of Appeals does not have authority to hear an appeal from a legislative decision of the Township Board. The Board of Appeals shall not hear and decide appeals from any decision or order of the Planning Commission or Township Board with respect to applications for special use permits, planned unit developments, rezonings, conditional rezonings or related site plans.

(b) The Board of Appeals shall not alter or change the zoning district classification of any property.

**B. Procedure.**

- (1) *Applicant.* An appeal may be taken, or an interpretation sought, by a person aggrieved or by an officer, department, board, or bureau of the Township, or county, or state enforcing this Ordinance.
- (2) *Application.* A notice of appeal or request for an interpretation shall be submitted to the Township Clerk in accordance with the Bylaws established by the Board of Appeals. The Township Clerk shall date stamp all materials received.
- (3) *Application Information.* The application shall provide all information as specified in this Ordinance and the Bylaws of the Board of Appeals.
- (4) *Right of Entry.* The filing of the application shall constitute permission from the owner/applicant for the Township to complete an on-site investigation of the property in question for purposes of this Section.
- (5) *Application Fee.* The applicant shall submit to the Township Clerk with the application an application fee in an amount established by resolution of the Township Board to cover the fixed costs associated with processing the application.
- (6) *Filing Deadline.* A notice of appeal specifying the grounds for the appeal, together with the application fee to cover fixed costs and expenses, must be filed with the Township Clerk within sixty (60) days of the date the decision was rendered. A notice of appeal and/or application fee untimely filed with the Township Clerk shall result in a lack of jurisdiction by the Board of Appeals.
- (7) *Distribution of Application.* The Township Clerk shall retain the original documents and transmit copies to the Board of Appeals and others as described in the Bylaws of the Board of Appeals.
- (8) *Verification of Completeness.* Members of the Board of Appeals, in accordance with the Board of Appeals Bylaws, shall review the application for completeness, and, after conferring with the Chairperson, indicate to the applicant additional information and documents to be provided, schedule hearings and arrange for notices to be mailed and published.
- (9) *Transfer of Materials.* The officer or body from which the appeal was taken shall transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
- (10) *Escrow Deposit.* The Zoning Administrator shall establish an amount, if any, to be deposited by the applicant with the Township Clerk as an escrow deposit to defray the anticipated costs incurred by the Township to review and process the application. The

Board of Appeals shall not commence consideration of the merits of the application until the escrow deposit is received by the Township Clerk. (amended May 15, 2018)

- (11) *Notice.* Notice shall be provided in accordance with Section 3.40 of this Ordinance.
- (12) *Conduct Hearing.* The procedure(s) outlined in the Bylaws of the Board of Appeals shall be followed. The members of the Board of Appeals may discuss and/or render their decision following the hearing or at a subsequent meeting. The Board of Appeals may adjourn the hearing to obtain additional information.
- (13) *Burden of Proof.* The applicant has the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact.
- (14) *Decision.*
  - (a) A decision of the Board of Appeals shall be on a form prepared by the Board of Appeals and shall state: date of the hearing; Applicant's name, address, telephone and facsimile number; type of request to the Board of Appeals, such as (but not limited to) dimensional variance, interpretation of zoning map, administrative appeal; findings of fact; decision; reason for the decision; and state how each member voted. The decision shall be signed by each member voting on the decision and contain the following certification:

*I, \_\_\_\_\_, Secretary [or acting secretary] of the Webster Township Board of Appeals, certify that on this date I witnessed the signatures set forth above and attest to the accuracy of this final decision.*
  - (b) The Board of Appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and direct the issuance of a permit.
  - (c) The concurring vote of at least three (3) members of the Board of Appeals shall be necessary to reverse any order, requirements, decision, or determination of any administrative official or to decide in favor of the appellant on any matter appealed.
- (15) *Stay of Decision.* The filing of an appeal stays the implementation of the decision being appealed. Any person or entity affected by the decision may submit a written, signed statement to the Board of Appeals that sets forth the facts upon which the person or entity believes immediate implementation of the decision is necessary to preserve life or property. The Chairperson, without a hearing, may issue an order that gives immediate effect to the decision and set a hearing date at which time all interested persons may submit matters relevant to whether the decision should or should not be stayed. Prior to said hearing, the person or entity seeking immediate implementation of the decision shall deliver a copy of the statement, together with written notice of the date, time and place of the hearing, to all known parties affected by the decision. Following the hearing, the Board of Appeals, based on the facts placed on the record, may continue, modify or rescind its prior order.

## **Section 6.10**      **Dimensional Variances**

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**A. Authority.** (Amended April 21, 2015) If there are practical difficulties in the way of carrying out the strict letter of this Ordinance, the Board of Appeals may grant a variance, including a dimensional variance, in accordance with this Section, so that the spirit of this Ordinance is observed, public safety secured, and substantial justice done. The Board of Appeals shall not have the authority to grant a use variance, or any variance that allows a use prohibited by this Ordinance.

### **B. Procedure.**

(1) *Application.* The owner of the land upon which a variance is sought, or a duly authorized representative, may file an application for a variance.

(2) *Process.* The application and its review shall comply with the requirements of Section 6.05 B (2) – (5) and (7) – (12).

(3) *Standards of Review.* In deciding a request for a dimensional variance, the Board of Appeals shall be governed by the following principles and standards:

(a) The applicant shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact.

(b) In considering an application for a dimensional variance, all of the following standards shall be met:

i. All required information has been provided and fees paid.

ii. The difficulty or hardship is unique to the property in question and is not generally shared by other properties classified in the same zoning district and/or used for the same purposes.

iii. The particular physical conditions, shape, or surroundings of the property would impose upon the owner a *practical difficulty*, as opposed to a mere inconvenience, if the requirements of the Zoning Ordinance were strictly enforced.

iv. The special conditions and circumstances do not result from the actions of the applicant or current property owners; or previous property owner or title holder, or their agent, unless the applicant would suffer undue hardship or inequity as a result of the denial. (*Amended May 17, 2022*)

v. The proposed variance will not impair an adequate supply of light and air to adjacent properties or otherwise injure other property or its use, will not substantially increase the danger of fire, flood and similar dangers or otherwise endanger the public health, safety and welfare, and will not substantially diminish or impair property values within the neighborhood or surrounding properties.

- vi. The variance, if granted, will not alter the essential character of the neighborhood or surrounding properties and will be consistent with the goals, objectives and policies set forth in the Webster Township Zoning Ordinances.
  - vii. Granting the variance as requested will not bestow upon the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same district.
  - viii. The existence of non-conforming uses of neighboring lands, structures or buildings in the same district; permitted or non-conforming uses of land, structures or buildings in other districts; and non-conforming structures; shall not be grounds for granting a variance.
  - ix. The variance granted shall be the minimum variance that will permit a reasonable utilization of the land, building or structure.
- (4) *Conditions.* The Board of Appeals may impose reasonable conditions upon a dimensional variance approval. The Board of Appeals may attach conditions to any affirmative decision, provided such conditions meet the requirements of this Ordinance and the Michigan Zoning Enabling Act, as amended. Such conditions shall be consistent with procedures, requirements, standards, and policies of the Township Board, Township Planning Commission, and other Township agencies, where applicable. Conditions imposed upon an approval shall be stated in the record or order and shall remain unchanged except upon application to the Board of Appeals. Similarly, any changes in conditions shall be reflected in the record or order.
- (5) *Effect of Approval.* For a dimensional variance that requires the issuance of a certificate of zoning compliance, the dimensional variance shall expire at the end of one hundred and eighty (180) days, unless a certificate of zoning compliance authorizing construction has been obtained and construction has started and proceeds to completion in accordance with the provisions of the certificate of zoning compliance.
- (6) *Runs with the Land.* Unless otherwise stated in the conditions imposed by the Board of Appeals, the variance shall run with the land. If the variance runs with the land, the Township, at the expense of the applicant, may record a notice of variance with the Washtenaw County Register of Deeds.
- (7) *Performance Guarantee.* In authorizing a dimensional variance the Board of Appeals may require that a cash deposit, certified check, irrevocable bank letter of credit, or other security acceptable to the Township covering the conditions imposed on the variance be deposited with the Township Clerk.
- (8) *Decision.* The decision of the Board of Appeals rendered pursuant to this Section shall be final. However, a person aggrieved by a decision of the Board of Appeals may appeal that decision to the circuit court.

- (9) *Revocation.* In the event the Board of Appeals grants a dimensional variance, the applicant/owner or their successor in interest shall not use the property in question in such a way that would exceed those rights given by this Ordinance or the variance, or fail to follow any conditions placed thereon by the Board of Appeals. In the event the use of the property exceeds those rights given by this Ordinance or the variance, or fails to follow the conditions placed upon the variance, then following notice of the owner/applicant and hearing, the variance shall immediately terminate and it shall be deemed a violation of this Ordinance.
- (10) *Civil Infraction.* An individual or successor in interest who violates the terms and/or conditions of a dimensional variance is responsible for a violation of this Ordinance.

**Section 6.15**      **Appeals from Board of Appeals**

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Any party aggrieved by a decision of the Board of Appeals may appeal to the Washtenaw County Circuit Court. An appeal shall be filed within the time provided for by law.



**ARTICLE 7**  
[RESERVED]



## **ARTICLE 8 SITE PLANS**

### **Section 8.05      Site Plan Review**

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**A. Authority.** The Planning Commission has the authority to approve, approve with conditions, or reject a site plan submitted under this Section. The Zoning Administrator has the authority to review, approve, approve with conditions or reject all site plans submitted under Subsection 3.80(E) of this Ordinance.

**B. Scope and Purpose.**

- (1) The Township finds that nonresidential developments, single-family residential developments involving more than two (2) lots, and multiple-family residential developments may have a substantial effect on the character of the community and its public health, safety, and general welfare. Therefore, this Section requires the submission of a site plan application for all nonresidential developments, single-family residential developments involving more than two (2) lots, and multiple-family residential developments. A site plan under this Section shall be submitted for a condominium, apartment, an open space preservation community and similar developments; special use; rezoning to include but not limited to planned unit development; conditional rezoning; and all commercial and industrial building or structures. Certain special use applications may be exempt from the site plan requirements of this section if approved according to the provisions of Section 10.05.A.5 herein.
- (2) The purpose of site plan review is to reasonably ensure that the development and use of land will not adversely affect the public health, safety, and general welfare; ensure compliance with the provisions of this Ordinance, other applicable ordinances, regulations and rules, state and federal statutes; and ensure that the proposed development is compatible with the surrounding uses and in accordance with the goals and objectives of the Master Plan.
- (3) The site plan review process is intended to proceed in a timely manner, without undue delay while ensuring the goals and objectives of the Master Plan and this Ordinance are met.
- (4) Upon written request of the applicant, or on the initiative of the Planning Commission, any requirement of this Section may be waived by the Planning Commission, provided that such waiver does not adversely affect the standards set forth in this Section or the rights of the public. If the matter waived becomes relevant during the processing of the application, then the waiver may be rescinded and the applicant required to comply.

**C. Concurrent Applications.**

- (1) Where an application for site plan review is required to be submitted in conjunction with another application, such as (but not limited to) an application for rezoning, to include (but

not limited to) a planned unit development; an application for a special use (if required under Section 10.05.A.5 herein); an application for conditional rezoning; or an open space preservation community, the applications shall be processed concurrently and no application fee shall be required for site plan review, though escrow deposit may be required.

- (2) Where an application for site plan review is required to be submitted in conjunction with another application, a condition for site plan approval is that the concurrent application meets the requirements and standards applicable to the concurrent application.

**D. Phasing of Development.** The applicant may divide the proposed development into two (2) or more phases. In such case, the preliminary site plan shall cover the entire property involved and shall clearly indicate the location, size, and character of each phase. A final site plan shall be submitted for review and approval for each phase.

**E. Procedure.**

- (1) *Applicant.* The owner of the property, or his/her duly authorized agent, may submit an application for site plan review.

- (2) *Pre-Application Conference.*

- (a) The applicant/property owner must attend a pre-application conference to be coordinated by the Zoning Administrator. This meeting may include the Township Supervisor, Chairperson of the Planning Commission, Zoning Administrator, Township Engineer, consultants hired by the Township or other officials to discuss the project. The Zoning Administrator may require the applicant to make an escrow deposit to cover the Township's actual costs incurred for such a meeting.

- (b) The Zoning Administrator may consult with the Township Engineer, County Water Resources Commissioner, Road Commission or other agency as required, or may refer the applicant to the appropriate agency for additional information. The applicant shall not be bound by the plan reviewed in a pre-application review, nor shall the Planning Commission or Township Board be bound by any such review.

- (c) At the request and risk of the applicant and with the approval of the Planning Commission, an applicant may combine the preliminary site plan and final site plan into one plan/process. The Planning Commission shall have the authority to require submittal of a preliminary site plan separate from a final site plan, where, in the opinion of the Planning Commission, the complexity and/or size of the proposed development so warrants. A preliminary and final site plan shall not be combined for any development consisting of two (2) or more phases.

- (3) *Preliminary Site Plan Application.*

- (a) Application. An application for preliminary site plan review shall be filed with the Township Clerk. The Township Clerk shall stamp date all materials received, retain the

original documents, and distribute copies appropriately.

(b) Application Information. The application shall provide the following information:

- i. Applicant's name, street address, phone number, and e-mail address. If the applicant is the owner, then each person having a fee interest in the property must sign the application. If the applicant is a corporation, a corporate officer must sign the application. If the applicant is a limited liability company, the manager or a member must sign the application. If the applicant is a partnership, a general partner must sign the application. If the applicant is not the owner, the applicant must submit a document signed by the owner(s) of record that authorizes the applicant to submit the application and agrees to be bound by the provisions of applicable statutes, ordinances, rules and regulations.
- ii. A copy of the instrument that vests title in the owner(s) or a title commitment certified to within sixty (60) days of the date the application is filed with the Township Clerk.
- iii. If different from the applicant, developer's name, street address, phone number and e-mail address.
- iv. Address, tax code number(s) and legal description of the subject property.
- v. Name, street address, phone number, and e-mail address of the engineer, architect, landscape architect, land planner, and/or land surveyor aiding in preparation of the site plan.
- vi. Project name.
- vii. Total size of project.
- viii. Zoning district in which the property is located.
- ix. Uses proposed and approximate size of each area.
- x. Projected time frame and number of development phases.
- xi. Total number of existing and proposed structures, units, or offices.
- xii. List of all improvements proposed to be installed by the developer.
- xiii. Most recent aerial photograph of the site on file with Washtenaw County.
- xiv. General statement of private roads, if applicable, in accordance with the Township's Private Road Ordinance.
- xv. Natural features impact statement drafted in accordance with Section 16.10 (C) of

this Ordinance.

- xvi. Impact assessment statement drafted in accordance with Section 13.70 of this Ordinance.
  - xvii. Names of adjacent subdivisions or developments, layout of streets (with names), right-of-way widths, connections with adjoining streets, widths and locations of alleys, easements, and public walkways adjacent to or connecting with the proposed project; layout and dimensions of lots adjacent to the proposed project; and names and addresses of owners on record of all adjacent property.
  - xviii. Further information as requested by the Zoning Administrator, consultants hired by the Township, or Planning Commission that is relevant to the site and standards set forth in this Ordinance.
- (c) Site Plan. A preliminary site plan, together with ten (10) copies, shall be submitted to the Township Clerk with the application for preliminary site plan review. The Township Clerk shall date stamp the original and each copy.
- (d) Site Plan Information. The site plan shall be of a scale not greater than one inch equals twenty feet (1" = 20'), nor less than one inch equals sixty feet (1" = 60'), and of such accuracy that the Planning Commission can readily interpret the plan. Included on the preliminary site plan shall be all dimensions and the following:

*General Requirements:*

- i. All plans for land improvements shall be prepared on standard twenty-four (24) inch by thirty-six (36) inch white prints having blue or black lines, shall be drawn to an engineering scale, and shall be neatly and accurately prepared. Where more than one sheet is required to show the entire site, match lines shall be provided.
- ii. All plans that are submitted for Planning Commission review shall consist of the following number of sets: 10 full size at 24-inch x 36-inch and 10 reduced size at 11-inch x 17-inch.
- iii. The first sheet in each set shall be the cover sheet and shall include, at a minimum: site and zoning data, sheet index, revision dates, area map and project name.
- iv. The site plan shall be prepared by a professional engineer, architect, planner, landscape architect or land surveyor licensed in the State of Michigan and shall bear his/her seal. The sheets of the site plan shall be numbered consecutively with dates of revision.
- v. The north arrow shall be oriented so that north is either up or to the left.
- vi. The scales throughout the set of plans shall be standard engineering scales and shall be consistent throughout.

- vii. No applied shading or crosshatch shall be used that obscures any lettering or other graphical information.
- viii. “Adjacent” when referring to property includes abutting property and property across the street.

*Preliminary site plan information:*

- ix. Name, address and phone number of the property owner and applicant; interest of applicant in property. If the applicant is not the property owner, the owner must provide written authorization for the application.
- x. Name, address and phone number of the developer.
- xi. Location (vicinity map) and description of site: dimensions, area, legal description of site; dimensions and lot area; property ownership; drainage relationships; road network and utility systems. Where a metes and bounds description is used, lot line angles or bearings shall be indicated on the plan and the lot line dimensions and angles or bearings shall be based upon a boundary survey prepared by a registered surveyor, and shall correlate with the legal description.
- xii. A depiction of the site that outlines existing building/structures and drives; existing natural and man-made features to be retained or removed.
- xiii. If a site is to be developed in two or more phases, the preliminary site plan or preliminary plat shall show the entire property in the development, its proposed layout, and the location of each phase. A preliminary and final site plan shall not be combined for a project that has two or more phases.
- xiv. All adjacent property owned or controlled by the applicant, or owner of the subject property.
- xv. A site analysis to evaluate the design and development potential of the site, to identify the nature and effect of the design and development on the existing conditions of the site, and to determine the site’s relation to neighboring property as well as physical and natural features in the area. The analysis shall include a narrative on the benefits of the project for the community, a description of why the property should be developed as proposed, and a description of the potential impacts. The analysis shall be graphic in form and supplemented by text. For proposals in the industrial zoning district, information must be provided to show that all performance standards in Section 9.40 (D)(5) will be met.
- xvi. Proposed and existing buildings/structures: location, outline, general dimensions, distances between, floor area, number of floors, height, floor plans, finished floor elevations, grade line elevations, indication of walkouts or view outs, and number and type of dwelling units (where applicable). This information is required regardless of lot size.

- xvii. Existing zoning classification of property and abutting lands: required yards; dwelling unit schedule, density of development, and lot area per dwelling unit for residential projects; lot coverage (percent) and floor area ratio; location and size of required transition and landscape strips, if applicable.
- xviii. Topographical map containing two (2') foot contour intervals at a scale not more than one inch equals twenty feet (1" = 20'), if the subject property is less two (2) acres; one inch equals forty feet (1" = 40'), if the site is less than six (6) acres; and one inch equals one hundred feet (1" = 100'), if the site is greater than six (6) acres. The map shall extend approximately two hundred (200') feet beyond the boundaries of the project.
- xix. A Natural Features Impact Statement in accordance with the requirements of subsection 16.10.C of this Ordinance.
- xx. Soils information, for sites utilizing on-site septic tanks and drain fields; location and extent of soils that are unbuildable in their natural state because of organic content or water table level, based on the Washtenaw County Soil Survey.
- xxi. Location, number and floor area of residential units, if any.
- xxii. Location, number and type of nonresidential uses, if any.
- xxiii. Location and number of acres to be preserved as open or recreational space. Include proposed use, size and proposed improvements.
- xxiv. Location of all known historic features to be preserved.
- xxv. Location of proposed and existing public or private streets/drives on and within two hundred (200') feet of the project: general alignment, right-of-way (where applicable), surface type and width, names, spot elevations of street surfaces, including elevations at intersections with streets and drives of the proposed development.
- xxvi. Location of proposed sidewalks and pedestrian paths: width, composition (materials), lighting and typical cross section.
- xxvii. Proposed exterior lighting features.
- xxviii. Access/egress points to and from project together with proposed improvements to existing roads leading to/from the project. The Planning Commission may require a traffic study for this purpose.
- xxix. Proposed parking: location and dimension of lots, dimensions of spaces and aisles, angle of spaces, surface type, barrier free spaces and number of spaces. Include supporting calculations for parking spaces and screening methods to be used to



obscure view from adjoining lands and abutting streets.

- xxx. Storm water management plan and engineered grading plan shall be generally depicted showing techniques and devices to be utilized such as (but not limited to) grading, culverts, drains, retention/detention areas. See Article 14, Storm Water Management Regulations, of this Ordinance.
- xxxi. Location and width of easements on site. Indicate the future width of right-of-ways as planned by the Washtenaw County Road Commission.
- xxxii. General description and layout of proposed water and sanitary sewer facilities.
- xxxiii. Further information as requested by the Zoning Administrator, consultants hired by the Township or Planning Commission that is relevant to the site and standards set forth in this Ordinance.

(e) Right of Entry. The filing of the application shall constitute permission from the owner for the Township to complete an on-site investigation of the property in question for purposes of this Section.

(f) Application Fee. Unless exempt under Subsection 8.05(C)(1), the applicant shall submit to the Township Clerk with the application for site plan review an application fee in an amount established by resolution of the Township Board to cover the fixed costs associated with processing the application.

(g) Other Agencies. The applicant shall deliver one copy of the application(s) and preliminary site plan to each of the following agencies:

- i. The Washtenaw County Road Commission.
- ii. State transportation department, if any of the proposed project includes or abuts a state trunk line highway or includes streets or roads that connect with or lie within the right-of-way of state trunk line highways.
- iii. The Washtenaw County Water Resources Commissioner.
- iv. The Washtenaw County Health Department, if public water and public sewers are not available and accessible to the proposed project.
- v. Michigan Department of Natural Resources and Environment, if the proposed project lies wholly or in part within a floodplain or a river, stream, creek, or lake, or abuts a lake, stream, existing or proposed channel or lagoon affording access to a lake or stream where public rights may be affected.
- vi. Fire department that provides service to the subject property.
- vii. All applicable utilities (gas, electric, cable television, telephone).

Proof of submission of the application(s) and site plan to each agency shall be provided to the Zoning Administrator at the time the application is filed.

(h) Initial Review. (amended June 17, 2014) Applications for Wireless Communication Towers shall be governed by Sections 13.190(I)(1) and 13.190(I)(2). For all other applications, the Zoning Administrator shall review the application(s) for completeness, and indicate to the applicant additional information and documents to be provided. The Planning Commission or Township Board shall schedule all public hearings and The Township Clerk or designee shall coordinate public notices.

(i) Escrow deposit. Prior to considering the merits of the application(s), the Zoning Administrator may establish an amount to be deposited by the applicant with the Township Clerk as an escrow deposit to defray the anticipated costs incurred by the Township to review and process the application(s). The Planning Commission shall not commence consideration of the merits of the application(s) until the Escrow deposit is deposited with the Township Clerk. (amended May 15, 2018)

(j) Notice. Notice shall be given in accordance with the Subsection 3.40 of this Ordinance

(k) Public Hearing. A public hearing shall be held on the application(s). The public hearing shall be conducted as follows: Open public hearing. Acknowledge receipt of written comments. Receive comments from applicant and those attending the hearing. Close public hearing

(l) Administrative Report. The Planning Commission may request that the Zoning Administrator and/or persons retained by the Township to present a report that analyzes the application(s) with respect to the requirements and standards of applicable federal and state statutes, ordinances, rules and regulations.

(m) Standards for Review. In rendering a decision on a preliminary site plan, the Planning Commission and Township Board shall be governed by the following principles and conditions:

- i. The applicant has the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact.
- ii. Site plan approval shall be granted only if the site plan meets all applicable standards as outlined below:
  - a. All required information has been provided.
  - b. The site plan is consistent with the goals, objectives and implementation strategies of the Webster Township Master Plan.
  - c. The plan complies with the provisions of this Ordinance, Federal and State

statutes, other applicable ordinances, rules and regulations.

- d. All required improvements are provided.
- e. All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this section. Architecture shall be utilized to ensure compatibility with surrounding uses.
- f. The scale and design of the proposed development shall support and not create an unreasonable burden on the ability of the township or other public agencies to adequately provide services including, but not limited to: fire and police protection, storm water management, sanitary sewage removal and treatment, traffic control, public schools and administrative services.
- g. The proposed development meets the requirements and specifications applicable to a concurrent application.
- h. 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.
- i. Outside lighting will not adversely affect adjacent or neighboring properties, or traffic on adjacent streets.
- j. Outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.
- k. The means of ingress and egress to and from the site is planned with the objective of achieving recognized planning, engineering and safety standards, and shall not result in an unreasonable risk of danger to persons and/or property on the site and/or off the site. In general, this standard shall be met based upon the design of ingress and egress in terms of the number, location and design of access(es), and utilization of acceleration, deceleration and passing lanes and approaches. The Planning Commission shall review the ingress and egress proposed for the purpose of promoting and protecting traffic safety, and shall require improvements accordingly.
- l. The landscape shall be preserved in its natural state by minimizing tree and soil removal, alteration to the natural drainage courses, and the amount of cutting, filling and grading. Existing site natural features and topography shall be incorporated into the proposed site design where possible. All requirements of Article 16 Environmental Regulations of this Ordinance shall be complied with.
- m. The site design provides reasonable visual and sound privacy for dwelling units

located therein and adjacent thereto. Fences, walks, barriers, buffers and plantings shall be used, as appropriate, for the protection and enhancement of property and the privacy of its occupants.

- n. All buildings or groups of buildings are arranged so as to permit emergency vehicle access.
  - o. The arrangement of public or common ways for vehicular and pedestrian circulation respects the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. The width of streets and drives is appropriate for the volume of traffic they will carry, on-street parking where appropriate, and the desired character of the streetscape and neighborhood.
  - p. Storm water management system and facilities preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible, and do not substantially reduce or increase the natural retention or storage capacity of any wetland, water body, or water course, or cause alterations that could increase flooding or water pollution on or off the site.
  - q. The capacity of the street system is adequate to safely and efficiently accommodate the expected traffic generated by the development.
- (n) Payment of Township Expenses. Prior to the Planning Commission or Township Board making a recommendation or rendering a decision, the applicant shall pay all costs and expenses incurred by the Township to review and process the application. If sums are due and owing the Township, the Planning Commission may delay making its decision until such time as the sums are fully paid, dismiss the application(s), or take such other action as provided by law.
- (o) Action on Preliminary Site Plan. If the action taken by the Planning Commission approves the preliminary site plan, with or without modifications, then the applicant may file an application for final site plan review and submit a final site plan drafted in accordance with the preliminary site plan as approved by the Planning Commission. If the Planning Commission does not approve the preliminary site plan, then the applicant may not file an application for final site plan and any concurrent application is denied.
- (p) Effect of Preliminary Plan Approval. The Planning Commission's approval of the preliminary site plan, with or without modifications, does not authorize the commencement of any activity on the site. No grading, removal of vegetation, filling of land or construction shall commence for any development for which preliminary site plan approval is granted, unless approved in writing by the Zoning Administrator and then only for the limited purposes specified in writing by the Zoning Administrator. The Zoning Administrator may attach conditions to such activities to include (but are not limited to) provisions for control of erosion, exempting the Township from any liability if a final site plan is not approved, and for furnishing a performance guarantee for restoration of the site if the site plan does not proceed to final site approval.

(q) Expiration of Preliminary Plan Approval. The Planning Commission's approval of the preliminary site plan, with or without modifications, shall be valid for a period of one hundred eighty (180) days from the date of approval, unless otherwise specified in writing by the Planning Commission, and shall expire unless an application for a final site plan review (for all or part of the area included in the approved preliminary site plan) is filed with the Township Clerk. Provided a request for a ninety (90) day extension may be filed with the Township Clerk by the applicant within the one hundred and eighty (180) day period, which shall be granted by the Planning Commission upon a showing by the applicant of good cause for the delay. If a final site plan is submitted for only a part of the area included in the approved preliminary site plan, successive final site plans shall be filed at intervals no longer than eighteen (18) months from the date of approval of the previously approved final site plan, unless another time period is provided in a development agreement. If the time periods herein provided for are not strictly adhered to, then the approved preliminary site plan shall be declared invalid with respect to the remaining parts of the site.

(4) *Final Site Plan Application.*

(a) Application. An application for final site plan review, together with ten (10) copies, shall be filed with the Township Clerk. The Township Clerk shall stamp date all documents received, retain the original documents, and distribute the copies appropriately.

(b) Application Information. The application shall provide the following information:

- i. If the applicant changed since the submission of the application for preliminary site plan review, then submit applicant's name, street address, phone number, and e-mail address. If the applicant is the owner, then each person having a fee interest in the property must sign the application. If the applicant is a corporation, a corporate officer must sign the application. If the applicant is a limited liability company, the manager or a member must sign the application. If the applicant is a partnership, a general partner must sign the application. If the applicant is not the owner, the applicant must submit a document signed by the owner(s) of record that authorizes the applicant to submit the application and agrees to be bound by the provisions of applicable statutes, ordinances, rules and regulations.
- ii. If the ownership changed since the submission of the application for preliminary site plan review, then submit with the application for final site plan review a copy of the instrument which vests title in the owner(s) or a title commitment certified to within sixty (60) days of the date the application is filed with the Township Clerk.
- iii. Such other and further information as requested by the Zoning Administrator or Planning Commission that is relevant to the site and standards set forth in this Ordinance.

(c) Site Plan. A final site plan, together with ten (10) copies, shall be submitted to the

Township Clerk with the application for site plan review. The Township Clerk shall date stamp all materials received, retain the original documents, and distribute the copies appropriately.

- (d) Site Plan Information. The site plan shall be of a scale not greater than one inch equals twenty feet (1" = 20'), nor less than one inch equals sixty feet (1" = 60'), and of such accuracy that the Planning Commission can readily interpret the plan. Included on the final site plan shall be all dimensions and the following:
- i. All items depicted on the preliminary site plan as may be corrected, updated, specified in greater detail, or modified by the Planning Commission or Township Board depending on which has jurisdiction over the application.
  - ii. The certificate of the surveyor who surveyed, divided and mapped the land; and if a firm of surveyors also by a partner or principal officer, shall give the following information, which shall have the same force and effect as an affidavit: (i) By whose direction he/she made the survey of the land described on the plan; (ii) A statement that the plan is a correct representation of all the exterior boundaries of the land surveyed; (iii) A statement that he/she has prepared the description of the land shown on the plan and that he/she certifies to its correctness; (iv) A statement that he/she has caused all of the monuments shown on the plan to be located in the ground, or that the required cash, certified check or irrevocable bank letter of credit has been deposited with the Township Clerk by the applicant; A statement that the accuracy and closure shown on survey are such that the relative error of closure of the surveyed land shall be less than the ration of one (1) part in 5,000, and the bearings shall be expressed in relation to the true meridian, or a previously established meridian or bearing and a statement by the surveyor on the plan stating the source of information in obtaining the bearings outlined.
  - iii. The certificate of the applicant shall give the following information, which shall have the same force and effect as an affidavit: (i) The caption of the project; (ii) A statement that the applicant has caused the land described on the plan to be surveyed, divided, monuments placed, mapped, and dedicated as shown on the plan; (iii) A statement that the streets, alleys, parks, and other places shown on the plan as public are intended to be dedicated to the use of the public; (iv) A statement that all public utility easements are private easements and reserved for the uses shown on the plan; (v) The name of each street, park, or other place that is public; and (vi) A statement that the site plan includes all land to the water's edge (if applicable). The applicant's certificate shall be signed by those persons and his/her spouse, or entity that has a fee interest in the property.
  - iv. USGS benchmark on the site.
  - v. Existing and proposed deed restrictions.
  - vi. Location and exterior dimensions of all proposed buildings and structure, location to be referenced to property lines or to a common base point; distances between buildings, height in feet, and number of stories; finished floor elevations and contact grade elevations.

- vii. All lots included in the project shall be shown as follows: All lots numbered consecutively; The length and bearing of each side lot line; The bearing of each front and rear lot line; A note showing the front line of any lot fronting on two (2) or more streets or a body of water except for lots served by public sewers and public water or available and accessible thereto; The bearings and depths at each end of a tier of lots comprised of rectangles or parallelograms; The width of lots at each end of a series of lots when the front and back lines are parallel. The intermediate lots may be marked with dittos; The distance at the time of the survey from the traverse line to the water's edge; All curved boundaries shall be shown by curve data as required for public grounds, streets, roads and alleys.
- viii. Existing utilities serving the site – location, size, inverts, fire hydrants, gatewells, manholes, and catch basins; location and elevations of ditches, culverts and bridges adjacent to the site; location of utility poles and lines; location and size of natural gas lines and appurtenances.
- ix. Proposed utilities (electric, cable, telephone, gas) shall be depicted and shown as placed underground. Location of new utility poles, if applicable, shall be shown. All public utility easements included in the site plan shall be shown as follows: (i) By their widths and relationship to the lot or street lines; (ii) As at least twelve (12') feet wide where the rear lines of lots are contiguous; (iii) As at least six (6') feet wide if a lot has no adjoining development; (iv) Name of the person or entity to whom the easement is granted.
- x. Storm water management plan and engineered grading plan depicted in accordance with Article 14 of this Ordinance.
- xi. Private road plan depicted in accordance with The Private Road Ordinance: All roads not dedicated to public use shall be marked "*private*" and named; All curved portions of roads shall be defined by curve data including points of curvature, points of tangency, points of compound curvature, radii of curves, central angles and the length and bearing of its long cord; Curved data may be shown by a curve data chart or table; Soil borings.
- xii. Public roads depicted in accordance with the standards of the Washtenaw County Road Commission.
- xiii. Exterior lighting plan: location, type, height, direction, and intensity designed so as not to diminish the night sky and to avoid glare or direction to neighboring lands or roads. A photometric illumination study is required when deemed necessary by the Planning Commission or Township Board.
- xiv. Location and dimensions of proposed parking lots; number of spaces in each lot; barrier free spaces; dimensions of spaces and aisles; drainage pattern of lots; typical cross-section showing surface, base and sub-base materials; angle of spaces.
- xv. Location, width, and surface of proposed sidewalks and pedestrian ways.

- xvi. When the proposed project includes or abuts certain improvements other than streets, alleys, roads or highways, such as county drains, lagoons, slips, waterways, lakes, bays or canals, that connect with or are proposed to connect with or enlarge public waters, the included or abutting portions of such proposed improvement shall be shown on the site plan.
- xvii. Location, use, size and proposed improvements of open spaces and recreation areas; maintenance provisions for such areas.
- xviii. Location and type of proposed screening and fences; height, typical elevation and vertical section of screens, showing materials and dimensions.
- xix. Location of proposed outdoor trash container enclosures; size, typical elevation, and vertical section of enclosure, showing materials and dimensions. If no outdoor trash storage is proposed the plan shall so state.
- xx. Location, type, size, area, height, and sketch of proposed signs including any traffic control signs proposed.
- xxi. Final engineering drawings for all site improvements such as (but not limited to) water; sanitary sewer and storm sewer systems; streets, drives, and parking lots; retention/detention ponds and other ponds or lakes; retaining walls shall be submitted to and approved by the Township's Engineer prior to Township approval of the final site plan.
- xxii. For all proposed features listed above, indicate: Layout, size of lines, inverts, hydrants, profiles, water meter schematics, fire riser schematics; location, size and material type of lines; inverts; profiles; design basis for sanitary sewer system; drainage flow patterns, location of manholes and catch basins for proposed utilities; location and size of retention ponds and degrees of pond side slope, calculations for sizing of storm drainage facilities; location of electric, cable and phone wires that shall be installed underground; location and size of underground tanks where applicable; location and size of outdoor incinerators; location and size of wells, septic tanks, and drain fields, if on-site facilities are to be used.
- xxiii. Landscape plan submitted in accordance with Section 13.75 of this Ordinance showing location, size, number and kind of plantings and the method to maintain the plantings. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by insuring that all grade changes conform to the general appearance of neighboring developed areas: Description of measures to control soil erosion and sedimentation during grading and construction operations, until a permanent ground cover is established. Recommendations for such measures may be obtained from the County Soil Conservation Service; Location of proposed retaining walls, and dimensions and materials of same; fill materials; typical vertical sections; restoration of adjacent properties, where applicable; Right-of-way expansion(s) where applicable; reservation or dedication of right-of-way to be clearly noted, dedication of right-of-way where applicable shall be executed, or provisions made for same, prior to approval of the final site plan; Construction schedule.



- xxiv. Soil erosion control plan, including a description of measures to control soil erosion and sedimentation during grading and construction operations, until a permanent ground cover is established. Recommendations for such measures may be obtained from the County Soil Conservation Service. This plan will be administered by the Washtenaw County Building Department/Soil Erosion Control Division.
- xxv. Additional requirements for residential developments: Density calculations by type of unit by bedroom counts; A complete schedule of the number, site, lot area per dwelling unit and type of dwelling units; Carport and/or garage locations and details where proposed; Specific amount and location of recreation spaces; Type of recreation facilities to be provided in recreation space; Details of community buildings, walking and bike trails, fencing of swimming pools if proposed; proposed central mailboxes if applicable or, if individual mailboxes will be used, a note so stating.
- xxvi. Additional requirements for commercial and industrial developments: Location, dimensions, surface type and typical cross sections of loading/unloading areas; total and usable floor area; and number of employees at peak usage.
- xxvii. Evidence of approvals from:
  - a. Michigan Department of Natural Resources and Environment
  - b. Washtenaw County Road Commission
  - c. Washtenaw County Water Resources Commissioner
  - d. Washtenaw County Health Department
  - e. Dexter Area Fire Department
- xxviii. Further information as requested by the Zoning Administrator, consultants hired by the Township or Planning Commission that is relevant to the site and standards set forth in this Ordinance.

(e) Initial Review. The Township Zoning Administrator shall review the application(s) for completeness, and indicate to the applicant additional information and documents to be provided. The Planning Commission shall schedule all public hearings and the Township Clerk or designee shall coordinate public notices.

(f) Public Hearing (Optional). The Planning Commission may (but is not required) hold a public hearing on the final site plan application. If the Planning Commission elects to hold such a hearing, the Township Clerk or designee shall schedule the hearing and provide notice in accordance with Section 3.40 of this Ordinance.

(g) Standards for Review. In rendering a decision on a final site plan, the Planning Commission shall be governed by principles and standards set forth under Subsection 8.05(E)(3)(m).

(h) Conditions. The Planning Commission may impose reasonable conditions in granting a final site plan approval. Conditions imposed shall meet all of the following requirements:

- a. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- b. Ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
- c. Be related to the valid exercise of the police power, and purposes that are affected by the proposed use or activity.
- d. Be necessary to ensure compliance with the standards set forth in this Section.

The conditions shall remain unchanged except upon the mutual consent of the Planning Commission and the titleholder of the subject property.

(i) Payment of Escrow deposit. Prior to the Planning Commission taking action, the applicant shall pay all costs and expenses incurred by the Township to review and process the application. If sums are due and owing the Township, the Planning Commission may delay taking action until such time as the sums are fully paid, dismiss the application(s), or take such other action as provided by law.

(j) Action Taken on Final Site Plan. The Township Planning Commission may approve the final site plan, approve the final site plan with conditions, or reject the final site plan. The Township Clerk within ten (10) days of the date the Planning Commission takes action on the final site plan, shall transmit a written certification of the Planning Commission's action to the applicant.

**F. Commencement and Completion of Development.**

- (1) *Certificate of Zoning Compliance for Improvements.* Unless provided otherwise in a development agreement, approval of the final site plan shall expire and be of no effect eighteen (18) months from the date of approval, unless a certificate of zoning compliance for the improvements is issued.
- (2) *Completion Time for Improvements.* All improvements depicted on the final site plan shall be satisfactorily completed within eighteen (18) months of the date the certificate of zoning compliance was issued, unless, upon a showing of good cause for the delay, the Zoning Administrator extends the time for an additional six (6) months [for a total of 24 months]. In granting an extension, the Zoning Administrator may require the posting of performance guarantees sufficient to cover the costs of the yet to be completed improvements.
- (3) *Satisfactorily Completed.* For improvements under the zoning jurisdiction of the Township, “satisfactorily completed” means the Zoning Administrator or Township Engineer has conducted a final inspection and determined that the improvements meet or

exceed applicable standards. For improvements under the jurisdiction of another governmental body, “*satisfactorily completed*” means the receipt by the Township of a certificate of completion by governmental body indicating the improvement meets or exceeds their applicable standards.

- (4) *Application for a Certificate of Zoning Compliance for Non-Improvement.* After the issuance of a certificate of zoning compliance for the improvements depicted on the final site plan, the Zoning Administrator may issue a certificate(s) of zoning compliance for construction of a house(s), building(s) or other non-improvement structure(s) in the development, provided a sufficient infrastructure exists to enable those structures to be constructed in a relatively safe manner.
- (5) *Completion Time for Non-Improvements.* The time period for completing construction of a house, building or other non-improvement structure shall be in accordance with the provisions of section 3.95.
- (6) *Certificate of Zoning Compliance Where Improvements Not Satisfactorily Completed.* A certificate of occupancy for a house, building or other structure in a development may be issued by the Zoning Administrator where one or more improvements depicted on the final site plan is not satisfactorily completed, provided the occupant’s health, safety and welfare are not placed in jeopardy and adequate performance guarantees are posted to assure timely completion of the improvements.
- (7) *Failure to Timely or Satisfactorily Complete Improvements.* In the event the owner and/or developer breach the terms of a development agreement or violate a provision of this Ordinance, or other applicable statute, ordinance, rule or regulation, then the Planning Commission and/or Township Board may (i) declare the final site plan null and void and, if submitted in conjunction with an application for conditional rezoning, rezone the lands to its prior zoning classification; or, if a special use, revoke the special use permit; (ii) direct the Zoning Administrator not to issue further certificates of zoning compliance and/or certificates of occupancy for house(s), building(s) or other structure(s) in the development until such time as the violation(s) is correct and/or further performance guarantees posted; (iii) call a performance guarantee posted with the Township and correct the violation(s); or (iv) take such other action as provided by law.

**G. Development Agreement.** A condition of final site plan approval may require the owner and/or developer to enter into a development agreement pursuant to Section 3.55 of this Ordinance, which ensures, among other things, that the improvements depicted on the final site plan will be timely installed in accordance with the requirements of applicable statutes, ordinances, rules and regulations and that the costs associated with those improvements shall be borne by the applicant and not the Township.

**H. Performance Guarantee.** A condition of final site plan approval may be posting performance guarantees pursuant to Section 3.60 of this Ordinance, that ensure, among other things, that the project will be constructed in accordance with the approved site plan, conditions; applicable statutes, ordinances, rules and regulations; and that the actual costs incurred by the Township with regard to the project depicted on the final site plan are borne by the applicant and

not the Township.

**I. Maintain Improvement.** A condition of final site plan approval may require the owner and/or developer to provide assurance that the improvements depicted on the site plan shall be maintained in perpetuity at the cost of those properties benefited by such improvements. The assurance may take the form of a covenant running with the land, a drainage district, special assessment districts, or other means.

**J. Uniform Traffic Code.** A condition of final site plan approval may require the owner of the lands comprising the site plan to enter into such agreements as may be necessary to enable the enforcement of the Uniform Traffic Code and such other motor vehicle regulations on private roads within the development.

**K. Inspection.**

- (1) The Zoning Administrator and/or Township Engineer, or his/her designee, shall be responsible for inspecting all improvements depicted on the final site plan under the jurisdiction of the Township or for which the Township is authorized to conduct inspections by the agency having jurisdiction over the improvement.
- (2) All sub-grade improvements such as utilities, sub-base installations for drives and parking lots, storm water management devices, and similar improvements shall be inspected and approved prior to covering. The applicant shall be responsible for requesting the necessary inspections.
- (3) The Zoning Administrator and/or Township Engineer shall obtain assistance from the local Fire Chief and other governmental agencies and departments, where applicable.
- (4) The Zoning Administrator and/or Township Engineer shall notify the Planning Commission when a development for which a final site plan is approved has passed inspection with respect to the approved final site plan. The Zoning Administrator or Township Engineer shall notify the Township Board and Planning Commission, and the Building Official, of any development for which a final site plan was approved, that does not pass inspection with respect to the approved final site plan, and shall advise the Township Board, Planning Commission, and Building Official of steps taken to achieve compliance. In such case, the Zoning Administrator or Township Engineer shall periodically notify the Township Board, Planning Commission and the Building Official of progress towards compliance with the approved final site plan and when compliance is achieved.
- (5) All costs incurred by the Township to ensure that the improvements are installed in accordance with applicable statutes, ordinances, rules and regulations shall be borne by the applicant and not the Township.

**L. Amendments to Site Plan.** Amendments to an approved preliminary or final site plan may occur only under the following circumstances: (amended Nov. 20, 2012)

- (1) An applicant or property owner who has a currently valid final site plan approval shall notify the Zoning Administrator of any proposed amendment to such approved site plan.
- (2) Minor changes may be approved by the Zoning Administrator upon notification in writing to the Planning Commission that the proposed revision does not alter the basic design, compliance with the standards of site plan review or the standards applicable to a concurrent application, nor any specified conditions of the plan as agreed upon by the applicant, Planning Commission or Township Board. In making such a determination, the Zoning Administrator shall consider the following to be a minor change:
  - (a) For residential buildings, the size of structures may be reduced, provided that the overall density of units does not increase.
  - (b) Square footage of non-residential buildings may be decreased.
  - (c) Change of building height may be altered by up to five (5%) percent but in no case exceed height limitations.
  - (d) Movement of a building or buildings by no more than five (5') feet provided required setbacks are met.
  - (e) Designated "*Area not to be disturbed*" may be increased.
  - (f) Plantings approved in the final site plan landscape plan may be replaced by similar types and sizes of landscaping that provides a similar screening effect on a one (1) to one (1) or greater basis and the replacement material meets all requirements of Section 13.75.
  - (g) Change in floor plans that do not alter the character of the use nor increase the size of any building.
  - (h) Slight modification of sign placement or reduction of size.
  - (i) Relocation of sidewalks and/or refuse storage stations.
  - (j) Internal rearrangement of a parking lot that does not affect the number of parking spaces or alter access locations or design. This shall assume that all parking and landscaping regulations are met. The rearrangement shall be limited to striping changes, landscape changes, and changes of the traffic flow within the parking lot including landscape islands.
  - (k) Changes required or requested by the police agency or local fire department for safety reasons that do not affect site layout shall be considered minor changes.
- (3) Any amendment that does not meet the above criteria shall be considered a major amendment and shall require a new site plan to be reviewed and approved by the Planning Commission, unless the Planning Commission determines upon petition by the applicant that the proposed amendment is minor in nature and may be approved by the Zoning

Administrator. In granting the request to allow the revision to proceed as a minor amendment, the Planning Commission must find that the proposed revision does not alter the basic design, compliance with the standards of site plan review or the standards applicable to a concurrent application, nor any specified conditions of the plan as agreed upon by the applicant, Planning Commission or Township Board.

**M. As Built Drawings.**

- (1) The applicant shall submit three (3) sets of “*As-Built Drawings*” together with an electronic file of the project in drawing format (i.e., .dwg or .dxf).
- (2) The as-built drawings shall include (but not limited to) all sanitary sewer, water, and storm sewer lines or detention and/or retention areas and all appurtenances, that were installed on a site for which a final site plan was approved. The drawings shall be submitted to the Zoning Administrator, and shall be approved by the Township’s engineer prior to the release of any performance guarantee or part thereof covering such installation.
- (3) The as-built drawings shall show, but shall not be limited to, such information as the exact size, type and GIS location of pipes; GIS location and size of manholes and catch basins; GIS location and size of valves, fire hydrants, tees and crosses, depth and slopes of retention basins; and GIS location and type of other utility installations. If required by the Township’s engineering consultant the drawings shall show plan and profile views of all sanitary and storm sewer lines and plan reviews of all water lines.
- (4) The as-built drawings shall be submitted for all improvements on the site, regardless of whether the improvement is under the jurisdiction of the Township or some other agency, to include, private or public roads, street lighting, sidewalks, etc.
- (5) If required by the Township’s engineering consultant, the as-built drawings shall show all work as actually installed and as field verified by a professional engineer or a representative thereof. The drawings shall be identified as “*As-Built Drawings*” in the title block of each drawing and shall be signed and dated by the owner of the development or the owner’s representative and shall bear the seal of a professional engineer.

**N. Site Plan Part of Record.** Site plans approved under Section 8.05 or Section 3.80(E), herein, shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a change conforming to this Ordinance receives the mutual agreement of the landowner and the individual or body that initially approved the site plan.

**O. Appeals.** A decision may not be appealed to the Board of Appeals based on a site plan processed concurrently with an application over which the Township Board has authority (i.e. rezoning, conditional rezoning or special use applications).



**ARTICLE 9**  
**ZONING DISTRICTS AND OFFICIAL ZONING MAP**

**Section 9.05**      **General Provisions**

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**A. Establishment of Districts.**

(1) *Districts.* The Township is hereby divided into the zoning districts as shown on the official zoning map, which together with all explanatory matter shown thereon, is hereby adopted by reference and declared to be a part of this Ordinance. For the purpose of this Ordinance the following zoning districts in the Township are established:

AG	Agriculture District
AB	Agribusiness District
R-1	Rural Residential District
R-2	Urban Residential District
BLLR	Baseline Lake Residential District
R-3	Multi-Family Residential District
MHP	Mobile Home Park District
C	Commercial District
I	Industrial District
O	Office District
PL	Public Lands District
PUD	Planned Unit Development District

(2) *Types of Uses.*

(a) Permitted Use. All uses of land or structures listed as a “*Permitted Use*” are allowed throughout the district under which they are listed. Any uses not expressly listed as “*Permitted Use*” are prohibited in that district, unless listed as a “*Special Use*”.

(b) Special Use. All uses of land or structures listed as a “*Special Use*” are allowed throughout the district under which they are listed, provided the use is approved by the Township Board in conjunction with the Planning Commission pursuant to the provisions of this Ordinance.

(c) Accessory Use. All uses of land or structures that are customarily incidental and subordinate to a “*Permitted Use*” or a “*Special Use*” existing on the property.

(d) Nonconforming Use. A use lawfully existing at the time of adoption of this Ordinance, or a subsequent amendment thereto, that does not conform to the provisions of this Ordinance which is allowed to continue.

(3) *Uses Not Otherwise Included Within A District.* A land use that is not cited by name as a permitted or special use in a zoning district shall be classified by the Board of Appeals, per Section 6.05.A.2.c.



(4) *Use Regulations.*

(a) No structure shall be constructed, erected, placed, or maintained, and no use shall be commenced or continued within Webster Township except as specifically, or by necessary implication, authorized by this Ordinance.

(b) No use shall be allowed that violates Federal, State or local laws.

(c) A special use shall be permitted only if listed as a special use, either specifically or by necessary implication, in the zoning district in which the use is to be located, and only after a special use permit has been approved by the Township Board as provided in this Ordinance. Expansion of a special use, or change of one special use to another special use shall be permitted only in accordance with the procedures, requirements, and standards of this Ordinance.

(d) Nothing in this Article shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification of any permissible activities therein; and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

(5) *Exclusionary Zoning.* Neither this Ordinance or a zoning decision made pursuant to this Ordinance is intended to have the effect of totally prohibiting the establishment of a land use within Webster Township in the presence of a demonstrated need for that land use within either Webster Township or the surrounding area within the state, unless a location within Webster Township does not exist where the use may be appropriately located or the use is unlawful. See Section 207 of the Michigan Zoning Enabling Act [MCL 125.3207].

**B. Official Zoning Map.** The “*Webster Township Zoning Map, Washtenaw County, Michigan*” is incorporated herein and is part of the “*Webster Township Zoning Ordinance*”.

(1) *Identification.* The areas assigned to each Zoning District and the boundaries thereof shown on the map entitled “*Webster Township Zoning Map, Washtenaw County, Michigan*” are hereby established, and said map and all proper notations and other information shown thereon are hereby made a part of this Ordinance. The official zoning map shall be identified by the signature of the Township Clerk, attested by the Township Supervisor, bearing the following certification:

*“This is to certify that this map is the official zoning map referred to in the Webster Township Zoning Ordinance, together with the effective date of this Ordinance.”*

(2) *Change in Official Zoning Map.* If an amendment to this Ordinance results in a change in a district boundary, such change shall be recorded on the official zoning map by the Township Clerk promptly after the amendatory ordinance is adopted. The Clerk shall initial and date each change on the map. Any change of municipal boundaries shall be

recorded on the official zoning map by the Township Clerk. No other changes shall be made in the official zoning map. Any unauthorized change in the official zoning map shall be a violation of this Ordinance.

- (3) *Authority of Official Zoning Map.* Regardless of the existence of copies of the official zoning map that might be made or published, the official zoning map shall be the final authority on the zoning status of any lot, use, or structure in Webster Township. The official zoning map shall be located in the office of the Township Clerk and shall be open to public inspection.
- (4) *Replacement of Official Zoning Map.* If the official zoning map is lost or destroyed or becomes damaged or difficult to interpret because of its physical condition, the Township Board may adopt a new official zoning map that shall replace the prior map. The new official zoning map may correct drafting or other errors or omissions on the official zoning map but such corrections shall not have the effect of amending the zoning ordinance. The new official zoning map shall be identified as a replacement map by signature of the Township Clerk, attested by the Township Supervisor, with the date of replacement under the following words:

*“This is to certify that this map is a replacement for the official zoning map of Webster Township, being Section 9.05(B)(1) of the Webster Township Zoning Ordinance.”*

Unless the prior official zoning map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

- (5) *Rules for Interpretation.* Where, due to scale, lack of detail, or illegibility of the official zoning map, there is any uncertainty, contradiction, or conflict as to the intended location of any zoning district boundary as show thereon, the Zoning Administrator shall identify and delineate the subject parcel and appropriate zoning district upon request of any person. Any person aggrieved by such delineation may appeal the decision of the Zoning Administrator to the Board of Appeals. The Zoning Administrator and the Board of Appeals, in delineating the zoning map or deciding an appeal, shall apply the following standards:
  - (a) Zoning district boundary lines are intended to follow lot lines, or to be parallel or perpendicular thereto, or to follow the centerlines of streets, alleys, easements, railroad rights of way, watercourse or bodies of water, and shall be so interpreted, unless such boundary lines are fixed dimensions shown on the official zoning map.
  - (b) A zoning district boundary line indicated as following a municipal boundary line shall be so interpreted.
  - (c) A zoning district boundary line indicated as being an extension of a line or feature in Paragraphs (a) and (b), above, unless the location of such boundary line is indicated by dimension on the official zoning map, shall be so interpreted.

(d) A zoning district boundary line indicated as following a shore line shall be construed as following such shore line, and in the event of a change in the location of the shoreline, shall be construed as following the shore line existing at the time the interpretation is made.

(e) A zoning district boundary line that divides a lot shall be located by use of the scale of the official zoning map, unless the location of same is indicated by dimensions on the zoning map.

(f) If, after application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary line, the boundary line shall be determined in a reasonable manner, considering the history of uses of the property, history of the zoning ordinances and amendments in Webster Township as well as other relevant facts.

(6) *Zoning of Vacated Areas.* Whenever any street, alley or other public way, within the Township of Webster shall be vacated, such street, alley or other public way or portion thereof, shall automatically be classified in the same Zoning District as the property to which it attaches.

## **Section 9.10      Agriculture District (AG)**

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**A. Intent.** The intent of the Agriculture District is to enable productive farming, encourage the continuation of contiguous blocks of active farms, preserve the rural character of the Township, and allow very low density housing that is compatible with the Township's agricultural heritage. This district further intends to preserve woodlands and wetlands associated with farms that because of their natural physical features, are useful as water retention, surface water purification and groundwater recharge areas, provide a habitat for plant and animal life, and have an important aesthetic and scenic value that contributes to the unique character of the agricultural district.

The district intends to preserve, foster, and encourage its rural character by allowing low density development and preserving open spaces, natural terrains, trees, wild life, streams, wetlands and other natural features. Residential developments in this district shall be designed to maintain, foster, and encourage the rural character.

Agriculture Districts are intended to be located in those areas of the Township designated for that use in the Master Plan and in historically farmed areas.

**B. Permitted Uses.** (amended October 15, 2019)

- i. Dwelling: Single Family Detached.
- ii. Farm Market
- iii. Farm Operation: Animals.
- iv. Farm Operation: Crops.
- v. Home Occupation.
- vi. Licensed Home-Based Occupation.
- vii. Open Space Preservation Community.

- viii. Seasonal Agri-tourism.
- ix. Stable: Private.
- x. State Licensed Residential Facility.
- xi. Kennel: Hobby

**C. Special Uses.** (Amended October 4, 2017)

- i. Adult Day Care
- ii. Archeological Park
- iii. Bed and Breakfast Establishment
- iv. Campground
- v. Cemetery
- vi. Church
- vii. Clinic.
- viii. Club.
- ix. Convalescent, Nursing Home, or Senior Assisted Living Home.
- x. Day Care Center.
- xi. Farmers Market (Added August 9, 2018)
- xii. Golf Course.
- xiii. Group Day-Care Home.
- xiv. Gun Clubs, Rifle, Trap and Pistol Ranges.
- xv. Historical Museum
- xvi. Hospital.
- xvii. Kennel: Commercial.
- xviii. Library.
- xix. Police, Fire and Ambulance Stations.
- xx. Recreation: Active.
- xxi. Recreation Facilities Outdoors.
- xxii. Removal of Soil, Sand, Gravel and Other Earth Materials.
- xxiii. Schools.
- xxiv. Stables: Commercial
- xxv. Temporary housing for seasonal agricultural workers
- xxvi. Temporary Structure: Financial or Health Related.
- xxvii. Temporary Structure: Non-Seasonal Agricultural.
- xxviii. Wireless Communication Tower (amended June 17, 2014).
- xxix. Public Utilities Facility. (added October 15, 2019) (Amended February 16, 2021)

**D. Design Standards.**

- i. Minimum Lot Area: Two (2) acres.
- ii. Minimum Lot Width: One hundred-fifty (150') feet.
- iii. Maximum Lot Coverage: Ten (10%) percent.
- iv. Maximum Floor Area Ratio: Ten (10%) percent.

- v. Minimum Yards - Front, Side or Rear Yard abutting a Public or Private Road: sixty (60') feet.
- vi. Minimum Yards - Front, side or rear yard abutting a primary road: one hundred ten (110') feet as measured from the road centerline. (Amended March 21, 2017)
- vii. Minimum Yards - Side: Thirty (30') feet.
- viii. Minimum Yards - Rear: Fifty (50') feet.
- ix. Maximum Height - Principal Structures: forty (40') feet, except farm structures, which shall be seventy-five (75') feet.
- x. Maximum Height - Detached Accessory Structures: twenty-five (25') feet, except farm structures, which shall be seventy-five (75') feet.
- xi. Parking - A single family dwelling shall provide at least two on-site parking spaces. (Amended May 17, 2016)

**Section 9.12      Agribusiness District (AB)**

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**A. Intent.** This district is intended to accommodate businesses that directly utilize the benefits of agricultural land to produce a saleable product or service, or provide a service whose main use is to support the needs of the agricultural businesses of the area. Only businesses that are compatible with agricultural and very low-density residential uses are intended for this district. The overall purpose of the district is to encourage agricultural operations to remain in the Township and preserve the rural character of the region. Agribusiness districts may be located anywhere in the agricultural area designated in the Master Plan. However, because the uses in this district are more intense than those permitted in the AG Agriculture district, requests for rezoning to this district will be evaluated on a case-by-case basis based on the potential impacts on the surrounding uses.

**B. Permitted Uses.**

- i. All permitted uses in the Agriculture District.
- ii. Commercial Stables.
- iii. Petting Farms.
- iv. Agricultural processing
- v. Other uses clearly similar in nature and compatible with the listed permitted uses in this district.
- vi. Accessory uses that are clearly incidental and subordinate and essential to the permitted uses above, including but not limited to: barns, silos, sheds, storage of equipment, storage of feed and grain.

**C. Special Uses.**

- i. All special uses allowed in the Agriculture District.

- ii. Agricultural support services.
- iii. Landscaping contractors
- iv. Animal slaughterhouse.
- v. Intensive Livestock Operations (ILOs).
- vi. Agricultural Teaching Centers
- vii. Veterinary Animal Hospitals
- viii. Wireless Communication Tower (amended June 17, 2014).
- ix. Farmers Market (Added August 9, 2018)

**D. Density, Placement and Height Regulations.**

- i. Minimum Lot Area: Two (2) Acres.
- ii. Minimum Lot Width: One hundred-fifty (150') feet.
- iii. Maximum Lot Coverage: Twenty (20%) percent.
- iv. Maximum Floor Area Ratio: Twenty (20%) percent.
- v. Minimum Yards – Front, Side or Rear Yard abutting a Public or Private Road: sixty (60') feet.
- vi. Minimum Yards – Front, side or rear yard abutting a primary road: one hundred ten (110') feet as measured from the road centerline. (Amended March 21, 2017)
- vii. Minimum Yards – Side: Thirty (30') feet.
- viii. Minimum Yards – Rear: Fifty (50') feet.
- ix. Maximum Height – Principal Structures: forty (40') feet, except farm structures, which shall be seventy-five (75') feet.
- x. Maximum Height – Detached Accessory Structures: Twenty-five (25') feet, except farm structures, which shall be seventy-five (75') feet.
- xi. Parking: A commercial establishment within this district shall provide parking in accordance with the parking regulations specified in Section 13.95 of this Ordinance.

**Section 9.15 Rural Residential District (R-1)**

[\(Back to Table of Contents\)](#)

**A. Intent.** This district is established to permit single-family detached, rural non-farm residences on large lots. Rural Residential Districts are intended to be located in those areas of the Township designated for that use in the Master Plan.

**B. Permitted Uses.**

- i. Dwelling: Single Family Detached.

- ii. Family Day-Care Home.
- iii. Home Occupation.
- iv. Open Space Preservation Community.
- v. State Licensed Residential Facility.
- vi. Kennel: Hobby (amended Nov. 20, 2012)

**C. Special Uses.**

- i. Adult Day Care.
- ii. Church.
- iii. Country club.
- iv. Golf Course.
- v. Group Day-Care Home.
- vi. Library.
- vii. Police, Fire, And Ambulance Station.
- viii. Recreation: Active.
- ix. Recreation Facilities: Outdoors.
- x. Schools.

**D. Design Standards.**

- i. Minimum Lot Area: One (1) acre.
- ii. Minimum Lot Width: One hundred-fifty (150') feet.
- iii. Maximum Lot Coverage: Twenty (20%) percent.
- iv. Maximum Lot Coverage: Thirty (30%) percent on nonconforming lots of record of less than one (1) acre in size.
- v. Maximum Floor Area Ratio: Twenty (20%) percent.
- vi. Minimum Yard - Front, side or rear yard abutting a public or private road: Thirty- five (35') feet.
- vii. Minimum Yard - Front, side or rear yard abutting a primary road: one hundred ten (110') feet as measured from the road centerline. (Amended March 21, 2017)
- viii. Minimum Yard - Side: Twenty (20') feet.
- ix. Minimum Yard – Side: Five (5') feet and ten (10') feet respectively on nonconforming lots of record of less than one (1) acre in size.
- x. Minimum Yard - Rear: Thirty-five (35') feet.
- xi. Maximum Height - Principal structure forty (40') feet.

- xii. Maximum Height - Detached accessory structure twenty-five (25') feet.
- xiii. Parking- A single family dwelling shall provide one on-site parking space.

**Section 9.20            Urban Residential District (R-2)**

[\(Back to Table of Contents\)](#)

**A. Intent.** This district is established to permit single-family detached residences at an urban density on lots serviced by public water and sanitary sewer. Urban Residential Districts are intended to be located in those areas of the Township designated for that use in the Master Plan.

**B. Permitted Uses.**

- i. Dwelling: Single Family Detached.
- ii. Family Day-Care Home.
- iii. Home Occupation.
- iv. Open Space Preservation Community.
- v. State Licensed Residential Facility.

**C. Special Uses.**

- i. Adult Day Care.
- ii. Church.
- iii. Day Care Center.
- iv. Group Day-Care Home.
- v. Library.
- vi. Police, Fire and Ambulance Station.
- vii. Recreation: Active.
- viii. Recreation Facilities: Outdoors.
- ix. Schools.

**D. Design Standards.**

- i. Minimum Lot Area - Fifteen thousand (15,000') square feet if served by public sanitary sewer and water services. One acre if not served by public sanitary sewer and water.
- ii. Minimum Lot Width - One hundred (100') feet if served by public sanitary sewer and water. One hundred fifty (150') feet if not served by public sanitary sewer and water.
- iii. Maximum Lot Coverage - Thirty (30%) percent.
- iv. Maximum Floor Area Ratio - Thirty (30%) percent.
- v. Minimum Yard - Front, side, or rear yard abutting a public or private road: thirty-five (35') feet.
- vi. Minimum Yard - Front, side or rear yard abutting a primary road: one hundred ten (110') feet as measured from the road centerline. (Amended March 21, 2017)



- vii. Minimum Yard Side - Ten (10') feet one side; twenty-five (25') feet for the sum of both side yards.
- viii. Minimum Yard Rear - Twenty (20') feet.
- ix. Maximum Height Principal Structure - forty (40') feet.
- x. Maximum Height Detached Accessory Structure - Twenty-five (25') feet.
- xi. Parking- A single family dwelling shall provide at least one on-site parking space.

**Section 9.22      Base Line Lake Residential District (BLLR)** [\(Back to Table of Contents\)](#)

**A. Intent.** This district is established to permit single-family detached residences and other residential uses at an appropriate density on the southern shore of Base Line Lake. To maintain the environmental quality of the lake, public sewer connection is required in the BLLR District. The intent of this district is to maintain the area's unique aesthetic appearance, maintain the established view sheds and open space as well as to protect the health, safety and welfare of the residents and the environment, in particular the health of Base Line Lake.

**B. Permitted Uses.**

- i. Dwelling: Single Family Detached.
- ii. Family Day-Care Home.
- iii. Home Occupation.
- iv. State Licensed Residential Facility.

**C. Special Uses.**

- i. Group Day-Care Home.
- ii. Recreational Park.
- iii. Recreational Facility

**D. Design Standards.**

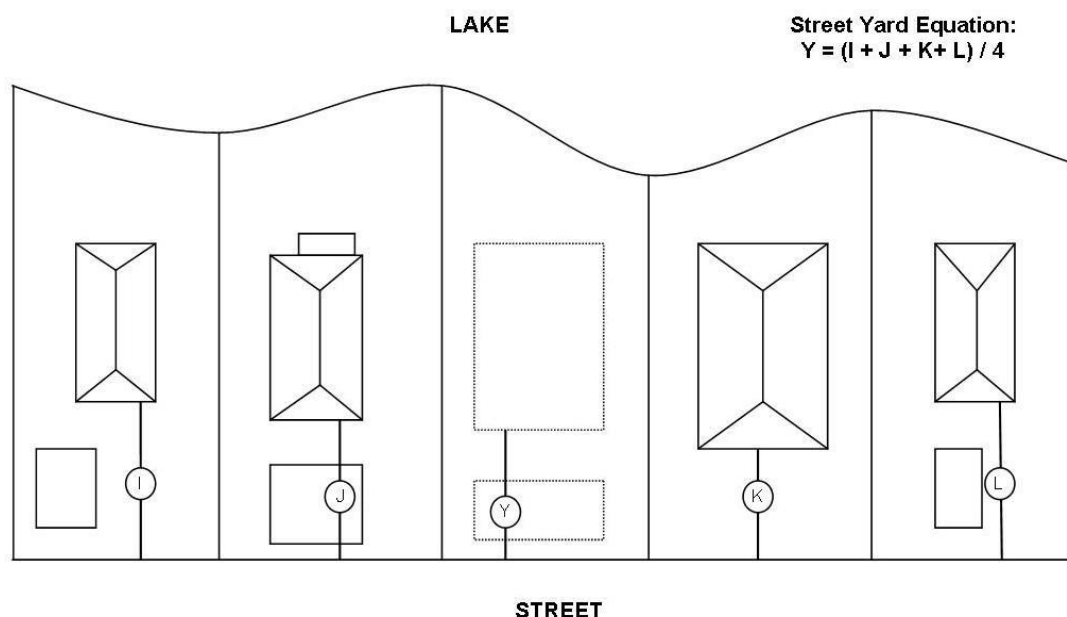
To prevent encroachments and maintain the integrity of setbacks as defined in Article 2 of this Ordinance, all setbacks shall be measured from the property line to the nearest portion of the structure, including eaves, porches and attached accessory buildings, per Section 13.15.B, excluding decks as specified below.

Where the setback is determined by the average of the setbacks on adjacent and nearby zoning lots, the distances may be determined by one of the following methods: sealed surveys of the properties, measurements from aerial photographs, or other methods approved by the Zoning Administrator. The method used for determining average setbacks must be noted on the drawings submitted for the preliminary certificate of zoning compliance.

- i. Minimum Lot Area - Ten thousand (10,000') square feet.
- ii. Minimum Lot Width - Fifty (50') feet.
- iii. Maximum Lot Coverage – Thirty (30%) percent.

- iv. Minimum Front (Street) Yard for principal building- Front, side, or rear yard abutting a public or private road: the average of the distances from the street right-of-way to the street-facing façade closest to the street of the principal buildings on the four zoning lots closest to the subject site on the same side of the street (see illustration below).

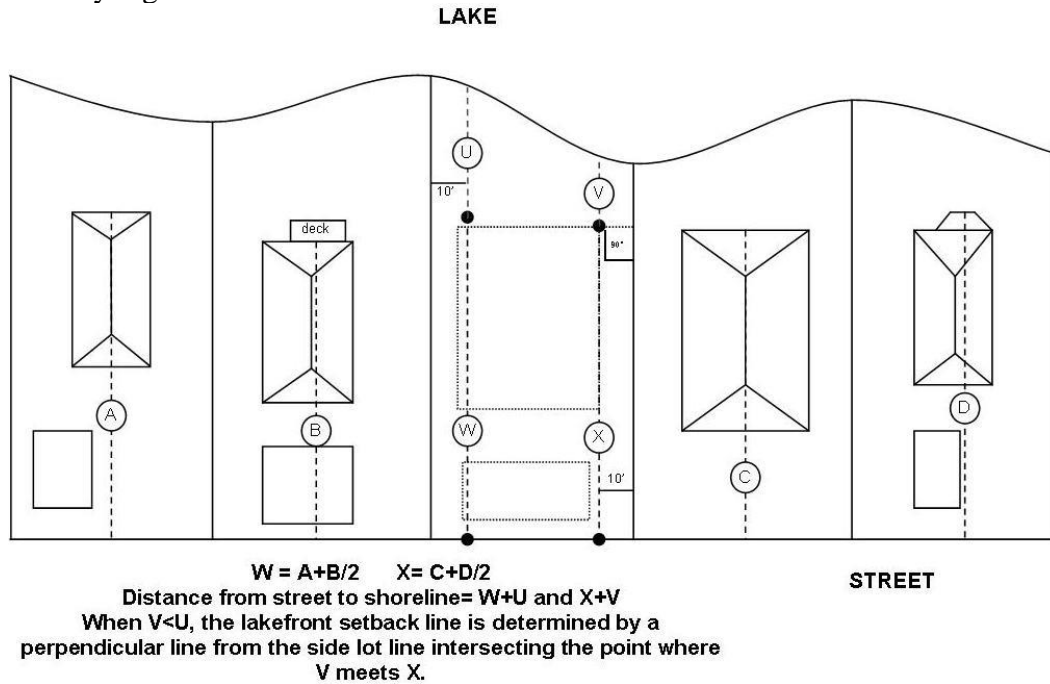
The front (roadside) setback requirements for principle and secondary structures do not apply to lots where the center of principle structure rear (lakeside) façade is greater than 150 feet from established lake shoreline (seawall) and lot maximum side dimension is greater than 250 feet. Only minimum front (roadside) street yard requirement (5 feet) and minimum side yard requirement for all structures must be met.



- v. Minimum Rear (Lake) Yard for principal building – The intent of the minimum rear yard setback regulations is to maintain the established building wall facing Base Line Lake. The lakeside setback will be determined by the following procedure, based on the accompanying illustration:
  - a. Potential Minimum Rear (Lake) Yard – One of the potential minimum rear lake yards will be determined by the average of the distance from the street right-of-way line to the centerpoint of the façade of the principal buildings (including building projections such as french windows and attached accessory buildings) facing the lake on the two zoning lots to the left of the subject site (distance “W” on below illustration). The second potential minimum rear lake yard will be determined using the same method using the distances on the two zoning lots to the right of the subject site (distance “X” on below illustration). The measurements identified as “W” and “X” shall each be taken ten feet (10’) from the nearest, parallel lot line although the sideyard setbacks remain as five and ten feet each.
  - b. Selection of Minimum Rear (Lake) Yard Control Point - Whichever of the two averaged distances results in a point closest to the ordinary high water mark will

determine the control point for the establishment of the minimum rear (lake) yard line so that when “V” measures less than “U”, the point where “V” meets “X” is the control point.

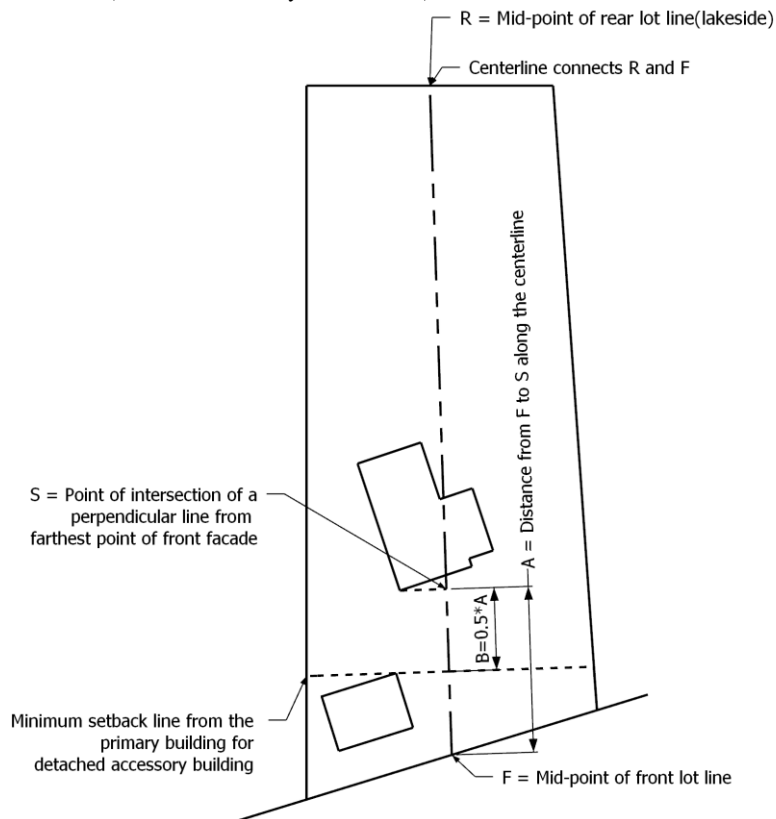
- c. Minimum Rear (Lake) Yard Line – The minimum rear (lake) yard line, behind which all building on the lot must occur, is determined by drawing a line perpendicular to the nearest side lot line from this control point to establish the lakeside setback from the ordinary high water mark.



- vi. Maximum Height Principal Structure – Thirty-five (35') feet.
- vii. Minimum Side Yard for all Structures – Ten (10') feet one side with no encroachments (buildings, trees, bushes) to allow unimpeded access to the lake; five (5') feet for the other side yard, with a minimum of fifteen (15') between the structures and any structure on the abutting property.
- viii. Deck Regulations:
- a. Location: Decks are allowed in all yards.
  - b. Minimum side yard – See minimum side yard for all structures.
  - c. Maximum encroachment into rear (lake) yard - No deck shall extend beyond twenty (20') feet beyond the rear (lake) façade.
  - d. Maximum encroachment into the front (street) yard – For properties with no front yard detached structures, no deck shall extend beyond twenty (20') feet beyond the front (street) façade. If a detached structure exists in the front yard, no deck shall extend beyond the street side wall of the structure.
  - e. Maximum deck height: Thirty (30") inches. The deck height shall be measured at the perimeter of the deck and the highest point shall be used for determining deck height. If the deck height exceeds thirty inches, the deck shall become part of the building structure and subject to the calculation of yard setbacks.

ix. Detached Accessory Structure Regulations

- a. Maximum Height - Twenty-five (25') feet.
- b. Location – Front (street) and side yards only. No detached accessory structures are allowed in the rear (lake) yards.
- c. Minimum Front (Street) Yard – Five (5') feet.
- d. Minimum Side Yard – See minimum side yard for all structures.
- e. Distance from Front façade of Principal Structure – Rear (lakeside) façade of the detached accessory structure shall be setback a minimum of 50% of the distance between the mid-point of the front lot line to the farthest point of where the front façade of the primary building meets the centerline at a perpendicular, measured along the centerline of the lot. Centerline is the line that connects the midpoints of the front and rear lot lines. See the illustration for methodology for measuring the minimum distance. *(Amended May 17, 2022)*



- x. Parking- A single family dwelling shall provide at least one on-site parking space.

**Section 9.25**      **Multi-Family Residential District (R-3)**      [\(Back to Table of Contents\)](#)

**A. Intent.** This district is established to permit single-family dwelling units on small lots, attached single-family dwellings such as condominiums, duplexes, and multi-family dwelling units in one residential structure serviced by public water and sanitary sewer. Multi-Family Residential Districts are intended to be located in those areas of the Township designated for that use in the Master Plan.

**B. Permitted Uses.**

- i. Bed and Breakfast Establishment.
- ii. Dwelling: Multi Family.
- iii. Dwelling: Single Family Detached
- iv. Dwelling: Single Family Attached.
- v. Dwelling: Two Family Duplex.
- vi. Family Day-Care Home.
- vii. Home Occupation.
- viii. Open Space Preservation Community.
- ix. State Licensed Residential Facility.

**C. Special Uses.**

- i. Adult Day Care.
- ii. Church.
- iii. Day Care Center.
- iv. Group Day-Care Home.
- v. Library.
- vi. Police, Fire and Ambulance Station.
- vii. Recreation: Active and Recreation Facilities: Outdoors.
- viii. Schools.

**D. Design Standards.**

- i. Maximum Residential Density – Four (4) dwelling units per acre if served by sanitary sewer. One (1) dwelling unit per acre when sanitary sewer is not available.
- ii. Minimum Lot Area - Fifteen thousand (15,000') square feet.
- iii. Minimum Lot Width - One hundred (100') feet if served by public sanitary sewer and water.
- iv. Maximum Lot Coverage - Twenty (20%) percent.
- v. Maximum Floor Area Ratio - Thirty (30%) percent.
- vi. Minimum Yard - Front, side, or rear yard abutting a public or private road: thirty-five (35') feet.
- vii. Minimum Yard - Front, side or rear yard abutting a primary road: one hundred ten (110') feet as measured from the road centerline. (Amended March 21, 2017)
- viii. Minimum Yard Side - Ten (10') feet one side; twenty-five (25') feet for the sum of both side yards.
- ix. Minimum Yard Rear - Twenty (20') feet.
- x. Maximum Height Principal Structure - Forty (40') feet.
- xi. Maximum Height Detached Accessory Structure - Twenty-five (25') feet.

- xii. Parking- A single-family dwelling shall provide at least one on-site parking space.
- xiii. Water and Sanitary Sewerage Requirements - Directly to public water and sanitary sewerage systems.
- xiv. Lot Requirements - Each structure containing dwelling units shall be located on a lot described by a legal description prepared by a land surveyor registered in the State of Michigan.
- xv. Required Improvements - Developments within this district shall include the following improvements: sidewalks, street lights, public sanitary and storm water sewers and public potable water as specified on the site plan approved.
- xvi. Design Regulations - Developments within this district shall be designed in accordance with the Design Standards for Webster Township. As such, developments will be designed with landscaping, lighting, parking, appreciation for natural features, preserving the night sky, architectural styles and building materials that will complement the existing character of the area.

**Section 9.30**      **Planning And Development Regulations For** [\(Back to Table of Contents\)](#)  
**Mobile Home Parks**

- A. The business of selling new and/or used mobile homes as a commercial operation in connection with the operation of mobile home parks shall be prohibited. A new or used mobile home located on a site within a mobile home park to be used and occupied on that site may be sold by a licensed dealer or broker. This Section shall not prohibit the sale of a used mobile home by a resident of the mobile home park provided the park's regulations permit the sale.
- B. A mobile home shall be in compliance with the following minimum distances:
  - 1. Twenty (20) feet from any part of an attached or detached structure of an adjacent mobile home that is used for living purposes.
  - 2. Ten (10) feet from an on-site parking space of an adjacent site.
  - 3. Ten (10) feet from either of the following: An attached or detached accessory structure of an adjacent mobile home that is not used for living purposes.
  - 4. Fifty (50) feet from any permanent building.
  - 5. Ten (10) feet from the edge of an internal street.
  - 6. Twenty (20) feet the right-of-way line of a dedicated public street within the mobile home park.
  - 7. Seven and one half (7 1/2) feet from a parking bay on the mobile home site.
  - 8. Seven (7) feet from a common pedestrian walkway.

- C. The maximum height of accessory structures in a mobile home park shall be fifteen (15) feet. The height of a storage building on a mobile home site shall not exceed the lesser of fifteen (15) feet or the height of the mobile home.
- D. Parking Requirements
  - 1. A minimum of two parking spaces shall be provided for each mobile home site.
  - 2. Additional parking facilities shall be provided for visitors, at the ratio of one (1) parking space for every three (3) mobile home sites in the park, in a convenient location for mobile home sites served thereby.
- E. Streets
  - 1. Vehicular access to a mobile home park shall be provided by at least one hard surface public road.
  - 2. Only streets within the mobile home park shall provide vehicular access to individual mobile home sites in the mobile home park.
  - 3. Two-way streets shall have a minimum width of 21 feet where no parallel parking is permitted, 34 feet where parallel parking is permitted along one side of the street, and 41 feet where parallel parking is permitted along both sides of the street.
  - 4. The minimum width of a one-way street shall be 13 feet where no parallel parking is permitted, 23 feet where parallel parking is permitted along one side, and 33 feet where parallel parking is permitted along both sides.
  - 5. A dead-end road shall terminate with an adequate turning area. A blunt end road is prohibited. Parking shall not be permitted within the turning area.
  - 6. Names of streets shall be approved by the Township Zoning Inspector.
- F. Outdoor Storage - Common storage areas for the storage of boats, motorcycles, recreation vehicles, and similar equipment may be provided in a mobile home park, but shall be limited to use only by residents of the mobile home park. The location of such storage area shall be shown on the site plan required herein. No part of such storage area shall be located in any yard required on the perimeter of the mobile home park. Such storage area shall be screened from view from adjacent residential properties.
- G. Site Constructed Buildings - All buildings constructed on site within a mobile home park must be constructed in compliance with the Webster Township Building, Electrical, Plumbing, and Mechanical Codes. Any addition to a mobile home unit that is not certified as meeting the standards of the US Department of Housing and Urban Development for mobile homes shall comply with the Webster Township Building, Electrical, Plumbing, and Mechanical Codes. Certificates and permits shall be required as provided in Article 11, herein. A final site plan shall be approved prior to construction of any principal structure, not including mobile home units, in accordance with Article 9, herein.

- H. Placement of a Mobile Home Unit - It shall be unlawful to park a mobile home unit so that any part of such unit will obstruct a street or pedestrian walkway.
- I. Site Plan Review Required - Construction of a mobile home park shall require prior approval of a site plan by the Township Planning Commission. For purposes of this section only, a site plan shall provide the following information.
1. The site plan shall be prepared on standard twenty-four (24) inch by thirty-six (36) inch sheets and shall be of a scale not greater than one (1) inch equals twenty (20) feet or less than one (1) inch equals two hundred (200) feet, and of such accuracy that the Planning Commission can readily interpret the plan.
  2. Scale, north arrow, name and date, plus date of any revisions.
  3. Name and address of property owner and applicant; interest of applicant in the property; name and address of developer.
  4. Name and address of designer. A site plan shall be prepared by a community planner, architect, landscape architect, engineer, or land surveyor registered in the State of Michigan.
  5. A vicinity map; legal description of the property; dimensions and area; lot line dimensions and bearings. A metes and bounds description shall be based on a boundary survey prepared by a registered surveyor.
  6. Existing natural features such as trees, wooded areas, streams, and wetlands; natural features to remain or to be removed; one hundred (100) year flood hazard area; delineation of wetlands and indication of regulated or non-regulated; location, type, and size of existing trees 8" caliper and larger, not in a wooded area.
  7. Existing buildings, structures, and other improvements, including drives, utility poles and sewers, easements, pipelines, excavations, ditches, bridges, culverts; existing improvements to remain or to be removed; deed restrictions, if any.
  8. Name and address of owners of adjacent properties; use and zoning of adjacent properties; location and outline of buildings, drives, parking lots, and other improvements on adjacent properties.
  9. Names and rights of way of existing streets on or adjacent to the property; surface type and width.
  10. Zoning classification of the subject property; location of required yards; total property area; number of dwelling units; dwelling unit density; schedule of dwelling units, by type; phasing information.
  11. Location of all proposed streets and drives; rights of way, where applicable.



12. Location and dimensions of proposed parking lots; number of spaces in each lot; dimensions of spaces and aisles; typical section of parking lot surface.
  13. Location, width, and surface of proposed sidewalks and pedestrian paths, if provided.
  14. Location, use, size, and proposed improvements of open space and recreation areas, if provided.
  15. Location, type, size, area, and height of proposed signs.
  16. Landscape plan showing location, type, and size of plant materials; plant list showing common and botanical names and quantities.
  17. Location, height, and type of street lights; detail of a typical fixture.
- J. Building Permits Required - No mobile home may be placed on a mobile home site until a building permit has been issued by the Washtenaw County Building Department, acting on behalf of Webster Township. A building permit shall not be issued until all required State approvals have been obtained.
- K. Occupancy - A mobile home in a mobile home park shall not be occupied until all required approvals have been obtained from the State of Michigan and a Certificate of Occupancy is issued by the Washtenaw County Building Inspector, acting on behalf of Webster Township.

## **Section 9.35      Commercial District (C)**

[\(Back to Table of Contents\)](#)

**A. Intent.** This district is intended for neighborhood convenience shopping with retail businesses and service establishments supplying goods and services to meet the daily needs of the area. It is intended that the permitted uses and special land uses in the district will be reasonably compatible with surrounding land uses and that they will have only minimal impact on surrounding residential uses. Commercial Districts are intended to be located in those areas of the Township designated for that use in the Master Plan.

### **B. Permitted Uses.**

- i. All Permitted Uses in the Office District
- ii. Retail stores and shops less than 15,000 square feet gross leasable area
- iii. Automobile repair facility: Minor
- iv. Business services, such as printing and photocopying
- v. Church
- vi. Dance Studio.
- vii. Day care center
- viii. Farmers Market (Amended August 9, 2018)
- ix. Funeral Home
- x. Health and Physical Fitness Establishment.

- xi. Hospitals and nursing homes
- xii. Laundromat
- xiii. Library.
- xiv. Nursery: Commercial
- xv. Personal services such as beauty and barber shops, laundry and dry cleaning shops, shoe repair shops, tailors or dressmakers, small appliance repair; but not including drive-up windows or drive-through services.
- xvi. Photographic Studio.
- xvii. Public utilities Facility (Amended February 16, 2021)
- xviii. Radio or television broadcasting studios
- xix. Restaurant- Standard, Carry Out or Fast Food, not including drive-up windows or drive through facilities.

**C. Special Uses.**

- i. Automobile Repair Facility: Major
- ii. Automobile Sales.
- iii. Business Center.
- iv. Car Wash.
- v. Contractor’s Establishment.
- vi. Drive-up windows and drive-through facilities
- vii. Dry Cleaner
- viii. Gasoline Service Station
- ix. Landscaping Contractors.
- x. Marinas, boat launches and liveries
- xi. Motel
- xii. Party Store, with sales of alcoholic beverages for takeout purposes only.
- xiii. Recreation Facility: Indoors or Outdoors.
- xiv. Tavern.
- xv. Theater.
- xvi. Veterinarian or animal hospital
- xvii. Retail establishments having a gross leasable area of greater than 15,000 square feet. Any single retail business shall not occupy a gross leasable area of greater than 50,000 square feet within a free standing or multi-tenant building such as a shopping center. (This shall not act to limit the size of collective businesses located within multi-tenant buildings such as shopping centers.) The intent of this section is to insure that large retail development is of a quality that enhances the character of Webster Township, and does not overwhelm its surroundings, and protects and contributes to the health, safety and welfare of the community. Large retail development can result in substantial impacts to the community, such as, but not limited to noise, traffic, community character, environment, and the local economy. The purpose of this section is to address these impacts and provide for detailed review of such uses.
- xviii. Wireless Communication Tower (amended June 17, 2014).

**D. Design Standards.**

- (1) *Purpose.* The Commercial District permits those uses that are compatible in intensity and

character with nearby residential and agricultural areas. The intent of these design standards are to encourage well-designed buildings, employing high quality architecture, in a professionally landscaped setting, as well as uses that will not cause large volumes of traffic, traffic congestion, or parking problems. These uses will be designed and constructed so as to fully complement and enhance the adjoining or nearby residential and agricultural areas.

- (2) *Design Regulations.* Developments will be designed with landscaping, lighting, parking, appreciation for natural features, architectural styles and building materials that will complement the existing character of the area. Buffer strips may be required to ensure that the development compliments and blends in with the surrounding rural character. Lighting shall be designed to prohibit spill-over onto adjacent properties and to minimize light pollution of the rural community. Outdoor displays or storage of goods or other materials shall be prohibited.
- (3) *Density, Placement and Height Regulations.*
  - (a) Minimum Lot Area - One (1) acre, without public water and sanitary sewer. Ten thousand (10,000') square feet with public water and sanitary sewer.
  - (b) Minimum Lot Width - One hundred-fifty (150') feet, without public water and sanitary sewer, eighty (80') feet with public water and sanitary sewer.
  - (c) Maximum Lot Coverage - Twenty-five (25%) percent.
  - (d) Maximum Floor Area Ratio - 0.60.
  - (e) Minimum Yards.
    - i. Front, side, or rear yard abutting a public or private road - thirty-five (35') feet. Front, side or rear yard abutting a primary road - one hundred ten (110') feet as measured from the road centerline. (Amended March 21, 2017)
    - ii. Side - Twenty (20') feet.
    - iii. Rear - Thirty-five (35') feet.
  - (f) Maximum Height - Twenty-five (25') feet.
- (4) *Buffer Strip.* A strip at least fifteen (15') feet wide shall be required along a property line that is adjacent to a lot in an agricultural, residential, or public lands zoning district. The strip shall be provided in accordance with Section 13.75(D) of this Ordinance.
- (5) *Parking Areas.* Parking areas shall be bermed and screened with plantings as required by Section 13.75 (F) of this Ordinance. The plantings shall be properly maintained by the property owner.

- (6) *Landscaping.* All developments shall comply with the landscaping requirements in Section 13.75 (G) of this Ordinance.
- (7) *Site Plan Review.* Site plans shall be submitted, reviewed and approved in accordance with Section 8.05 of this Ordinance.

**Section 9.37**      **Office District (O)**

[\(Back to Table of Contents\)](#)

**A. Intent.** This district is established to provide suitable locations for office uses. The district is intended to be used in or adjacent to those areas of Webster Township that are designated for commercial use in the Township Master Plan. The district may be used as a transition zone between commercial or industrial zones and residential, agricultural, or public lands zones

**B. Permitted Uses.**

- i. Business and professional offices, such as legal, accounting, insurance, real estate, engineering offices; government offices.
- ii. Medical and dental offices, clinics, and laboratories including urgent care facilities.
- iii. Executive and administrative offices.
- iv. Financial institutions, but not including drive-up windows or drive-in or drive-through facilities.
- v. Libraries
- vi. Churches.
- vii. Radio/television broadcasting studios.
- viii. Hospitals and nursing homes.
- ix. Public Utilities Facility (Amended February 16, 2021)

**C. Special Uses.**

- i. Drive-up windows and drive-through facilities
- ii. Pharmacy, retail sales and rental of medical and dental supplies and equipment located wholly within an office building having 65 percent or more of its floor area devoted to medical and/or dental office use; provided that not more than 8 percent of the building's floor area may be in pharmacy use. No signs and other advertising for pharmacy, retail sales or rental of medical & dental supplies and equipment shall be permitted on the building exterior or where visible to persons outside the building (see Section 13.140).
- iii. Wireless Communication Tower (amended June 17, 2014).

**D. Design Standards.**

(1) *Purpose.* The Office District permits those uses that are compatible in intensity and character with nearby residential and agricultural areas. The intent of these design standards are to encourage well-designed buildings, employing high quality architecture, in a professionally landscaped setting, as well as uses that will not cause large volumes of traffic, traffic congestion, or parking problems. These uses will be designed and constructed so as to fully complement and

enhance the adjoining or nearby residential and agricultural areas.

(2) *Design Regulations.* Developments will be designed with landscaping, lighting, parking, appreciation for natural features, architectural styles and building materials that will complement the existing character of the area. Buffer strips may be required to ensure that the development compliments and blends in with the surrounding rural character. Lighting shall be designed to prohibit spill-over onto adjacent properties and to minimize light pollution of the rural community. Outdoor displays or storage of goods or other materials shall be prohibited.

(3) *Density, Placement and Height Regulations.*

(a) Minimum Lot Area - One (1) acre, without public water and sanitary sewer. Ten thousand (10,000') square feet with public water and sanitary sewer.

(b) Minimum Lot Width - One hundred-fifty (150') feet, without public water and sanitary sewer, eighty (80') feet with public water and sanitary sewer.

(c) Maximum Lot Coverage - Twenty-five (25%) percent.

(d) Maximum Floor Area Ratio - 0.60.

(e) Minimum Yards.

i. Front, side, or rear yard abutting a public or private road - thirty-five (35') feet. Front, side or rear yard abutting a primary road - one hundred ten (110') feet as measured from the road centerline. (Amended March 21, 2017)

ii. Side - Twenty (20') feet.

iii. Rear - Thirty-five (35') feet.

(f) Maximum Height - Twenty-five (25') feet.

(4) *Transition Strip.* A strip at least fifteen (15') feet wide shall be required along a property line that is adjacent to a lot in an agricultural, residential, or public lands zoning district. The strip shall be provided in accordance with Section 13.75 (D) of this Ordinance.

(5) *Parking Areas.* Parking areas shall be bermed and screened with plantings as required by Section 13.75 (F) of this Ordinance. The plantings shall be properly maintained by the property owner.

(6) *Landscaping.* All developments shall comply with the landscaping requirements in Section 13.75 (G) of this Ordinance.

(7) *Site Plan Review.* Site plans shall be submitted, reviewed and approved in accordance with Section 8.05 of this Ordinance.

**A. Intent.** This district is established to provide for manufacturing, research and high technology uses of a restricted, light industrial nature and non-manufacturing services. Uses and developments in this district must balance the need for employment with the rural character of the Township. Industrial developments are intended to incorporate design techniques that are compatible with the rural residential character of the surrounding area. Industrial Districts are intended to be located in those areas of the Township designated for that use in the Master Plan.

**B. Permitted Uses.**

- i. Agriculture Sales, Equipment, Repairs, Supplies.
- ii. Automobile Repair Facility: Major and Minor.
- iii. Contractor's Establishment.
- iv. Distribution Center.
- v. Dry Cleaner
- vi. Educational facility.
- vii. Food Processing Plant.
- viii. Landscaping Contractors.
- ix. Laundromat
- x. Manufacturing.
- xi. Mobile Home Sales, Repairs.
- xii. Monument Sales.
- xiii. Open Air Business
- xiv. Pilot plant operations and testing activities.
- xv. Police, Fire, Ambulance Station.
- xvi. Storage Facility.
- xvii. Uses primarily engaged in research activities, including research laboratories, developmental laboratories, and compatible light manufacturing such as, but not limited to, the following: biochemical, chemical, electronics, film and photography, medical and dental, metallurgy, pharmaceutical, or X-ray.
- xviii. Headquarters of business offices for commercial and industrial uses that conduct the principal firm's activity outside of the district.
- xix. Uses primarily engaged in the manufacture, research assembly, testing and repair of components, devices, equipment and systems, and parts and components, involving the following items: coils, tubes, semiconductors, communication, navigation, guidance and control equipment, data processing equipment, including computer software, glass edging and silvering equipment, graphics and art equipment, metering equipment, radio and television equipment, radar, infrared, and ultraviolet equipment, optical devices and equipment, or filling and labeling machinery.
- xx. Uses primarily engaged in the manufacturing, processing, and/or assembly of the following or similar products: food products, apparel and finish products from textile products, furniture and fixture products, chemical and allied products, plastic and rubber products, stone, clay, and glass products, fabricated metal products, or professional, scientific, controlling, photographic, and optical products or equipment.

- xxi. Uses engaged in service industries or those industries providing service to, as opposed to the manufacture of a specific product, such as the repair and maintenance of appliances or component parts, tooling, printers, testing shops, small machine shops, and shops engaged in the repair, maintenance and servicing of such items.
- xxii. Uses involving industries engaged in the distribution and/or storage or warehousing of products relating to the permitted uses.
- xxiii. Uses engaged in blueprinting, photocopying, photoengraving, printing, publishing, and bookbinding.
- xxiv. Uses primarily engaged in administrative and professional offices, but limited to: (i) offices that are associated with any permitted business use, or, (ii) offices that do not attract nor are primarily dependent upon business customers visiting the office.
- xxv. Veterinary Clinic and Animal Hospital.
- xxvi. Warehousing.
- xxvii. Public Utilities Facility (added October 15, 2019) (Amended February 16, 2021)
- xxviii. Other uses clearly similar in nature and compatible with the listed permitted uses in this district (renumbered October 15, 2019)
- xxix. Accessory uses and structures when related and incidental to a permitted use such as, but not limited to, food preparation, food service, eating facilities, and auditoriums to serve employees and storage, service, and maintenance facilities, provided all materials are stored inside a closed building. (renumbered October 15, 2019)

**C. Special Uses.**

- i. Adult Business.
- ii. Automobile Demolition/Salvage.
- iii. Automobile Service Station.
- iv. Junk and Salvage Yard.
- v. Nursery: Commercial
- vi. Radio/Television/Transmission Tower.
- vii. Vehicle Storage Facility.
- viii. Wireless Communication Tower.

**D. Design Standards.**

- (1) *Purpose.* The Industrial District permits those industrial uses that are compatible in intensity and character with nearby residential and agricultural areas and with the need to provide employment opportunities in the Township. The intent of these design standards are to encourage well-designed industrial buildings, employing high quality architecture in a professionally landscaped setting as well as uses that will not cause large volumes of traffic, traffic congestion, or parking problems. These uses will be designed and constructed so as to fully complement and enhance the adjoining or nearby residential and agricultural areas.

- (2) *Goals.* The general goals of the Industrial District include, among others, the following specific purposes:
- (a) To provide sufficient space, in appropriate locations, to meet the needs of the Township's expected future economy for additional manufacturing and related uses.
  - (b) To protect abutting residential districts by separating them from manufacturing activities, and by prohibiting the use of such industrial areas for new residential development.
  - (c) To promote manufacturing development that is free from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibration, smoke, odor and other objectionable influences.
  - (d) To protect the character and established pattern of adjacent development, and in each area to conserve the value of land and buildings and other structures, and to protect the Township's tax revenue.
  - (e) To protect the most desirable use of land in accordance with a well considered plan.
- (3) *Design Regulations.* Developments will be designed with landscaping, lighting, parking, appreciation for natural features, architectural styles and building materials that will complement the existing character of the area. Buffer strips may be required to ensure that the development compliments and blends in with the surrounding rural character. Lighting shall be designed to minimize spill-over onto adjacent properties and to minimize light pollution of the rural community. Outdoor displays or storage of goods or other materials shall be carefully regulated.
- (4) *Outdoor Storage.* All outdoor storage of building, contracting, or plumbing materials, sand, gravel, stone, lumber, equipment, and other supplies, shall be located within an area not closer than one hundred fifty (150') feet from any street right-of-way line. The storage of lumber, coal, or other combustible material shall not be less than twenty (20') feet from any interior lot line, and a roadway shall be provided, graded, surfaced, and maintained from the street to the rear of the property to permit free access of fire trucks at any time. All such open storage shall be screened from all streets, and on all sides that abut any residential or commercial district, by a wall or fence with a minimum height of six (6') feet, and all stored materials shall not be piled to a height extending beyond the height of the wall.
- (5) *Density, Placement, and Height Regulations.*
- (a) Minimum Lot Area - One (1) acre.
  - (b) Minimum Lot Width - One hundred-fifty (150') feet.
  - (c) Maximum Lot Coverage - Twenty-five (25%) percent.



- (d) Maximum Floor Area Ratio - 0.50.
- (e) Minimum Yards:
  - i. Front, side, or rear yard abutting a public or private road - fifty (50') feet. Front, side or rear yard abutting a primary road - one hundred ten (110') feet as measured from the road centerline. (Amended March 21, 2017)
  - ii. Side - Twenty (20') feet.
  - iii. Rear - Thirty-five (35') feet.
- (f) Maximum Height - Twenty-five (25') feet.
- (6) *Buffer Strip.* A strip at least twenty-five (25') feet wide shall be required along a property line that is adjacent to a lot in an agricultural, residential, office, or public lands zoning district. The strip shall be provided in accordance with Section 13.75 (D) of this Ordinance.
- (7) *Parking Areas.* Parking areas shall be bermed and screened with plantings as required by Section 13.75 (F) of this Ordinance. The plantings shall be properly maintained by the property owner.
- (8) *Landscaping.* All developments shall comply with the landscaping requirements in Section 13.75 (G) of this Ordinance.
- (9) *Site Plan.* Site plans shall be submitted, reviewed and approved in accordance with Section 8.05 of this Ordinance.

**Section 9.50      Public Land District (PL)**

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**A. Intent.** (Amended April 21, 2015) This district is intended to provide an appropriate zoning classification for specific government, civic and recreational facilities. This district is intended to protect public and quasi-public facilities and institutions from the encroachment of certain other uses, and to insure compatibility with adjoining residential uses. Ownership of land within the district may be private or public.

**B. Permitted Uses.**

- i. Developed open space such as botanical gardens, arboretums, farm experiment areas.
- ii. Convalescent, Nursing Home, or Senior Assisted Living Home.
- iii. Natural open space, such as forest preserves, conservation areas, wildlife sanctuaries.
- iv. Police, fire, and ambulance stations.
- v. Public office buildings, assembly halls
- vi. Public outdoor recreational uses, such as playgrounds, playing fields, golf courses, boating areas, fishing sites, camping facilities, parks.
- vii. Public sewage treatment plants, public water plants, public water towers, essential public services and buildings, public works garages and similar uses.

- viii. Primary and secondary public, private or parochial schools and colleges.
- ix. Art galleries, libraries, museums, places for public assembly, memorials and monuments

**C. Special Uses**

- i. Wireless Communication Tower.
- ii. General and specialty hospitals, treatment centers, health centers, institutions for children, homes for the aged and extended care facilities such as nursing homes
- iii. Airports, landing strips and heliports.
- iv. Public Utilities Facility (Amended February 16, 2021)

**D. Design Standards.**

- (1) *Intent.* The intent of these design standards are to encourage well-designed buildings employing high quality architecture in a professionally landscaped setting as well as uses that will not cause large volumes of traffic, traffic congestion, or parking problems. These uses will be designed and constructed so as to fully complement and enhance the adjoining or nearby residential and agricultural areas.
- (2) *Design Regulations.* Developments will be designed with landscaping, lighting, parking, appreciation for natural features, architectural styles and building materials that will complement the existing character of the area. Buffer strips may be required to ensure that the development compliments and blends in with the surrounding rural character. Lighting shall be designed to prohibit spill-over onto adjacent properties and to minimize light pollution of the rural community. Outdoor displays or storage of goods or other materials shall be prohibited.
- (3) *Density, Placement, and Height Regulations.*
  - (a) Minimum Lot Area - None.
  - (b) Minimum Lot Width - None.
  - (c) Maximum Lot Coverage - Twenty-five (25%) percent.
  - (d) Maximum Floor Area Ratio - 0.25.
  - (e) Minimum Yards:
    - i. Front, side, or rear yard abutting a public or private road - fifty (50') feet. Front, side or rear yard abutting a primary road - one hundred ten (110') feet as measured from the centerline of the road. (Amended March 21, 2017)
    - ii. Side - Thirty (30') feet.
    - iii. Rear - Fifty (50') feet.
  - (f) Maximum Height Principal Structure - Forty (40') feet. (Amended October 15, 2019)

(g) Maximum Height Detached Accessory Structure-Twenty-five (25') feet. (Added October 15, 2019)

- (4) *Transition Strip.* A strip at least twenty-five (25') feet wide shall be required along a property line that is adjacent to a lot in a residential zoning district. The strip shall be provided in accordance with this Ordinance.

**Section 9.55**      **Planned Unit Development District (PUD)**      [\(Back to Table of Contents\)](#)

**A. Intent.**

- (1) It is the intent of this Section to offer an alternative to traditional subdivisions, site condominiums, commercial, industrial, office parks or other developments for the purpose of:
- (a) Permitting flexibility in the regulation of land development;
  - (b) Encouraging the use of land in accordance with its character and adaptability;
  - (c) Encouraging innovation in land use and variety in design, layout and type of structures constructed;
  - (d) Achieving economy and efficiency in the use of land, preservation of natural resources, energy, and the provision of public services and utilities;
  - (e) Encouraging the provision of useable open space and conservation of natural features;
  - (f) Providing adequate housing, employment and shopping opportunities suited to the needs of the residents of the Township;
  - (g) Encouraging the use, reuse, and improvement of existing sites and buildings when developed in a compatible way with surrounding uses and when the uniform regulations contained in other zoning districts do not provide the adequate protection and safeguards of the site or surrounding area; and
  - (h) Ensuring compatibility of design and use between neighboring properties.
- (2) The district is intended to accommodate developments with mixed or varied uses, sites with unusual topography or unique settings within the community or on land that exhibits difficult or costly development problems. This Section is intended to supplement and reinforce the zoning regulations adopted by the Township, other applicable statutes, ordinances, rules, and regulations, and to further the goals and objectives in the Master Plan.

**B. Lands That May Be Zoned PUD District.** An application to rezone lands to a Planned Unit Development District (PUD) may be submitted for those geographical areas intended for such districts in the Master Plan. A PUD shall not be allowed in those geographical areas intended in the Master Plan to be zoned Agriculture District (AG).

**C. Establishment of a PUD District.** An application to establish a PUD District, together with an application for site plan review, shall be submitted in accordance with Section 3.70 (Zoning Ordinance Amendments) and Section 8.05 (Site Plan Review), herein. The Planning Commission shall review and make recommendations to the Township Board, whereupon the Township Board shall approve (with or without conditions), deny such application or take such other action as provided by law. If the application to rezone is approved, then the geographical area being the subject of the application shall be designated “*Planned Unit Development District*” on the Official Zoning Map.

**D. Ownership.** The entire parcel for which application is made must be under common ownership, or the application must be made with the written authorization of all parties claiming legal or equitable ownership of the property.

**E. Permitted Uses.** Allowable uses in a PUD District include those permitted and special uses in the Rural Residential District (R-1), Urban Residential District (R-2), Multi-Family Residential District (R-3), and Commercial/Office District (C/O) and may include condominiums, apartments, duplexes, and senior housing. Commercial, office, multiple family, limited industrial and/or research uses may be allowed in a PUD District, provided the use is compatible with the site, will not adversely impact surrounding areas and is located in an area intended for PUD District in the Master Plan. The raising of crops in areas designated open spaces on the site plan is allowed provided the use is specified on the approved site plan.

**F. Eligibility Criteria.** In considering an application for a PUD District the Planning Commission and Township Board shall consider the following factors:

- (1) Odd shaped parcel(s) that negates ease of subdivision;
- (2) Proposal for mixed uses or mixed residential densities on a site;
- (3) Significant natural assets, including:
  - (a) Woodlands or individual trees over twelve (12") inch diameter when measured at a height of four (4') feet;
  - (b) Rolling topography with grades exceeding fifteen (15%) percent;
  - (c) Significant views;
  - (d) Natural drainage ways, water bodies, or floodplains;
  - (e) Groundwater recharge areas;
  - (f) Regulated or non-regulated wetlands; and

- (g) Natural corridors that connect quality wildlife habitats that would be in the best interest of the Township to preserve and that might be negatively impacted by conventional residential development.
- (4) Other unusual conditions that the Planning Commission deems that application of the PUD District would be appropriate.

**G. Cohesive Development.** The proposed project shall be designed to create a cohesive mixed use development through innovative design, architecture, and smooth interaction between the project components and uses. Open space areas may also be used to provide cohesion among the project components.

**H. Open Space Requirements.**

- (1) *Use.* All land within a development that is not devoted to a residential unit, commercial or office use, an accessory use, vehicle access, vehicle parking, a roadway, a utility easement or an approved land improvement shall be set aside for recreation, conservation, agricultural uses, or otherwise preserved in an undeveloped state. Grading shall be minimal, with the intent of using existing topography.
- (2) *Dedicated Open Space.* Common dedicated open space shall be located to preserve significant natural features and to connect open spaces throughout the development with adjacent open space. Open space along the exterior public roads shall have a depth of at least one hundred thirty-three (133') feet from the centerline of the road. The one hundred (100') feet in excess of the road right-of-way shall be either landscaped with natural vegetation or preserved in a natural wooded condition. All vegetation shall be native to the area. The open space along the exterior public roads shall be landscaped with a minimum of one (1) tree for each twenty (20') feet of road frontage. Such plantings shall be planted in staggered rows or clustered into groupings to provide a natural appearance. Preservation of existing trees is preferred and may be credited towards meeting the frontage landscaping requirement.
- (3) *Conservation Easement.* The dedicated open space and primary conservation areas shall be set aside by the developer through a permanent conservation easement. The easement shall be in a form acceptable to the Township and duly recorded in the Washtenaw County Register of Deeds. In the event the land trust or conservancy holding the conservation easement ceases to exist, the easement shall revert to Webster Township. The Township may require an easement for access to the dedicated open space areas be set aside.
- (4) *Purpose and Content of Conservation Easement.* The conservation easement shall assure that the dedicated open space and primary conservation areas will be protected from all forms of development, except as shown on the approved site plan. Such easement shall indicate the proposed allowable use(s) of the dedicated open space. The Planning Commission and Township Board shall require the inclusion of restrictions in the easement that prohibit the following within protected lands:

- (a) Dumping or storing of any hazardous material or refuse;
- (b) Activity that may cause risk of soil erosion;
- (c) Use of motorized off-road vehicles;
- (d) Cutting or removal of vegetation, with the exception of invasive species and from wetland sites;
- (e) Use of pesticides, herbicides or fertilizers within a fifty (50') foot buffer of wetlands.

Provided, however, on land that is actively farmed, activities normally associated with agricultural land use shall be permitted. Actively farmed lands include “*tree farms*” employing ongoing recognized good forest management practices and that sell only products produced on the land.

- (5) *Connection to Adjacent Dedicated Open Space or Area.* The Planning Commission or Township Board may require connections with adjacent dedicated open space or public land.
- (6) *Allowable Structures / Large Solar Energy System.* (Amended February 16, 2021) Any structure(s) or building(s) clearly accessory to the approved recreational, conservation or agricultural use may be erected within the dedicated open space, in accordance with the approved site plan. The total floor area of accessory building(s) shall not exceed, in the aggregate, one (1%) percent of the required dedicated open space area. In addition to the uses permitted above, the required dedicated space may be used to host a Large Solar Energy System, provided that: (1) the Large Solar Energy System is primarily and predominantly used for generating electricity for use within the PUD (such that any sale and distribution of excess available energy to a public utility or other third party shall be incidental and immaterial in amount); (2) the Large Solar Energy System complies with all applicable requirements in this Zoning Ordinance, including without limitation Section 12.115; and (3) the land that hosts the Large Solar Energy System will be conserved through a permanent conservation easement as required in this Section. Any structure(s) or building(s) clearly accessory to the approved recreational, conservation or agricultural use may be erected within the dedicated open space, in accordance with the approved site plan. The total floor area of accessory building(s) shall not exceed, in the aggregate, one (1%) percent of the required dedicated open space area.
- (7) *Recreational Facilities.* Allowable recreation facilities may include a neighborhood park, picnic areas, children’s play area, non-motorized recreational trails, soccer fields, ball fields, bike and walking paths or similar passive recreational facilities that provide a feature of community-wide significance and enhance residential development. In order to preserve a reasonable proportion of natural areas, no more than fifty (50%) percent of the dedicated open space shall be utilized for these recreational facilities.
- (8) *Created Natural Features.* If the site lacks significant existing natural features, the creation of woodland features, natural type vegetation (e.g. prairie meadows) and/or man

made wetlands not used as a part of the storm water management system is encouraged and may be included in the dedicated open space.

(9) *Areas Not Considered Open Space.* The following land areas shall not be included as dedicated open space for the purpose of this Section:

- (a) The area of any private or public street right-of-way;
- (b) Any lot including the required setbacks surrounding a residential or commercial structure;
- (c) Storm water detention and retention areas; and
- (d) Primary conservation areas in excess of fifty (50%) percent of the total dedicated open space.

(10) *Ownership.* The dedicated open space, primary conservation areas, other undivided common areas and associated facilities may be held in common ownership by a property owners association, a public entity, or the original land owner. For site condominiums, the homeowners association is equivalent to the condominium association. If a property owners association is formed, it shall be formed and operated under principles approved by the Township Board including the following:

- (a) The developer shall provide a description of the association, including its Articles of Incorporation and Bylaws and a Dedicated Open Space maintenance plan documenting methods for maintaining the open space and ensuring the integrity of the dominant natural features;
- (b) The association shall be organized by the developer or owner and shall be operated with a financial subsidy from the developer, or owner, before the sale of any lots within the development;
- (c) Membership in the association shall be automatic and mandatory for all purchasers of homes in the project and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be identified;
- (d) The members of the association shall share equitably in the costs of maintaining undivided open space. Shares shall be defined within the association bylaws and assessments for maintenance shall be a lien on the land;
- (e) The property owners association shall be responsible for maintenance of all common open space areas and facilities under its control, and maintenance of liability insurance and similar duties of ownership;
- (f) The property owners association may lease open space lands to any other qualified person, or entity, for operation and maintenance of farmlands in accordance with the approved site plan, but such a lease agreement shall provide:

- i. That the residents of the development shall at all times have access to the open space lands contained therein (except croplands during growing season);
- ii. That the undivided open space to be leased shall be maintained for the purposes set forth in this Ordinance;
- iii. That the operation of open space facilities may be for the benefit of the residents only, or may be open to the public, at the election of the developer and/or homeowners' association, as the case may be.

**I. District for Maintenance of Improvements.** To assure that improvements are maintained in perpetuity at the expense of those lands benefited by the improvement, the Township Board may require the establishment of a district under the jurisdiction of the Washtenaw County Water Resources Commissioner or the establishment of a special assessment district under the jurisdiction of the Township or other authorized governmental body.

**J. Design Standards.**

- (1) *Location of Lots.* Lots shall be laid out, to the greatest extent feasible, to achieve the following objectives:
  - (a) In locations that minimize alteration of the natural environment;
  - (b) On the most suitable soils for subsurface septic disposal (if well and septic systems are proposed); note: public water and sewer connections are required for lots too small to accommodate individual well and septic systems and for non-residential development;
  - (c) In locations least likely to block or interrupt scenic vistas, as seen from public roadways.
- (2) *Setbacks.* The following design parameters will be used to establish setbacks:
  - (a) The minimum front, rear, corner and side yard setbacks shall correspond to the appropriate commercial, industrial, office or residential zoning district associated with the proposed use. Provisions for regulatory flexibility are included in Section 13 below;
  - (b) Structures shall be placed as far as possible from wetlands and surface water features, but in no case shall they be closer than one hundred (100') feet from said areas. Buildings and paved areas shall have a minimum natural features setback of one hundred (100') feet from wetlands and surface water features. If paved areas or off-street parking lots are adjacent to wetland or a water body, facilities to filter storm water runoff shall be provided. Provisions for maintenance of the storm water drainage system shall be set out in the master deed.



- (3) *Landscaping and Buffering.* There shall be a perimeter setback and berming, as found to be necessary by the Planning Commission for purposes of buffering the development in relation to surrounding properties. The setback distance need not be uniform at all points on the perimeter of the development. The following provisions apply to all proposed landscaping and buffering:
- (a) Landscaped or native vegetative cover (excluding invasive species) shall provide a screened buffer between structures and neighboring properties;
  - (b) Where the PUD District abuts an adjacent single-family residential use, the Planning Commission or Township Board may require a transition setback. Grading within the transition area shall be minimal unless needed to provide effective buffering or accommodate drainage. If the grade change adjacent to single-family residential is to be varied by more than three (3') feet, the site plan shall include cross sections illustrating existing and proposed grades in relation to existing and proposed building heights. Perspective renderings from adjacent residential units are encouraged. The Planning Commission or Township Board may require that the transition area consist of one or more of the following:
    - i. Woodlands, natural features or a landscaped greenbelt sufficient to provide an obscuring effect;
    - ii. Open or recreation space;
    - iii. Significant changes in topography that provide an effective buffer.
  - (c) Berms and vegetation shall be used to screen community parking areas and block vehicle lights shining into residential structures.
- (4) *Attached Residential and Multiple Family Component.* A PUD may include residential units other than single family dwellings. This component may include senior housing and/or elderly care facilities. Such units shall meet the following design standards:
- (a) Front Yard. The minimum building setback from an internal road shall be thirty-five (35') feet from the public street right-of-way or private road easement. The Planning Commission may reduce the setback based upon a determination that off-street parking will be adequate, and that the modification will preserve natural features or that the rear yard buffer will be increased by one (1') foot for each one (1') foot of reduction in the front yard setback. In no instance shall the front yard setback be reduced below a minimum of twenty (20') feet. Buildings that front on two streets must provide the required front yard setback from both streets;
  - (b) Rear Yard. A twenty-five (25') foot rear yard shall be maintained for all buildings. Where the rear of a building abuts the side or rear of another residential structure, the minimum spacing between the structures shall be the combined total of the two (2) setback requirements;

(c) Side Yards. A ten (10') foot side yard shall be maintained to the side of all residential buildings. Where two buildings are located side-by-side, a twenty (20') foot spacing shall be maintained between apartment buildings, unless the State Building Code requires a greater setback due to fire ratings;

(d) Off-street Parking Lots. Off-street parking lots serving three (3) or more dwelling units shall provide a ten (10') foot wide open green space area around the perimeter of the parking lot.

The building setback requirements may be varied provided they are specifically indicated on the PUD site plan and the Planning Commission and Township Board determines the variation does not negatively impact adjacent properties and provides a recognizable benefit. Building setback requirements on the perimeter of the development shall not be reduced below ten (10') feet.

(5) *Septic Tanks and Fields.* The placement of septic tanks and fields shall comply with requirements of the Washtenaw County Environmental Health Department. Note: public water and sewer connections are required for lots too small to accommodate individual well and septic systems and for non-residential development.

(6) *Road Access.* Direct access onto a County road or State highway shall be required for a PUD.

(7) *Internal Roads.* Internal roads within a PUD may be public or private. Construction of private roads as a means of providing access and circulation are encouraged. Private roadways within a PUD must meet the design requirements of the Private Road Ordinance. The Planning Commission may recommend deviations from these requirements if all of the following findings are made:

(a) There is no potential for the road to connect with abutting land or be extended to serve additional land in the future; and

(b) Significant natural features such as mature trees, natural slopes, wetlands or other water bodies would be preserved through allowing a deviation from the private road standards.

(8) *Parking Lots.* Off-street parking lots shall be setback thirty (30') feet from the street rights-of-way or the private road access easement and screened by berms and plantings.

(9) *Driveways.* Driveways for all uses other than single-family shall be a minimum of four (4') feet from the lot line, provided the Township shall have the authority to approve a zero setback for shared driveways where positive drainage can be provided.

(10) *Water and Sewer Service.* If there is public water or sewer service available to the site on which a PUD is proposed, the Township Board shall require connection into the system. Requiring the development to connect into the systems shall be based upon the available carrying capacity existing within the service systems.

- (11) *Drainage Design.* Drainage plans shall meet or exceed the design standards of Article 14.
- (12) *Utility Installations.* Electricity, telephone, cable television and all other similar utilities shall be placed underground. The installation of these utilities shall be in accordance with applicable standards to ensure public health, safety of welfare.
- (13) *Regulatory Flexibility.* Unless specifically waived or modified by the Planning Commission, all Zoning Ordinance requirements for the zoning district that most closely corresponds to the proposed uses in the PUD and all other Webster Township regulations shall remain in full force. The Township Board may waive or modify any Zoning Ordinance requirement for the underlying zoning district. Minimum lot size, yard, lot width, and bulk standards may be modified, provided that such modifications results in an improved design or enhanced preservation of open space and natural features.

Any regulatory modification shall be approved through a finding by the Planning Commission that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards. Only those regulatory modifications consistent with the intent of this Section shall be considered.

- (14) *Compatibility with Adjacent Uses.* The proposed location of uses and structures shall be compatible with the character and land uses of surrounding properties, particularly residential uses. Accessory uses or structures that are of a significantly different scale or character than the abutting residential districts, such as access drives, parking areas, loading areas, solid waste pick-up points and facilities of a similar nature shall not be located along the boundary of the development or so as to negatively impact the residential use of adjacent lands.
- (15) *Existing Structures.* When a tract contains structures or buildings deemed to be of historic, cultural or architectural significance, as determined by the Planning Commission, and if suitable for rehabilitation, the structures shall be retained.

**K. Standards for Approval.** The standards in this Section are meant to supplement the Findings of Fact required for all zoning amendments set forth in this Ordinance:

- (1) *Conformance with the Master Plan.* The proposed development shall be compatible with the goals and objectives of the Master Plan.
- (2) *Recognizable Benefits.* (Amended October 15, 2019) A PUD shall result in a recognizable and substantial benefit, both to the occupants of the property and to the overall quality of life in Webster Township. The benefits can be provided through site design elements in excess of the requirements of this Section, such as high quality architectural design, extensive landscaping, provision of transition areas from adjacent residential land uses, inclusion of recreation areas, street improvements, unique site design features, unified access, preservation of woodlands and open space, particularly along Primary Roads, and buffering development from lakes, rivers, streams, and wetlands.

- (3) *Compliance with the PUD Concept.* The overall design and land uses proposed in connection with a PUD shall be consistent with the intent of the PUD concept, as well as with specific design standards set forth herein.
- (4) *Unified Control.* The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project.
- (5) *Compatibility with Adjacent Uses.* The proposed PUD plan shall be compatible with surrounding properties, the character of the site, and the land uses. In determining whether this requirement has been met, consideration shall be given to:
  - (a) The bulk, placement, and materials of construction of proposal structures;
  - (b) Pedestrian and vehicular circulation;
  - (c) The location and screening of vehicular use, parking areas or loading zones;
  - (d) The provision of landscaping and other site amenities;
  - (e) Exterior lighting plan.
- (6) *Impact on Public Services and Infrastructure.* The proposed density/intensity and arrangement of use shall not result in an unreasonable increase in the need for or impact to public facilities or services, such as police and fire service, schools, recreation, traffic operations and utilities beyond the expected impacts associated with development permitted by the underlying zoning classification, unless such impacts are mitigated. An unreasonable increase or impact shall be considered an unacceptable significant adverse effect on the quality of the surrounding community and the natural environment in comparison to the impacts associated with conventional development.
- (7) *Impact of Traffic.* The PUD shall be designed to minimize the impact of traffic generated by the proposed development on surrounding uses.
- (8) *Environmental Impact.* The proposed PUD is designed to minimize adverse consequences to wildlife habitat or compensate in such a manner as to provide for that habitat in some other manner.
- (9) *Scenic Views and Vistas.* To the greatest extent feasible, the proposed PUD shall protect all scenic views and vistas, with an emphasis on those visible from any public road.
- (10) *Historic, Archaeological and Cultural Amenities.* The proposed PUD shall be designed around all historic, archaeological and cultural amenities, and where feasible, incorporate these amenities into the design plans for the site.

- (11) *Landscaping.* Landscaping shall be provided at least equal to the total of the minimum that would be required for each of the component uses of the project, if they were developed separately and in accordance with Township Zoning Ordinance.
- (12) *Circulation.* Vehicular and pedestrian circulation, allowing safe, convenient, uncontested, and well-defined circulation within and to the district shall be provided. All driveways, intersections and roadways shall meet or exceed the design, permit and approval criteria set forth in the Private Road Ordinance or the Washtenaw County Road Commission Standards.
- (13) *Design Standards.* The PUD shall comply with the Project Design Standards set forth for PUDs.
- (14) *Phasing.* Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the PUD and the residents of the surrounding area. In addition, in developments that include residential and non-residential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable in the discretion of the Township Board after recommendation from the Planning Commission.
- (15) *Improvements.* The proposed PUD project shall provide such improvements and infrastructure as may be necessary to ensure an acceptable quality of life and ensure their perpetual maintenance.
- (16) *Final Site Plan.* The final site plan shall be based upon an approved preliminary site plan, which reflects any conditions of approval of the approved preliminary site plan and encompass all attributes of the approved preliminary site plan, such as mix of uses, density, setbacks, etc. Deviation from the approved preliminary site plan may be grounds for denial.

**L. Density Bonus for Exemplary Projects.** The Township Board may in its discretion allow an exemplary PUD to include one or more of the following optional provisions. In order to qualify for consideration for an optional provision, the applicant must demonstrate, to the satisfaction of the Planning Commission and Township Board, that the proposed project significantly exceeds the minimum standards for PUD eligibility under Section F herein.

In order to qualify for development under the optional provisions of this Section, all structures within the project shall provide harmony with adjacent uses in terms of texture, materials, peaked roof lines and massing, but there shall be a variation of front facade depth and roof lines to avoid monotony. Building elevations shall be required for all structures.

A variable density bonus of up to twenty (20%) percent may be allowed at the discretion of the Township Board, based upon a demonstration by the applicant of design excellence in the PUD and application for a rezoning. The density bonus awarded shall be proportionate to the level of

design excellence. Projects qualifying for consideration for a density bonus shall include several of the following elements where applicable:

- (1) Inclusion of an integrated mixture of housing types, densities, or affordable housing units.
- (2) Minimal impacts of development traffic and improvement(s) to the existing streets as necessary to mitigate the impacts of the project traffic. A traffic impact study shall be submitted with the preliminary site plan that assesses the potential impacts.
- (3) Cleanup of pre-existing site contamination.
- (4) Preservation, continuation or creation of natural greenways or recreational corridors.
- (5) Provision, enhancement, or dedication of land to the Township for public facilities or active recreation facilities.
- (6) Connection of proposed development to existing public sewer and water facilities financed by the developer.
- (7) Provision, enhancement or improvements to community infrastructure or services, including (but not limited to) roads, sewer, water, utilities, police, fire services or schools.

**M. Procedure.**

- (1) *Concurrent Applications.* The applicant must file either an application for rezoning pursuant to Section 3.70, herein, or an application for conditional rezoning pursuant to Article 11, herein. In addition, the applicant must file an application for site plan review pursuant to Section 8.05, herein. To be approved, a PUD must meet the requirements and standards pertaining to each submitted application.
- (2) *Procedure.* The planned unit development process involves two phases. The first (preliminary) phase involves preliminary site plan approval pursuant to Subsection 8.05(E)(3), herein. The second (final) phase requires final site plan approval pursuant to Subsection 8.05(E)(4), herein. Approval of the preliminary site plan, with or without conditions, indicates the Township Board' tentative approval of the PUD zoning classification, subject to final site plan approval.
  - (a) Preliminary Site Plan Information. In addition to those items required to be submitted by the applicant under Subsections 8.05(E)(3), herein, the applicant shall provide the following:
    - i. A written impact statement or report and all pertinent material required to demonstrate that the subject parcel meets the eligibility requirements in Subsections 9.55 (F) and (K), above.

- ii. A parallel plan showing the development possible based on the zoning district that most closely matches the density recommendations for the site in the Township Master Plan. The net density of the PUD shall be no greater than that permitted within the zoning district given the natural features and soil conditions of the parcel. To determine the number of lots to be developed, a parallel plan shall be created. The parallel plan shall be prepared by the developer to show a feasible development under the requirements of the specific zoning district that most closely matches the recommended density in the master plan district in which the parcel is located, meeting the requirements of any State, County and Township regulations. All lots, roads, and other improvements shall be designed so that they do not adversely impact wetlands, floodplains, or drainage ways, as regulated by Federal, State, County, or local agencies. It must be determined by the Planning Commission that this parallel plan or conventional subdivision is able to be physically constructed and meet all current subdivision regulations, should the PUD be denied or not constructed. If there is a question regarding water, septic, wetlands or floodplains, sewer service or water service, the Planning Commission may request validation from the proper regulatory authority, at which point the developer shall obtain the necessary information (i.e. perk test, MDNRE approval, etc.). If it is determined, through these responses, that the number of lots proposed for the PUD is not feasible on the parallel plan, the parallel plan shall be revised and resubmitted minus that number of lots. The parallel plan shall contain the following elements:
  - 1<sup>st</sup>. Layout of roads and right-of-way, location of permanent easements, and identify the public roadway improvements.
  - 2<sup>nd</sup>. Lot lines in accordance with the standards for lot size, width and setbacks of the existing zoning district as identified in the Schedule of Regulations.
  - 3<sup>rd</sup>. Wetland, floodplains and submerged lands boundaries.
  - 4<sup>th</sup>. Soils, woodlands, tree lines, slopes greater than twelve (12%) percent, open fields, meadows and scenic views.
  - 5<sup>th</sup>. Lot numbers and a schedule of lot areas.
  - 6<sup>th</sup>. Areas that conceptually would provide sufficient area for storm water management.
  - 7<sup>th</sup>. Private parks and other on-site development amenities.
- iii. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.

- iv. The PUD preliminary site plan shall indicate the entire contiguous holdings of the applicant(s) or owner(s) who wish to develop the entire parcel or any part thereof.
- v. The Planning Commission may require that the applicant present material as to the development objectives and purposes to be served; economic feasibility; conformity to the plans and policies of the Township; market needs; impact on public schools, utilities, traffic and circulation facilities; impact on natural resources; impact on the general area and adjacent property; socio-economic impact; estimated cost; and a staging plan showing the general time schedule of and expected completion dates of the various phases of the plan.

(b) Final Site Plan Information. In addition to those items required to be submitted by the applicant under Subsections 8.05(E)(4), herein, the applicant shall provide the following:

- i. Submit graphics or written materials requested by the Planning Commission or Township Board to assist the Township in visualizing and understanding the project.
- ii. Copies of proposed master deeds, by-laws or other such documents that pertain to the maintenance of improvements intended for the development.
- iii. If a site condominium is being proposed, see Section 12.95, Site Condominium Review, of this Ordinance.

(3) *Conditions.*

(a) Conditions voluntarily offered by the applicant in conjunction with an application for conditional rezoning or imposed under the provisions of a PUD shall be fully set forth in a development agreement.

(b) Conditions may be imposed to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protect the natural environment, conserve natural resources and energy, ensure compatibility with adjacent uses of land, and promote the use of the land in a socially and economically desirable manner.

(c) Conditions may stipulate that the PUD may only be used for selective land uses provided the restraint(s) advance, rather than injure, the interests of adjacent landowners; are a means of harmonizing private interests in land thus benefiting the public interest; are for the purposes of ensuring that the PUD fulfills the purposes and intent of this Section and thus, benefit the public interest; and/or possess a reasonable relationship to the promotion of the public health, safety, and welfare.

(d) Conditions imposed shall be designed to protect natural resources and the public health, safety, and welfare of individuals in the project and those immediately adjacent, and the community as a whole; reasonably related to the purposes affected by the development; and, necessary to meet the intent and purpose of this Section, and be related



to the object of ensuring compliance with the standards of this Section. All conditions imposed shall be made a part of the written record of the approved development and embodied in a development agreement with attached final site plan.

(e) Conditions imposed to assure the perpetual maintenance and repair of improvements at the cost of the land owners benefited by such improvements.

- (4) *Development Agreement.* All conditions, voluntary or otherwise, shall be set forth in a development agreement signed by the owner/developer, reviewed by the Planning Commission, and approved by the Township Board



## ARTICLE 10 SPECIAL USES

### **Section 10.05**      **Special Use Permit Procedures & Standards** [\(Back to Table of Contents\)](#)

#### **A. Procedure**

- (1) *Applicant.* The owner of the property upon which the special use is sought, or his/her duly authorized agent, may submit an application for a special use permit.
- (2) *Pre-Application Conference.* The applicant/property owner must attend a pre-application conference to be coordinated by the Zoning Administrator. This meeting may include the Township Supervisor, Chairperson of the Planning Commission, Zoning Administrator, Township Engineer, consultants hired by the Township or other officials to discuss the project. The Zoning Administrator may require the applicant to make an escrow deposit to cover the Township's actual costs incurred for such a meeting. (amended May 15, 2018)
- (3) *Application.* An application for a special use permit and ten (10) copies shall be filed with the Township Clerk by the owner of the property (or his/her duly authorized agent) upon which the special use is intended. The Township Clerk shall stamp date all materials received, retain the original documents, and distribute the copies appropriately.
- (4) *Application Information.* The application shall provide the following information:
  - (a) A legal description of the property, including the street address, tax code number, and zoning district.
  - (b) The name, address and telephone number of the applicant.
  - (c) Applicant's interest in the property. If the applicant is not the owner, the name and address of the record and known owner(s), and the owner(s) signed consent to the application.
  - (d) Identification of the zoning district in which the subject parcel is located and the special use requested. Identify the special use by citing the section that provides for such use and briefly describe the use intended.
  - (e) Signature(s) of the applicant(s) and owner(s), certifying the accuracy of the information.
  - (f) A description of the business and services provided; hours of operation; number of employees; number of customers; estimate of peak traffic flow; description of equipment and vehicles; description of stored materials; and related information.
  - (g) Further information as requested by the Zoning Administrator, consultants hired by

- the Township or Planning Commission that is relevant to the site and standards set forth in this Ordinance.
- (5) *Site Plan.* All Special Land Use applications require the submission of a site plan in accordance with the provisions in Section 8.05 of this Ordinance. The applicant may petition the Zoning Administrator for a less detailed site plan such as that required in accordance with the provisions in Subsection 3.80(E) of this Ordinance. This less detailed site plan may be allowed with the approval of the Zoning Administrator and Planning Commission Chair.
  - (6) *Right of Entry.* The filing of the application shall constitute permission from the owner for the Township to complete an on-site investigation of the property in question for purposes of this Section.
  - (7) *Application Fee.* The applicant shall submit to the Township Clerk with the application an application fee in an amount established by resolution of the Township Board to cover the fixed costs associated with processing the application. If an application for site plan review is filed in conjunction with the application for a special use, no application fee shall be charged for the application for site plan review.
  - (8) *Initial Review.* (amended June 17, 2014) Applications for Wireless Communication Towers shall be governed by Sections 13.190(I)(1) and 13.190(I)(2). For all other applications, the Zoning Administrator shall review the application(s) for completeness, and indicate to the applicant additional information and documents to be provided. The Planning Commission shall schedule all public hearings and The Township Clerk or designee shall coordinate public notices.
  - (9) *Escrow Deposit.* The Zoning Administrator shall establish an amount to be deposited by the applicant with the Township Clerk to defray the anticipated costs incurred by the Township to review and process the application(s). The Planning Commission shall not commence consideration of the merits of the application(s) until the escrow deposit is received by the Township Clerk. Any unused portions of the escrow deposit remaining after consideration and processing of the application shall be returned to the applicant(s)
  - (10) *Notice.* Notice shall be provided in accordance with Subsection 3.40 of this Ordinance.
  - (11) *Public Hearing.* The Planning Commission shall hold a public hearing on the application(s). The hearing shall proceed as follows: Open public hearing. Acknowledge receipt of written comments. Receive comments from applicant/owner and other persons attending the hearing. Close public hearing
  - (12) *Administrative Report.* Following the public hearing the Planning Commission may request that the Zoning Administrator and/or other persons retained by the Township to present a report that analyzes the application(s) with respect to the requirements and standards of applicable federal and state statutes, ordinances, rules and regulations.
  - (13) *Standards and Burden.* In deciding a request for a special use, the Planning Commission and Township Board shall be governed by the following principles and standards:

(a) The applicant shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact.

(b) In considering an application for a special use the following factors shall be considered:

- i. Whether all required information has been provided and fees paid.
- ii. Whether the proposed use is specifically provided as a special use in the district in which the property is zoned.
- iii. Whether the proposed use at the location is consistent with the objectives and goals of the Master Plan.
- iv. Whether the proposed use will adversely affect neighboring lands.
- v. Whether the proposed use is compatible with and will not adversely impact the natural environment.
- vi. The capacity of local utilities and public services sufficient to accommodate all the uses permitted in the requested district without compromising the "health, safety and welfare" of the township including the capacity of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
- vii. If a site plan is required under Section 10.05.A.5, whether it meets the principles and standards set forth in Section 8.05 of this Ordinance.

(14) *Conditions.* The Planning Commission may recommend and the Township Board may impose reasonable conditions including duration and review periods in granting a special use. Conditions imposed shall meet all of the following requirements:

- (a) Be designed to protect natural resources, the health, safety, and welfare of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- (b) Ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity;
- (c) Be related to the valid exercise of the police power and purposes that are affected by the proposed use or activity;
- (d) Be necessary to ensure compliance with the standards set forth in this Section.

The conditions shall remain unchanged except upon the mutual consent of the Township Board and the titleholder of the subject property.

- (15) *Planning Commission Recommendation.* The Planning Commission shall submit to the Township Board a summary of comments received at the public hearing and its recommendation on the application(s).
- (16) *Payment of Escrow Deposit.* Prior to the Township Board making a decision on an application for a special use permit, the applicant shall pay all costs and expenses incurred by the Township to review and process the application. If sums due and owing the Township are not paid, the Township Board may delay making a decision until such time as the sums are fully paid, dismiss the application, or take such other action as provided by law.
- (17) *Township Board Decision.* The Township Board shall review the recommendation and report of the Planning Commission and approve, approve with conditions, or deny the special use permit. The decision shall set forth the facts of record relied upon, provide an analysis the facts and standards, state the conclusion and conditions imposed, if applicable. A majority vote of the members of the Township Board is required for a decision.
- (18) *Board of Appeals.* The Board of Appeals shall not have authority to hear an appeal taken by an aggrieved person from a decision of the Township Board on an application for a special use or a site plan submitted in conjunction with the application.
- (19) *Recording.* If a special use is granted, with or without conditions, the Township, at the expense of the applicant, may cause notice of the special use to be recorded with the Washtenaw County Register of Deeds.

**B. Reapplication.** An application for a special use permit that has been denied wholly or in part by the Township Board shall not be resubmitted for a period of 365 days from the date of such denial, except on grounds of new evidence or proof of changed conditions that reasonably could not have been submitted at the time of the initial application.

**C. Revocation of Special Use Permit.** The Township Board, upon notice and hearing to the property owner and occupants of the property and upon a showing of good cause, may revoke a special use permit in the case of a false statement or misrepresentation of fact on which the permit was approved, or in case of failure to correct violations of this Ordinance, or in case of lack of compliance with the approved site plan and/or any conditions of the permit.

## ARTICLE 11 CONDITIONAL REZONING

### **Section 11.05      Application and Offer of Conditions**

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**A. Voluntary Conditions (“Statement of Conditions”).** An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.

**B. Uses.** The owner’s offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.

**C. Type of Conditions.** The owner’s offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.

**D. Special Use.** Any use or development proposed as part of an offer of conditions that would require a special use permit under the terms of this Ordinance may only be commenced if a special use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.

**E. Variance.** Any use or development proposed as part of an offer of conditions that would require a dimensional variance under the terms of this Ordinance may only be commenced if such variance is ultimately granted by the Board of Appeals in accordance with the provisions of this Ordinance.

**F. Site Plan Review.** Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.

**G. Amend Conditions.** The offer of conditions may be amended during the process of rezoning, provided that any amended or additional conditions are in writing, entered voluntarily by the owner and accepted by the Township Board. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission’s public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with notice pursuant to Subsection 3.40 of this Ordinance.

### **Section 11.10      Procedure**

[\(Back to Table of Contents\)](#)

**A. Zoning Amendment Procedures.** Upon the filing of an application for a conditional rezoning, the matter shall proceed in accordance with the procedures outlined under Section 3.70 of this Ordinance and the Michigan Zoning Enabling Act.

**B. Statement of Conditions.** The Statement of Conditions shall:

- (1) Be in a form recordable with the Washtenaw County Register of Deeds or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the “*Statement of Conditions*” in a manner acceptable to the Township Board.
- (2) Contain a legal description of the land to which it pertains.
- (3) Contain a statement acknowledging that the “*Statement of Conditions*” runs with the land and is binding upon successor owners of the land.
- (4) Incorporate by attachment or reference any site plan, diagram, or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the “*Statement of Conditions*”. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
- (5) Contain a statement acknowledging that the “*Statement of Conditions*” or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Washtenaw County Register of Deeds.
- (6) Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the “*Statement of Conditions*”.

**C. Concurrent Applications.** Application for dimensional variance pursuant to Article 6, application for special use pursuant to Article 10, and application for site plan review pursuant to Article 8 shall be submitted with the application for conditional rezoning if applicable. The applications shall be processed concurrently.

**D. Development Agreement.** A development agreement drafted in accordance with the provisions of Section 3.55 of this Ordinance shall be entered into. A provision in the agreement shall recite the conditions set forth in the Statement of Conditions.

**E. Zoning Map.**

- (1) Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a “*Statement of Conditions*”. The Township Clerk shall maintain a listing of all lands rezoned with a “*Statement of Conditions*”.
- (2) The approved “*Statement of Conditions*” or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Washtenaw County Register of Deeds. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.



- (3) Upon the conditional rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the “*Statement of Conditions*”.

### **Section 11.15**      **Compliance with Conditions**

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Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the “*Statement of Conditions*”. Any failure to comply with a condition contained within the “*Statement of Conditions*” shall constitute a violation of this Ordinance. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable “*Statement of Conditions*”.

### **Section 11.20**      **Time Period for Establishing Development or Use**

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Unless provided otherwise in the development agreement, construction of an improvement for which a certificate of zoning compliance was issued shall be satisfactorily completed within eighteen (18) months from the date a certificate of zoning compliance is issued, unless, upon a showing of good cause for the delay, the Zoning Administrator extends the time limit for an additional six (6) months [for a total of twenty-four (24) months].

### **Section 11.25**      **Reversion of Zoning**

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If the approved development and/or use of the rezoned land do not occur within the time frame specified under Section 11.20 above, then the land shall revert to its former zoning classification as set forth in Section 405 of the Michigan Zoning Enabling Act [MCL 125.3405]. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

### **Section 11.30**      **Subsequent Rezoning of Land**

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When land that is rezoned with a “*Statement of Conditions*” is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no “*Statement of Conditions*”, whether as a result of a reversion of zoning pursuant to Subsection 11.35 above or otherwise, the “*Statement of Conditions*” imposed under the former zoning classification shall cease to be in effect. Upon the owner’s written request, the Township Clerk shall record with the Washtenaw County Register of Deeds a notice that the “*Statement of Conditions*” is no longer in effect.

**Section 11.35      Amendment of Conditions**

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During the time period for commencement of an approved development or use specified pursuant to Section 11.20 of this Ordinance or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the “*Statement of Conditions*”. The “*Statement of Conditions*” may be amended thereafter in the same manner as was prescribed for the original rezoning and “*Statement of Conditions*”.

**Section 11.40      Township Right to Rezone**

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Nothing in the “*Statement of Conditions*” or in the provisions of this Article shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification.

**Section 11.45      Failure to Offer Conditions**

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The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner’s rights under this Ordinance.

## ARTICLE 12 SPECIFIC USE REGULATIONS

### **Section 12.05**      **Administrative Provisions**

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**A. Purpose.** The purpose of this Article is to establish supplementary standards to guide the review of certain kinds of uses that, because of their characteristics may have a detrimental effect upon adjacent properties, the neighborhood, or the community even if all other standards within this Ordinance are met. It is the intent of these standards to provide for proper design control to assure that these uses will not cause any unanticipated problems or hazards and will be consistent with the Master Plan. It is further intended through these standards to recognize the importance of such uses by anticipating their location and site design needs and by establishing appropriate standards for their development in advance of actual proposals.

**B. Minimum Standards.** The provisions of this Article shall be held to be the minimum standards and requirements within each zoning district and shall not preclude the establishment of higher or more restrictive standards or requirements for the authorization of any special use permit where such higher or more restrictive standards or requirements are found necessary by the Zoning Administrator, Planning Commission or Township Board to obtain the intent of this Ordinance.

**C. Vested Right.** Nothing in this Article shall be construed to give rise to any permanent vested right in the continuation of any particular use, district, zoning classification, or any permissible activity therein. Furthermore, 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 or protection of public health, safety and welfare.

### **Section 12.10**      **Adult Business**

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**A. Purpose.** The purpose of this Section is to provide for the particular needs of adult entertainment, while protecting children from the adverse impact of such uses; to minimize the negative secondary effects associated with Adult Businesses through regulating, but not excluding, the location and operation of Adult Businesses within the Township. It is recognized that Adult Businesses, because of their very nature, have serious objectionable operational characteristics that cause negative secondary effects upon nearby residential, educational, religious and other similar public and private land uses. The regulation of Adult Businesses is necessary to ensure that their negative secondary effects will not adversely impact the health, safety and general welfare of Township residents, nor contribute to the blighting or downgrading of surrounding areas. The provisions of this Section are not intended to deny adults access to Adult Businesses and their products; to deny Adult Businesses access to their intended market; or to legitimize activities that are prohibited by Township ordinance, state or federal law.

**B. Zoning District.** Notwithstanding any provisions of this Ordinance to the contrary, Adult Businesses shall be permitted only as a special use subject to recommendation of the Planning

Commission and approval or approval with conditions by the Township Board within the Industrial District (I).

**C. Special Use Approval Requirements.** Special use approval shall not be granted to any Adult Business unless it meets all of the following enumerated requirements. Any Adult Business granted special use approval shall continue to comply with all of the requirements of this Section at all times while the business is operational.

- (1) No Adult Business shall be located on a parcel that is within one thousand (1,000') feet of the boundary of any land zoned R-1, R-2, R-3 and MHP, or approved as a planned unit development for residential purposes. For purposes of Subsection 1 and Subsection 2 below, the distance between a proposed Adult Business and the boundary of any land such zoned as noted above, or land used for any single or multiple family residence, township, county or state park, school, library, licensed childcare facility, playground, church or place of worship, shall be measured in a straight line from the nearest property line of the parcel of land upon which the proposed Adult Business is to be located to the nearest boundary of the land such zoned as noted above, or land use as noted above in this paragraph.
- (2) No Adult Business shall be located within any principal or accessory building or structure already containing another Adult Business.
- (3) The proposed use shall conform to all requirements of the Industrial Service District (I).
- (4) The proposed use shall be in compliance with all other ordinances of the Township and with all statutes, laws, rules and regulations of the County, State and Federal government and, to the extent required, all governmental approvals have been obtained.
- (5) The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or the adjacent right-of-way of a public street or private road.
- (6) Any sign or signs proposed for the Adult Business may not otherwise include photographs, silhouettes, drawings, or pictorial representations of Specified Anatomical Areas, Specified Sexual Activities or obscene representations of the human form, and may not include animated or flashing illumination.
- (7) Entrances to the proposed Adult Business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using clearly marked lettering no less than two (2") inches in height stating that:
  - (a) *“Persons under the age of 18 are not permitted to enter the premises”*; and
  - (b) *“No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission.”*

- (8) No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift, shall be displayed so as to be visible by a person of normal visual acuity from the nearest adjoining right-of-way of a public or private road or a neighboring property.
- (9) Hours of operation shall be limited to 10:00 AM to 10:00 PM, Monday through Saturday. All Adult Business shall remain closed on Sundays and legal holidays.
- (10) All off-street parking areas shall be illuminated after sunset during all hours of operation of the Adult Business, and until one hour after the business closes. The illumination shall be designed to provide a minimum level of brightness of one (1') foot candle, with a 3:1 uniformity ratio. The illumination shall not reflect on and shall be screened from adjoining properties.
- (11) Any booth, room or cubicle available in any Adult Business, except an Adult Motel, that is used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities shall:
  - (a) Be handicap accessible to the extent required by law;
  - (b) Be unobstructed by any door, lock or other entrance and exit control device;
  - (c) Have at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view of any occupant at all times from the adjoining aisle;
  - (d) Be illuminated such that a person of normal visual acuity can, by looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle, clearly determine the number of people within; and
  - (e) Have no holes or openings in any side or rear walls not relating to utility, ventilation or temperature control services or otherwise required by any governmental building code authority.

The Planning Commission may recommend and the Township Board may impose other reasonable conditions in conjunction with the approval of a special land use permit for an Adult Business. The conditions imposed shall be limited to conditions necessary to ensure that the Adult Business will not be unreasonably detrimental to the public health, safety, or general welfare of the Township; nor unreasonably injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted; nor unreasonably impede the normal and orderly development and improvement of the surrounding property for uses permitted under the Zoning Ordinance.

## **Section 12.15      Automotive Uses**

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Automobile Filling Stations and Gasoline Service Stations, auto repair and services, vehicle and freight terminals, and auto and vehicle dealerships are subject to the following standards:

**A. Automobile and Gasoline Service Stations.** Any use involving the retail sale of fuel except where limited to not more than two pumps as a secondary use to a convenience store, must comply with the following standards and is subject to site plan review:

- (1) To the maximum extent possible, pedestrian continuity and safety is to be considered in site design.
- (2) At least one frontage is to be on a primary road. No more than two service stations are to be located at any street intersection. The minimum distance between service stations not located at the same intersection is to be five hundred (500') feet between the nearest property lines. (amended May 15, 2018)
- (3) The nearest property line of the service stations are to be located at least four hundred (400') feet from the nearest property line of an existing school, park, playground, museum, or place of public assembly.
- (4) Lot frontage shall not be less than two hundred (200') feet.
- (5) Fuel pumps and pump islands are to be set back from the property line sufficient distance that vehicles being served or waiting will not occupy required setbacks.
- (6) Canopies must be constructed of noncombustible materials, open on not less than two (2) sides and located not closer than ten (10') feet to any side or rear property line nor closer than twenty-five (25') feet from the front property line. Service station buildings shall comply with the requirements of the district in which it is located.
- (7) Driveway approaches and parking areas are to be paved with bituminous asphalt or concrete. Pump island areas are to be paved in concrete.
- (8) Parking spaces must be provided with concrete curbing.
- (9) Outdoor storage, trash, refuse containers, or equipment may be located only in the side or rear yard of the principal structure and must be screened from public view except for pump side bins.
- (10) All on-site activities except those to be performed at the fuel pumps must be performed within a completely enclosed building.
- (11) At a minimum one (1) parking bay for a towing vehicle must be provided if towing service is provided. All parking bays must be appropriately screened. Vehicles for

service may be stored on a temporary basis only, not to exceed five (5) days. Any vehicles remaining on the site for more than five (5) days must be stored indoors overnight.

- (12) The design shall include such devices as are necessary to ensure that pollutants do not enter into the ground.
- (13) Outdoor displays of products are prohibited.
- (14) The site shall not be located in a groundwater recharge area.
- (15) The curb cuts for access to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be located as per Washtenaw County Road Commission standards. Curb cuts for access shall be limited to two (2).
- (16) The minimum lot area shall be fifteen thousand (15,000') square feet, and so arranged that ample space is available for motor vehicles that are required to wait. Gasoline service stations that are intended solely for the sale of gasoline, oil and minor accessories and have no facilities for repair or servicing of automobiles (including lubricating facilities) may be permitted on lots of ten thousand (10,000') square feet, subject to all other provisions herein required.
- (17) All rest rooms shall be accessible from the interior of the gasoline service station.
- (18) Tow trucks (wreckers) and vehicles under repair shall not be permitted in the front yard and shall be located in a screened area so as not to be visible from adjoining property.
- (19) Such other and different conditions as may be imposed by the Planning Commission.

**B. Automobile Repair Facility - Major or Collision Shops.** Any use intended for major automobile repair, or the alteration and painting of automobiles are subject to the following standards:

- (1) To the maximum extent possible pedestrian, continuity and safety is to be considered in site design.
- (2) All repair work must be performed indoors.
- (3) Access drives to the repair area must be sufficient to prevent traffic hazards or undue congestion.
- (4) The minimum distance from the auto repair or services to an existing school, park, playground, or place of public assembly shall not be less than two hundred (200') feet.

- (5) Outdoor Storage of rental trucks or trailers, trash or refuse, stacks of tires or other merchandise must be screened by an enclosure, a detail of which must be shown on the Site Plan.
- (6) Drainage flow lines must be shown on the Site Plan. If the plan indicates that significant surface drainage will be carried off the site to any point other than an adequate drainage facility, a drainage plan is required subject to further review by the Township Engineer and County Water Resources Commissioner.
- (7) At a minimum one (1) parking bay for a towing vehicle must be provided, if towing service is provided. All parking bays must be appropriately screened. Wrecked or abandoned vehicles may be stored on a temporary basis only, in appropriately screened parking areas not to exceed 14 calendar days.

**C. Vehicle or Freight Terminals.** Facilities for the storage, dispatching, and repair of three (3) or more trucks or buses must conform with the following standards:

- (1) Access must be from a paved publicly maintained primary road that does not transverse any residential area in connecting to primary roads. (Amended March 21, 2017)
- (2) Parking areas must be surfaced with bituminous asphalt or concrete unless waived by the Planning Commission.
- (3) Drainage plan is required.
- (4) Repair and servicing of vehicles must be conducted within a completely enclosed building.
- (5) Perimeter screening is required on all property lines.

**D. Farm Equipment, Construction Equipment and Vehicles Sales Lots.** Any establishment for sales allowed as a special use in the Agribusiness District (AB) shall, in addition to other applicable standards and conditions of this Ordinance, meet the following requirements:

- (1) All side and rear setback areas must be screened by a ten (10') feet wide greenbelt.
- (2) No vehicles shall be parked or displayed within twenty-five (25') feet of any street right-of-way.
- (3) Flags, pennants, banners, posters, string lights, or other promotional devices are prohibited.
- (4) Any and all fencing is considered an accessory use and all fences must be constructed with materials compatible to the principal structure. If there is no principal structure, all



fencing materials shall be consistent with the general building material standards of the neighborhood.

**E. Automobile Washing Establishments.**

- (1) Vehicle wash establishments that offer the retail sale of fuel shall also comply with the provisions respecting Automobile Service Stations.
- (2) All washing activities must be within a building.
- (3) Vacuuming activities, if outdoors, shall be at least one hundred (100') feet from any lot line adjoining a residential zoning district.
- (4) The vehicular exit from the building shall be at least seventy-five (75') feet from the driveway egress.
- (5) No vehicle wash establishment operator shall permit patrons to extend lines of vehicles off of the premises.
- (6) The establishment shall be designed in such a manner as to prevent water from washed vehicles being deposited on abutting streets.
- (7) Noise generated from the wash facility will be a separate design criteria specifically considered by the Planning Commission. Adjoining residential districts & developments shall not be significantly impacted by noise. Building orientation and other factors shall be carefully considered during site plan review. A noise study may be required by the Planning Commission prior to final site plan approval.

**Section 12.20      Bed and Breakfasts**

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A bed and breakfast operation, where permitted as a special use, shall comply with the following regulations.

**A.** A bed and breakfast operation shall be permitted only in a single family detached dwelling unit that is the principal dwelling unit on the property. A dwelling unit containing a bed and breakfast operation shall be the principal residence of the operator and the operator shall live in the principal dwelling unit during the time the bed and breakfast operation is active.

**B.** A dwelling unit containing a bed and breakfast operation shall comply with State of Michigan regulations for bed and breakfast operations and applicable fire safety regulations and shall be regularly maintained so as to remain in compliance with all applicable codes and regulations. The applicant for a special use permit shall provide written evidence of inspection and compliance with applicable codes and regulations with an application for a special use permit.

**C.** Each sleeping room shall have a minimum floor area of eighty (80') square feet for up to two (2) occupants, and an additional thirty (30') square feet for each additional occupant. Each sleeping room shall not have more than four (4) occupants. Not more than four (4) rooms shall be provided for bed and breakfast operations in one single family detached dwelling or on one lot, whichever results in the fewer number of occupants.

**D.** Lavatories, toilets, and bathing facilities shall be available within the principal structure to all persons using the bed and breakfast operation in that structure.

**E.** A copy of a permit from the Washtenaw County Health Department for use of the water supply well, septic tank, and drain field by a bed and breakfast operation shall be submitted with the application for a special use permit.

**F.** A single family detached dwelling unit that will contain a bed and breakfast operation shall not have, or be converted to, more rental rooms than the number of bedrooms that exist on the effective date of this Ordinance.

**G.** No person other than members of the resident family shall be employed in a bed and breakfast operation unless a separate license has been approved by the Planning Commission under the terms of the Township's Licensed Home Based Occupation Ordinance.

**H.** No kitchen or other food preparation area or facilities shall be provided in or be available to the rooms in a bed and breakfast operation.

**I.** One sign, not more than three (3') square feet in area, shall be permitted for each bed and breakfast operation. The sign shall not be lighted and shall meet all applicable regulations of Section 13.140, Sign Regulations, herein.

**J.** A single family detached dwelling unit containing a bed and breakfast operation shall have no outside appearance of the presence of the operation, except the sign permitted herein.

**K.** Each operator shall keep a permanent record (guest register) of the names and addresses of all persons staying at the bed and breakfast operation. Each record shall be available for inspection by Webster Township officials upon request.

**L.** The maximum length of stay for any occupant of a bed and breakfast operation shall be thirty (30) days.

**M.** One off street parking space shall be provided for each room in a bed and breakfast operation. Parking spaces shall comply with the regulations of Section 13.95, Off Street Parking and Loading Regulations, herein.

**N.** A final site plan shall be approved in accordance with Section 8.05, Site Plan Review, herein, before a special use permit shall be issued. A floor plan showing the layout of each floor in the dwelling unit and the rooms and bathrooms to be included in the bed and breakfast

operation shall be included in the site plan.

**O.** All proposed bed and breakfast establishments with access from a private road shall have the approval of the association or approval from a representative from each lot that has access rights to the road.

**P.** All structures and operations shall comply with current and applicable Township, County, and State construction and health codes.

## **Section 12.25      Campgrounds**

[\(Back to Table of Contents\)](#)

**A.** A minimum lot size shall be ten (10) acres.

**B.** The lot shall provide direct vehicular access to a public street or road. The term "*lot*" shall mean the entire campground or travel trailer park.

**C.** All sanitary stations, privies, or any sanitary facilities shall be located not less than one hundred (100') feet from property lines.

**D.** Campground perimeter shall be completely screened by natural terrain, neatly finished and well maintained wooden fence or masonry wall, or by well maintained live evergreens.

**E.** Campsites shall be located not less than fifty (50') feet from property lines.

## **Section 12.30      Special Event Permits** [\(Back to Table of Contents\)](#)

**A.** No person shall hold a Special Event in Webster Township without first obtaining a permit pursuant to this Section. A permit shall be obtained by submitting a completed Special Event Permit Application to the Township Clerk before the proposed Special Event. The Township Board will review the Special Event Permit Application and approve, approve with conditions, or reject the Application submitted under this Section.

**B.** Special Events may be given temporary permits for varying periods by the Township Board, provided, however, that such Special Event is first determined by the Township Board as being not injurious to the surrounding neighborhood, not contrary to the spirit and purpose of this Ordinance, and complies with the requirements contained on the application and any conditions imposed by the Township Board, as well as the following requirements:

(1) All vehicles, tents, parking lots, and other temporary facilities shall be located not less than seventy-five (75) feet from all property lines. There shall be no parking within the road right-of-way.

- (2) Temporary or portable service facilities for power, water, sanitary sewage and solid waste disposal, and other services may be permitted upon written approval of proper authorities and subject to the approval of the Township Board.
- (3) Vehicular access to and from such activity area shall only be to a Primary Road or a Local Road. The Township Board may waive this requirement for local and non-profit sponsored events.
- (4) The applicant for the Special Event permit or the owner of the land on which the Special Event will be located may be required to post a cash deposit, as determined by the Township Board, to reimburse the Township for the costs for any services rendered in connection with the event.
- (5) The applicant for the Special Event permit shall carry liability insurance and other insurances for the Special Event per the requirements of the approved Special Event permit or per resolution of the Township Board.
- (6) The duration of any Special Event shall not exceed four consecutive days.
- (7) The hours of operation for any Special Event shall be limited to the hours between 8 a.m. and 11 p.m., except athletic events that require an earlier start and meet all other requirements of this Ordinance.

**C.** No more than the following number of Special Event permits shall be granted on an individual lot or to one individual applicant in any one rolling calendar year:

- (1) If the lot upon which the Special Event will occur is owned by a non-profit entity (i.e., an entity organized under applicable tax laws as a non-profit or public benefit organization), then no more than five Special Event permits shall be granted with respect to that lot in any one rolling calendar year.
- (2) In all other cases, no more than two Special Event permits shall be granted on any individual lot or to any one individual applicant in any one rolling calendar year.

**D.** Exemptions: The following shall not be construed as a Special Event and are exempt from the provisions of this Section (12.30):

- (1) Township, county and state sponsored events.
- (2) Funeral processions and gatherings.

- (3) Garage sales, yard sales, estate sales, and private property auctions excluding the auctioning of items transferred to the property for the principal purpose of sale including what are commonly referred to as “consignment auctions.”
- (4) Private gatherings such as weddings, birthday parties, graduation parties and similar events occurring entirely on a residentially used property or common area of a multi-family residential development, provided the event is not open to the general public and that the event is not held for pecuniary gain or profit.
- (5) Activities conducted entirely within the following types of buildings, designed and permitted for assembly use: churches, historical buildings, fraternal organizations, libraries, schools and government buildings, and provided that the activity would not constitute a use that is otherwise prohibited in the applicable Zoning District (for example, a retail store or a motel in a Residential District).

Note: Compliance with Zoning Ordinance – Nothing in this subsection shall be construed as authorizing a use or activity that is otherwise unlawful according to this Ordinance.

**E.** A Special Event permit issued pursuant to this Ordinance shall be temporary and effective only for the period of time as designated by the Township Board, and shall not grant any permanent rights to conduct, continue or repeat a Special Event.

**F.** The applicant shall be responsible for contacting the Michigan Liquor Control Commission, the Washtenaw County Road Commission, the Washtenaw County Environmental Health Department, the Washtenaw County Sheriff Department, the Dexter Area Fire Department, and all other applicable agencies to secure any and all permits and approvals required by local, state and federal law for the proposed Special Event.

**G.** The Applicant shall allow the Zoning Administrator or any Township designee access to the property to conduct on-site inspection of the property at any time prior to the Special Event, during the Special Event, and after completion of the Special Event.

**H.** A Special Event permit may be denied to any person, organization, group, or property owner that has previously sponsored or hosted an event that: resulted in acts of vandalism, violence, or rowdiness; was held in violation of law or local ordinances; was in violation of an approved permit or conditions of an approved permit; or posed a threat to the health, safety, and welfare of Webster Township residents, visitors, or property. Issuance of a Special Event permit shall not entitle the applicant or attendees of the Special Event to violate any local ordinances (such as the Township’s Public Nuisances Ordinance). A Special Event permit, if approved, may be revoked by the Township or its agents for good cause, including, but not limited to, violations of the terms of the approved Special Event permit, acts of vandalism, violence, rowdiness,

violations of law or local ordinances, or threats to the health, safety, and welfare of Webster Township residents, visitors, or property.

## **Section 12.35**      **Cemeteries, Churches, and Related Uses**      [\(Back to Table of Contents\)](#)

**A. Cemeteries and Related Uses.** A cemetery, columbarium, crematory, or mausoleum is subject to Site Plan review pursuant to Section 8.05, herein, and to the following site design and development standards:

- (1) Access must be from a street with ingress and egress so designed as to minimize traffic congestion. Entrances to cemeteries shall be from a Primary Road with an existing or planned right-of-way width of at least sixty-six (66') feet. (amended October 15, 2019)
- (2) A permanently maintained planting strip at least twenty (20') feet in width must be provided along all property lines abutting any residentially zoned land.
- (3) The design and layout shall be harmonious with the sites natural features including topography, vegetation, preservation of view sheds, and maintenance of a park-like setting.
- (4) The building design, scale, and mass shall be planned to minimize environmental impacts and views from adjacent properties.
- (5) A buffer shall be provided for property lines that abut a residential zoning district. Existing vegetation shall be preserved within twenty-five (25') feet of any property line, or the required setback, whichever is greater. The Planning Commission may require the placement of berms between the cemetery and abutting residential properties.
- (6) The Board may require the establishment of a perpetual care fund to ensure long term maintenance of the cemetery.

**B. Churches and Related Uses.** Churches, synagogues, temples, and other places of religious worship are permitted subject to the following standards:

- (1) Access must be from a primary road, except that the Planning Commission may approve a secondary access point that is not from such a street. (amended 05-15-2018)
- (2) The minimum site area is two (2) acres with a minimum lot width of two hundred (200') feet.
- (3) Secondary uses of any church facility are permitted. Such uses include: senior citizen center, day care center, parsonage, convent or rectory, and school.

## **Section 12.40      Drive-Up, Drive-In & Drive-Through Facilities**

[\(Back to Table of Contents\)](#)

### **A.      Drive-up, Drive-In and Drive-Through Restaurants.**

- (1)      The minimum lot size is one and one-half (1.5) acres and two hundred (200') feet of frontage.
- (2)      Waiting areas for any terminal or intercom system shall be sufficient to assure that roads, sidewalks, or other public access routes will not be obstructed by waiting automobiles at any time.
- (3)      Exterior lighting, light poles, signs and other improvements must be designed so that light is directed away from adjoining properties and road rights-of-way.
- (4)      Drive-up windows and waiting areas for any terminal or intercom must be screened from adjoining properties and road rights-of-way by internal landscaping such as landscaped islands or other appropriate year around screening.

### **B.      Other Drive-Up, Drive-In and Drive-Through Facilities.** All other facilities for drive-up, drive-in or drive through customer service are subject to Site Plan Review pursuant to Section 8.05, herein, to assure the following:

- (1)      Access must be such that vehicles patronizing the use will not interfere with normal traffic on a street, parking lot driveway, or loading access drive.
- (2)      Lighting, noise, etc., must be directed away from or screened from any adjoining property.
- (3)      Waiting areas for any terminal or intercom system must be sufficient to assure that roads, sidewalks, or other public access routes will not be obstructed by waiting automobiles at any time.

Year around screening of the drive-up window and waiting areas for any terminal or intercom must be provided.

## **Section 12.45      Entertainment and Amusement Facilities**

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Facilities for use as a marina, or athletic activities must comply with the applicable requirements of this Section.

### **A.      Athletic and Recreation Facilities, Indoor Theaters and Auditoriums.** Any use that proposes a swimming pool (other than accessory to a residence), golf course, tennis, handball, racquetball, basketball, or volleyball courts, baseball diamonds, driving ranges, or similar or related facilities, are subject to the following standards:

- (1)      Any athletic facility is to have a minimum building site of at least two (2) acres.

- (2) The proposed site is to have access directly from a primary road. (amended May 15, 2018)
- (3) Swimming clubs or swimming pools other than swimming pools accessory to a residence are to be set back as follows, except where a property line is on a natural waterway:

Maximum pool area (square feet)	Minimum setback from any property line (feet)
over 3,500	200
over 2,500	175
over 1,500	150
1,500 or less	100

- (4) *Golf Driving Ranges.* Facilities designed for driving of golf balls are subject to the following standards:
  - (a) Minimum lot size for any driving range is ten (10) acres.
  - (b) Minimum length of lot for any driving range is to be one thousand two hundred (1,200') feet.
  - (c) Screening is required around the driving range which shall be high enough and strong enough to keep balls from leaving the confines of the range.
- (5) *Golf Courses.* Golf courses, including accessory club house and restaurant uses, are subject to the following (see Subsection 6 below for setbacks):
  - (a) A minimum lot area of not less than sixty (60) acres is required.
- (6) *Other Athletic Facilities.* All athletic facilities are to comply with the following minimum setback requirements, except where a property line is on a natural perennial waterway. The main and accessory building shall be setback at least seventy-five (75') feet from any property line.

Type of Facility	Minimum Setback from any property Line (feet)
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Tennis Courts	50
Basketball Courts	50
Baseball Diamonds	100
Volleyball Courts	50
Concession Stands	50
Concentrated Picnic Areas (Tables, Barbecue Pits, etc.)	50
Picnic Grounds (Not Improved)	25
Games Normally Involving Less Than 10 People, i.e., Horseshoe Pits	25
Golf Course Fairways	25

- (7) *Lighting and Loudspeakers.* If a recreational facility is equipped with either outdoor lighting or public address system, than the setback requirement for the facility is double the setback listed in Subsection 6 above.
- (8) Bowling alley, indoor tennis courts, indoor skating rinks, indoor theaters, and auditoriums.
- (a) Public access to the site shall be located at a distance from any intersection in accordance with applicable statutes, ordinances, rules and regulations.
- (b) The main and accessory buildings shall be located a minimum of one hundred (100') feet from any residential use.
- (c) All uses shall be conducted completely within a fully enclosed building.

**Section 12.50      Foster and Child Care Facilities**

[\(Back to Table of Contents\)](#)

**A. Adult Foster Care Homes.**

- (1) The facility shall be located no closer than one thousand five hundred (1,500') feet to any other state licensed adult foster care facility, except that this Section shall not apply to any

state licensed facility caring for three (3) persons or less.

- (2) The Planning Commission may recommend and the Township Board approve additional facilities within one thousand five hundred (1,500') feet of another facility provided that such additional facilities would not contribute to an excessive concentration of such facilities within a particular neighborhood.

**B. Child Day Care.** In any residential or agricultural district, a resident of any dwelling may operate a family day-care home provided that the facility is licensed or registered by the department of social services as a family day-care home.

## **Section 12.55      Group Day-Care Home**

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A group day-care home that serves between seven (7) and twelve (12) children shall be issued a special use permit if the group day-care home meets all of the following standards:

- (1) Is located not closer than one thousand five hundred (1,500') feet to any of the following:
  - (a) Another licensed group day-care home.
  - (b) Another adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 P.A. 218 [MCL §400.701 to §400.737].
  - (c) A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under article 6 of the Public Health Code [MCL 333.6101 to 333.6523].
  - (d) A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the department of corrections.
- (2) Has appropriate fencing for the safety of the children in the group day-care home.
- (3) Maintains the property consistent with the visible characteristics of the neighborhood.
- (4) Does not exceed sixteen (16) hours of operation during a twenty-four (24) hour period. The Township Board may limit but not prohibit the operation of a group day-care home between the hours of 10 p.m. and 6 a.m.
- (5) Meets regulations governing signs used by a group day-care home to identify itself.
- (6) Meets regulations requiring a group day-care home operator to provide off-street parking accommodations for his or her employees.
- (7) The subsequent establishment of any of the facilities listed under Subsection (1) will not affect any subsequent special use permit renewal, conditional use permit renewal, or other

similar permit renewal pertaining to the group day-care home.

- (8) The requirements of this Section shall not prevent the Township from issuing a special use permit to a licensed or registered group day-care home that does not meet the standards listed under Subsection (1).
- (9) The distances required under Subsection (1) shall be measured along a road, street, or place maintained by this state or a local unit of government and generally open to the public as a matter of right for the purpose of vehicular traffic, not including an alley.

## **Section 12.60      Home Occupation**

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

- A.** No person other than the members of the family residing on the premises shall be engaged in such occupation.
- B.** The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes. The total floor area used by the home occupation shall not exceed twenty (20%) percent of the floor area of the dwelling unit.
- C.** There shall be no change in the outside appearance of the structure or premises, or other visible evidence of conduct of such home occupation, and there shall be no external or internal alterations not customary in residential areas.
- D.** A home occupation shall be conducted within the dwelling unit or within a building accessory thereto.
- E.** No article shall be sold on the premises except that which is prepared within the dwelling or accessory building or is provided as incidental to the service or profession conducted therein.
- F.** Traffic generated by a home occupation shall not be greater in volume than that normally generated by a residence. Parking for the home occupation shall not exceed two spaces. Such spaces shall be provided on the premises, i.e., not on a street, subject to the provisions of this Ordinance. Parking spaces shall not be located in the required front yard setback.
- G.** Exterior storage of material, equipment, or refuse associated with or resulting from a home occupation shall be prohibited. No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, odor, or electrical interference that are nuisances to persons off the lot. Any electrical equipment processes that create visual or audible interference with radio or television receivers off the premises or that cause fluctuations in line voltages off the premise shall be prohibited.

**H.** Hazard of fire, explosion, or radioactivity shall not exist at any time as a result of a home occupation.

**I.** Signs not customarily found in residential areas shall be prohibited, provided however, that one non-illuminated name plate, not more than three (3') square feet in area, may be attached to the building. Such sign shall contain only the name, occupation, and address of the premises.

## **Section 12.65      Junk and Salvage Yards**

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In addition to other regulations set forth in this Ordinance, all junk and salvage yards shall conform to the following regulations.

**A.** The minimum lot size shall be ten (10) acres.

**B.** The junk or salvage yard shall be located on a primary road as designated in the adopted Master Plan.

**C.** The proposed transportation route or routes within the Township shall be as direct and minimal in detrimental impact as reasonably possible, as determined in the discretion of the Township at the time of application and thereafter.

**D.** A site plan shall be provided in accordance with Section 8.05, herein, and shall contain a description of the location and nature of any materials processing operations to be conducted within the junk or salvage yard, and the location and nature of equipment for such operations.

**E.** The setback from the front property line to the area upon which junk materials are stored shall be not less than one hundred (100') feet and shall be provided with a minimum twenty (20') foot wide greenbelt buffer.

**F.** Junk materials shall be stored in organized rows with open aisles at least twenty (20') feet wide between rows for purposes of fire protection access and visitors, operators, and handlers.

**G.** The junk or salvage yard shall be maintained in such a manner as to prevent the breeding or harboring of rats, insects, or other vermin.

**H.** The junk or salvage yard, when established and located within one thousand (1,000') feet of any existing residential district, as measured on a straight line distance, shall not be open for business and shall not be operated at any time other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays; and between 7:00 a.m. and 12:00 noon on Saturdays; and shall not be open for business or otherwise operate on Sundays or legal holidays.

**I.** Burning shall be prohibited except within an enclosed incinerator, and only if the burning operation and incinerator are approved by the Fire Department or other designated official, the

Building Inspector, the County Environmental Health Department and/or Michigan Department of Natural Resources and Environment (MDNRE).

**J.** All liquids contained in automobiles and other vehicles shall be drained from same immediately after such vehicles are brought into the yard. Such liquids shall be stored in containers approved by the Township Fire Chief or other designated fire official.

**K.** All drive, parking areas, and loading-unloading areas shall be treated so as to limit nuisances caused by wind-borne dust on neighboring properties and on public roads.

**L.** There shall not be more than one entrance way from each public street that adjoins the junk or salvage yard.

**M.** A solid, screen-type fence or wall, at least seven (7') feet high as measured from grade at each post in the case of a fence, or at ten (10') foot intervals in the case of a wall, shall be provided along each public street frontage. The fence or wall shall be located on the rear line of the required front yard. Berms may be required to visually and audible screen the activity and storage from abutting properties. Gates shall also be made of solid, opaque material. The front yard shall be landscaped and continuously maintained as a lawn. Strips of metal, plastic or other materials inserted into wire fences shall not constitute a solid, screen type fence and shall not be permitted as a substitute for this requirement.

**N.** Wrecking and processing operations may be permitted in a junk or salvage yard and shall be described in the application for the special use permit.

**O.** Signs or other advertising materials shall not be placed on any fences.

**P.** All roads, driveways, and parking lots used by the general public shall be paved. All active areas of operation within the junk yard shall be constructed and maintained in such a manner so as to limit for adjoining lots, parcels, and public roads, the nuisance caused by wind-borne dust and to insure permanent access by emergency vehicles.

## **Section 12.70      Kennels - Commercial**

[\(Back to Table of Contents\)](#)

**A.** The minimum lot area shall be ten (10) acres and zoned Agricultural District (AG).

**B.** Structures used to house animals shall be located not less than one hundred (100') feet from any property line and not less than two hundred (200') from any residence existing at the time the kennel is built.

**C.** Open pens and runs shall maintain a front, side, and rear setbacks of at least one hundred (100') feet and be completely enclosed by a sound absorbing material such as a berm or wall of such height and thickness as to absorb the noise from barking dogs.

**D.** All gates on fences where the animals are enclosed must have a self closing latch to which a lock may be fastened.

**E.** Kennels shall have a restrictive fence at least six (6') feet in height.

**F.** Outdoor runs and breeding areas shall have paved surfaces, suitable for cleaning by high-pressure hose water or steam, and shall be provided with a drainage and septic system that prevents pollution of any neighboring properties or water courses or water bodies.

**G.** Sight and sound barriers such as walls, berms and vegetation screens shall be provided around all structures housing animals.

**H.** The kennel shall be licensed by Washtenaw County and shall be established and maintained in accordance with County and Township regulations.

**Section 12.72**      **Kennels – Hobby (amended Nov. 20, 2012)**      [\(Back to Table of Contents\)](#)

Hobby kennels are subject to the following conditions:

**A.** The minimum lot area shall be five (5) acres.

**B.** A hobby kennel shall only house a maximum of ten (10) dogs over six months of age.

**C.** A hobby kennel shall be an accessory use and shall only house dogs owned by the occupant of the dwelling unit or a dog temporarily provided for breeding purposes and under the control of the occupant.

**D.** All kennels shall be operated in conformance with all applicable county, state and federal regulations.

**E.** Habitual barking or unusual noise from the kennel, which results in a nuisance to neighboring land owners or residents, is prohibited.

**F.** All dogs must be licensed and maintained in a healthful manner.

**G.** Dogs shall be kept confined and not allowed to run at large on the property, except as part of supervised training.

**H.** Runs and/or exercise areas and buildings where the dogs are maintained shall be located in the side and/or rear yard only. Kennel runs shall be screened by a solid fence, evergreen screen or wall, which is at least six (6') feet in height. The wall of the principle building or an accessory structure may be used for the required screening wall if such wall screens the view of the kennel run from adjacent property.

**I.** Accessory buildings where dogs are kept, runs, and exercise areas shall not be located nearer than fifty (50') feet to any adjacent lot line.

**J.** The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease, or offensive odor.

**K.** Dog odors shall not be detectable beyond the lot lines of the property in which the kennel is located.

**L.** Dust and drainage from the kennel enclosure shall not create a nuisance or hazard to adjoining property or uses.

**Section 12.75**      **Mini-Warehouse (Self-Storage Facility)**      ([Back to Table of Contents](#))

Mini-warehouses (self-storage facilities) subject to the following conditions:

- (1) The minimum size of the site devoted to such use shall not be less than one (1) acre.
- (2) Building setbacks shall be as follows: Front yard not less than thirty-five (35') feet; side and rear yard not less than ten (10') feet.
- (3) Building separation between self-storage buildings, or between a self-storage building and the closest edge of an abutting internal driveway aisle, shall be fifteen (15') feet, as measured from side-to-side or front to rear, or edge of internal driveway aisle to the building, or equal to the building height, whichever is greater.
- (4) The total lot coverage of all structures shall be limited to fifty (50%) percent of the total lot area.
- (5) Screening shall be such as to be harmonious with abutting lands.
- (6) Parking shall be provided in the ratio of one (1) space for each two thousand (2,000') square feet of gross building area. At a minimum, two (2) parking spaces must be assigned to, and located conveniently to, each individual storage building. In addition, two (2) spaces for the resident manager, and one (1) additional space for each additional employee shall be provided adjacent to the rental office.
- (7) Internal driveway aisles shall be paved and be a minimum of twenty-four (24') feet in width.
- (8) All off-street parking areas and driveways shall be hard surfaced and drained in accordance with plans approved by the Planning Commission.
- (9) Principal vehicular access to the site shall be in accordance with provisions of the Washtenaw County Road Commission.

- (10) Building height shall not exceed fifteen (15') feet except that a caretaker or resident manager's unit may be allowed a building height of twenty-five (25') feet.
- (11) No single storage building shall exceed five thousand (5,000') square feet.
- (12) All storage on the property shall be kept within an enclosed building, unless properly screened.
- (13) Such other and different conditions as recommended by the Planning Commission and approved by the Township Board.

**Section 12.80**      **Mobile Homes Outside Mobile Home Parks**      [\(Back to Table of Contents\)](#)

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

- (1) Insure compliance of mobile homes on individual lots with all zoning regulations applicable to all other single-family dwellings permitted in Webster Township.
- (2) Insure compliance with the “*Mobile Home Construction and Safety Standards*” as promulgated by the United States Department of Housing and Urban Development, being 24 PART 1700 to End, PART 3280 Et. Seq. CFR. and Webster Township codes, including the zoning ordinance, for protection of the public health, safety, and welfare.
- (3) Insure that mobile homes on individual lots will be aesthetically compatible with other single-family dwellings in the community.

**B. Standards and Requirements.** A mobile home may be used as a single-family dwelling on a lot outside a mobile home park if the following standards and requirements are met. These standards and requirements shall not apply to a mobile home located in a licensed mobile home park, or to a mobile home permitted as a temporary structure.

- (1) The lot shall be located in a zoning district that permits single-family dwellings.
- (2) The lot and the mobile home shall comply with all regulations of the zoning district in which located.



- (3) The mobile home shall meet all requirements for residential mobile home units, as provided in the “*Mobile Home Construction and Safety Standards*”.
- (4) The mobile home shall be firmly attached to a permanent foundation wall constructed on the site in accordance with the Michigan State Construction Code and shall completely enclose the area under the mobile home. The area so enclosed shall not be less than the ground floor of the mobile home. The mobile home shall be anchored to the ground by an anchoring system that meets all State of Michigan requirements, and shall be so anchored before a certificate of occupancy is issued.
- (5) The wheels, tongue and hitch, or other towing appurtenances, shall be removed before a certificate of occupancy may be issued.
- (6) The mobile home shall be connected to public water and sanitary sewer lines, where available, according to Township standards and specifications, or to a well and septic tank approved by the County Health Department.
- (7) The mobile home shall be aesthetically compatible in design and appearance with conventional, on-site constructed housing, and other types of approved manufactured dwellings in Webster Township. Compatibility shall be determined by the following standards:
  - (a) Exterior walls shall be finished with materials common to single-family dwellings in Webster Township, such as, but not limited to, beveled siding, vertical siding, board and batten siding, or brick.
  - (b) The mobile home shall have front and rear or front and side exterior doors.
- (8) A building permit shall be required for construction of the foundation wall, for placement of the mobile home on the lot, and for any addition to the mobile home. A building permit shall not be issued until a health permit has been issued by the County Health Department, where applicable and until a certificate of zoning compliance has been issued and is in effect. The mobile home shall not be occupied until a certificate of occupancy has been issued and is in effect. Any addition to a mobile home shall be permanently attached to the mobile home and shall meet all requirements of the Michigan State Construction Code if the addition is of conventional on-site construction, unless the addition is constructed by a mobile home manufacturer, in which case the addition shall meet the “*Mobile Home Construction Safety Standards*” cited herein.
- (9) A mobile home shall not be used as an accessory building in any agricultural or residential district without first obtaining a temporary structure permit.
- (10) A mobile home shall not be removed from a foundation until a permit therefore has been issued by the building official, in accordance with the Michigan State Construction Code.

**Section 12.85**      **Open Space Preservation Communities**      [\(Back to Table of Contents\)](#)

**A. Intent.** It is the intent of this Section to provide for an enhanced residential environment through the preservation of natural features, agriculture, and the rural landscape. This is accomplished through the creation of small residential clusters mixed with open space, farmland and less intensive uses, for the purpose of:

- (1) Assuring the permanent preservation of open spaces, scenic vistas, agricultural lands, and natural features;
- (2) Encouraging a less sprawling form of development, thus preserving open space as undeveloped land;
- (3) Preserving contiguous open spaces and natural features;
- (4) Allowing innovation and greater flexibility in the design of residential developments;
- (5) Facilitating the construction and maintenance of streets, utilities, and public services in rural residential developments in a more economical and efficient manner; and
- (6) Encouraging compatibility of design and use between neighboring properties.

These regulations are intended to preserve open spaces, natural features, agricultural lands and traditional rural character in the Township. This use is permitted in Agriculture District (AG), Agribusiness District (AB), Rural Residential District (R-1) Urban Residential District (R-2), and Multi-Family Residential District (R-3), subject to the density regulations in Subsection F, herein.

**B. District General Principles.**

- (1) *Zoning Classification.* Within the AG, AB, R-1, R-2, and R-3 districts, development may occur by only one of the two following methods: Under the existing zoning of the property or under the Open Space Preservation Community provided by this Section. The Open Space Preservation Community is allowed as a permitted use in the AG, AB, R-1, R-2 and R-3 zoning districts.
- (2) *Site Plan.* An Open Space Preservation Community requires the submission of an application for site plan review pursuant to Section 8.05 of this Ordinance.
- (3) *Planning Commission.* The Planning Commission shall review the application in accordance with the procedures and standards set forth in Section 8.05, Site Plan Review, herein, the standards and provisions set forth in Section 12.85, Open Space Preservation Community, herein, and other applicable standards, statutes, ordinances, rules and regulations.

The Township Planning Commission, in accordance with applicable standards and requirements, shall approve, approve with conditions, or disapprove the application for site plan review.

- (4) *Approval of Lots.* Any division of a parcel in an Open Space Preservation Community shall be approved by one of the following means:
  - (a) Division by metes and bounds shall be approved by the Township Assessor or other person designated by the Township Board in accordance with Article 18, Land Division, of this Ordinance. The Township shall not approve any land division for an Open Space Community until the requirements of this Section are met.
  - (b) Division by Subdivision Plat in accordance with the approval process provided in the Subdivision Ordinance.
  - (c) Division by Site Condominium in accordance with the approval process provided in the township ordinance.
- (5) *Guarantee of Preservation.* The Dedicated Open Space shall in perpetuity remain in an undeveloped state, or providing for septic fields, and subject only to uses approved by the Township on the approved site plan. Further subdivision of Dedicated Open Space or its use for purposes other than on the approved site plan, shall be strictly prohibited. The applicant shall guarantee to the satisfaction of the Township Board that all Dedicated Open Space will be maintained in the manner approved and pursuant to a conservation easement described in Subsection D(5) below. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township Board and the land uses continue as approved in the Open Space Preservation Community site plan.
- (6) *Cohesive Neighborhood.* The proposed development shall be designed to create a cohesive residential neighborhood through common open space areas for passive or active recreation and resident interaction. If the dedicated open space is maintained by a homeowners association, all open space areas shall be equally available to all residents of an Open Space Preservation Community.
- (7) *Unified Control.* The Township encourages the proposed development be under single ownership or other control, sufficient to ensure completion of the project in the manner approved, and continued maintenance of open space in the manner approved. The Planning Commission may require the applicant to provide sufficient documentation of ownership or control in the form of agreements, articles of incorporation, bylaws for homeowners associations, contracts, covenants, bonds, deed restrictions, or development agreement that indicate that the development will be completed in its entirety as approved and continued maintenance as approved.

**C. Principal Permitted Uses and Accessory Uses.**

- (1) Detached single-family residential dwellings are permitted in areas not a part of the common areas or Dedicated Open Space.
- (2) Raising of crops is permitted in the Dedicated Open Space areas.
- (3) Recreational uses in an “*undeveloped state*,” as defined in Section 2.10 of this Ordinance, are permitted in the Dedicated Open Space areas as approved in the site plan for the Open Space Preservation Community.
- (4) Accessory uses and buildings incidental to the permitted recreational, conservation or agricultural use, as allowed in the Agriculture District (AG), including: passive recreational activities; roadside stands; storage buildings, barns and silos when part of a farming operation; and other accessory uses incidental to the permitted use are allowed in the common areas or Dedicated Open Space.

**D. Open Space Requirements.**

- (1) *Minimum Project Size.* The minimum size of an Open Space Preservation Community development shall be twenty (20) acres of contiguous land. A project of smaller size will be considered if the open space adjoins current dedicated open space from a prior approved Open Space Preservation Community or public parkland.
- (2) *Use.* All land within a development that is not devoted to a residential unit, an accessory use, vehicle access, vehicle parking, a roadway, a utility easement or an approved land improvement shall be set aside for recreation, conservation, agricultural uses, or otherwise preserved in an undeveloped state. Grading shall be minimal, with the intent of using existing topography.
- (3) *Clustering.* Dwelling units shall be grouped so that Dedicated Open Space within the development is at least fifty (50%) percent of the Total Buildable Area.
- (4) *Dedicated Open Space.* Common dedicated open space shall be located to preserve significant natural features and to connect open spaces throughout the development with adjacent open space. Open space along the exterior public roads shall have a depth of at least one hundred thirty-three (133') feet from the centerline of the road. The one hundred (100') feet in excess of the road right-of-way shall be either landscaped with natural vegetation or preserved in a natural wooded condition. All vegetation shall be native to the area. The open space along the exterior public roads shall be landscaped with a minimum of one (1) tree for each twenty (20') feet of road frontage. Such plantings shall be planted in staggered rows or clustered into groupings to provide a natural appearance. Preservation of existing trees is preferred and may be credited towards meeting the frontage landscaping requirement.

- (5) *Conservation Easement.* The dedicated open space and primary conservation areas shall be set aside by the developer through a permanent conservation easement established per the State of Michigan Conservation and Historic Preservation Act, as amended [MCL 324.2140 *et seq.*]. Such conservation easement shall be held by the Township or a recognized land trust or conservancy approved by the Township Board. It shall be in a form acceptable to the Township and duly recorded in the Washtenaw County Register of Deeds. In the event the land trust or conservancy holding the conservation easement ceases to exist, the easement shall revert to Webster Township. The Township may require an easement for access to the dedicated open space areas be set aside.
- (6) *Purpose and Content of Conservation Easement.* The conservation easement shall assure that the dedicated open space and primary conservation areas will be protected from all forms of development, except as shown on the approved site plan. Such easement shall indicate the proposed allowable use(s) of the dedicated open space. The Planning Commission and Township Board shall require the inclusion of restrictions in the easement that prohibit the following within protected lands
- (a) Dumping or storing of any hazardous material or refuse;
  - (b) Activity that may cause risk of soil erosion;
  - (c) Use of motorized off-road vehicles;
  - (d) Cutting or removal of vegetation, with the exception of invasive species, from wetland sites; and
  - (e) Use of pesticides, herbicides or fertilizers within a fifty (50') foot buffer of wetlands.

Provided, however, on land that is actively farmed, activities normally associated with agricultural land use shall be permitted. Actively farmed lands include “*tree farms*” employing ongoing accepted forest management practices, and that sell only products produced on the land.

- (7) *Connection to Adjacent Dedicated Open Space or Area.* The Planning Commission may require connections with adjacent dedicated open space or public land.
- (8) *Allowable Structures / Large Solar Energy System.* (Amended February 16, 2021) Any structure(s) or building(s) described above, accessory to the approved recreational, conservation or agricultural use may be erected within the dedicated open space, in accordance with the approved site plan. The total floor area of accessory building(s) shall not exceed, in the aggregate, one (1%) percent of the required dedicated open space area. In addition to the uses permitted above, the required dedicated space may be used to host a Large Solar Energy System provided that: (1) the Large Solar Energy System is primarily and predominantly used for generating electricity for use within the Open Space Preservation Community (such that any sale and distribution of excess available energy to

a public utility or other third party shall be incidental and immaterial in amount); (2) the Large Solar Energy System complies with all applicable requirements in this Zoning Ordinance, including without limitation Section 12.115; and (3) the land that hosts the Large Solar Energy System will be

- (9) conserved through a permanent conservation easements as required in this Section. Any structure(s) or building(s) described in subsection C(4) above, accessory to the approved recreational, conservation or agricultural use may be erected within the Dedicated Open Space, in accordance with the approved site plan. The total floor area of accessory building(s) shall not exceed, in the aggregate, one (1%) percent of the required dedicated open space area.
- (10) *Recreational Facilities.* Allowable recreation facilities may include a neighborhood park, picnic areas, children’s play area, non-motorized recreational trails, soccer fields, ball fields, bike paths or similar passive recreational facilities that provide a feature of community-wide significance and enhance residential development. In order to preserve a reasonable proportion of natural areas, no more than fifty (50%) percent of the dedicated open space shall be utilized for these recreational facilities.
- (11) *Created Natural Features.* If the site lacks significant existing natural features, the creation of native woodland features, natural vegetation (e.g. prairie meadows,) and/or man made wetlands not used as a part of the storm water management system is encouraged and may be included in the dedicated open space.
- (12) *Farming Operations.* Farming operations, as permitted in Subsection C(2), may be included in an Open Space Preservation Community and land dedicated to farm operations can be counted as Dedicated Open Space.
- (13) *Areas Not Considered Open Space.* The following land areas shall not be included as Dedicated Open Space for the purpose of this Section:
  - (a) The area of any private or public street right-of-way;
  - (b) Any lot including the required setbacks surrounding a residential structure;
  - (c) Storm water detention and retention areas; and
- (14) *Ownership.* The Dedicated Open Space, Primary Conservation Areas, other undivided common areas and associated facilities may be held in common ownership by a homeowners association, a public entity or the original land owner. For site condominiums, the homeowners association is equivalent to the condominium association. If a homeowners association is formed, it shall be formed and operated under principles approved by the Township Board including the following:
  - (a) The developer shall provide a description of the association, including its Articles of Incorporation and Bylaws, and a Dedicated Open Space maintenance plan documenting

methods for maintaining the open space and ensuring the integrity of the dominant natural features.

(b) The association shall be organized by the developer or owner and shall be operated with a financial subsidy from the developer, or owner, before the sale of any lots within the development.

(c) Membership in the association shall be automatic and mandatory for all purchasers of homes in the project and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be identified.

(d) The members of the association shall share equitably in the costs of maintaining undivided open space. Shares shall be defined within the association bylaws and assessments for maintenance shall be a lien on the land.

(e) The homeowners association shall be responsible for maintenance of all common open space areas and facilities under its control, and maintenance of liability insurance and similar duties of ownership.

(f) The homeowners association may lease open space lands to any other qualified person, or entity, for operation and maintenance of farmlands in accordance with the approved site plan, but such a lease agreement shall provide:

- i. That the residents of the development shall at all times have access to the open space lands contained therein (except croplands during growing season);
- ii. That the undivided open space to be leased shall be maintained for the purposes set forth in this Ordinance;
- iii. That the operation of open space facilities may be for the benefit of the residents only, or may be open to the public, at the election of the developer and/or homeowners' association, as the case may be.

**E. Density Calculations.** The maximum permitted density in an Open Space Preservation Community shall be determined as follows:

- (1) Calculate the Total Buildable Area by subtracting acreage in private and public road right-of-ways from the gross site acreage.
- (2) Multiply the acreage of the Total Buildable Area by the following factors depending on the zoning district to determine the maximum potential number of dwelling units permitted:
  - (a) 0.5 in the AG district.

- (b) 1 in the R-1 district.
  - (c) 2.9 in the R-2 & R-3 districts if public water and sewer service is available to the site, otherwise 1.
- (3) Lots may vary in size, but in no case shall each lot area be less than 0.75 acre in the absence of public sewer and water facilities.
- (4) The net density shall be no greater than that permitted within the zoning district given the natural features and soil conditions of the parcel. To determine the number of lots to be developed, a parallel plan shall be created. The parallel plan shall be prepared by the developer to show a feasible development under the existing requirements of the specific zoning district in which the parcel is located, meeting the requirements of any State, County and Township regulations. All lots, roads, and other improvements shall be designed so that they do not adversely impact wetlands, floodplains, or drainage ways, as regulated by Federal, State, County, or local agencies. It must be determined by the Planning Commission that this parallel plan or conventional subdivision is able to be physically constructed and meet all current subdivision regulations, should the Open Space Community be denied or not constructed. If there is a question regarding water, septic, wetlands or floodplains, the Planning Commission may request validation from the proper regulatory authority, at which point the developer shall obtain the necessary information (i.e. perk test, MDNRE approval, etc.). If it is determined, through these responses, that the number of lots proposed for the Open Space Community is not feasible on the parallel plan, the site plan for the Open Space Community shall be revised and resubmitted minus that number of lots.

#### **F. Design Standards.**

- (1) *Natural Features Preservation.* The development shall be designed to promote the preservation of natural features. Individual lots, buildings, streets and parking areas shall be designed and situated to minimize alteration of the natural environment. Buildings and paved areas shall have a minimum setback of one hundred (100') feet from wetlands and surface water features. If paved areas or off-street parking lots are adjacent to wetland or a water body, facilities to filter storm water runoff shall be provided.
- (2) *Location of Lots.* Residential lots shall be laid out, to the greatest extent feasible, to achieve the following objectives:
- (a) In locations that minimize alteration of the natural environment.
  - (b) On the most suitable soils for subsurface septic disposal.
  - (c) In locations least likely to block or interrupt scenic vistas, as seen from public roadways.



- (3) *Setbacks.* The following design parameters will be used to establish setbacks.
- (a) Front, rear and side yard setbacks shall be staggered to provide for maximum variety in the size of such yards.
  - (b) The minimum front, rear and corner yard setback shall be thirty-five (35') feet. The minimum side yard setback shall be fifteen (15') feet.
  - (c) The minimum distance between dwelling structures shall be thirty (30') feet.
  - (d) Dwelling placement on a lot shall be placed as far as possible from Primary Conservation Areas but in no case shall they be closer than fifty (50') feet from said areas.
  - (e) Yard, lot width, and bulk standards may be modified, provided that such modifications result in an improved design and enhanced preservation of open space and natural features.
  - (f) A table shall be provided on the site plan that specifically details all deviations from the existing zoning district regulations. This specification should include Article provisions from which deviation are sought, and the reasons and mechanisms to be utilized for the protection of the public health, safety, and welfare in lieu of the regulations from which deviations are sought. Only those deviations consistent with the intent of the Open Space Preservation Community shall be considered.
- (4) *Open Space Between Clusters.* Dedicated Open Space between clusters of residential dwellings, including those spaces used as recreation areas, shall be at least one hundred (100') feet wide.
- (5) *Landscaping and Buffering.*
- (a) Landscaped or native vegetative cover shall provide a screened buffer between dwellings and neighboring properties.
  - (b) Where the Open Space Preservation Community abuts an adjacent single-family residential use, the Planning Commission may require a transition setback. Grading within the transition area shall be minimal unless needed to provide effective buffering or accommodate drainage. If the grade change adjacent to single-family residential is to be varied by more than three (3') feet, the site plan shall include cross sections illustrating existing and proposed grades in relation to existing and proposed building heights. Perspective renderings from adjacent residential units are encouraged. The Planning Commission may require that the transition area consist of one or more of the following:
    - i. Woodlands, natural features or a landscaped greenbelt sufficient to provide an obscuring effect.

- ii. Open or recreation space.
  - iii. Significant changes in topography that provide an effective buffer.
- (c) Where residential areas abut agricultural areas in an Open Space Preservation Community, the Planning Commission or Township Board may require a buffer zone. Buffers shall be planted with fast growing native shrubs and trees to create an effective barrier separating yards from fields and pastures.
- (6) *Dwelling Placement.* Dwelling placement shall be planned to screen homes from off-site vantage points, away from environmentally sensitive areas, existing agricultural areas, sites suitable for open space and upwind from areas subject to land management practices that may cause dust, smoke, odors or similar problems. Dwelling units shall be located at least fifty (50') feet from any Primary Conservation Area as defined in this Ordinance.
- (7) *Preserving Road Frontage.* All dwellings and accessory structures shall be no less than sixty-six (66') feet from the centerline of a non-primary road, or one hundred and ten (110') feet from a primary road, and that the thirty-three (33') feet or fifty-five (55') feet area respectively, beyond the road right-of-way shall be maintained in native plants and trees so as to create a buffer between the roadway and the dwellings and accessory structures. (Amended March 21, 2017)
- (8) *Septic Tanks and Fields.* The placement of septic tanks and fields shall comply with requirements of the Washtenaw County Health Department.
- (9) *Road Access.* Direct access onto a County road or State highway shall be required for an Open Space Preservation Community.
- (10) *Internal Roads.* Internal roads within an Open Space Preservation Community may be public or private.
- (a) Construction of a private road as a means of providing access and circulation is encouraged. Private roadways within an Open Space Preservation Community must meet the design requirements of the Private Road Ordinance. The Planning Commission may recommend to the Township Board deviations from these requirements if all of the following findings are made:
- i. There is no potential for the road to connect with abutting land or be extended to serve additional land in the future; and
  - ii. Significant natural features such as mature trees, natural slopes, wetlands or other water bodies would be preserved through allowing a deviation from the private road standards.
- (11) *Pedestrian Access.* If Dedicated Open Space areas are managed by a homeowners association or developer until such time as management is turned over to a homeowner's

association, the Open Space Preservation Community site plan shall provide pedestrian access to all non-agricultural open space areas from all residential areas, connections between open space areas, public thoroughfares, and connections between appropriate on- and off-site uses. Trails within the Open Space Preservation Community may be constructed of gravel, woodchip or other similar material.

## **Sec. 12.90**                      **Removal of Earth Materials/Extraction Operations**

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The removal of topsoil, sand, gravel or other minerals from land within the Township is subject to the following standards:

**A.**        The use of a lot for the removal of more than ten thousand (10,000) cubic yards of topsoil, sand, gravel, earth, mineral, or other such material from the land, except the necessary grading or removal for the erection of construction of any building, shall not be permitted in any zoning district within the Township except upon application for a special use permit, recommendation of the Planning Commission, and approval, or approval with conditions, of the Township Board. If it shall appear that the proposed removal of topsoil, sand, gravel, earth, mineral, or other such material from the land would be detrimental to the conservation of property and natural resources, or would be detrimental to contiguous or nearby properties, or would be an improper use of the land, or would be contrary to established principles of conservation of land or would not conform with the intent and purpose of this Ordinance, then such application shall be denied.

**B.**        The use a lot for the removal of more than ten thousand (10,000) cubic yards of topsoil, sand, gravel, earth, mineral, or other such material from the land, except the necessary grading or removal for the erection of construction of any building, shall conform with the following regulations:

(1)        *Minimum Lot Requirement.* Any lot used for the removal of more than ten thousand (10,000) cubic yards of topsoil, sand, gravel, earth, mineral, or other such material from the land, except the necessary grading or removal for the erection of construction of any building, shall be a minimum of twenty (20) acres in size.

(2)        *Setbacks.* All activities conducted in connection with the operation shall occur at least one hundred sixty (160) feet from the nearest property line. All processing and stockpiling shall be conducted at least two hundred (200) feet from the nearest property line.

(3)        *Area Mined.* The total area being mined at any given time shall not exceed forty (40%) percent of the entire parcel.

(4)        *Transportation Routes.* The proposed transportation route or routes within the Township shall be as direct and minimal in detrimental impact as reasonably possible, as determined in the discretion of the Township at the time of application.

(5) *Fencing and Screening.* The full perimeter of mined areas including stockpiling and processing must be secured and fenced. The Planning Commission has the discretion to require landscaping, fencing, walls, berms or combination thereof to reduce visual blight for adjacent residents and preservation of view sheds along roadways.

C. The following information shall accompany the applicant's request:

(1) *General.*

(a) Full identification of the applicant if other than the owner(s), and in addition to the applicant, full identification of the owner(s) of the property and of the mineral rights and of all other persons to be directly or indirectly involved in the operation or management of the project if a permit is granted.

(b) The residence and business addresses of the applicant, the owner(s) of the property and of the mineral rights and the operator(s).

(c) The legal description (including street address where applicable) and tax parcel I.D. number of the land to which the permit is to apply. The legal description shall be certified by a registered civil engineer or land surveyor.

(d) The specific nature and extent of the proposed project; the type of soil involved in the proposed project; and a fair and reasonable estimate of the number of cubic yards of soil to be handled in the proposed project. This estimate shall be made by a registered civil engineer or land surveyor. A detailed description by maps, diagrams or otherwise, of the contour and condition of the land before commencement of the proposed project and as the applicant proposes to leave such land upon completion of the proposed project. Such description shall include:

i. A topographic map, certified by a registered civil engineer or land surveyor, drawn with contour intervals of five (5') feet for the project site and ten (10') feet for the area extending three hundred (300') feet beyond the exterior boundary of the project site, depicting the contours of the land in its existing condition. (i.e. before commencement of the proposed projects.)

ii. A topographic map drawn with contour intervals of two (2') feet for the project site and ten (10') feet for the area extending three hundred (300') feet beyond the exterior boundary of the project site, depicting the projected contours of the land upon completion of the proposed project.

iii. A statement of any landscaping to be done or other soil stabilization controls to be employed to insure that the land is left in a stable, safe and usable condition, and to prevent soil erosion, soil blowing, dust or unsightly conditions.

iv. A drainage plan to indicate the anticipated drainage system that would be utilized

if the project is implemented.

- v. Detailed information concerning the ground water table in the proposed project area, as well as detailed information concerning the project's proposed use of the ground water and its possible effects on ground water supply and flow.
- vi. A statement of the manner in which the project is to be performed, operated and carried on, including a statement of the slope of the sides and the level of the floor, the finished grade and condition of the property following the completion of the project, and the kind and amount of equipment proposed to be employed in the project.
- vii. The proposed route that the applicant intends to use or cause to be used in transporting the soil over the public roads and over any private property together with a traffic impact study.
- viii. The applicant's previous experience in matters to which the permit pertains, and the name, address and previous experience in such matters of any other person(s) to perform or be in charge of the proposed project.
- ix. Whether or not the applicant has ever been granted a similar type of permit and whether or not the applicant has ever had a similar type of permit denied, suspended or revoked, and, if so, the circumstances of such denial, suspension or revocation.
- x. The time within which the project will be commenced after a permit is granted, the phases and times of completion of each phase of the project if the project will be operated in phases, and the time within which the project will be completed.
- xi. A description of the measures to be taken by the applicant to control noise, vibration, dust and traffic.
- xii. Any measures that the applicant proposes to take to insure public safety, the exclusion of children from the land, and the lateral and sub-lateral support of surrounding land, buildings, structures or other improvements.

(2) *Environmental impact information at a minimum the following should be submitted.*

(a) An aerial photograph of all land within one thousand three hundred-twenty (1,320') feet of the exterior boundary of the proposed project site depicting the location and type of existing vegetation, existing soil and any other significant features. Appropriate overlays at the scale of the aerial photograph can be used to depict topography, slope, hazards, soils, vegetation, wildlife habitat and any other significant features.

(b) A list of the various major ground vegetation found within the proposed project

site, together with an indication of the presence of rare and endangered species.

(c) The impact of the proposed project on flora, fauna, or wildlife habitats in and around the project site.

(d) A detailed description of any known, anticipated or possible adverse or detrimental effects upon any aspect or element of the environment, both with respect to the project site and with respect to surrounding areas.

(e) A description of the possible effects of the project on adjacent surface resources.

(f) An illustrated landscape plan that presents the visual appearance of the proposed project site during and after the completion of the project operations.

(g) The compatibility of the proposed project with adjacent existing land uses and with the Master Plan.

(h) A description of any traffic control devices, public facilities, or public services that will be required by the proposed project, and a statement of how, and by whom, the applicant proposes that the costs thereof be paid.

(i) Alternatives, if any, to the proposed project site and the reasons for the choice of the proposed project site over those alternatives.

(3) *Reclamation plan for the proposed project.*

(a) Boundary lines of the property; dimensions and bearings of the property lines, correlated with the legal description.

(b) Location and extent of all natural features to be retained during quarry operations.

(c) Contour lines at intervals of two (2) feet of the proposed, restored surface, clearly showing connection to existing undisturbed contour lines.

(d) The location of buildings, equipment, stockpiles, roads, or other features necessary to the project and provisions for their removal and restoration of the site at the project's termination.

(e) Schedule and areas of progressive rehabilitation.

(f) Provisions for buffer areas, landscaping and screening.

(g) Proposed ground cover and other plantings to stabilize the soil surface and to beautify the restored area.

- (h) The interim use or uses of reclaimed project phases before the completion of entire project.
- (i) Provisions for ingress and egress, including proposed routes for all truck and other vehicular travel in connection with the project operations.
- (j) The intended use of the site following completion of the reclamation plan.
- (k) Sketch plan of the proposed use of the site when restored.
- (l) Description of methods and materials to be used in restoring the site

**D.** Prior to the grant of authority under this Ordinance to conduct an activity that entails the removal of topsoil, sand, gravel, earth, mineral, or other such material from the land, the Township may require the owner or occupant of the land to furnish a cash deposit, or bank letter of credit running to the Township in an amount sufficient to ensure reclamation of the site, and that the sums incurred by the Township to process the application and monitor the activity is borne by the owner or occupant and not the Township.

**E.** Upon the issuance of any such permit, the Planning Commission shall recommend and the Township Board shall have the right and power to specify and prescribe in said permit the depth and manner of removal of topsoil, gravel, sand, earth, mineral, or other such material that may be removed from the land, and said permit shall specify a definite expiration date of such permit and after such date no further topsoil, sand, gravel, earth, mineral, or other material shall be removed from said land unless and until a further application be made and a new permit obtained. The Planning Commission shall also recommend and the Township Board shall also have the right and power to specify and prescribe a completion date for reclamation of the site.

**Section 12.95      Site Condominium Review**

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**A. Approval Required.** Condominium projects established pursuant to the Condominium Act are subject to site plan review pursuant to Section 8.05 of this Ordinance.

**B. Standards and Improvements.** Site plans submitted for a condominium project shall comply with the design standards set forth under Section 13.35 herein, provide improvements specified in Section 13.40 herein, and comply with all other applicable federal and state statutes, ordinances, rules and regulations.

**C. General Regulations.**

- (1) The Planning Commission shall have the authority to review and to approve, approve with conditions, or deny final site plans.

- (2) No permits for erosion control, building construction, grading, or installation of water or sanitary sewerage facilities shall be issued for property in a proposed condominium project until a final site plan has been reviewed and approved, or approved with conditions by the Planning Commission.
- (3) A certificate of zoning compliance pursuant to Section 3.80, herein, must be issued for the condominium project, which authorized the installation of improvements depicted on an approved final site plan, before a certificate of zoning compliance may be issued for a building, structure or use in the condominium.
- (4) The final site plan shall be the site plan submitted in conjunction with an application for a certificate of zoning compliance seeking authorization to commence construction of the improvements depicted on the site plan.
- (5) The dedicated open space, primary conservation areas, other undivided common areas and associated facilities shall be held in common ownership by the condominium association. The condominium association shall be formed and operated under principles approved by the Planning Commission including the following:
  - (a) The developer shall provide a description of the association, including its Articles of Incorporation and Bylaws and a Dedicated Open Space maintenance plan documenting methods for maintaining the open space and improvements depicted on the site plan and ensuring the integrity of the dominant natural features;
  - (b) The association shall be organized by the developer or owner and shall be operated with a financial subsidy from the developer, or owner, before the sale of any lots within the development;
  - (c) Membership in the association shall be automatic and mandatory for all purchasers of homes in the project and their successors. The conditions and timing of transferring control of the association from developer to the property owners shall be identified;
  - (d) The members of the association shall share equitably in the costs of maintaining undivided open space and improvements depicted on the site plan. Shares shall be defined within the association bylaws and assessments for maintenance shall be a lien on the land;
  - (e) The property owners association shall be responsible for maintenance of all common open space areas and facilities under its control, and maintenance of liability insurance and similar duties of ownership;
  - (f) The property owners association may lease open space lands to any other qualified person, or entity, for operation and maintenance of farmlands in accordance with the approved site plan, but such a lease agreement shall provide:



- i. That the residents of the development shall at all times have access to the open space lands contained therein (except croplands during growing season);
- ii. That the undivided open space to be leased shall be maintained for the purposes set forth in this Ordinance;
- iii. That the operation of open space facilities may be for the benefit of the property owners only, or may be open to the public, at the election of the developer and/or homeowners' association, as the case may be.

(g) To assure that development improvements are maintained in perpetuity at the expense of those land owners benefited by the improvements, The Planning Commission or Township Board may require assurances. Such assurances could take the form of a special assessment district or other district established under state statutes at the time of final site plan approval.

**D. Preliminary Site Plan.** A preliminary site plan shall be filed and processed in accordance with Subsection 8.05(E)(3) of this Ordinance.

**E. Final Site Plan Requirements.**

- (1) A final site plan shall be filed and processed in accordance with Subsection 8.05(E)(4).
- (2) A final site plan shall provide the information required under Subsection 8.05(E)(4)(d) of this Ordinance and Section 66 of the Condominium Act [MCL 559.166].
- (3) Each condominium lot shall be located within a zoning district that permits the proposed use.
- (4) For the purposes of this Ordinance, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which located. In the case of a condominium project containing single-family detached dwelling units, not more than one dwelling unit shall be located on a condominium lot with any other principal structure or use. Required yards shall be measured from the boundaries of a condominium lot. Lot coverage and floor area ratio shall be calculated using the land area of the condominium lot.
- (5) Each condominium lot shall be connected to public water and sanitary sewer facilities, where such facilities are available, or a well, septic tank, and drain field approved by the County Health Department, where public water and sanitary sewer services are not available. A well, septic tank, and drain field serving a condominium lot shall be located within that lot, as described in the master deed.

- (6) Relocation of boundaries between adjoining lots, if permitted in the condominium documents, as provided in Section 48 of the Condominium Act [MCL 559.148] shall comply with all regulations of the zoning district in which located and shall be approved by the Zoning Administrator. These requirements shall be made a part of the bylaws and recorded as part of the master deed.
- (7) Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents, as provided in Section 49 of the Condominium Act [MCL 559.149] shall comply with all regulations of the zoning district in which located, and shall be approved by the Zoning Administrator. These requirements shall be made a part of the condominium bylaws and recorded as part of the master deed.
- (8) All information required by this Ordinance shall be a portion of the final site plan that is subject to its jurisdiction.

**F. Revision of Condominium Subdivision Plan.** If the condominium subdivision plan is revised, the final site plan shall be revised accordingly and submitted for review and acted upon by the Planning Commission, before any building permit may be issued, where such permit is required.

**G. Amendment of Master Deed or Bylaws.** Any amendment to a master deed or bylaws that affects the approved final site plan, or any conditions of approval of the final site plan, shall be reviewed by and acted upon the Planning Commission before any building permit may be issued, where such permit is required. The Planning Commission may require its review of an amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the approved site plan.

**H. Development Agreement and Performance Guarantee.** The Planning Commission may require, as a condition of site plan approval, that the applicant enter into a development agreement and post a performance guarantee.

**I. Building Permits - Interference with Improvements.** Any application for a building permit for construction to be located in a general common element or an integral part of a storm water management plan or other site improvement shall require an amendment to the approved site plan.

**J. Monuments.** Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points of lot lines. The Township Engineer may grant a delay of required monuments or irons for a reasonable time, but not to exceed 1 year, on condition that the developer deposit with the Township Clerk, a certified check, or an irrevocable letter of credit running to Webster Township, whichever the developer selects, in an amount as determined from time to time by resolution of the Planning Commission. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments specified have been set in accordance with the

approved final site plan. If the developer defaults, the Planning Commission shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not to exceed the amount of the security deposit.

**K. Rights-of-Way.** Road rights-of-way shall be described separately from individual condominium lots, and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. The right-of-way shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing public utilities. Whenever public water and sanitary sewer services are present, the developer shall dedicate easements for the public water and sanitary sewer lines and appurtenances to the agency having jurisdiction.

**L. Engineering Standards.** All improvements in a site condominium shall comply with the engineering specifications as adopted by resolution of the Planning Commission and any amendments thereto.

**M. As Built Drawings.** The applicant shall submit As Built Drawings as per the requirements of Section 8.05 (M).

## **Section 12.100      Stables**

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Any lot or parcel containing a private or commercial stable must meet the following requirements:

**A.** Private stables may be located only in the AG or R-1 zoning districts. Commercial stables may be located only where allowed in Article 9.00.

**B.** Five (5) acres shall be required for two horses. Each additional horse shall require an additional one acre.

**C.** The area used for keeping animals shall be maintained in a clean and sanitary condition so as to be free from offensive odors, flies, and other features that could be considered a nuisance or be a threat to public health.

## **Section 12.105      Vehicle Storage Facility**

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Any lot or parcel that is proposed for use as a storage yard for vehicles must meet the following requirements:

**A.** The lot must be at a minimum ten (10) acres in size.

**B.** The lot must have direct access to a public street.

C. Parking of vehicles shall not be less than four hundred (400') feet from any residential district.

D. There shall be no sales, rentals, repairs, or habitation of any vehicle or any other use of the vehicle storage yard except as a temporary storage yard for vehicles when they are not in use.

Driveways internal to the vehicle storage yard shall be graded and the surface improved by a permeable gravel layer to ensure appropriate drainage and dust free conditions at the site.

## **Section 12.110      Small Solar Energy Systems**

A. A Small Solar Energy System shall be permitted as an accessory use in every zoning district. Each Small Solar Energy System must comply with the provisions of this Section 12.110.

B. Any Ground Mounted Small Solar Energy System shall comply with the requirements applicable to an accessory structure under Section 13.15 of this Ordinance, and the requirements applicable to an accessory structure within the zoning district in which the Ground Mounted SES is located. The height of a Ground Mounted Small Solar Energy System, when oriented to maximum tilt, shall not exceed the lesser of: (i) the maximum permitted height for accessory structures in the applicable zoning district, or (ii) 20 feet above ground.

C. For purposes of determining compliance with building coverage standards for the applicable zoning district, the total horizontal projection area of the Ground Mounted Small Solar Energy System shall be considered pervious coverage as long as pervious conditions underneath the Small Solar Energy System are maintained.

D. The total aggregate surface area of all Solar Collector Surfaces on all Ground Mounted Small Solar Energy Systems on a given parcel shall not exceed 1,500 square feet, or a maximum of 3,000 square feet if serving a Farm Operation engaged in the commercial production of Farm Products for a profit (as evidenced by such Farm Operation's federal income tax returns).

E. Ground Mounted Small Solar Energy Systems shall not be constructed within any Natural River Overlay District setbacks (as provided in Section 16.30.C. of this Ordinance), wetlands, county drain easements, or drainage ditches.

F. A site plan shall be prepared and submitted to the Zoning Administrator for approval prior to commencing installation. The site plan shall include:

a. The proposed location of the Small Solar Energy System, an elevation drawing showing the proposed Small Solar Energy System's height and foundation details, and the total square footage of the Solar Collector Surfaces.

b. Distances of the proposed Small Solar Energy System from property lines, permanent structures, temporary or permanent access roads, driveways, and other travel ways such as walkways or trails, water bodies, waterways, wetlands, and drainage ditches.

- c. Locations of all above ground utility wires within 30 feet of the proposed Small Solar Energy System.
- d. A description of any screening for Ground Mounted Solar Energy Systems.
- e. Any other information reasonably related to the placement, size or characteristics of the Small Solar Energy System requested by the Township.

**G.** Solar energy equipment shall be located in the least visibly obtrusive location where panels would be functional. Ground Mounted Small Solar Energy Systems shall not be installed between a dwelling and any road or street abutting the parcel in question, absent written evidence satisfactory to the Township and its advisors showing that: (i) operation of the Ground Mounted Small Solar Energy System in said location will not unreasonably interfere with adjacent properties, road or streets; and that (ii) either (x) the proposed Small Solar Energy System cannot be reasonably, economically and efficiently installed and operated on any other location on the parcel (including as a Building Mounted Solar Energy System), or (y) the proposed Small Solar Energy System will not be visible from the abutting road or street due to screening by vegetation, buildings, fencing, land contours, distance, and/or other means.

**H.** Any Small Solar Energy System erected on a building as a Building Mounted Solar Energy System shall not extend beyond the peak of the roof, provided that a Small Solar Energy System, may be placed upon a flat roof. Solar Energy Systems may not extend beyond the maximum applicable structure height permitted in the zoning district in which they are located. Roof top Small Solar Energy Systems are excluded from the screening required for roof top appliances in Section 13.15.A.6. If a Small Solar Energy System is mounted on a structural component other than a roof, no part shall extend more than 12 inches beyond the wall on which it is mounted.

**I.** No Small Solar Energy System shall be installed or operated in such a way as to pose an Unreasonable Safety Hazard. Without limiting the generality of the foregoing, all Small Solar Energy Systems shall be located and placed so that concentrated solar glare shall not be directed toward or onto nearby properties or roads at any time of the day.

**J.** All Solar Energy Systems must conform to all applicable federal, state and county requirements, in addition to other applicable Township Ordinances, as well as any applicable industry standards. All Solar Energy Systems shall be installed, maintained and used according to the manufacturer's specifications and meet all applicable building, electrical, and construction codes. Installation of a Small Solar Energy System shall commence only when all required permits have been issued.

**K.** All Small Solar Energy Systems must be installed in a manner that does not negatively affect nearby properties or roads in any material way, including without limitation due to glare or heat concentration.

**L.** Any Small Solar Energy System shall not have an adverse visual effect. Ground Mounted Small Solar Energy Systems are not permitted in required setbacks. Ground Mounted Small Solar Energy Systems shall be reasonably screened from the view of the surrounding streets and roads to the maximum extent practicable by garden walls, fences, hedges, landscaping, earth berms, or other means, except to the extent that such screening is either impracticable or would result in ineffective solar access on the lot in question. Ground Mounted Small Solar Energy Systems that are visible from a road or adjacent properties shall, to the maximum extent feasible, and without compromising the ability to effectively use solar collectors on the lot in question, use materials, textures, screening, and landscaping that will screen the Small Solar Energy System from view, and blend with the natural setting, existing environment, and neighborhood character. All Ground Mounted Small Solar Energy Systems that rely on landscaping or a vegetative buffer for screening shall maintain a minimum opacity of at least eighty percent (80%), and a mature height of not less than the greater of (x) six (6) feet or (y) sixty percent (60%) of the height of the Ground Mounted Solar Energy System when oriented to maximum tilt. Small Solar Energy Systems mounted on buildings and that are visible from the street or road shall be designed and mounted to match the shape, proportions, and slope of the roof or façade.

**M.** All power transmission lines, wires, or conduits from a Small Solar Energy System to any building or other structure (other than to the building on which a Building Mounted Small Solar Energy System is mounted) shall be located underground. The Township Board may waive this requirement, or may limit it through conditions, if it determines that it would be impractical to install, place or maintain such transmission lines underground. If batteries are used as part of a Ground Mounted Small Solar Energy System, they must be placed in a secured container or enclosure. Signage must be provided with disconnection procedures for emergency responders.

**N.** A Small Solar Energy System and its surrounding premises must be kept and maintained in good repair and condition at all times and must continuously conform with all applicable building, construction, and electrical codes. This shall include, but is not limited to, ensuring that any fencing is maintained to provide sufficient protection and screening, that the property is kept clear of trash and other debris, that all aspects of the Small Solar Energy System are maintained according to industry standards, and that no portion of the Solar Energy System is maintained in a blighted, unsafe, or substandard manner.

**O.** An Abandoned Solar Energy System shall be removed by the property owner within six (6) months.

## **Section 12.115**

## **Large Solar Energy Systems**

**A. PURPOSE AND INTENT:** The purpose and intent of this Section is to establish standards for the siting, installation, operation, repair, decommissioning and removal of Large Solar Energy Systems.

**B. APPLICABILITY:** Large Solar Energy Systems shall be allowed as a Permitted Use only within the Commercial District, the Office District and the Industrial District and as a Special Use only within the Agriculture District, the Agribusiness District and the Public Land District, subject to the regulations and requirements of this Section and, if applicable, the general Special Use procedures, standards and criteria of Article 10 of this Ordinance.

**C. SITE PLAN AND SUPPORTING MATERIALS:** All Large Solar Energy Systems shall be subject to site plan review and approval in accordance with Section 8.05 of this Ordinance. In addition to the materials required under Section 8.05, the Site Plan for a Large Solar Energy System shall also contain the following information:

- (1) All requirements for a site plan contained in Article 8 of this Ordinance.
- (2) All lot lines and dimensions, including a legal description of each lot or parcel comprising the Large Solar Energy System.
- (3) Names of owners of each lot or parcel within the Township that is proposed to be within the Large Solar Energy System.
- (4) The signatures of each and every legal and equitable owner of each lot or parcel within Webster Township that is located in whole or in part within the Large Solar Energy System, evidencing that all such owners support the project and consent to the Site Plan application.
- (5) Horizontal and vertical (elevation) to scale drawings which show the location and height of all proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures, metering systems, storage systems and utilities associated with the Large Solar Energy System. No on-site battery storage shall be used for Large Scale Solar Energy Systems with a capacity of 100 kilowatts or greater.
- (6) Vicinity map showing the location of all surrounding land uses.
- (7) Photos of the areas before development, including an aerial photograph.
- (8) Large Solar Energy Systems shall not be constructed within any Natural River Overlay District setbacks (as provided in Section 16.30.C. of this Ordinance), wetlands, or county drain easement or drainage ditch.
- (9) Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Large Solar Energy System and within 100 feet of the outside perimeter of the Large Solar Energy System.

- (10) Proposed distances from the Solar Array(s) to all boundary lines and all existing and proposed structures within the Large Solar Energy System.
- (11) Land elevations for the Solar Array(s) location and the relationship to the land elevations of all existing and proposed structures within the Large Solar Energy System at a minimum of 5' contours.
- (12) Access driveways within and to the Large Solar Energy System, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to Washtenaw County Road Commission, Michigan Department of Transportation, or other agency approval as appropriate and shall be planned so as to minimize the use of lands for that purpose.
- (13) A description of the routes to be used by construction and delivery vehicles and any road improvements that will be necessary in the Township to accommodate construction vehicles, equipment of other deliveries, and an agreement with the Washtenaw County Road Commission that contains a bond or other financial instrument which guarantees the repair of damage to public roads and other areas caused by construction.
- (14) An anticipated construction schedule.
- (15) Planned security measures to prevent unauthorized trespass and access and to warn of potential dangers during the construction, operation, removal, maintenance or repair of the Large Solar Energy System.
- (16) A written description of the maintenance program to be used for the Solar Array(s) and other components of the Large Solar Energy System, including planned and unscheduled maintenance. The description shall include maintenance schedules and types of maintenance to be performed.
- (17) A Decommissioning Plan (including decommissioning and removal procedures, schedules and projected costs) pursuant to which all above-grade and below-grade structures and improvements shall be decommissioned and removed offsite for disposal at the end of the Large Solar Energy System's useful life, with no concrete, piping and other materials left in place, and pursuant to which the site shall be fully restored to a clean, safe condition comparable to (or better than) the site's condition as it existed prior to installation of the Solar Energy System.
- (18) Security for removal of the Large Solar Energy System, as provided in Section 12.115.K.
- (19) A copy of the manufacturer's safety measures and instructions related to the operation of the Large Solar Energy System.
- (20) An emergency response plan reviewed and approved by the local fire department.
- (21) Planned lightning protection measures.



- (22) The environmental impact of the Large Solar Energy System, as reflected in an environmental impact study conducted by a third party professional to assess any impacts to the natural environment, including, but not limited to, a review of the following factors:
- (a) Impact on area water resources. The expected amount of water use shall be stated in the impact assessment.
  - (b) Impact on air quality.
  - (c) Noise impacts caused by the Solar Energy System.
  - (d) Impact on utilities and infrastructure.
  - (e) Protection of neighboring property owners and children.
  - (f) Impact on wildlife. Potential impacts on wildlife and endangered species shall be assessed. The analysis shall include the potential effects on all locally-resident species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law. Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All above-ground lines, transformers, or conductors should follow any Avian Power Line Interaction Committee (APLIC, <http://www.aplic.org/>) guidelines to prevent avian mortality.
  - (g) Effects on floodplains, wetlands, and other fragile ecosystems.
  - (h) Areas of aesthetic or historical importance.
  - (i) Archeological or cultural concerns.
  - (j) Any other environmental factors typically evaluated by other members of the commercial energy industry when evaluating locations for a proposed power-generating facility.

The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the environmental impact analysis or otherwise identified by the Township. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts. The applicant shall be responsible for making repairs to any public roads, drains and infrastructure damaged by the construction of the Large Solar Energy System.

- (23) A written description of measures to be taken to support the flow of rainwater throughout the Large Solar Energy System, including any measures to promote the growth of vegetation beneath the arrays and/or otherwise limit the impacts of storm water runoff. The measures shall be subject to the approval of the Washtenaw County Water Resources Commissioner. Any erosion or flooding on or

off the property as a result of the construction of a Large Solar Energy System is the responsibility of the developer/owner.

(24) A written contract with any energy provider or other purchaser of the energy produced by the Large Solar Energy System, demonstrating a commitment to purchase said energy. If this information is considered a confidential trade secret, the Township, upon written request from an energy provider, will keep such information confidential to the extent and through the means authorized by the Michigan Freedom of Information Act (Public Act 442 of 1976).

(25) Additional detail(s) and information as required by the site plan and/or special use requirements of this Ordinance, or as required by the Planning Commission or the Township Board.

#### **D. DESIGN STANDARDS:**

(1) **Height:** Maximum height of a Solar Array shall not exceed fifteen (15) feet. Other collection devices, components or buildings of the Large Solar Energy System shall not exceed thirty-five (35) feet, or the maximum building height permitted within the zoning district in which that Solar Energy System is located, whichever is less. The height shall be measured from the natural grade at the base of the Solar Array, device, component or building measured. The Township Board or Planning Commission may waive or modify these height requirements for certain aspects of a Solar Energy System (such as structures associated with above-ground transmission lines) through the implementation of conditions when appropriate.

(2) **Lot Size:** A Large Solar Energy System shall be located on one or more parcels with an aggregate area of: (i) 10 acres or greater (if located in the Commercial (C), Office (O) or Industrial (I) zoning district), or (ii) 20 acres or greater (if located in any other zoning district).

(3) **Setbacks:** A Large Solar Energy System shall be setback from all property lines a distance at least equal to the yard requirement of the district in which the SES is located, or 50 feet whichever is greater. A Large Solar Energy System shall be located at least 100 feet from any residential dwellings, churches, schools, family or group homes, child-care facilities, bed and breakfast establishments, residential facilities, and any other residence or inhabited structure.

(4) **Lot Coverage:** A Ground-Mounted Large Solar Energy System is exempt from maximum lot coverage limitations provided that this Ordinance's vegetation and management requirements are met and previous conditions underneath the SES are maintained.

(5) **Site Clearing:** Clearing of vegetation shall be limited to only the area necessary for construction, operation, and maintenance of the Large Solar Energy System installation, ancillary solar equipment, and access road(s). Every Large Solar Energy System shall be located on the site in a manner designed to minimize its effect on protected trees, soils, and other natural resources.

(6) **Visual Impact:** Large Solar Energy Systems that are visible from the street or road or adjacent properties shall, to the maximum extent reasonably feasible, use materials, colors, textures, screening, and landscaping that will blend with the natural setting and existing environment.

(7) **Perimeter Screening:** The perimeter of Large Solar Energy Systems shall be screened and buffered by installed evergreen vegetative plantings whenever existing natural forest vegetation does not otherwise continuously obscure the Large Solar Energy System's entire perimeter from adjacent parcels, subject to the following requirements:

(a) Unless screened and buffered at all times by natural forest vegetation meeting the minimum spacing and height requirements, and having a substantially similar obscuring effect of an evergreen vegetative buffer installed pursuant to this Section, a continuous evergreen vegetative buffer shall be installed and maintained at all times at the perimeter of the all Large Solar Energy Systems, including without limitation between such Large Solar Energy Systems and adjacent residential or agricultural areas and/or public highways or streets. Such vegetative buffer shall maintain a minimum opacity of at least eighty percent (80%), and a mature height of not less than the greater of (x) eight (8) feet or (y) sixty percent (60%) of the height of the Ground Mounted Solar Energy System when oriented to maximum tilt. Opacity shall be measured by observation of any two (2) square yard area of landscape screen between one (1) foot above the established grade of the area to be concealed and the top or the highest point of the required screen. The opacity standard shall be met based upon reasonably anticipated growth over a period of three (3) years. The applicant shall agree in writing to install additional plantings after the expiration of the foregoing period, in the event that the landscaping has not screened the view of areas as required. Nothing contained herein shall be construed to prevent reasonable access to any Large Solar Energy System as approved by the Special Use Permit and Site Plan approval.

(b) The evergreen or native vegetative buffer shall be composed of native or evergreen trees that meet the height, spacing and other requirements set forth in Section 13.75.C. All unhealthy (sixty (60) percent dead or greater) and dead plant material shall be replaced by an owner of a Large Solar Energy System within six (6) months, or by the next appropriate planting period, whichever occurs first, but under no circumstances should the owner of a Large Solar Energy System allow unhealthy or dead material to remain in place for more than six (6) consecutive months. Failure to maintain the required evergreen vegetative buffer as required by this section shall constitute a violation of this Ordinance and sufficient grounds for revocation of any Special Use Permit previously granted.

(c) All plant materials shall be installed between April 1 and November 1. If the applicant requests a zoning compliance permit from the Township and the applicant is unable to plant during the installation period, the applicant must provide the Township with a cash deposit, a letter of credit, surety bond, or financial instrument satisfactory to the Township in an amount equal to one and one-half (1.5) times the cost of any planting

deficiencies. After all plantings have occurred, the Township shall return the financial guarantee.

**(8) Vegetation Requirements and Management:** A Large Solar Energy System shall include installation and maintenance of native perennial prairie vegetation mix of low-growing, flowering herbaceous plants and grasses underneath and surrounding all components of the Large Solar Energy System. The purpose of this vegetation is to significantly reduce wind and soil erosion as well as fertilizer, herbicide, and pesticide applications, resulting in improved water quality. Additionally, it provides food and habitat for pollinating insects, and cover and nesting habitat for mammals, birds, reptiles and amphibians. It also increases organic matter and water holding capacity of soils, and may (if desired by the owner of the system) be periodically grazed by livestock as part of a continuing Farm Operation at the site. The result is the potential for continuation of agriculture (i.e., livestock grazing) on the site during the life of the Solar Energy System, if desired by the owner of the system, and higher quality soils for farming when the site is decommissioned. The Planning Commission may require a cash deposit, irrevocable letter of credit or other surety, in such form and amount as determined by the Planning Commission, to ensure compliance with this requirement.

**(9) Security:** A Large Solar Energy System shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing shall be eight (8) feet in height as measured from the natural grade of the fencing perimeter. Electric perimeter security fencing is not permitted.

**(10) Compliance with the State Building Code and the National Electric Safety Code:** Construction of a Large Solar Energy System shall comply with the National Electric Safety Code, the state construction code, and any other applicable codes as a condition of any special use permit and site plan approval under this section.

**(11) Certified Solar Array Components:** Components of a Solar Array shall be approved by the Institute of Electrical and Electronics Engineers (“IEEE”), Solar Rating and Certification Corporation (“SRCC”), Electronic Testing Laboratories (“ETL”), or other similar certification organization acceptable to the Township.

**(12) Signage:** No lettering, company insignia, advertising, graphics or other commercially-oriented inscriptions or designs shall be on any part of the Solar Arrays or other components of the Large Solar Energy System, other than one or more signs consistent with the Township’s sign ordinance. This section does not prohibit signs reasonably necessary to inform the public of potential safety hazards associated with the Large Solar Energy System, nor does it prohibit any other signs that may be required by this Ordinance, the Special Use Permit, the approved Site Plan, or applicable law.

**(13) Noise:** No component of any Large Solar Energy System shall emit noise exceeding forty-five (45) dBA as measured at the exterior property boundary.

**(14) Lighting:** All lighting for parking lots, driveways, external illumination of

buildings, or the illumination of signs shall be directed away from and be shielded from adjacent properties and shall be so arranged to reasonably prevent adversely affecting driver visibility on adjacent roads. On-site lighting shall meet the performance standards of Section 13.200, including dark skies guidelines.

**(15) Glare and Other Negative Impacts:** All solar panels shall be placed such that they do not negatively impact nearby properties or roads, including without limitation due to glare or heat concentration.

**(16) Distribution, Transmission and Interconnection:** All collection lines and interconnections from the Solar Array(s) to any electrical substations shall be located and maintained underground inside the Large Solar Energy System. The Township Board may waive this requirement, or modify it with appropriate conditions, if it determines that it would be impractical to install, place or maintain such collection lines and interconnections underground. This requirement excludes transmission equipment meant to connect the project substation to the local transmission system.

**E. SAFETY:**

The Planning Commission shall not recommend for approval any Large Solar Energy System Special Use Permit nor approve any Preliminary or Final Site Plan if it finds the Large Solar Energy System will pose an Unreasonable Safety Hazard to any humans or area wildlife. The owner/operator of the Large Solar Energy System shall cooperate with local emergency services in developing an emergency response plan. The emergency response plan shall describe the fire suppression, emergency response techniques, and any necessary training for emergency personnel. Emergency response plans shall be kept on-site and be made accessible for emergency responders, and a copy shall also be filed with the local fire department. All means of shutting down the Large Solar Energy System shall be clearly marked. The owner/operator shall identify a responsible person for public inquires throughout the life of the system and provide such information to the Township. An information sign shall be posted and maintained at the entrance(s) of a Large Solar Energy System which includes contact information (name, phone, email address, and mailing address) of the operator of the Large Solar Energy System and of the individual responsible for any public inquiries.

**F. COMPLETION; TESTING:** The applicant shall complete the Large Solar Energy System construction within twelve (12) months after the commencement of construction. Within 12 months of completion and commencement of operation, the Large Solar Energy System owner shall be required to present a report prepared by a third party, qualified professional, demonstrating that the Large Solar Energy System while in operation meets the requirements of this Ordinance, the Special Use Permit and the approved Site Plan.

**G. INSPECTION:** The Township shall have the right at any reasonable time to inspect the premises on which any Large Solar Energy System is located. The Township may hire one or more consultants to assist with any such inspections, at the applicant's or project owner's expense.

**H. MAINTENANCE AND REPAIR:** Each Large Solar Energy System must be kept and maintained in good repair and condition at all times. If the Zoning Administrator determines that a Large Solar Energy System fails at any time to meet the requirements of this Ordinance, the approved Site Plan or the Special Use Permit, or that it poses a potential Unreasonable Safety Hazard, the Zoning Administrator shall provide notice to the applicant of such failure or safety hazard. If, after a reasonable cure period (not to exceed 48 hours after notice by the Zoning Administrator in the case of an Unreasonable Safety Hazard, or 10 days after notice by the Zoning Administrator in the case of any other violation), the Large Solar Energy System operator shall shut down the Large Solar Energy System and shall not operate, start or restart the Large Solar Energy System until the condition has been corrected. The Large Solar Energy System operator shall keep a maintenance log on the Solar Array(s), which shall be available for the Township's review on a monthly basis. The Large Solar Energy System operator shall keep all sites within the Large Solar Energy System neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.

**I. ROADS:** Any material damages to a public road located within the Township resulting from the construction, maintenance, operation or removal of a Large Solar Energy System shall be repaired at the applicant's expense. In addition, the applicant shall submit to either the Washtenaw County Road Commission or Michigan Department of Transportation (as appropriate) a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries; and a performance guarantee acceptable to the appropriate agency in an amount necessary to assure repair of any damage to the roads caused by construction of the Large Solar Energy System or any of its elements.

**J. ABANDONMENT AND DECOMMISSIONING:** Following the operational life of the project, or at the time the project becomes an Abandoned Solar Energy System (as determined by the Zoning Administrator or Township Engineer), the applicant shall perform decommissioning and removal of the Large Solar Energy System and all its components in accordance with the Decommissioning Plan approved by the Township as part of the approved site plan. The applicant shall notify the Township of any decommissioning and of the beginning of any period of non-use of the Large Solar Energy System or any removal of equipment. All structures and improvements must be removed and the ground must be restored to its original condition and topography within 180 days of becoming an Abandoned Solar Energy System, or decommissioning, whichever occurs first. If the required demolition, removal, and restoration of the Large Solar Energy System has not been lawfully completed within such time period, then after fifteen (15) days prior written notice to the land owner and the Large Solar Energy System owner, the Township may remove or secure the removal of the Large Solar Energy System and related equipment and the Township's costs, expenses, attorney fees and consultant fees, plus a 15% administrative charge may be drawn and collected from the security described in Section 12.115.K below, and any costs and fees in excess of the amount of the security shall constitute a lien on the land on which the Large Solar Energy System is located and may be collected in the same manner as delinquent taxes.

**K. SECURITY FOR DECOMMISSIONING AND REMOVAL:** The application for

siting of any Large Solar Energy System shall require the applicant to deposit with the Township Clerk security of a performance guarantee (in a time duration and with a financial institution deemed acceptable to the Township) in the form of cash, a certified check, surety bond, irrevocable bank letter of credit, or other financial instrument deemed satisfactory by the Township, which will ensure full compliance with this Ordinance and any conditions of approval. Applicants must submit a Decommissioning Agreement in a form satisfactory to the Township that governs when the Township can draw on the required security and that allows the Township to charge an applicant or owner of a Large Solar Energy System for any costs including consultant and attorney's fees to decommission or remove a Large Solar Energy System. The security shall cover removal of the facility when it has been abandoned, is no longer in use, or is in violation of this Ordinance. The amount of decommissioning financial security shall be in an amount to adequately meet all decommissioning and other obligations imposed by this Ordinance as determined by the Township. The security shall be kept in full force and effect and must be irrevocable and non-cancelable (except by the written consent of both the Township and the then-owner of the Large Solar Energy System) during the entire time while the Large Solar Energy System exists or is in place. The applicant and owner shall further agree as a condition of the security that the applicant and owner are responsible for the payment of any costs, attorney fees and consultant fees incurred by the Township in securing removal.

**L. LIABILITY:** Large Solar Energy System owners shall insure the Large Solar Energy System at all times and shall maintain such insurance on its own behalf and on behalf of the Township as a co-insured, with limits of liability not less than \$10,000,000 per occurrence for damages to persons and property (to be adjusted annually to an amount equivalent to 2021 dollars based on Consumer Price Index).

**M. STRAY VOLTAGE:** The applicant shall be responsible for compensation for damages due to any stray voltage caused by a Large Solar Energy System in accordance with all applicable laws and rules including rules promulgated by the Michigan Public Service Commission.

**N. TRANSFER OF OWNERSHIP/OPERATION:** Prior to a change in the direct or

indirect ownership or operation of a Large Solar Energy System, including, but not limited to, by the sale or lease of that system or the underlying property, the current owner or operator of a Large Solar Energy System shall provide written notice to the Township at least thirty (30) days prior to that change becoming effective. This notice shall inform the Township of the intended transfer of control of the Large Solar Energy System and shall include a copy of the instrument or agreement effecting that transfer. Such an instrument or agreement shall include an express statement that the new owner or operator of the Large Solar Energy System shall not be permitted to operate that System until compliance with the terms of this Ordinance, including requirements for continuing security and escrow funds, has been established.





## ARTICLE 13 GENERAL USE REGULATIONS

### **Section 13.05**      **Administrative Provisions**

[\(Back to Table of Contents\)](#)

**A. Purpose.** The purpose of this Article is to establish regulations that apply to all uses, buildings and structures within all zoning districts.

**B. Minimum Standards.** The provisions of this Article shall be held to be the minimum standards and requirements within each zoning district and shall not preclude the establishment of higher or more restrictive standards or requirements for the authorization of any special use permit where such higher or more restrictive standards or requirements are found necessary by the Zoning Administrator, Planning Commission or Township Board to obtain the intent of this Ordinance.

**C. Vested Right.** Nothing in this Article shall be construed to give rise to any permanent vested right in the continuation of any particular use, district, zoning classification, or any permissible activity therein. Furthermore, 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 or protection of public health, safety and welfare.

### **Section 13.10**      **Access to Streets**

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Each lot shall have access to a public street or a private road established in accordance with the provisions of this Ordinance.

### **Section 13.15**      **Accessory Structure and Uses**

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Except as otherwise permitted in this Ordinance, all accessory structures shall be subject to the following regulations:

**A. General Requirements.**

- 2) A use or structure on the same lot with, and of a nature customarily incidental and subordinate to the principle use or structure. An accessory building shall not be for dwelling, lodging or sleeping purposes.
- 3) Accessory structures in the Ag district for the use of a Farm Market shall meet the same floor area requirements as a home occupation (floor area of the sales display area shall not exceed 20% of the floor area of the dwelling unit).
- 4) Vacant lots (without dwelling): No accessory building or structure shall be constructed or its use established on a parcel unless there is a principle dwelling building, structure, or use being constructed or already established on the same parcel of land, except for the following conditions;

- a. An accessory building may be constructed for storage of materials for construction of a single-family dwelling on the same parcel of land in the AG, R-1 or R-2 zoning districts. A building permit must be approved for both prior to construction and the dwelling construction must be complete within 18 months.
  - b. Agricultural buildings, used for bona fide agricultural purposes, such as barns, silos, bins, and sheds, may be constructed in the AG district subject to the following conditions:
    - i. The agricultural buildings shall be constructed and intended for use in connection with agriculture.
    - ii. The buildings shall not be used as a permanent, temporary, or seasonal residence.
    - iii. There shall be no commercial storage of property in the building or on the land.
    - iv. There shall be no processing or manufacture of non-ag product on the site.
    - v. There shall be no retail sale of any product on the site, except for retail sales of Farm Markets.
    - vi. A Farm Market or Roadside Stand may utilize up to 20% of the agricultural building for sales and display purposes. The remaining building use is for the exclusive purpose of support of the farm products grown on site.
    - vii. The lot, with the accessory structure, may only change ownership if it meets the vacant lot requirements (3a, 3b, 3c).
  - c. An accessory structure may be constructed on an abutting parcel under common ownership with the adjoining dwelling. This structure is subject to the same requirements as if it was constructed on the principle residence property. If the lot changes ownership, the accessory structures must meet the vacant lot requirements or 3a, 3b, or 3c.
  - d. State Licensed Residential Facility buildings are allowed without a dwelling.
- 4) Accessory buildings shall be stick-built or the equivalent new building construction. No mobile home, junk object, or salvage materials, semitrailer, vehicles, or similar item shall be utilized as an accessory building or storage structure.
  - 5) *Site Plan.* If submission of a site plan for review and approval is required, then the site plan shall indicate the location of proposed accessory buildings, structures, or uses.
  - 6) *Roof Appliances.* Roof appliances in all zoning districts, shall be screened on all side by an opaque screen that shall be at least the height of the appliance and shall be compatible with the architectural design of the building. Roof appliances shall include, but not be limited to, air conditioners, heating units, duct works, filters, compressors and transformers. Not included in this category are chimneys, flagpoles and antennas. This screening shall be part of the site plan review by the Planning Commission or Zoning Administrator, whichever is applicable.

- 7) *Conformance with Lot Coverage Standards.* Accessory buildings and structures shall be included in computations to determine compliance with maximum lot coverage standards, where required.
- 8) *Location in Proximity to Easements or Road Rights-of-Way.* Accessory buildings, structures, or uses shall not be located within a dedicated easement or right-of-way.
- 9) *Use of Accessory Structures.* Attached and detached accessory buildings or structures in residential districts shall not be used as dwelling units or for any business, profession, or trade or occupation, except a permitted home occupation or licensed home based occupation as permitted in Section 12.60 herein.
- 10) *Applicability of Other Codes and Ordinances.* Accessory buildings and structures shall be subject to all other applicable codes and ordinances regarding construction, installation, and operation.
- 11) *Conformity with District Regulations.* All accessory buildings and structures shall adhere to the pertinent provisions in the district in which it is located.

**B. Attached Accessory Buildings.** Unless otherwise specified in this Section, accessory buildings and structures that are attached to the principal building (such as an attached garage, roofed porch, covered (i.e. roofed) deck, heated breezeway or workshop) shall be considered a part of the principal building for purposes of determining conformance with area, setback, height and bulk requirements.

**C. Detached Accessory Buildings.** (Amended May 17, 2016) Construction of a detached accessory building not larger than 200 square feet and not more than 15 feet high does not require a certificate of zoning compliance. Such detached accessory buildings shall conform to all yard requirements of the district in which it is located. No detached accessory building shall be located less than 10 feet from any other building or structure. Construction of detached accessory buildings larger or taller than the restrictions set forth in this section, in any zoning district, require a certificate of zoning compliance and shall conform to Section 13.15(A).

**D. Accessory Structures.** Accessory structures (for example swimming pools, tennis courts, wind generators, antennas) shall comply with height, setback, and lot coverage requirements for accessory buildings, unless otherwise permitted in this Ordinance.

## **Section 13.20      Address Numbers and Street Names**

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**A.** The owner or owners of all premises improved with buildings or occupied for public business purposes shall securely affix thereon a proper identification number as determined and assigned by the Township Assessor, or such other person as designated by the Township Board, which number can be easily read from the abutting street upon which the property fronts.

**B.** Where a multiple number of buildings are assigned one identification number, each building shall be assigned a further number or letter by the Township in the event the owner or owners of the same have not located an appropriate identification number or letter upon the

premises occupied by each such building. Such identification of a multiple number of buildings shall not, however, apply to outbuildings that are subordinate and incidental to the principal building.

C. No street or road name shall be changed or named without the approval of the Webster Township Board, Washtenaw County Road Commission, Dexter Area Fire Department and the Washtenaw County 911 Central Dispatch.

## **Section 13.25      Domestic Animals**

[\(Back to Table of Contents\)](#)

A. No more than two adult dogs (six months of age or older) or three adult cats (six months of age or older) shall be kept or housed in each dwelling unit in the Urban Residential District (R-2), Multi-Family Residential District (R-3) or Mobile Home Park (MHP).

B. No owner or any other person having the possession, care, custody or control of any dog shall permit a dog to run at large upon the public streets, walks, parks or other public places within the Township unless the dog shall be attached to a leash of sufficient strength to retain the dog in such manner as to be kept under control of the person accompanying it.

C. No owner or any other person having the possession, care, custody and control of any dog shall permit a dog to defecate upon any land other than those of the owner. In the event of such defecation, the owner or person having the possession, care, custody and control of the dog shall remove the material from those lands and properly dispose of such materials.

D. No owner or any other person having the possession, care, custody or control of any dog shall permit a dog to stray beyond its premises unless under reasonable control of some person or when engaged in lawful hunting, accompanied by its owner or custodian.

E. No dog or any other animal shall be permitted to bark, howl, or otherwise create a noise disturbance that disturbs the peace or unreasonably annoys the owners or occupant on properties other than the lot of the dog owner.

F. No owner or custodian of any female dog shall permit such a dog off the premises of the owner or custodian when in heat, unless the dog is under control and attached to a leash.

G. No sheep, swine, goats, cows, poultry, alpacas or exotic animals, to include but not limited to: venomous snake, python, or constrictor snakes; monkey; raccoon; skunk; leopard, lion, tiger, lynx, bobcat, or other large carnivorous feline; badger; fox, coyote, wolf, or other similar canine; llamas; camels; ostriches and emus; potbelly pigs; any canine with a genetic make-up of twenty-five (25%) percent or higher wolf, coyote, or fox; and a hybrid of any of the above animals, shall be kept or housed in the Rural Residential District (R-1), Urban Residential District (R-2), Multi-Family Residential District (R-3) or Mobile Home Park (MHP) except for usual farm animals on properly sized parcels (five (5) acres or larger) located within the Agricultural (AG), Agri-Business (AB) or Rural Residential (R-1) zoning districts.

**H.** Under no circumstances may a vicious animal be kept in Rural Residential District (R-1), Urban Residential District (R-2), Multi-Family Residential District (R-3) or Mobile Home Park (MHP).

### **Section 13.30      Buildings to be Moved**

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A permit shall be required for the moving of buildings or structures, excluding mobile homes, from within or outside the limits of the Township. The Zoning Administrator and/or Building Inspector shall make an on-site inspection of the structure and prepare their findings based upon the on-site inspection. The Zoning Administrator shall determine that all zoning regulations can be complied with, including minimum lot size, yard spaces, parking, and all requirements of the applicable zoning district. No permit shall be issued unless the Zoning Administrator shall have made an inspection of the building site or plans and has found affirmatively to each of the following criteria:

- (1) The building is designed to accommodate a use permitted in the subject district.
- (2) The building is structurally safe.
- (3) The building complies with this Ordinance and other regulations of the Township and substantially complies with the applicable construction codes.
- (4) The building is to be permanently fastened to a minimum eight (8") inch wide masonry foundation that is continuous around its perimeter to a depth of at least forty-two (42") inches. A crawl space of a minimum of twenty-four (24") inches shall be provided when the building is not placed over a basement. Adequate additional support in the form of piers, columns or beams may be required by the Building Inspector.
- (5) That the single-family dwelling will be of such size and character that it will be in harmony with existing development in the immediate vicinity of the lot upon which it is placed, and will be in harmony with the appropriate and orderly development of the surrounding neighborhood and applicable regulations of the zoning district in which it is to be located. In making such determination, the Zoning Administrator may consider the following factors: total square footage; length to depth proportions; value and quality of construction; exterior building materials; architectural style and design, roof line and overhangs.
- (6) Accessory buildings used for agricultural purposes moved within the boundaries of the farm ownership and the upgrading of single-wide mobile homes shall be exempt from this Section.

### **Section 13.35      Developments: Design Standards**

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**A. Scope.** The following design standards apply to subdivisions, site condominiums, planned unit developments, open space preservation communities; mobile home developments sites outside mobile home parks designed for twenty-five (25) or more dwelling units; and developments in the Multi-Family Residential District (R-3).

## **B. Roads and Streets.**

- (1) *Street Layout.* Street layout shall conform to the duly adopted and published Master Plan or the portion thereof relating to streets and traffic. The arrangement of streets in a residential development shall provide for the continuation of streets in adjacent residential developments where such extension is not precluded by topographic or other existing conditions. The layout shall provide for proper projection of principal streets into adjoining properties not yet developed. Stub streets shall be required to be built to the property line, with proper signage indicating that a future street will be built onto adjacent property. The stub street(s) shall be placed in appropriate locations based on topography, geography, and land uses of the site and adjacent property. Where a new development is built adjacent to a residential development with existing stub streets, the new development shall be required to connect with these streets. In general, all such streets shall have a width at least as great as the street being extended. Local streets shall be laid out so as to discourage their use by through traffic. Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets, and reasonable grades, both for the streets and for driveways intersecting therewith. The street layout shall not isolate lands from existing public streets or roads, unless suitable access is provided, and such access be granted by easement or dedicated to public use. Slight jogs in continuous streets at points of intersection with other streets shall not be permitted. Where offsets cannot be avoided, a minimum distance of one hundred (125') feet shall be established between centerlines of the intersecting streets. Where future connections to adjacent areas are to be provided, the land for such connection shall be covered by an easement and shall be designated "future road" on the various site plans and plats. Each such easement shall be at least sixty-six (66') feet wide and a document conveying the easement for road purposes shall be filed with the County Road Commission at the time of filing site plan approval or final plat approval. Intersection of local or neighborhood roads with primary roads shall be reduced to a reasonable minimum but should, in general, be at least five hundred (500') feet apart, centerline to centerline, to preserve the traffic carrying capacity of the primary road, and to reduce the potential of accidents at such intersections. In general, all streets should intersect each other so that for a distance of at least one hundred (100') feet the street is approximately at right angles to the street it joins. In no case shall an intersection form an angle of less than eighty (80°) degrees. No more than two (2) streets shall cross at one intersection. All street construction shall be centered on the street right- of-way. Section line and quarter line roads shall be centered on these lines unless the County Road Commission engineer approves an exception. Curb cuts on primary roads are discouraged. Curb cuts are encouraged on local roads that connect to primary roads. (Amended March 21, 2017)
- (2) *Drainage.* All roads and streets shall be provided with facilities for adequate surface drainage. This may be accomplished by the use of ditches, county drains, natural water courses, or tributaries constructed thereto. All drainage design must comply with the regulations of Webster Township and the Washtenaw County Water Resources Commissioner.
- (3) *Half-Streets.* Half-streets shall be prohibited.

- (4) *Cul-de-Sac Streets.* (Amended April 21, 2015) Each cul-de-sac shall terminate with an adequate turnaround of a minimum external right of way diameter of one hundred fifty (150') feet. The minimum length of a cul-de-sac shall be one hundred forty (140') feet.
- (5) *Private Streets.* Private streets are generally acceptable in residential developments provided adequate assurance is provided that the private street is in compliance with the Township's Private Road Ordinance.
- (6) *Acceleration, Deceleration and Turn Lanes.* Where acceleration/deceleration lanes or turn lanes are required to provide safe access to the development, the proprietor/applicant shall dedicate property for the purpose of such access streets/lanes to the County Road Commission and shall be responsible for improving said lanes, according to County Road Commission standards.
- (7) *Special Treatment Along Primary Roads.* When a single-family residential development abuts or contains an existing or proposed primary road, individual access to the primary road shall be prohibited. A buffer area no less than twenty (20) feet wide with a combination of deciduous shade trees, evergreen trees, flowering trees and ornamental trees, shrubs, berms and screens shall be provided along the primary road as deemed necessary by the Planning Commission to protect the residential properties, afford separation of through and local traffic and to retain the carrying capacity of the primary road. The Planning Commission may waive or modify this requirement, where the Commission determines that such action would meet the purpose of this item. (amended May 15, 2018)
- (8) *Street Names and House Numbers.* See Section 13.20, Address Numbers and Street Names, of this Ordinance.
- (9) *Location of Utilities.* All utilities, to include electric, phone and cable, installed in a development shall be placed underground.
- (10) *Street Standards and Specifications.* All public and private streets shall be provided in accordance with the street standards and specifications adopted by the County Road Commission and the Private Road Ordinance respectively. All right-of-way within a development shall conform to the Township's adopted right-of-way plan. Where a development includes all, or a portion of, a street, existing or proposed, which is shown on the right-of-way plan, the proprietor shall dedicate sufficient right-of-way to conform to the adopted right-of-way plan.

**C. Lots.**

- (1) *Dimensions.* Lots shall conform to the requirements of the Webster Township Zoning Ordinance except for outlots that are provided for an indicated and approved purpose. Lots abutting a mid-block pedestrian way or other right-of-way shall be treated as corner lots. Residential lots shall not open or face directly onto a primary road, shopping centers, industrial districts or parks, and other similar non-residential areas. In such situations, lots shall be laid out in one of the following ways:

(a) Lots may back onto the above features, but shall be separated from them by a twenty (20') foot wide landscaped strip along the rear property line. The twenty (20') foot wide strip shall not be considered part of the lot's minimum length, width or area, but shall be considered as part of required setbacks.

(b) Lots may face onto a marginal access street.

(c) Lots may face onto intersecting local streets with driveways opening onto the intersecting local streets. The corner lots that abut the primary road right-of-way or the non-residential area shall each have the twenty (20') foot wide landscape strip.

(d) Lots may be grouped around cul-de-sac or loop streets that open onto the primary road. In such situations the corner lots abutting the primary road right-of-way shall each contain the landscaped strip.

The layout of lots, whichever method is used, is intended to restrict the number of access points to the primary road and thereby reduce the number of traffic hazard points, to preserve the traffic carrying capacity of the primary road; and to protect each lot's privacy and its freedom from noise, fumes, dust, and litter. Any landscaped strip required above shall not be part of the normal road right-of-way or utility easement.

(2) *Lot Frontage.* All lots shall abut, by their full frontage, on a dedicated public street, or an approved private street. Variances to this provision may be permitted in approved comprehensive developments. The portion of a lot bordering on a lake, stream, open area or similar amenity may be designated as the front, provided that a setback can be obtained on the street side equal to the setback required for the front. In no case, however, shall either setback be less than the front setback required in the zoning ordinance.

(3) *Lot Lines.* Side lot lines shall generally be perpendicular to the right-of-way lines or radial to curved streets. All side and rear lot lines should be straight lines unless natural features or street curvature so prevent. Variations in these provisions may be made when in the opinion of the Planning Commission such variation would result in a better arrangement of lots.

(4) *Lots to be Buildable.* The lot arrangement shall be such that in constructing a building in compliance with this Ordinance, topography or other natural conditions will not create difficulties in locating the building and driveway and in providing adequate yard areas. Acute angles created by side lot lines, and odd shaped lots should be avoided. The size, shape, and location of each lot should have the following qualities:

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

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

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

(d) Reasonable driveway grades; and



- (e) General site grading should be minimized with significant trees and other vegetation retained.
- (5) *Setbacks and Yard Requirements.* Placement of the building on the site shall conform to all yard requirements of the zoning district. However, the proprietor should vary the placement of the building on each lot. The front setback should be varied among several adjacent lots to create a more attractive neighborhood appearance and to relieve the monotony that results from rigid adherence to the minimum requirements. The setbacks provided should conform to topography and natural features of the site.
- (6) *Access.* Driveways and curb cuts shall conform to standards of the County Road Commission. The curb section of driveways and aprons shall be designed so that excessive break over angle, and rear bumper and exhaust pipe dragging, will be eliminated.
- (7) *Access from Private Street.* Access from private streets shall be deemed acceptable only if such streets are designed and improved in accordance with the Township's Private Road Ordinance.
- (8) *Lot Division.* The division of a lot in a recorded plat is prohibited, unless approved following application to the Township in accordance with the provisions of Land Division Ordinance herein. The application shall be filed with the Township Clerk and shall state the reasons for the proposed division. The Township Board may request review and comment by the Township Planning Commission. The division, to be approved by the Township Board, shall have the suitability of the land for building purposes approved by the County Health Department for lots not served by public water and sewer. No building permit shall be issued, or any building construction commenced, prior to the Township Board's approval. No lot in a recorded plat shall be divided into more than four (4) parts and the resulting lots shall be not less in area than permitted by this Ordinance. The division of a lot resulting in a smaller area than prescribed herein may be permitted but only for the purpose of adding to the existing building site or sites. The application shall so state and shall be in affidavit form.
- (9) *Reserve Strips.* Privately held reserve strips controlling access to streets shall be prohibited, except as provided herein.
- (10) *Non-Residential Lots.* Lots intended for uses other than residential shall be identified on the plat or site plan, whichever is applicable, and specifically designed for such uses, in accordance with the provisions of this Ordinance.

**D. Pedestrian Ways and Sidewalks.** Pedestrian ways, other than sidewalks in street rights-of-way, shall be at least ten (10') feet wide, when required. The Township Planning Commission and/or Township Board may require a paved walkway to be provided by the proprietor. The pedestrian way shall be treated as an easement. Sidewalks may be required on both sides of a street, or on one side of a street, or, in very low density developments (one acre or larger lots), may be excepted entirely, according to the discretion of the Township Board, based on recommendation of the Planning Commission. Street rights-of-way shall be sufficient to provide

for sidewalks on both sides of the street, except in planned unit developments and open space preservation communities, where variations may be permitted. Streets leading directly to a school shall have sidewalks on both sides of the streets. Sidewalks and walkways in pedestrian ways shall have a minimum surface width of four (4') feet, and shall have a minimum lateral slope of one-fourth (1/4") inch per foot of width. Sidewalks shall be placed within the street right-of-way, one (1') foot away from the property line. Sidewalks shall be concrete, four (4") inches thick, and six (6") inch thick under driveways. Driveway aprons shall not break the sidewalk level. The surface of a pedestrian way shall consist of concrete, asphalt, stone, or other surface material. The surface treatment shall be reviewed by the Planning Commission and approved by the Township Board. Fence and/or other improvements may also be required if the Planning Commission and Township Board determine such are necessary to protect the adjacent property owners or the pedestrians. The Planning Commission and Township Board may require that pedestrian ways be lighted, with the lighting to be located so as to adequately illuminate the walkway but not to disturb the adjacent residences.

**E. Natural Features.** The Planning Commission shall, wherever possible, require the preservation of all natural features that add value to the proposed development and to the community at large, such as large trees or groves of trees, water courses, vistas, historic spots and features, wildlife habitats and ecological areas, and similar irreplaceable assets. The location, nature, and extent of such features should be identified in the initial procedures and preliminary plat or site plan, whichever is applicable, and shall be made a part of the plan to the greatest possible extent. The preservation and/or inclusion of such features may be made a condition of approval.

**F. Uninhabitable Areas.** Lands subject to flooding, or otherwise deemed uninhabitable in their natural state may not be designated for residential use, or for any other use that might create a danger to health, safety, or property, or that might increase the flood hazard within or outside the development. Such lands shall be set aside for recreational use or shall be retained in their natural state as open space; provided, however, that such lands may be developed if the features making the lands uninhabitable can reasonably be removed without destruction of adjacent or nearby property or desirable natural features of the land, and if approval is obtained from the Township. Any areas of land within the proposed development that lie either wholly or partly within the flood plain of a river, stream, or lake, or any other areas that are subject to flooding by storm water shall be clearly shown on the plat or site plan, whichever is applicable.

**G. Utilities.**

(1) *Storm Drainage.* In order to protect the quality and quantity of storm water runoff, a development is required to follow the preferred hierarchy of best management practices as noted below:

Non-Structural (Source) Controls

- 1) Preservation of the natural environment.
- 2) Minimization of impervious surfaces.
- 3) Use of vegetated swales and natural storage.

### Structural (Site) Controls

- 1) Infiltration of on-site runoff.
- 2) Storm water retention ponds.
- 3) Storm water detention basins.
- 4) Conveyance off-site.
- 5) Proper maintenance.

Drainage impacts to the adjoining, upstream or downstream properties, resulting from the proposed development, shall not be permitted. All components of the drainage system shall be located within a drainage easement or right-of-way in accordance with the standards of the Washtenaw County Water Resources Commission. The design of the storm water system shall be in accordance with the provisions of article 14. Inspection of the improvements will be performed during installation as per the requirements of Section 14.35 of this Ordinance.

- (2) *Sewer and Water Utilities.* Sanitary sewer and water supply facilities shall be designed and located according to the specifications and procedural requirements of Webster Township, Michigan Department of Health, and Michigan Department of Natural Resources and Environment. The Township may require a development to connect to available public sanitary and/or water supply facilities.
- (3) *Gas, Wire or Cable Utilities.* All lines for telephone, electrical, television, and other services distributed by wire or cable shall be placed underground throughout a development. Overhead lines may be permitted upon recommendation of the Planning Commission and approval by the Township Board where it is determined that such lines will not impair the health, safety, general welfare, design, appearance, and character of the development, and only where such overhead lines are brought to the perimeter of the development. This section shall not be construed to prohibit the construction above ground of surface equipment associated with an underground distribution system, such as (but not limited to) surface mounted transformers, power terminal pedestals, meters and meter boxes, concealed wires, street lights and street light poles. All facilities, including those for gas distribution, shall be installed in accordance with standards and specification of the Michigan Public Service Commission. The layout of such facilities shall be submitted to the utility companies having jurisdiction in the area for their review before final plat approval or site plan approval, whichever is applicable. All said utilities placed in public rights-of-way shall not conflict with other underground lines. Easements shall be provided in accordance with Subsection 4 below.
- (4) *Easements.* All public utility installations, including street lighting systems, on privately owned property, shall be protected by easements granted by the proprietor and approved by the public utility. The size of, and restrictions pertaining to, of such easements shall be in accordance with the standards and specifications of the agency having jurisdiction over the utility lines and the Land Division Act, and shall be indicated on the plat or site plan.

**H. Maintenance Agreements and Special Assessment Districts.** Improvements that benefit the development, when not maintained by a governmental body, shall be maintained by the

development or its home owner's association, through a duly recorded document. The Township may require the proprietor to establish a special assessment district to maintain such improvements.

## **Section 13.40      Developments: Improvements**

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- A. Scope.** The following improvements may be required to be installed at the expense of the owner/developer and a condition to plat or site plan approval of a subdivision, site condominium, planned unit development, open space preservation community and other similar developments; mobile home developments sites outside mobile home parks designed for twenty-five (25) or more dwelling units; and developments in the Multi-Family Residential District (R-3).
- B. Purpose.** This Section establishes and defines the improvements that the owner/developer may be required to provide as conditions precedent to plat or site plan approved by the Planning Commission; outlines the procedures and responsibilities of the owner/developer and the various public officials and agencies concerned with the planning, design, construction, financing, and administration of improvements; and establishes procedures for assuring compliance with these requirements.
- C. General.**
- (1) *Standards.* Improvements shall be provided in accordance with this Section and/or with any other applicable standards and requirements that may from time to time be established by the Township Board or by any of the various Township departments or county and state agencies, in the form of ordinances or published rules. The improvements required under this Section shall be considered the minimum acceptable improvements.
- (2) *Preparation of Plans.* The owner/developer shall have a registered engineer prepare a complete set of construction plans for streets, utilities, and other required improvements. The construction plans shall conform to the preliminary plat or approved site plan, whichever is applicable. Construction plans are subject to approval by the responsible public agencies and shall be prepared in accordance with their standards and specifications.
- (3) *Timing of Improvements.* No grading, removal of trees or other vegetation, land filling, construction of improvements, or other material change except for that which is required by any of the reviewing agencies for purpose of aiding in their review of the final preliminary plat or site plan, whichever is applicable, shall commence on the subject property until the owner/developer has:
- (a) Received a written notice from the Clerk that the Township Planning Commission has given final approval to the final plat or site plan, whichever is applicable.
- (b) Entered into a development agreement with the Township Board for completion of all improvements required in the preliminary plat as finally approved or site plan, in accordance with Section 3.55, Development Agreement, of this Ordinance.

(c) Deposited with the Township a performance guarantee as required by Section 3.60, Performance Guarantee, of this Ordinance.

(d) Received a certificate of approval or similar evidence of approval of the engineering plans from the Township Engineer. Where approval of such plans must be obtained from the County Road Commission, County Water Resources Commissioner, County Health Department, or other county or state agency, the owner/developer shall provide evidence of such approvals to the Township Engineer prior to his report and recommendation to the Township Planning Commission. Such plans and approvals shall include those for soil erosion and sedimentation controls.

(e) The Zoning Administrator has issued a certificate of zoning compliance authorizing construction of the improvements pursuant to Section 3.80 of this Ordinance.

- (4) *Phasing*. Where a development is to be developed in phases, the provisions of this Section shall apply to each phase. However, improvements and performance guarantees therefore may be required to extend beyond the boundaries of a development if such extension is necessary to insure the relative self sufficiency of the phase pending completion of the entire development. Such extensions, schedules, and similar arrangements shall be set forth in the development agreement between the owner/developer and the Township prior to final approval of the preliminary plat or site plan.

#### **D. Engineering Drawings of Improvements.**

- (1) Engineering drawings of all required improvements shall be reviewed and approved by the Township Engineer. Improvements to be made under the jurisdiction of the County Road Commission, County Water Resources Commissioner, or other county or state agencies, shall also be submitted to the appropriate agency for review and approval. Where review and approval of engineering drawings is made by a county or state agency, the Township Engineer shall obtain written confirmation of such approvals. No grading, land filling, removal of trees or other vegetation, or construction of improvements shall commence until the engineering drawings of same have been approved and other conditions set forth in this Ordinance are met.
- (2) All installations and construction shall conform to the approved engineering drawings and the final plat or site plan as approved by the Township Planning Commission. However, if the owner/developer chooses to make minor modifications in design and/or specifications during construction, he shall make such changes at his own risk, without any assurance that Webster Township or other public agency will approve the completed facility. It shall be the responsibility of the owner/developer to notify the appropriate agency of any changes from the approved drawings. The owner/developer may be required to correct the installed improvements so as to conform to the approved engineering drawings.
- (3) The owner/developer shall submit to the Zoning Administrator three (3) reproducible copies of “*as built*” engineering drawings together with an electronic file of each of the required improvements that have been completed and approved by the Township along

with their GIS locations. Each set of drawings shall be certified by the owner/developer's engineer. This provision does not apply to improvements made under the jurisdiction of other public agencies.

- (4) The owner/developer shall submit to the Township Engineer, to all approving agencies and to the public utility companies that will service the development, prior to final approval of the preliminary plat or approval of the site plan, a general schedule of the timing and sequence for the construction of all required improvements. The schedule shall meet the procedural requirements and inspection needs of the Township, County, and State agencies.

**E. Required Improvements.** The owner/developer shall be required to install the following improvements in accordance with the conditions and specifications of this Section.

- (1) *Monuments.* Monuments and iron pipe lot corners shall be set in accordance with the Land Division Act and the rules of the State Department of Treasury.

- (2) *Streets and Roads.* All streets, curbs, gutters, and alleys shall be constructed in accordance with the standards and specifications of the County Road Commission and the Private Road Ordinance.

- (3) *Public Utilities.* Public utilities placed in street rights-of-way shall be located in accordance with County Road Commission requirements and the requirements of this Ordinance.

- (a) Storm Drainage. An adequate storm drainage system, including necessary storm sewer drain inlets, manholes, culverts, bridges and other appurtenances, shall be required in all developments, and shall be provided by the owner/developer. All proposed storm drainage construction plans shall be approved by Webster Township, the Washtenaw County Water Resources Commissioner and the Washtenaw County Road Commission where applicable. Construction shall follow the current rules, regulations, specifications and procedures promulgated by the State of Michigan, Webster Township, the Washtenaw County Water Resources Commissioner and where applicable the Washtenaw County Road Commission.

- (b) Grading. To preserve the natural appearance and beauty of the property, the Planning Commission may require all graded areas, cuts and fills be kept to a minimum and in appropriate cases may require retaining walls. All areas indicated as Dedicated Open Space on the plat or approved site plan shall be undisturbed by grading, excavating, structures or otherwise except as may be indicated on the site plan. Riding trails, hiking trails, picnic areas, stables and similar recreational improvements and amenities may be placed in the natural Dedicated Open Space areas if approved by the Township. Grading shall be planned and carried out so as to avoid erosion, pollution, flooding or other adverse effects upon the land, and so as to have a minimal effect upon the environmental characteristics of the land as reasonably feasible.

- (c) Water Supply System. A proposed development that is located in a water and sewer service district shall connect to the water system. The owner/developer shall provide at his/her expense, all the required water lines and appurtenances. All elements of the installations shall conform to the current rules, regulations, specifications and procedures promulgated by the State of Michigan and Webster Township. Individual wells may be permitted in proposed developments that are not located in a water and sewer service district in accordance with the current rules, regulations, specifications and procedures promulgated by the State of Michigan and the Washtenaw County Health Department.
- (d) Sanitary Sewer System. A proposed development that is located in a water and sewer district shall connect to the sewer system. The owner/developer shall provide at his/her expense all required sanitary sewers and their appurtenances in compliance with the current rules, regulations, specifications and procedures promulgated by the State of Michigan, and Webster Township. If the proposed development is not located in a water and sewer service district, septic tanks and disposal fields on individual lots may be permitted if in compliance with the current rules, regulations, specifications and procedures promulgated by the State of Michigan and the Washtenaw County Health Department.
- (e) Gas, Wire and Cable Utilities. The owner/developer shall arrange for all lines for telephone, electric, television, and other similar services distributed by wire or cable to be installed underground and may arrange for gas distribution facilities throughout a subdivided area. Overhead lines and facilities may be permitted upon recommendation of the Planning Commission and approval of the Township Board.
- (4) *Street Name Signs*. Street name signs shall be installed by the Washtenaw County Road Commission at the expense of the owner/developer. Temporary street signs with contrasting characters at least six (6") inches in height shall be installed before any building permits are issued and must remain installed in a sound manner until Washtenaw County Road Commission street name signs are installed.
- (5) *Sidewalks and Pedestrian Ways*. Sidewalks and pedestrian ways shall be provided by the owner/developer as provided on the final plat or approved site plan.
- (6) *Recreation Sites*. Sites for recreation facilities shall be provided by the owner/developer as provided on the final plat or approved site plan.
- (7) *Trees and Landscaping*. Trees and landscaping shall be provided by the owner/developer as provided on the final plat or approved site plan.
- (8) *Street Lighting*. Street lighting shall be provided by the owner/developer as provided on the final plat or approved site plan.
- (9) *Driveways*. All driveway openings, from the street surface edge to the property line, shall be installed in conformance to standards of the Washtenaw County Road Commission, or,

when applicable, to standards of the Michigan Department of Transportation and the provisions of this Ordinance.

- (10) *Erosion and Sedimentation Control.* Installation and maintenance of erosion and sediment control measures shall comply with the requirements of Washtenaw County.

**F. Performance Guarantees.**

A Performance Guarantee shall be posted with the Township in accordance with the provisions of Section 3.60 of this Ordinance.

**G. Inspection of Improvements.**

- (1) *Required.* All improvements required by this Section shall be inspected by the Township Engineer and where applicable the Zoning Administrator, except for improvements made under the jurisdiction of other public agencies, in which case engineers or inspectors of each agency will make the necessary inspections. A public agency may authorize the Township, or its agents, to conduct inspections of the improvements under their jurisdiction by submitting a written authorization from that agency to the Township before the Township enters into a development agreement with the owner/developer and the Township agrees to perform the requested inspections. If inspections are made by other agencies the owner/developer shall provide to Webster Township written approval of each final inspection prior to determining the development is complete.
- (2) *Inspection Schedule.* It shall be the responsibility of the owner/developer to notify Webster Township or other appropriate public agency when improvement installations are ready for inspection. The Township or appropriate public agency will perform or cause to have the inspection performed. Results of the inspection will be made available to the owner/developer in the form of inspection reports.
- (3) *Costs.* The owner/developer shall pay all costs incurred by Webster Township for inspecting improvements under the Township's jurisdiction or authorized by another public agency. Before the Township Board grants final approval to the final plat or approval of the site plan, a development agreement between the owner/developer and the Township Board shall be entered into to provide for inspecting the construction or installation of each improvement under its jurisdiction or as authorized by another public agency.
- (4) *Escrow Deposit.* Funds to cover the costs anticipated to be incurred by the Township with respect to the installation of the improvements depicted on the final plat or site plan shall be posted with the Township prior to the issuance of a certificate of zoning compliance authorizing commencement of construction of such improvements. The Township shall provide a timely accounting of its use of these funds.
- (5) *Development Agreement.* Improvements shall be completed as specified in the development agreement's requirements in Section 3.55 herein.



**H. Compliance with Standards.** The owner/developer shall bear the final responsibility for the installation and construction of all required improvements according to the provisions of this Ordinance, other applicable statutes, ordinances, rules and regulations. The standards shall be met at the time the development is substantially built out so as to ensure that the improvements are not damaged during the construction of the houses, other buildings or structures.

**I. Dedication.** Approval of installation and construction shall not constitute acceptance by the Township of the improvement for dedication purposes. Acceptance for purposes of dedication shall be evidenced by resolution of the Township Board accepting a bill of sale for personal property and/or deed, easement or other such conveyance for real property.

## **Section 13.55      Essential Services**

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**A.** Providing safe and reliable utilities is declared a matter of public health, safety and general welfare.

**B.** The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground, gas, electrical, steam or water distribution or transmissions systems, collection, communication, supply or disposal systems including drains, sewers, pipe, conduits, wires, cables (telephone and television) alarm boxes, police equipment and accessories in connection therewith (but not including buildings, towers, or poles) reasonably necessary for the furnishing of adequate services by such public utilities or municipal departments or commissions for public health or safety or general welfare, shall be allowed in all zoning districts subject to applicable statutes, ordinances, rules, regulations and franchises granted by Webster Township.

**C.** Except for major transmission lines affixed to towers, utilities installed within the public or private rights-of-way shall be installed underground unless otherwise approved by the Township.

**D.** Utilities lines, pipes, conduits, wires, and cables within the zoning jurisdiction of the Township shall be installed underground.

**E.** The Township Board may permit, as a special use, the erection and use of a building by a public service corporation or for public utility purposes in any district. Any building or structure installed above ground shall be used, designed, erected and landscaped to conform harmoniously with the general architecture and plan of such district.

**F.** Notwithstanding the above, the following structures, improvements and uses shall not be commenced or occur without approval by the Township Board as a special use:

- (1) A private community water system and/or water treatment plant serving three (3) or more dwellings or buildings.
- (2) A private community water or wastewater utility system serving three (3) or more dwellings or buildings.

- (3) A public sewage disposal system, plant or facility owned or operated by a governmental unit or municipality body.

**G.** Every building connected to a water supply well and a sewage disposal system shall have said systems approved by the Washtenaw County Health Department and/or Michigan Department of Natural Resources and Environment unless the subject building is connected to a public water or sewer system. The Health Department/Michigan Department of Natural Resources and Environment approval shall be obtained before a certificate of zoning compliance and subsequently, a certificate of occupancy may be issued.

**H. Community Water or Wastewater Utility System.**

- (1) *Authority.* This Subsection is enacted under the authority of the Township’s general police powers to protect the health, safety, and welfare of its residents, under the authority of the Michigan Natural Resources and Environmental Protection Act, as amended, and Section 201 of the Michigan Zoning Enabling Act [MCL 125.3201].

- (2) *Intent and Purpose.* Pursuant to the Michigan Natural Resources and Environmental Protection Act, as amended, the Michigan Department of Natural Resources and Environment (“MDNRE”) is authorized to issue permits for on-site water utility systems, water treatment plants, water distribution and sewage disposal systems that service more than one property (referred to herein as a “community water or wastewater utility systems”). The Township recognizes that a community water or wastewater utility systems may be in the best interests of the health, safety, and welfare of the Township and the residents in some limited circumstances. However, the Township requires assurance that any community water or wastewater utility system will be designed, constructed, operated, maintained, repaired and/or replaced in a manner that best serves and protects the health, safety, and welfare of the Township and its residents. Furthermore, the Township requires that it shall be indemnified by the owner and operator of the community water or wastewater system from any costs or liability in connection with the design, construction, operation, maintenance, repair and/or replacement of that system.

The Township also recognizes that should the operation of a community water or wastewater system fail or otherwise not properly function or if the owner or operator of the community water or wastewater utility system fails or is unable to continue to operate the system, the extension of public sewers and water lines will be severely limited based on the location of a development in proximity to an existing public sewer or water system. In certain circumstances, the Township may be required to take over the operation of the community water or wastewater utility system in order to protect the health, welfare, and safety of residents of the Township. To this effect, this division is intended to regulate community water and wastewater utility systems to provide those assurances.

- (3) *Regulations.*

- (a) Except as provided in this Ordinance, it shall be unlawful to construct, install, or operate a community water or wastewater utility system within the Township.

(b) Community water and wastewater utility systems shall require a special use permit from the Planning Commission/Township Board in accordance with the procedures and standards set forth in Article 10 (Special Uses) and Subsection 13.55 (H) of this Ordinance.

(4) *Requirements for Approval.*

(a) The design, construction, and operation of the proposed community water or wastewater utility system shall comply with the terms of this Ordinance, and applicable sewer laws, rules and regulations.

(b) No new community water or wastewater utility system or an expansion of an existing system shall be constructed, installed, or operated within the Township unless the plans for the construction, installation and operation of the system design have been approved by the Township Board, and all other governmental authorities having jurisdiction over the construction and maintenance of community water or wastewater utility systems, including but not limited to the Michigan Department of Public Health, the MDNRE, and the Michigan Public Service Commission.

(c) The application for special use permit shall include the following:

i. A certification from the system design engineer indicating that the system as designed and constructed will adequately provide potable water or process wastewater as required by applicable laws and regulations of the State of Michigan, Washtenaw County and the Township. The Township engineer shall review and make a recommendation regarding the adequacy of such certification.

ii. An executed agreement between the applicant, owner, and/or association, and Washtenaw County or another properly certified operator possessing the required ability to operate and manage the system. The agreement shall contain provisions for: (i) operation, maintenance, repair, and replacement of the system; (ii) collection of charges for connection to, and use, operation, maintenance, repair, and replacement of the system. (iii) compliance with all applicable governmental laws, ordinances, regulations, and agreements regarding the system. The agreement shall provide that it may not be terminated without Township approval. The Township attorney and Township engineer shall review and make a recommendation regarding the adequacy of such an agreement.

iii. An executed Development Agreement between the applicant, owner, and/or association, and the Township in a form acceptable to the Township. The agreement shall:

1st. Provide that the applicant, owner, and/or association are jointly and severally responsible for the operation, inspection, maintenance, repair and replacement of the system.

- 2nd. Identify the operator that is responsible for such operation maintenance, repair and replacement on behalf of the applicant, owner, and/or association. The applicant will provide the proposed standards to the Township for review and approval and such standards shall be included in the Development Agreement.
- 3rd. Specify standards for inspection, monitoring operation, maintenance, repair and/or replacement of the system in accordance with the guidelines recommended by the system manufacturer and the certified operator and the requirements of the State of Michigan and/or Washtenaw County.
- 4th. Require indemnification of the Township, including a duty to defend by the applicant, owner, and/or association, jointly and severally, from any and all costs and liability incurred by the Township with respect to the community water or wastewater treatment utility system, including but not limited to the operation, maintenance, repair, replacement and expansion of the system.
- 5th. The applicant, owner and/or association shall provide a policy of casualty insurance for the replacement value of the insurable components of the system, comprehensive general liability insurance and pollution legal liability insurance with limits acceptable to the Township, naming the Township as an additional insured. All insurance policies shall be issued by an insurer registered/licensed in Michigan and with an A.M. Best Rating acceptable to the Township. No policy of such insurance shall be cancelled or permitted to lapse without securing similar coverage at least sixty (60) days in advance of expiration.
- 6th. Grant the Township authority, at its sole discretion, to require that the community water or wastewater utility system be abandoned and all properties in the development be connected to any publicly-owned community sewer system that may be constructed in the future.
- 7th. A statement acknowledging that the Township shall have the option to purchase for the sum of \$1.00 (1) marketable title to any lands required to be titled in the name of the Township by governmental or regulatory requirements, or (2) easements reasonably deemed by the Township to be necessary in conjunction with the Township's assumption of responsibility for the community water or wastewater system or future publicly-owned community water or wastewater system.
- 8th. A statement acknowledging the special assessment district to be established as described below.
- 9th. Granting the Township the right, but not the obligation, to require the development to connect to a public sanitary sewer system, if available, or to take over ownership and operation of the community water or wastewater utility system in the event that the community water or wastewater utility system owner (*i*) becomes insolvent or goes into bankruptcy or receivership;

(ii) fails to maintain the required operating, maintenance, and capital reserves required by this Ordinance within six (6) months after written notice from the Township that the reserves do not meet Ordinance requirements; (iii) is unable, unwilling or fails for any reason to operate the community water or wastewater utility system in full compliance with applicable statutes, ordinances, rules and regulations where failure to meet such requirements in six (6) successive months or in more than eight (8) months in a twelve (12) month period shall be conclusively determined to be an inability to comply with applicable statutes, ordinances, rules and regulations. In the event that the Township assumes ownership of the community water or wastewater utility system, the Township shall hold and operate the community water or wastewater utility system for the benefit of the association and residential owners. The Township may transfer the facilities, assets, and reserves of the community water or wastewater utility system to a new community water or wastewater utility system owner on the condition that such facilities, assets, or reserves be used solely for providing sewer services to the residential owners.

- 10th. Grants the Township the right to inspect any part of the community water or wastewater utility system for compliance with the Development Agreement and all applicable statutes, ordinances, rules and regulations, consenting to personal jurisdiction and venue in Washtenaw County or U.S. District Court for the Eastern District of Michigan agreeing that money damages cannot make the Township whole for damages arising out of the breach of the Development Agreement, and agreeing to injunctive remedies in any action brought by the Township to enforce the Development Agreement or enforce compliance with applicable statutes, ordinances, rules or regulations.
- iv. The provisions of the Development Agreement referenced in Subsection 13.55(H)(4)(c)(iii) shall also be included in a separate document, in form approved by the Township attorney, and included within the Development Agreement that runs with the land, but not limited to condominium disclosure documents for a condominium project, or in a separate recordable document for other developments, and delivered to the prospective purchaser prior to the execution of a purchase agreement for property proposed to be serviced by a community water or wastewater utility system.
- v. A permanent and irrevocable easement, in recordable form, shall be granted by the applicant, owner and/or association to the Township and its employees, agents, and assigns authorizing them to enter on the property upon which the system is located for the purpose of inspections. The property on which the system is located shall be maintained so it is accessible at all times, prohibiting any structures or landscaping within such area that would unreasonably interfere with such access.
- vi. Each community water or wastewater utility system shall be a general common element of a condominium in which it is located, or part of common areas of any other Development. The system shall be inspected, monitored, operated, maintained, repaired and replaced by the community water or wastewater utility

system owner or association with the right of the community water or wastewater utility system owner or association to assess the residential owners for all such costs.

- vii. The Development Agreement shall provide user fees and assessments of residential owners to ensure perpetual funding of the operation and maintenance reserve. The reserves shall be established pursuant to an escrow agreement that shall be submitted to the Township for review and approval prior to issuance of the special use permit. In the event of non-performance by the community water or wastewater utility system owner or operator of proper maintenance and operation of the community water or wastewater utility system, the association or the residential owners shall have the right and obligation to draw on such escrow reserve fund for the purpose of undertaking proper maintenance, inspection, operation and replacement of the community water or wastewater utility system, and payment of fees, costs and expenses of same.
  - viii. Each community water or wastewater utility system owner shall maintain a reserve sufficient for five (5) years of monitoring, inspection, operation, maintenance, and repair of the system and an adequate equipment replacement reserve sufficient to fund replacement of the community water or wastewater utility system and equipment after the end of its anticipated useful life. The amounts for the replacements reserve should be provided by the system design engineer and reviewed by the Township Engineer.
  - ix. A copy of the Articles of Incorporation and Bylaws of the association and a copy of the form of the restrictive covenant/deed restrictions/or master deed imposing upon residential owners the obligation to pay for all capital and operating costs and reserves associated with the community water or wastewater utility systems.
  - x. Evidence satisfactory to the Township Board that the community water or wastewater utility system operator employs one or more individuals who have all qualifications, licenses and certifications required under applicable statutes, ordinances, rules and regulations to operate the system.
- (d) No building permit shall be issued for any structure or development proposed to be serviced by a community sewer system until the Township Board has approved such system in accordance with terms and provision of this Ordinance.
- (e) Anything in this Ordinance to contrary notwithstanding, the Township shall not be responsible or obligated to perform any needed or desired repairs, maintenance, improvement, and/or replacement of the system or any portion thereof.
- (f) The operator and/or association shall furnish periodic operating and maintenance reports in accordance with the maintenance requirements and schedule. Any such requirements shall be made a part of the Development Agreement.

(g) After the Township's approval, the Development Agreement referenced in Subsection 13.55(H)(4)(c)(iii) shall be recorded at the office of the Washtenaw County Register of Deeds. After approval by the Township, the Development Agreement, as they pertain to the system, shall not be changed without Township Board approval. The documents shall display language to that effect.

(h) Prior to recording the Development Agreement and sale of any unit, lot or parcel served by a community water or wastewater utility system, applicant and owner shall establish a special assessment district for the development, the purpose of which shall be to provide for assessment of the units, lots or parcels in each development by the Township for the costs of inspection, monitoring, maintenance, repair, operation or replacement of the community water or wastewater utility system in the event the association shall fail to properly perform such work or in the event the Township takes control of the community water or wastewater utility system.

(i) The association, individual owners and/or users of the system shall be jointly and severally responsible for all costs involved in the installation, operation, maintenance, repair, replacement and liability associated with the system. The Township may, at its option, elect to collect all costs it may incur in connection with the system pursuant to the other provisions of this division, or by direct court action against the association, owners, and/or users of the system.

## **Section 13.60      Fence Regulations**

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**A.      Setbacks.** Fences may be located in any required yard and are not subject to setback requirements. In the Base Line Lake Residential District (BLLR), fences are not allowed in any yard of lots bordering Base Lake Drive and Leach Lane.

**B.      Height Limits.**

(1) In all residential zoning districts, fences that are permitted within any required side or rear yard shall not exceed six (6') feet in height. Fences located in any front yard shall not exceed three (3') feet in height.

(2) In all other zoning districts, fences that are permitted within any required yard shall not exceed a height of twelve (12') feet.

**C.      Height Measurements.** The height of a fence shall be measured from the ground level at the lowest grade within one (1') foot of any side of a fence post, except the height of a retaining wall, or a fence located on a top of a retaining wall, which shall be measured from the ground level at the higher side of the wall.

**D.      Vision Clearance.** No fence shall be erected or maintained on any lot that will obstruct the view of the driver of a vehicle approaching an intersection. In the case of corner lots, there shall be provided an unobstructed triangular area formed by the street right-of-way lines and a line connecting them at points twenty-five (25') feet from the intersection of the right-of-way lines, or in the case of a rounded corner, from the intersection of the street right-of-way lines extended.

**E. Safety.**

- (1) Fences shall not have attached, fixed, or placed thereon any spike, nail, barbed wire, or other pointed instrument or sharp protrusion below the height of eight (8') feet, except non-subdivided areas in the Agricultural, Agribusiness or Rural Residential (AG, AB or R-1) zoning district, in which case barbed wire may be used at any height on the fence.
- (2) Fences shall not contain any electric charge, except fences located within Agricultural, Agribusiness or Rural Residential (AG, AB or R-1) zoning district, in which case electrically charged fences shall be of a type and make approved by the Underwriters Laboratories or similar testing agency. This regulation does not apply to "invisible fences" meant to control pets.

**F. Temporary Construction Fences.** Temporary construction fences, and fences required for protection around excavations, shall comply with the Michigan State Construction Code.

**G. Location of Fences.** All fences shall be located entirely on the property of the owner of the fence. Adjoining property owners may jointly apply for a permit to erect a fence upon the common property line.

**H. Permits.** Any person desiring to construct a fence within any zoning district, other than an agricultural zoning district shall apply to the Zoning Administrator for a permit for such construction. The application shall contain all information necessary for determination of whether the fence will comply with this Ordinance and any applicable laws in the State of Michigan. A fee for the permit shall be established by resolution of the Township Board. In issuing a fence permit, Webster Township shall not be responsible for the location of the fence with respect to property lines.

**I. Retaining Walls.** Retaining walls shall be regulated as fences and shall be subject to the provisions of this Section if the wall extends more than three (3') feet above the lower of the two ground levels. Fences shall be required on top of retaining walls as required by the Michigan State Construction Code.

**J. Fences on Public Land.** Fences which enclose public parks, recreation areas, playgrounds and buildings shall be permitted in any required yard. Fences which enclose public utility installations within a residential zoning district shall not be permitted within a required side yard. Fences which enclose public utility installations in all other zoning districts, shall be permitted in any required yard.

**K. Maintenance.** Fences shall be maintained so as not to endanger life or property. Any fence that, through lack of repair, type of construction, or otherwise endangers life or property, is hereby deemed a nuisance. If an unsafe condition exists in regard to a fence, the Zoning Administrator or authorized representative shall serve written notice to the owner, agent, or person in control of the property upon which such fence is located. The notice shall describe unsafe conditions, shall specify the repairs or modifications required to make the fence safe, or shall require an unsafe fence or any portion thereof to be removed. The notice shall provide a time limit for such repairs, modifications, or removal.



## **Section 13.65      Grading**

[\(Back to Table of Contents\)](#)

**A. Certificate of Zoning Compliance.** Any grading required pursuant to a certificate of zoning compliance shall be subject to the following provisions:

- (1) All required yards shall be maintained at a slope to cause the flow of surface waters to existing drainage systems, without causing any ponding or flooding upon any adjacent lands resulting from any change in elevation; provided, however, this shall not prevent the grading of a yard into landscaped depressions or terraced areas where adequate and safe means for the disposal of surface waters are constructed and maintained.
- (2) When a new building is constructed or located on a vacant lot between two existing buildings, the yard around the new building shall be graded to meet the existing grades and permit runoff of surface waters without encroachment onto adjacent properties, except as such runoff follows drainage patterns as they exist.
- (3) All buildings and structures shall be constructed at an elevation that provides a sloping grade from the building or structure, thereby causing surface waters to drain away from the walls of the building to a natural or established drainage course.
- (4) During the period of construction, other lots shall not be burdened with drainage from the property upon which the construction occurs.
- (5) Final grades shall be determined and approved by the Zoning Administrator, Township Engineer, or Planning Commission.
- (6) To ensure that the final grades are in accordance with approved plans or provisions of this Ordinance, the Township may require the project developer, building contractor, or property owner to post an irrevocable letter of credit, cash or other form of security acceptable to the Township to cover the cost of grading.
- (7) A certificate of zoning compliance shall not be issued unless the grading has been inspected and approved by the Zoning Administrator or Township Engineer or an adequate performance guarantee posted to ensure the grading on or before a specified date.

**B. Earthmoving Project.** Earthmoving affecting areas greater than two (2) acres shall require site plan approval pursuant to Section 8.05 of this Ordinance. Site plan approval shall be required to protect the public health, safety, and welfare and to protect ground and surface waters, natural drainage, and water tables. Once a site plan has been approved, the Zoning Administrator shall issue an earthmoving permit that shall be valid for twelve (12) months. Such permit may be renewed by the Zoning Administrator for one additional twelve (12) month period, if all of the conditions of the approved site plan are met.

**C. Removal of Earth Materials.** The removal of earth materials from lands subject to the zoning jurisdiction of Webster Township shall comply with the provisions of Section 12.90 of this Ordinance.

## **Section 13.70      Impact Assessment**

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**A. Intent.** The purpose of an Impact Assessment is to assess the developmental, ecological, social, economical and physical impact from a proposed development on and surrounding the development site, and to determine if a proposed use will be in compliance with the site development and performance standards set forth in this Ordinance. The Township reserves the right to hire experienced professionals to evaluate an applicant's Impact Assessment, and if necessary, prepare additional analysis with the costs borne by the applicant.

**B. Assessment Issues.** Where required by the Planning Commission during site plan review, preparation of the Impact Assessment shall be the responsibility of the applicant. The applicant shall use qualified personnel (in the determination of the Township) to complete the Impact Assessment that, at a minimum, shall address the following issues:

- (1) *Qualifications of Preparer.* Name(s) and address(s) of person(s) or firm(s) responsible for preparation of the Impact Assessment and a brief statement of their qualification.
- (2) *Site Description.* An area plan or aerial photograph illustrating the entire site and nearby properties.
- (3) *Description of Use.* Narrative of the proposal, describing operating characteristics and standards.
- (4) *Overall Site Conditions.* Narrative and illustration describing adjacent uses, zoning, public and private roadways, utilities, significant woodlands, soil types, one hundred (100) year flood plains, drainage ways, and general topography. The area described shall be within one-quarter mile for sites up to one hundred (100) acres, and within a one (1) mile radius for larger sites. Aerial photographs are recommended to assist in describing the general vicinity, historic and archeological significance of the site and adjacent properties.
- (5) *Wetlands.* Documentation by a qualified wetland specialist shall be required whenever the Township determines there is a potential state or federal regulated wetland that may be impacted by the proposed project.
- (6) *Conceptual Site Plan.* Illustration of the very general layout of the proposed uses upon which preliminary impact analysis is based, and any proposed phasing. Planned Unit Developments and Open Space Preservation Communities are required to meet this requirement.
- (7) *Land Use Impacts.* Description of the types of proposed uses and other manmade facilities, including any project phasing, and an indication of how the proposed use(s) conforms or conflicts with the Master Plan. A description shall be provided of any increases in noise, light, or air pollution that could negatively impact adjacent properties, particularly associated with smoke or truck routing.
- (8) *Environmental Impact.* Description of any general impacts expected to wildlife areas, lakes, streams, ponds and regulated wetlands. Conceptual mitigation or replacement

measures under consideration shall be described. The study shall also describe general measures to control soil erosion and sedimentation during and after construction.

- (9) *Impact on Public Facilities and Services.* Describe the number of employees, visitors or residents and the anticipated impact on police and fire protection. In particular, describe the relationship of the fire stations and the need for any new facilities or equipment. Letters from the appropriate agencies should be provided.
- (10) *Utilities Impacts.* Describe proposed water and sanitary sewer facilities, including any improvements or off-site extensions needed to serve the long range development of the site.
- (11) *Drainage.* Describe conceptual plans to control drainage and any significant changes from existing drainage patterns. If wetlands are to be used as storm water basins, methods to control fertilizer and filter runoffs shall be identified. Correspondence from the Washtenaw County Water Resources Commissioner shall be attached indicating their concerns and suggestions.
- (12) *Storage and Handling of Waste and Hazardous Materials.* Methods of on and off-site disposal of solid waste disposal shall be identified. The information shall describe the type of hazardous substances expected to be used, sorted or disposed of on the site; general location within the site; and method of containment. Documentation of compliance with federal and state requirements, and a Pollution Incident Prevention Plan (PIPP) shall be submitted, as appropriate.
- (13) *Traffic Impacts.* Impact of the proposed use on traffic and/or any affected public transit systems. A detailed traffic impact study shall be submitted where the proposed use:
  - (a) Generates at least fifty (50) peak hour trips per hour in the peak direction; or
  - (b) Impacts the level of service as defined by the latest published edition of the Highway Capacity Manual and impacts the level of service as referred to in the Huron River Watershed Council Guidebook on Using Impervious Surface & Gravel Road Capacity Analysis to Manage Growth

## **Section 13.75      Landscaping**

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All applications for site plan review or subdivisions shall be subject to the requirements of this Section.

**A. Intent.** Landscaping enhances the visual image of the Township, preserving natural features, improving property values, and alleviating the impact of noise, traffic, and visual distraction associated with certain uses. Screening is important to protect less intensive uses from the noise, light, traffic, litter and other impacts of more intense, non-residential uses. These provisions are intended to set minimum standards for the design and use of landscaping, greenbelts, screening, and for the protection and enhancement of the Township's environment. More specifically the intent of these provisions is to:

- (1) Improve the appearance of off-street parking areas, vehicular use areas and property abutting public rights-of-way, thereby reducing conditions that lead to community blight.
- (2) Require buffering between conflicting land uses and conflicting zoning districts.
- (3) Promote public health, safety and general welfare by reducing noise and air pollution, light glare, soil erosion and thermal heating of the environment.
- (4) Protect and preserve the appearance, character and value of the surrounding residential areas and parks.
- (5) Promote preservation of existing significant vegetation.
- (6) Create a safe and efficient means of pedestrian and vehicular circulation.
- (7) Increase soil water retention, thereby minimizing flooding, increasing water quality, recharging groundwater aquifers, and decreasing thermal impacts.

**B. Application.** When a Site Plan is submitted pursuant to Section 8.05 of this Ordinance, a Landscape Plan shall be submitted with the Site Plan and shall include the following elements:

- (1) Plan scale of not less than 1" = 50' and north arrow.
- (2) Existing and proposed topography.
- (3) Location, size and type of trees (including species), wetlands and other significant vegetation.
- (4) Location, size and type of all proposed plant materials.
- (5) Zoning of adjacent properties.
- (6) Planting list for all proposed landscape materials indicating botanical and common names, sizes, root condition and quantities.
- (7) The name and contact information of the party responsible for watering and maintenance of all landscaped areas.

**C. Standards and Criteria.** The requirements of this Section are minimum requirements, and under no circumstances shall they preclude the developer and Township from agreeing to more extensive standards.

- (1) All plant material shall comply with the most recent provisions set forth by the American Standard for Nursery Stock, ANSI Z60.1.
- (2) Plant material shall be healthy, free of insects and diseases and physical damage.

- (3) Unless otherwise specified, the minimum size for plant materials installed to meet the requirements of this Ordinance shall be as follows:
- (a) Deciduous canopy trees three (3") inch caliper (i.e. Oak, Maple).
  - (b) Evergreen trees eight (8') foot height (i.e. Pine, Spruce, Fir).
  - (c) Ornamental trees:
    - i. Single trunk two (2") inch caliper (i.e. Crabapple).
    - ii. Multi-trunk seven (7') foot height (i.e. Birch).
  - (d) Large shrubs thirty (30") inch height (i.e. Viburnum).
  - (e) Small Shrubs eighteen (18") inch spread (i.e. Juniper).
- (4) Caliper of trunk shall be measured at breast height, four and a half (4 1/2) feet above the ground.
- (5) Plant materials used together in groupings shall meet the following on-center spacing requirements:

<b>Plant Material Types</b>	<b>Evergreen Trees</b>	<b>Narrow Evergreen Trees</b>	<b>Deciduous Canopy Trees</b>	<b>Ornamental Trees</b>	<b>Large Shrubs</b>	<b>Small Shrubs</b>
<b>Evergreen Trees</b>	Min. 10' Max. 20'	Min. 12'	Min. 20'	Min. 12'	Min. 6'	Min. 5'
<b>Narrow Evergreen Trees</b>	Min. 12'	Min. 5' Max. 10'	Min. 15'	Min. 10"	Min. 5'	Min. 4'
<b>Deciduous Canopy Trees</b>	Min. 20'	Min. 15'	Min. 20' Max. 30'	Min. 15'	Min. 5'	Min. 3'
<b>Ornamental Trees</b>	Min. 12'	Min. 10'	Min. 15'	Min. 8' Max. 15'	Min. 6'	Min. 3'
<b>Large Shrubs</b>	Min. 6'	Min. 5'	Min. 5'	Min. 6'	Min. 4' Max. 6'	Min. 5'
<b>Small Shrubs</b>	Min. 5'	Min. 4"	Min. 3'	Min. 3'	Min. 5'	Min. 3' Max. 4'

- (6) Native species are preferred for all landscaping. The following species, all native to Michigan, are encouraged in landscaping plans:

### **Evergreen Trees**

Fir, Balsam  
Spruce, White  
Pine, Red  
Pine, White  
Arborvitae

### **Deciduous Canopy Trees**

Maple, Red Acer  
Maple, Sugar Acer  
Birch, White  
Hackberry  
Beech, American  
Cedar, Eastern Red  
Tulip tree

### **Ornamental Trees**

Cherry, Black  
Dogwood, Flowering  
Dogwood, Grey  
Common Chokecherry  
Crabapple, Common

### **Shrubs**

Alder, Speckled  
Blackberry, Highbush,  
Bladdernut, American  
Buttonbush  
Chokeberry  
Chokecherry  
Dewberry, Northern  
Dogwood  
Elder, Red-berried  
Elderberry, American  
Gooseberry  
Hazelnut, American

Black gum  
Oak, Swamp  
Oak, Bur  
Oak, Pin  
Oak, Red  
Oak, Shumard  
Basswood  
Birch, River  
Ironwood  
Spruce, Black  
Maple, Striped  
Serviceberry, Downy  
Hornbeam, American  
Redbud, Eastern

Holly, Michigan  
Juniper, Old field  
Leatherwood  
Meadow-sweet  
New Jersey tea  
Ninebark  
Serviceberry  
Spicebush  
Sumac  
Viburnum

Except where the following trees are considered appropriate for the ecosystem, such as a wetland environment not in proximity to any existing or proposed buildings or structures, the following trees are not permitted:

- |                              |                |
|------------------------------|----------------|
| Box Elder                    | Buckthorn      |
| Elms                         | European Elder |
| Poplars                      | Ash            |
| Willows                      | Cottonwood     |
| Horse Chestnut (nut bearing) | Russian Olive  |
| Trees of Heaven              | Silver Maple   |
| Catalpa                      | Mulberry       |

- (7) In order to encourage creativity in landscaping and to minimize tree loss caused by species-specific disease, a variety of tree species shall be required, as specified in the following schedule:

**Landscape Variety Schedule**

Required Number of Trees	Minimum Number of Species
5 to 30	2
31 to 60	3
61 to 100	4
More than 100	5

- (8) All landscaped areas shall be provided with a readily available and acceptable water supply, or with at least one (1) water outlet located within one hundred (100) feet of all planted material to be maintained. An automatic irrigation system is required for all parking lot landscaping and landscaping adjacent to roads in the Commercial, Office and Industrial Districts. The Planning Commission may waive the requirement for an automatic irrigation system if it is determined that the scope of the project is minimal and the cost of such installation would be prohibitive to the development of the site.
- (9) Earth mounds and berms shall be constructed with slopes no greater than one (1') foot vertical for each three (3') feet horizontal with at least two (2') foot flat on the top with adequate protection to prevent erosion.
- (10) All unpaved portions of the site shall be planted with grass, ground cover, shrubbery or other suitable live material, which shall extend to any abutting street pavement edge.
- (11) No landscaping shall be erected, established or maintained on any parcel or in any parking lot that will obstruct the view of drivers. All landscaping shall comply with the provisions concerning Unobstructed Sight Distance in Section 13.180.
- (13) The maximum height of all landscaping at maturity shall comply with the regulations in the table below when located within fifty (50) feet of electric distribution lines and one hundred and twenty (120) feet of electric transmission lines.

Type of Electric Line	Distance from Electric Line (measured from mid-point of pole or tower)	Maximum Height at Maturity
Electric Distribution Line	0 – 20 feet	25 feet
	20 – 50 feet	45 feet
Electric Transmission Line	0 – 30 feet	Only grass allowed
	30 – 60 feet	15 feet
	60 – 90 feet	25 feet
	90 – 120 feet	60 feet

**D. Buffers and Screening of Non Residential Developments.** The purpose of this Section is to establish provisions for landscape buffering measures to assist in minimizing the potential visual impacts and conflicts between adjacent non-residential or non-agricultural and residential or agricultural land uses. Further, it is the purpose of this Section to protect the health, safety, welfare and property of the citizens of Webster Township, and to promote a high quality visual environment by regulating and controlling the design, location, and use of buffer areas to reduce negative impacts between non-compatible uses.

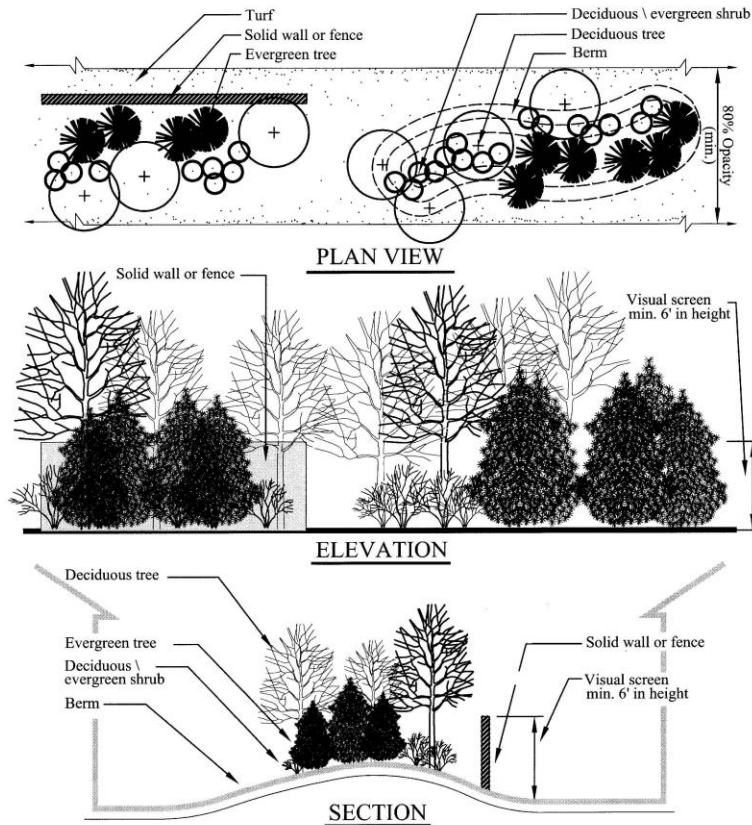
- (1) *Standards for Buffer Strips:* All non-residential developments abutting AG, R-1, R-2, R-3, MHP Districts shall provide a landscaped buffer. Such buffer shall meet the following minimum requirements:
- (a) The landscaping treatment on the buffer strip shall be at least six (6) feet in height.
  - (b) The buffer area may be a part of the minimum yard setback and shall be free of any buildings, driveways, parking, outdoor storage or any use other than open space.
  - (c) A landscape buffer may consist of earthen berms and plant materials, or plant materials only, so as to maintain a minimum opacity of at least eighty (80%) percent. Opacity shall be measured by observation of any two (2) square yard area of landscape screen between one (1) foot above the established grade of the area to be concealed and the top or the highest point of the required screen. The opacity standard shall be met based upon reasonably anticipated growth over a period of three (3) years. The applicant shall agree in writing to install additional plantings after the expiration of three (3) years, in the event that the landscaping has not screened the view of areas as required (See Figure 13.75).

**E. Special Treatment along Primary Roads for Residential Development.** When a single-family or multiple-family development abuts or contains an existing or proposed primary road, a landscape buffer shall be provided. Such buffer shall meet the following minimum requirements: (amended May 15, 2018)

- (a) The landscaping treatment on the buffer is at least six (6) feet in height.



**Figure 13.75 - A**



(b) A landscape buffer may consist of earthen berms and plant materials, or plant materials only, so as to maintain a minimum opacity of at least eighty (80%) percent. Opacity shall be measured by observation of any two (2) square yard area of landscape screen between one (1) foot above the established grade of the area to be concealed and the top or the highest point of the required screen. The opacity standard shall be met based upon reasonably anticipated growth over a period of three (3) years. The applicant shall agree in writing to install additional plantings after the expiration of three (3) years, in the event that the landscaping has not screened the view of areas as required (See Figure 13.75 – A).

**F. Parking Lot Landscaping.** The purpose of this section is to improve the appearance of off-street parking areas and promote public health, safety and general welfare by reducing noise and air pollution, light glare, soil erosion and thermal heating of the environment. All parking lots must provide the following landscaping:

(1) *Parking lot screening.* All parking lots visible from a public road shall be screened from view with a landscaped berm varied in height from between two (2) to three (3) feet along the perimeter of those sides that are visible. The berm shall be planted with a minimum of one (1) deciduous or evergreen tree and six (6) deciduous or evergreen shrubs, for every thirty (30) lineal feet, rounding up every fifteen (15) additional feet. Shrubs or a wall three feet (3') in height may be substituted if the Planning Commission finds physical constraints of the site prevent a

landscaped berm. The Planning Commission may waive or modify these requirements if existing or proposed features on the site sufficiently screen the parking lot.

(2) *Parking Lot Islands.* Curbed landscaping islands must be installed in all parking areas with twenty (20) or more spaces. One (1) canopy tree is required for every eight (8) parking spaces, in parking lot islands or within ten (10) feet of the edge of the parking lot. Landscaped parking lot islands shall be a minimum of one hundred-fifty (150) square feet in area and nine (9) feet in width. A minimum distance of three (3) feet shall be established between proposed tree or shrub plantings and the backside of the curb or edge of the pavement. Interior parking lot landscaping shall not obstruct cross-visibility between a height of thirty (30) inches and six (6) feet above the grade of a parking lot.

Landscaping requirements for parking lot islands may be waived, at the discretion of the Planning Commission, when low-impact development techniques, such as rain gardens, are utilized in the parking lot islands.

(3) *Landscaping materials.* All parking lot landscaping shall be salt resistant. The following trees and shrubs are encouraged:

**Deciduous Canopy Trees**

Black Locust  
Bayberry  
London Plane Tree  
Sweetgum  
Linden Tree  
Hawthorns

**Ornamental Trees**

Dwarf Callery Pear  
Snowdrift Crabapple

**Shrubs**

Junipers (spreading)  
Spiraea  
Honey Locust  
Tamarix

**G. Landscaping for Office, Commercial and Industrial Districts.** The purpose of this sub-section is to improve the appearance of property abutting roads, reduce noise and air pollution and protect and preserve the appearance, character and value of surrounding areas. All lots or parcels of land located in the Office, Commercial and Industrial districts shall comply with the following landscaping requirements:

(1) *Landscaping Adjacent to Roads:* A landscaped greenbelt a minimum of ten (10) feet in depth shall be required for any lot or any portion of a lot fronting on a public or private road, and shall be landscaped with a minimum of one (1) deciduous tree or one (1) evergreen tree, plus six (6) deciduous and/or evergreen shrubs for each thirty (30) lineal feet, or major portion thereof, of frontage abutting said public right-of-way. The remainder of the greenbelt shall be landscaped in grass, ground cover, shrubs and/or other living plant material.

Access ways from public roads through required landscape strips shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of trees required unless such calculation would result in a spacing arrangement that is detrimental to plant development.

(2) *Interior Site Landscaping*: In addition to any required screening, landscaping adjacent to roads, and/or parking lot landscaping required by this section, ten (10%) percent of the site area, excluding existing public road right-of-way, or private road easement shall be landscaped. This landscaped area(s) should be grouped near building entrances and ground signs, along building foundations, along pedestrian walkways, and provide screening for service areas, transformers, mechanical equipment and retention/detention areas. All interior landscaping shall conform to the following:

- (a) One (1) deciduous, evergreen or ornamental tree for every four hundred (400) square feet of required interior landscaping area.
- (b) One (1) shrub for every two hundred and fifty (250) square feet of required interior landscaping area.
- (c) The interior landscaping areas shall contain grass and/or vegetative ground cover.
- (d) The Planning Commission may allow pervious surfaces, bio-detention swales and rain gardens to meet interior landscaping requirements.

**H. Landscaping for Multiple-Family Developments.** The purpose of this sub-section is to screen multiple-family developments from primary roads and protect and preserve the appearance, character and value of surrounding areas. All multiple-family developments shall comply with the following landscaping requirements: (Amended March 21, 2017)

- (1) *General Site Landscaping*. A minimum of two (2) deciduous or evergreen trees, one (1) ornamental tree and four (4) shrubs shall be planted per dwelling unit. (Amended March 21, 2017)
- (2) *Parking Lot Landscaping*. All parking lots shall provide the landscaping requirements listed in 13.75.F. (Amended March 21, 2017)
- (3) *Primary Road Screening*. When a multiple-family development abuts or contains an existing or proposed primary road, a landscape buffer meeting the requirements of 13.75.E shall be provided. (Amended March 21, 2017) (Amended May 15, 2018)
- (4) *Single-Family and Agricultural Screening*. When a multiple-family development abuts a residential use of lesser density or an Agricultural district, a landscape buffer meeting the requirements of 13.75.D shall be provided. (Amended March 21, 2017)

**I. Subdivision and Site Condominium Street Trees.** The frontage of all internal public or private streets shall be landscaped on both sides with the equivalent of one (1) tree for every forty (40) lineal feet, or fraction thereof. Trees shall be planted in a staggered fashion or grouped to create a more rural atmosphere. Such street trees shall be an appropriate species for a street environment. The Planning Commission may determine that existing trees that are preserved within the road right-of-way or easement may meet all or part of the street tree requirement, per 13.75.K.

**J. Maintenance.** It shall be the owner’s responsibility to see that the landscaping is maintained in a healthy growing condition, neat, clean, healthy and orderly in appearance. This includes, among other things, proper pruning, mowing of lawns, weeding, removal of litter, replacement of plants when necessary, and the regular watering of all plants. Failure to maintain these landscape areas in such a manner, and to remove and replace dead and diseased plants shall constitute a violation of this Ordinance.

**K. Incentives to Preserve Existing Trees and Vegetation.**

(1) *Credit.* In instances where quality and healthy plant material exists on a site prior to development, the Planning Commission, pursuant to site plan approval, may adjust the application of the landscaping standards to allow credit for preserved, quality, healthy plant material as follows:

(a) *Location.* Credit shall be given for preserved vegetation for the regulation applicable to its location. For example, a tree or shrub preserved adjacent to the roadway in an Office, Commercial or Industrial zone, shall be credited towards the requirements listed in 13.75.G. The Planning Commission may allow preservation credits to transfer from geographic location if the intent of the landscaping regulations has been met.

(b) *Credit for Preservation.* Plant material must meet the following minimum sizes to receive credit and shall receive the following credit based on size. Materials on the prohibited species list or in poor health shall not receive credit.

<b>Plant Material Type</b>	<b>Minimum Size</b>	<b>Size of Preserved Material</b>	<b>Credit</b>
Evergreen Trees	8’ in height	8’ – 12’	1
		12’ – 16’	2
		16’ – 20’	3
		Over 20’	5
Deciduous Trees	2.5” in caliper	2.5” – 8”	1
		8” – 12”	2
		12” – 20”	3
		Over 20”	5
Ornamental Trees	1.0” in caliper	All sizes	1
Shrubs	24” in height	All sizes	1

(c) *Protection of Preserved Vegetation.* Existing trees and vegetation on site plan must be shown and labeled “To Be Removed” or “To Be Saved”. If existing plant material is labeled “To Be Saved” on the site plan, protective measures must be shown such as the placement of fencing around the drip line of the tree. No vehicle or other construction equipment shall be parked or stored within the drip line of any tree or other plant material to be saved.

(d) *Damage of Preserved Vegetation.* If healthy exiting plant materials that have been approved to meet the requirements of the Ordinance are damaged or destroyed during construction or die within three years of completion of the project, said plant material shall be replaced with the same species as the damage or removed tree, in accordance with the following schedule:

<b>Damaged Tree</b>	<b>Replacement Tree</b>	<b>Replacement Ratio</b>
Less than 6 inches	2 ½ to 3 inches	1 for 1
More than 6 inches	2 ½ to 3 inches	1 replacement tree for each 6 inches in diameter or fraction thereof of damaged tree

**L. Waiver or Modification of Standards for Special Situations.** The Planning Commission may determine existing landscaping or screening intended to be preserved or a different landscape design, would provide all or part of the required landscaping and screening. In making such a determination to waive or reduce landscaping requirements, the following may be considered:

- (1) Extent that existing natural vegetation provides desired screening.
- (2) Steep changes in topography that would limit the benefits of required landscaping.
- (3) Presence of existing wetlands.
- (4) Existing and proposed building placement.
- (5) Abutting or adjacent land is developed or planned for a use other than residential.
- (6) Building heights and views.
- (7) Similar conditions to the above exist such that no good purpose would be served by providing the landscaping or screening required.

**M. Plant Substitutions.** The Zoning Administrator may approve minor revisions to the landscape plans due to seasonal planting problems and/or lack of plant availability. Minor revisions may be approved only when there is no reduction in the quality of plant material, no significant change in size or location of plant material, the new plant material is compatible with the area, and the new plant material is of the same general category (i.e., deciduous or evergreen trees) as the material being replaced.

**N. Completion.** A cash deposit, letter of credit or certified check shall be required to cover the cost of the required landscape and irrigation improvements as estimated by the Zoning Administrator.

**O. Time Period.** The required landscape and irrigation improvements are to be completed within one (1) month of occupancy. The planting season shall be defined as April 1 through November 1, provided that no evergreen trees shall be planted later than October 31. If occupancy occurs after October, the applicant shall have until May 1st of the following year to complete the required improvements. If these conditions are not met the required cash deposit, letter of credit or certified check shall be forfeited and the holdings used to complete the required improvements.

## **Section 13.80      Lot Area Requirements**

[\(Back to Table of Contents\)](#)

**A. Required Area or Space.** All lots (whether intended to be used for a building, dwelling, or otherwise, or even if intended to remain vacant or as open space) shall meet the minimum lot size, frontage, widths, and other area or dimensional requirements of this Ordinance. A lot or lots owned by the same person or a yard, court, parking area, frontage, dimension or other space shall not be divided, altered or reduced so as to make it nonconforming or not in compliance with the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot or lots in common ownership or a yard, court, parking area or other space shall not be further divided, altered or reduced so as to increase its noncompliance with such minimum requirements.

**B. Existing Lot of Record.** A lot that is platted, or otherwise lawfully of record as of the effective date of this Ordinance, may be used as provided for in the zoning district, provided the lot can meet the Health Department Requirements and that the requirements of this Ordinance are met.

**C. Dwellings on More Than One (1) Lot.** If a structure is to be located on two (2) or more lots under single ownership, or if adjacent lots are required to maintain minimum lot area or yard requirements, the entire parcel shall be considered a lot for purposes of this Ordinance and the lots shall be legally and automatically combined into one (1) individual lot.

**D. Division of Lots.** The division of a parcel of land into two (2) or more lots or parcels shall require the approval of the Township Board or such other body or Township official as is designated by the Township Board. The Township Board or its designee shall not approve such division of land unless it shall determine that the proposed division complies with the requirements of this Ordinance, the Township's Land Division Ordinance, the Michigan Land Division Act (Act 288 of the Michigan Public Acts of 1967, as amended), and all applicable Township ordinances, rules and regulations.

**E. Lots, Yards and Frontage.**

(1) Yards shall be provided as required in each zoning district. Additional yards shall be provided as required by Section 13.130 (Setbacks on Primary Roads) of this Ordinance. (Amended March 21, 2017)

(2) Notwithstanding yard requirements herein, the following plant materials and structures may be located anywhere on any lot: access drives and fixtures used to identify the points of entry (such as reflectors, brick or stone structures), awnings projecting into 10% or less of the yard depth, fixtures used to identify street address, open and unroofed terraces, patios, uncovered decks, uncovered stoops, and steps, awnings, flag poles, hydrants, laundry-drying equipment, arbors, trellises, gardens, gutters, recreation equipment, outdoor cooking equipment, sidewalks, trees, plants, shrubs, and light fixtures, and fences. Anything to be constructed, planted or placed on a lot shall conform to the Section 13.60(D) [Fences] and the Township's Private Road Ordinance.

- (3) All lots or parcels shall have frontage upon a fully-improved public street or a Township approved private road meeting the requirements of this Ordinance, equal to the minimum lot width required by the district in which it is located except as otherwise provided for lots on a cul-de-sac or back lots served by an access easement.
- (4) (Amended April 21, 2015) Lot areas shall not include land located within the street right-of-way or required transition strips for the purposes of computing minimum lot size or densities. For any lot or parcel created after June 1, 2015, areas that are part of the Storm Water Management Facility shall not be included for the purposes of computing minimum lot size or densities.
- (5) No lot or parcel shall be created that is greater than four (4) times deeper/longer in length/depth than its width.
- (6) The minimum lot width requirement in each district shall be maintained across the entire length/depth of the lot, except as otherwise provided for cul-de-sac.
- (7) No part of a lot, yard, common element or other open space, or an off-street parking or loading space required by or connected with any use, building, or structure for the purpose of complying with this Ordinance, shall be included in the lot, yard, open space, off-street parking or loading space required for any other use, building or structure.

**F. Height Regulations.**

- (1) Height regulations shall apply uniformly in each zoning district to every building and structure except that the following structures and appurtenances shall be exempt from the height regulations: spires, belfries, and domes not used for human occupancy; chimneys, ventilators; skylights; water lines and related structures; utility poles and lines; radio, and television broadcasting and receiving antennae, power generating windmills; silos; parapets; and other necessary mechanical appurtenances; provided their location or height shall conform where applicable to the requirements of any other public authorities or agencies having jurisdiction.
- (2) Building height is the vertical distance measured from the finished grade at the center of the front of the building to the highest point of the roof.

**G. Floor Space Requirements.**

- (1) Minimum floor space requirements are established by the various provisions of this Ordinance. The floor area of a building shall be the sum of the gross horizontal floor areas of the several stories of a building as measured to the exterior face of the exterior walls, plus that area similarly measured of all other floors. Minimum floor area shall not include cellars or basements, attached garages or attics, unheated breezeways or porches.
- (2) The ratio of the floor area of all principal and accessory buildings to the area of the lot on which the buildings are located is calculated by dividing the total floor area of principal

and accessory buildings by the lot area, with both areas in the same unit of measure, and expressing the quotient as a decimal number.

- (3) The floor area in each dwelling unit shall not be less than provided in the following table.

<u>Number of Bedrooms Dwelling Unit</u>	<u>Minimum Required Floor Area in Dwelling Unit</u>
1	620 square feet
2	720
3	820
4	920
5	1,020

Dimensions - Each dwelling unit shall have a minimum dimension across any front or rear elevation of twenty (20') feet.

**Section 13.90**      **Nonconforming Uses and Structures**      [\(Back to Table of Contents\)](#)

**A. Authority.**

- (1) This Section is based on Section 208 of the Michigan Zoning Enabling Act [MCL 125.3208].
- (2) If the use of a dwelling, building, or structure or of the land is lawful at the time of enactment of a zoning ordinance or an amendment to a zoning ordinance, then that use may be continued although the use does not conform to the provisions of this Ordinance, as may be amended.
- (3) A nonconforming structure may continue after the date of adoption or amendment of this Ordinance, although the structure does not conform to the provisions of this Ordinance, as may be amended.
- (4) If a nonconforming use or structure is adversely affecting surrounding properties, the owners of those properties may petition the Township to establish a special assessment district to purchase and eliminate such nonconforming structure or use.
- (5) Except as hereinafter set forth, the elimination of nonconforming uses and structures in a zoning district is declared to be for a public purpose. This Ordinance, however, recognizes that a number of structures in Webster Township have historical value and might be nonconforming under this Ordinance because of lot size, required yards, lot coverage, and similar requirements, and that such historical structures are a valuable part of the character of Webster Township. This Section is not intended to encourage the discontinued use or removal of such structures, or to declare such structures to be incompatible with structures and uses permitted in the zoning district in which located.



(6) The Board of Appeals or the Zoning Administrator has authority to provide for the completion, resumption, restoration, reconstruction, extension, or substitution of nonconforming uses or structures upon terms and conditions provided in this Section.

**B. Nonconforming Lots of Record**

(1) A permitted principal structure and uses, and permitted accessory structures and uses may be erected or placed on a lot of record at the date of adoption or amendment of this Ordinance. Such lot shall have been in separate ownership and not contiguous with other lots in the same ownership on the date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are applicable in the district, provided that the applicable minimum yard requirements are met. A reduction of yard requirements shall be permitted only by a variance granted by the Board of Appeals except for nonconforming lots of record located within the Rural Residential (R-1) District, which are less than one (1) acre in size. Refer to Section 9.15 (D) for yard requirements and lot coverage for nonconforming lots of record of less than one (1) acre in size.

(2) If two or more lots or combinations of lots or portions of lots that are contiguous and in single ownership are of record at the date of adoption or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance. No portion of said parcel shall be used or divided in a manner that results in noncompliance of lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made that creates a lot with area or width less than the requirements of this Ordinance.

**C. Repairs of Nonconforming Structures and Structures Containing a Nonconforming Use.**

(1) Alteration or repair work may be done on a nonconforming, non-residential structure or on any non-residential structure containing a nonconforming use in any period of twelve (12) consecutive months to an extent not to exceed ten (10%) percent of the replacement cost of the structure at the time of the repair, provided that the floor area or volume of such building, or the dimensions, height, or number of stories of such structure as it existed on the date of adoption or amendment of this Ordinance shall not be increased. No other alterations or repairs shall be permitted unless the structure or use is made to conform to all requirements of the district in which it is located or otherwise approved by the Board of Appeals per the procedures in Section 13.90 (O).

(2) A nonconforming, non-residential structure or any non-residential structure containing a nonconforming use that has structurally deteriorated to an extent that it has been condemned by a duly authorized official, and the cost to repair to meet standards for occupancy exceeds fifty (50%) percent of the structure's replacement cost, shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located, or otherwise approved by the Board of Appeals per the procedures in Section 13.90 (O).

**D. Movement of Nonconforming Structures.** A nonconforming structure that is moved within a site or to another site shall conform after it is moved to the regulations of the district in which it is located.

**E. Alteration of a Nonconforming Structure.** A nonconforming structure may be altered to decrease its nonconformity.

**F. Change in Structure Containing a Nonconforming Use.** An existing structure containing a nonconforming use shall not be enlarged, constructed, reconstructed, moved or structurally altered or extended unless that use is changed to a use that is permitted in the district in which the structure is located or otherwise approved by the Board of Appeals per the procedures in Section 13.90 (O).

**G. Resumption of Nonconforming Structures.** (Amended April 21, 2015) The Zoning Administrator may approve the resumption of use of a nonconforming, residential or nonresidential structure and their accessory structures upon determination that the use is permitted in the zoning district.

**H. Completion of Nonconforming Structure.**

(1) Nonconforming, single-family dwellings and their accessory structures may be completed with the approval of the Zoning Administrator, per the procedures in Section 13.90 (N).

(2) All other nonconforming structures may be completed with approval by the Board of Appeals per the procedures in Section 13.90 (O).

**I. Expansion and Extension of Nonconforming Structure.** A nonconforming structure, no matter what type of use, may only be expanded or extended with approval from the Board of Appeals per the procedures in Section 13.90 (O). A structure that does not conform to zoning ordinance regulations shall not be substituted for, or replace, any conforming or nonconforming structure.

**J. Reconstruction of Nonconforming Structure**

(1) Nonconforming, single-family dwellings and their accessory structures may be reconstructed with the approval of the Zoning Administrator, per the procedures in Section 13.90 (N).

(2) All other nonconforming structures may be reconstructed up to the limits described in Section 13.90 (C)(1) with approval by the Board of Appeals per the procedures in Section 13.90 (O).

**K. Substitution.** (Amended April 21, 2015) A nonconforming use of a structure may not be substituted for any other nonconforming use.

**L. Enlargement and Movement of Nonconforming Uses.**

(1) A nonconforming use shall not be enlarged, extended or expanded to occupy a greater area of land, unless otherwise approved by the Board of Appeals per the procedures in Section 13.90 (O).

(2) A nonconforming use cannot be moved in whole or in part to any other part of the lot, unless otherwise approved by the Board of Appeals per the procedures in Section 13.90 (O).

(3) A structure with an existing nonconforming use cannot be enlarged, constructed, reconstructed, moved or structurally altered, except in conformance with district regulations, unless otherwise approved by the Board of Appeals per the procedures in Section 13.90 (O).

**M. Cessation of Nonconforming Uses and Nonconforming Use of a Structure.** If a nonconformity ceases for any reason for a period of more than 365 consecutive days, such use shall not be re-established, unless otherwise approved by the Board of Appeals per the procedures in Section 13.90 (O). If no request is made to the Board of Appeals, subsequent use shall conform to the regulations of the district in which it is located.

**N. Procedure for Zoning Administrator Application.**

1) *Applicant.* The owner of the land (or his/her authorized representative) upon which a resumption, completion or reconstruction of a nonconforming, single-family dwelling and/or its accessory structures is sought may file an application.

2) *Application.* An application for the resumption, completion or reconstruction of a nonconforming, single-family dwelling and/or its accessory structures shall be filed with the Zoning Administrator.

3) *Application Information.* The application shall provide the following information:

(a) Name and address of the applicant, property owner(s), and the interest of the applicant in the property.

(b) Legal description, address, and the tax parcel number of the subject property.

(c) An accurate, scaled drawing of the property, showing all features relevant to the application.

(d) Describe in detail the nonconformity that the applicant seeks to change and the reason(s) for the change(s).

4) *Standard.* A nonconforming, single-family dwelling and/or its accessory structures may be resumed, completed, or reconstructed if approved by the Zoning Administrator subject to the following requirements:

- (a) The single-family residence shall be a permitted use in the district in which it is located.
  - (b) The expansion shall meet all yard requirements of the zoning district in which it is located.
  - (c) All other nonconforming structures, in any zoning district, may be expanded only after approval by the Board of Appeals, as provided in Section 12.08, herein.
- 5) *Runs with the Land.* Unless otherwise stated in the conditions imposed by the Zoning Administrator, the change in the nonconformity shall run with the land. If the approved change runs with the land, the Township, at the expense of the applicant, may record a notice of change in nonconformity with the Washtenaw County Register of Deeds.
- 6) *Appeal.* The decision of the Zoning Administrator may be appealed to the Board of Appeals within ten (10) calendar days.

**O. Procedure for Board of Appeals Application.**

- (1) *Applicant.* The owner of the land (or his/her authorized representative) upon which a change or substitution to be approved by the Board of Appeals is sought may file an application for substitution/change of the nonconformity.
- (2) *Procedure.* The application and review of the application shall follow the procedures of Section 6.05 B (2) – (5) and (7) – (12).
- (3) *Application Information.* The application shall provide the following information:
  - (a) Name and address of the applicant, property owner(s), and the interest of the applicant in the property.
  - (b) Legal description, address, and the tax parcel number of the subject property.
  - (c) An accurate, scaled drawing of the property, showing all features relevant to the application.
  - (d) Describe in detail the nonconformity that the applicant seeks to change and the reason(s) for the change(s).
- (4) *Staking Property Line.* If the requested change involves the distance from any structure to a lot line, the applicant, at least fourteen (14) days prior to the hearing on the application, shall place visible stakes at the relevant irons and string a line between that portion of the irons line and the proposed structure. The members of the Board of Appeals may require the stakes and line be placed by a surveyor licensed in the State of Michigan and that a document be submitted signed by the surveyor attesting to the location of the relevant line(s).

- (5) *Standard and Burden.* The applicant shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact.
- (a) Nonconforming Use.
- i. The proposed nonconforming use is equally appropriate or more appropriate to the district than the existing nonconforming use. Where a nonconforming use is changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
  - ii. The applicant may be required to submit a site plan that addresses such matters as landscaping, site design and layout, pedestrian access, building materials, screening, off-street parking, exterior lighting or other improvements as deemed necessary to protect surrounding uses.
- (b) Nonconforming Structure.
- i. Retention of the nonconforming structure is reasonably necessary for the proposed improvement or that requiring removal of such structure would cause undue hardship.
  - ii. The proposed improvement is reasonably necessary to be able to continue to use the lot.
  - iii. The proposed enlarged or otherwise improved nonconforming structure will not adversely affect the public health, safety and welfare.
- (6) *Conditions.* In approving the application, the Board of Appeals may impose reasonable conditions. The conditions may include those necessary to protect the natural environment and conserve natural resources, to further compatibility with adjacent land uses, and to promote the use of land in a socially and economically desirable manner. A condition may include site plan review by the Planning Commission.
- (7) *Effect of Approval.* Approval of a structural change shall expire at the end of one hundred eighty (180) days, unless a certificate of zoning compliance authorizing construction has been obtained and construction has started and proceeds to completion in accordance with the terms of the certificate of zoning compliance.
- (8) *Runs with the Land.* Unless otherwise stated in the conditions imposed by the Board of Appeals, the change in the nonconformity shall run with the land. If the approved change runs with the land, the Township, at the expense of the applicant, may record a notice of change in nonconformity with the Washtenaw County Register of Deeds.
- (9) *Performance Guarantee.* In authorizing a change in the nonconformity the Board of Appeals may require that a cash deposit, certified check, irrevocable bank letter of credit, or other security acceptable to the Township to ensure the conditions are timely met.

- (10) *Decision.* The decision of the Board of Appeals rendered pursuant to this Section shall be final. However, a person aggrieved by a decision may appeal that decision to a court of proper jurisdiction.

**P. Reversion.** If the nonconformity is changed to a conforming situation, the nonconforming status shall terminate and the lot, structure, or use shall thereafter conform to all regulations of the district in which located. If any nonconformity is reduced or changed so that the lot, structure, or use is more nearly conforming to the requirements of this Ordinance, all previous nonconformities shall terminate and any greater nonconformity shall not thereafter be established.

## **Section 13.95      Off-Street Parking and Loading**

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### **A. General Provisions.** (Amended April 21, 2015)

- (1) The regulations of this Section shall apply to all districts when a use is established or changed, or when any building or structure is erected, enlarged, or increased in capacity.
- (2) All plans and specifications showing required off-street parking spaces, including the means of access and ingress and circulation, shall be submitted to the Zoning Administrator for review in conjunction with an application for a certificate of zoning compliance, unless a site plan is submitted under Section 8.05 of this Ordinance in which case the Planning Commission/Township Board shall review the standards for off-street parking.
- (3) Parking of motor vehicles in AG, AB, R-1, R-2, R-3, BLLR and MHP districts shall be incidental to the principal residential use and limited to passenger vehicles, each dwelling unit shall not have more than one recreation vehicle or trailer containing one or more recreational vehicle, and each dwelling unit shall not have more than one commercial vehicle of light delivery type, not to exceed 1 ton or equivalent. The parking of any other type of commercial vehicle shall be prohibited in any residential district, except those belonging to a church or school shall be permitted if parked on church or school property.
- (4) The storage of merchandise, trash, or other material in any parking lot in any district shall be prohibited.

### **B. Specifications for Parking Areas.**

- (1) Required off-street parking facilities shall be located on the same lot as the principal building for which the parking is intended.
- (2) Every parcel of land used as a parking area shall be developed and maintained in accordance with the following regulations:
  - (a) (Amended April 21, 2015) Off-street parking spaces and all driveways shall not be closer than ten (10') feet to any property line, unless a wall, screen, or planting strip is

provided as a transition strip along the property line, except a minimum distance in agricultural and single family residential zoning districts shall not be required.

(b) (Amended April 21, 2015) Off-street parking spaces shall not be located in the required front yard setback except on improved driveways on lots used for residential purposes in AG, AB, R-1, R-2, BLLR, and MHP Districts, according to Section 13.95 (A) (3). Off-street parking shall not impede a pedestrian way or obstruct the site distances as described in section 13.180.

(c) Within non-residential developments, the Planning Commission may require that no more than 20% of the off-street parking be provided in front of the building, with the remaining parking provided in the side or rear yards.

(d) Off-street parking areas shall be drained so as to prevent their drainage from flowing onto abutting properties and existing streets. Parking areas of five (5) or more spaces, aisles and driveways in commercial, office, and industrial districts shall be paved. Parking areas and drives in industrial areas that are subject to maneuvering of heavy trucks may have surfaces of compacted gravel, crushed limestone, or equivalent. All parking spaces in paved lots shall be marked with striping.

(e) Lighting for off-street areas shall be arranged to direct the light away from any neighboring streets or residential lots and so as to preserve the night sky.

(f) (Amended April 21, 2015) All off-street parking areas are prohibited from making it necessary or possible for vehicles to back directly into a public street. This prohibition shall not apply to off-street parking areas of single-family dwellings.

(g) (Amended April 21, 2015) In addition to a garage or carport (if provided), one off-street parking space on the lot shall be provided in the Rural Residential District (R-1) and in the Urban Residential District (R-2) for each single-family dwelling constructed after the effective date of this Ordinance.

(h) All spaces shall have adequate access by means of aisles or lanes.

(i) Driveways for parking lots shall be clearly limited and defined.

(j) Aisles for access to all parking spaces on two-way aisles shall be designed for two-way movement. Aisles for angle parking spaces shall have one-way movement only and shall be clearly marked for one-way movement.

(k) Not more than fifteen (15) parking spaces shall be permitted in a continuous row in residential, public lands, and common use districts without interruption by landscaping. Not more than twenty (20) parking spaces shall be permitted in a continuous row in commercial, office, and industrial districts without interruption by landscaping.

(l) Required landscape areas and screens shall be maintained in a neat and orderly appearance, and plant materials shall be maintained in a healthy and growing condition.

(m) Each off-street parking space for automobiles shall not be less than two hundred (200') square feet in area for dwelling units and one hundred eighty (180') square feet for all other uses, exclusive of access drives or aisles; and shall have a minimum width of ten (10') feet for dwelling units and nine (9') feet for all other uses. An access drive shall be provided and, where a turning radius is necessary, it shall have a radius sufficient width to allow a minimum turning movement into and out of parking spaces. The minimum width of such an isles shall be:

- i. For ninety (90°) degree parking, not less than twenty-four (24') feet wide.
- ii. For sixty (60°) degree parking, not less than eighteen (18') feet wide.
- iii. For forty-six (46°) degree parking, not less than thirteen (13') feet wide.
- iv. For parallel parking, not less than twelve (12') feet wide for one-way traffic, or twenty-four (24') feet wide for two-way traffic.
- v. Off-street parking facilities for trucks at restaurants, service stations, and similar establishments shall be of sufficient size to adequately serve trucks and not interfere with other vehicles that use the same facilities.
- vi. Parking spaces and drives shall not be located in a required transition strip. Drives may cross such a strip.

**C. Rules for Calculating Required Number of Parking Spaces.**

- (1) Where floor area is the unit for determining the required number of off-street parking spaces, the gross floor area shall be used, except that floor area used for incidental service, storage, installations of mechanical equipment, heating systems, and similar uses, and parking within buildings, shall not be included.
- (2) In stadiums, sport arenas, churches, and other places of assembly in which people occupy benches, pew or other similar seating facilities, each eighteen (18") inches of such seating shall be counted as one seat.
- (3) 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.
- (4) For requirements stated in terms of capacity or permitted occupancy, the number shall be determined on the basis of the largest occupancy ratings by local, county or state building, fire or health codes.
- (5) Any fractional space shall be counted as one additional required space.



- (6) In order to minimize areas of excess pavement that depreciate aesthetic standards and contribute to high rates of storm water runoff, exceeding the minimum parking space requirements by more than 10% is prohibited, except as approved by the Planning Commission. Single family dwellings and agricultural land uses are exempt from this requirement.
- (7) The number of parking spaces required for land or buildings used for two or more purposes shall be the sum of the requirements for the various uses computed in accordance with this Ordinance. Parking spaces required for one use shall not be counted as required parking spaces for any other use, except as provided in this Subsections 8 and 9 below.
- (8) If a parking lot serves two or more uses where the operating hours of the uses do not overlap, the total number of required spaces may be less than the sum of the requirements for each use. At least one-half of the required number of parking spaces shall be provided for each use and the total number of spaces required for the largest parking requirement on the lot, plus one-half of the required spaces for each of the other uses. The Zoning Administrator, or Planning Commission, whichever approves the site plan, shall determine the conditions of overlapping requirements and the amount of reductions in the required number of spaces that shall be permitted, in accordance with this Subsection.
- (9) Off-street parking spaces required for churches may be reduced by not more fifty (50%) percent where churches are located in non-residential districts and within three hundred (300') feet of existing usable public or private off-street spaces. The Zoning Administrator shall determine if such public or private spaces qualify under this Section.
- (10) Where a use is not specifically listed in the Schedule of Requirements, the parking requirements of a similar use as determined by the Zoning Administrator shall apply.

**D. Schedule of Off-Street Parking Requirements.**

Uses Generally Permitted In Agriculture And Residence Districts:

1. Dwellings	2 spaces for each dwelling unit.
2. Hospitals	1 space for each 4 beds plus 1 space for each 2 employees and staff.
3. Sanitariums, nursing homes, children's homes	1 space for each 6 beds plus 1 space for each 2 employees
4. Elementary and junior high schools	1 space for each employee plus 1 space for each classroom, including portables, plus auditorium requirements

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|---|--|
| 5. Senior high schools colleges, universities.  | 1 space for each employee plus 1 space for each 10 students of rated capacity, plus requirements for auditoriums             |
| 6. Churches, temples, mosques, auditoriums, sports arenas, theaters, assembly halls other than schools. | 1 space for each 3 seats of rated capacity.  |
| 7. Libraries, museums   | 1 space for each 500 square feet of floor area.  |
| 8. Swimming pool clubs, tennis clubs, and similar uses.   | 1 space for each 2 member families plus spaces as required for each accessory use, such as a restaurant.                     |
| 9. Golf courses   | 6 spaces for each golf hole and 1 space for each employee plus spaces required for each accessory use, such as a restaurant. |
| 10. Nursery school, day nurseries child care centers.   | 1 space for each 350 square feet of floor area.  |

Uses Generally Permitted In Commercial And Office Districts:

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|---|--|
| 1. General retail sales establishments not elsewhere classified.                    | 1 space for each 200 square feet of gross floor area                             |
| 2. Furniture, appliance, house hold equipment stores and repair shops.              | 1 space for each 400 square feet of gross area.                                  |
| 3. Barber and Beauty shops  | 2 spaces for each chair, plus 1 space for each employee                          |
| 4. Restaurants, Cocktail lounges, taverns, night clubs                              | 1 space for each 2 patrons of rated seating capacity plus for each two employees |
| 5. Professional and business offices, medical and dental offices and clinics, banks | 1 space for each 200 square feet of gross floor area                             |
| 6. Self-serve laundry or dry cleaning stores  | 1 space for each 2 washing, drying, or dry cleaning machines.                    |

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| 7. Vehicle service and repair stations   | 1 space for each gasoline pump, plus 2 spaces for each service bay.   |
| 8. Automobile or machinery sales and/or service establishments.                | 1 space for each 200 square feet of showroom floor area plus 2 spaces for each service bay plus 1 space for each 2 employees. |
| 9. Bowling alleys  | 5 spaces for each alley plus parking for accessory uses as herein.  |
| 10. Motels, hotels, tourist homes  | 1 space for each occupancy unit plus 1 space for each 2 employees   |
| 11. Funeral homes  | 1 space for each 50 square feet of floor area in parlors, plus 1 space for each fleet vehicle.                                |
| 12. Shopping centers   | 5 ½ spaces for each 1000 square feet of gross leasable floor area.  |
| 13. Private clubs, lodge halls, Billiard parlors, games arcades, skating rinks | 1 space for each 3 persons of rated capacity.   |
| 14. Automobile wash  | Stacking space for 5 cars (not including space in each stall) between ROW & wash bay.   |
| 15. Miniature or “par” 3 golf courses  | 3 spaces for each hole plus 1 space for each employee.  |

Uses Generally Permitted In Industrial Districts:

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| 1. Wholesale establishments  | 1 space for each 200 square feet of sales floor area plus 1 space for each 2 employees plus 1 space for each vehicle to be stored on the premises. |
| 2. Manufacturing fabricating processing, research and testing establishments | 1 space for each 1 ½ employees.  |
| 3. Warehouses  | 1 space for each 2000 square feet of gross floor area plus 1 space for each vehicle to be stored on the premises.                                  |
| 4. Utility substations   | 1 space for each employee  |

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|-------------------------------|---|
| 5. Contractors establishments | 1 space for each employee, plus 1 space for each vehicle stored on the premises.  |
| 6. Junk yards                 | 1 space for each employee, plus 1 space for each operating vehicle stored on premises, plus 2 spaces for each acre of land in yard. |

**E. General Provisions for Loading Facilities.**

- (1) Off-street loading/unloading spaces shall be provided for every building or use, except dwellings, that customarily receive or distribute material or merchandise by vehicle on the same lot with such building or use. Off-street loading spaces are hereby required in order to avoid interference with public use of streets and parking areas.
- (2) Plans and specifications showing required loading/unloading spaces and the means of ingress and egress and internal circulation shall be submitted to the Zoning Administrator or Planning Commission, whichever has authority to approve the site plan.

**F. Specifications for Loading Facilities.**

- (1) Each off-street loading/unloading space shall be of a size sufficient to accommodate the type of vehicles that commonly serve the building or use, but shall not be less than the following:
  - (a) In all districts except commercial and industrial districts, such space shall not be less than ten (10') feet wide and twenty-five (25') feet long.
  - (b) In any commercial or industrial district, such space shall not be less than ten (10') feet wide and fifty-five (55') feet long.
- (2) Subject to the limitations of paragraph 4 following, a loading/unloading space may occupy part of any required side or rear yard, except any yard along a street that shall not be occupied by such space. No part of a required front yard shall be occupied by a loading/unloading space.
- (3) Any loading/unloading space shall not be less than ten (10') feet from an interior side or rear lot line; or less than fifty (50') feet from any lot located in a residential district unless within an enclosed building or unless enclosed on all sides by a wall, fence, or planting strip not less than six (6') feet high, in which case such space shall not be located closer to the residential lot line than the required yard and transition strip.
- (4) Off-street loading/unloading facilities that make it necessary or possible to back directly into a public street shall be prohibited. All maneuvering of trucks and other vehicles shall take place on the site and not within a street right-of-way.

- (5) Loading/unloading areas shall be paved except in industrial districts where the surface may be compacted gravel, crushed limestone, or equivalent material.
- (6) Lighting for loading/unloading areas shall be directed away from neighboring streets or residential lots.
- (7) Loading/unloading spaces shall not be located in a required transition strip.
- (8) Required landscape screens shall be maintained in a neat and orderly appearance, and plant materials shall be maintained in a healthy and growing condition.

**G. Schedule of Off-Street Loading Requirements.**

- (1) Off-street loading/unloading spaces shall be provided at the rate of one space for the first five thousand (5,000') square feet of gross floor area, and one space for each additional twenty thousand (20,000') square feet of gross floor area, or fraction thereof.
- (2) Required off-street parking spaces shall not be counted as required loading/unloading spaces.
- (3) In the case of mixed uses the total requirements for loading/unloading facilities shall be the sum of the several uses computed separately.

**Section 13.100      Outdoor Merchandising**

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No person or business shall use any area of a road right-of-way for the displaying, the sale or storing of any goods or any other articles.

**Section 13.105      Parking and Storage of Vehicles/Trailers**

[\(Back to Table of Contents\)](#)

**A. Occupied and Vacant Lots.** (Amended April 21,2015)

- (1) No recreation vehicle(s) as defined in Section 2.10, or utility trailer shall be parked or stored on any lot occupied by a residential dwelling unit unless such vehicle, apparatus, or trailer is owned by the resident of the lot or guest, currently plated and is stored in accordance with Section 13.95 (A) (3) and (B) (2) (b), or in a garage, enclosed in a building or is located within the rear yard or side yard of such lot a minimum of ten (10') feet from any rear or side property line. Such storage shall not be placed so as to cause a nuisance to abutting residential premises (as determined by the Zoning Administrator). No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, except for the occasional temporary use for personal recreation or to accommodate visitors, not to exceed a continuous period of two (2) weeks in any ninety (90) day period. No unoccupied mobile homes shall be parked on any lot.
- (2) (Amended August 21, 2018) Inoperable or Junk Motor Vehicles shall not be parked or stored other than (i) in completely enclosed, permanent structures or (ii) otherwise in a

manner that is not visible from surrounding properties or from any public place. Notwithstanding the foregoing, the following are exempt from the provisions of this Section:

- a. Any Inoperable or Junk Motor Vehicle that is not visible from a public or private street or road, or from other public or private property;
  - b. Up to two Inoperable or Junk Motor Vehicles that are in the process of restoration, and that are recognized by national vehicle organizations such as the Vintage Motor Car Club of America, the Specialty Equipment Market Association or the Classic Car Club of America as an antique, vintange, historic, classic, or muscle or special interest vehicle. Such vehicles, when located in public view prior to or during the restoration process, shall, upon request by the Zoning Administrator, be moved to a storage or work area not readily visible by the general public;
  - c. Up to two Inoperable or Junk Motor Vehicles for which the landowner can show current registration in his or her name, and for which (s)he submits a declaration expressing his or her intent to bring the same into operating condition within one year from the date of the declaration, and which are not parked on public roads or shared easements; and placed so as minimize public view, and which are kept free of accumulating garbage and other health hazards; and
  - d. With respect to agricultural farm operations located in the Agricultural zoning district, one Inoperable or Junk Motor Vehicle shall be permitted on each such farm operation, provided that the vehicle is either operable, or not readily visible from any public place or from surrounding private property.
- (3) No recreation vehicle(s) as defined in Section 2.10, or utility trailer shall be parked or stored on any vacant lot unless such vehicle, apparatus, or trailer is owned by the owner of the lot, currently plated and meets all required yard setbacks. Such storage shall not be placed so as to cause a nuisance to abutting properties (as determined by the Zoning Administrator).

**B. Commercial Vehicles.** Automotive vehicles, trucks or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. Further, in residential zones, it shall be illegal to park commercial vehicles (except those permitted in Section 13.95.A.3 herein) outside of a garage or other approved accessory building.

### **Section 13.110      Performance Standards**

[\(Back to Table of Contents\)](#)

**A.** No lot, building, or structure in any district shall be used in any manner that will violate the following standards.

- (1) *Fire Hazard.* Storage of flammable or explosive materials shall meet all State and Federal regulations and applicable township codes.
- (2) *Radiation.* Emission of any radiation shall be in accordance with State and Federal rules.
- (3) *Electrical Disturbance.* No activity shall create any electrical disturbance that adversely affects the operation of any equipment other than that of the creator of such disturbance.
- (4) *Glare.* No direct or reflected glare shall be permitted that is visible from any neighboring properties or from any public road.
- (5) *Vibration.* Vibration that is discernible without instruments at the lot lines shall be prohibited.
- (6) *Smoke.* Smoke shall not be emitted with a density greater than No. 1 on the Ringleman chart as issued by the U.S. Bureau of Mines except for blow-off periods of ten minutes duration of one (1) per hour when a density of not more than No. 2 shall be permitted.
- (7) *Odors.* No malodorous gas or matter shall be permitted that is offensive or is a public nuisance or hazard on any adjoining or neighboring property.
- (8) *Airborne Matter.* Emission of Fly-ash, dust, vapors, or other substances that is harmful to the public health, animals, vegetation, or property shall be prohibited.
- (9) *Soil Erosion.* Wind or water erosion of objectionable substances onto neighboring property or into lakes, ponds, rivers, or streams shall be prohibited.

**B.** An application for a certificate of zoning compliance and/or a building permit for a use subject to one or more of these standards shall be accompanied by a description of the machinery, processes, and products involved with such use; and by a description of the methods and equipment to be used in meeting these standards.

**C.** The Zoning Administrator may consult with one or more experts qualified to advise as to whether a use will comply with these standards. The costs of such consultation shall be paid by the applicant. A copy of any report resulting from such consultation shall be furnished to the applicant and the Township Board.

### **Section 13.115 Razed Building**

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No building shall be razed or demolished until both a building permit, and a certificate of zoning compliance have been obtained. Furthermore, the Township may require that the applicant post a performance guarantee in the form of cash or an irrevocable letter of credit (in a form acceptable to the Township) in such amount as the Township determines may reasonably be required to finish the demolition or razing, to dispose of the demolition materials, to fill the basement, and to fully restore the site. The monetary security shall also include an amount sufficient to cover the

Township's attorney fees and all incidental costs. Reasonable conditions may also be attached to the certificate of zoning compliance by the Township. All noise regulations in the Nuisances Ordinance must be complied with.

### **Section 13.120      Residential Design Standards**

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All single family and two-family dwelling units (except mobile homes within licensed mobile home parks) shall comply with the following minimum requirements.

**A. Area and Bulk Regulations.** The dwelling unit shall meet or exceed the minimum floor area and minimum exterior width for dwellings, as specified in the applicable zone district regulations.

**B. Foundations.** All structures and any additions thereto shall be constructed upon and attached to a solid, permanent foundation located under the entire perimeter of the ground floor of the dwelling unit, with a depth of at least forty-two (42") inches below grade. The foundation shall comply with the provisions and regulations promulgated by Washtenaw County, other applicable federal and state regulations.

**C. Additions.** All additions or alterations to a dwelling shall be at least the same quality materials and workmanship as the original structure.

**D. Roof Drainage.** Water from roofs upon which the dwelling is located shall be managed in such a manner as to not burden lands other than those upon which the dwelling is located, unless the flow goes to an existing water course that is not unduly burdened in any manner, or to another legally acquired flow pattern. Connection of roof downspouts to a public sanitary sewer system is prohibited.

**E. Sewer and Water.** All dwellings must be connected to the public sewer and water supply, where available. When such facilities are not available, on-site water supply and sewage disposal facilities are required, and must be approved by the Michigan Department of Natural Resources and Environment, Washtenaw County Department of Environmental Health and applicable Township ordinances, rules and regulations.

**F. Other Regulations.** Residential structures shall be constructed in compliance with applicable Federal, State, or local laws or ordinances, including the Michigan State Construction Code. Mobile homes or manufactured housing shall comply with the most recent regulations specified under the United States Department of Housing and Urban Development, Mobile Home Construction and Safety Standards (24 CFR 3280), as amended.

### **Section 13.130      Setbacks on Primary Roads (Amended March 21, 2017)**

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No building or structure shall be located less than the required front or corner side yard, or one hundred-ten (110') feet from the centerline, of the following roads, whichever results in the greater setback:



- A. Mast Road
- B. North Territorial Road
- C. Webster Church Road
- D. Joy Road
- E. Huron River Drive
- F. Strawberry Lake Road
- G. Dexter Pinckney Road
- H. Island Lake Road

**Section 13.135      Sewage Waste and Water Pollution**

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Sewage disposal (including septic systems) and water pollution shall be subject to standards and regulations established by federal, state, county and local regulatory agencies, including but not limited to, Webster Township, Michigan Department of Health, Michigan Department of Natural Resources and Environment, Washtenaw County Health Department, and the United States Environmental Protection Agency.

The location, storage, or discharge of any materials in a manner that would be likely to run off, seep, percolate or wash into surface or subsurface waters so as to contaminate, pollute or harm such waters or cause a nuisance such as objectionable shore debris, floating or submerged debris, oil or scum, color, odor, taste or unsightly condition or be harmful to human, animal, or plant life is prohibited.

**Section 13.140      Sign Regulations (amended May 20, 2014)**

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**A. Purpose.** The purpose of this Section is to regulate the location, size, construction, and manner of displaying signs in order to protect the health, safety and general welfare, to protect property values, and to protect the character of Webster Township. Although this Section recognizes that signs may be necessary to promote commerce and public information, it is intended that the display of signs will be appropriate to the land, building or use to which they pertain and are compatible with the surrounding area. To achieve its intended purpose, this Section has the following objectives:

- (1) To keep the number of signs and sign messages at the level reasonably necessary to identify a business and its products and to communicate public information;
- (2) To keep sign sizes within a reasonable scale with respect to the buildings they identify and to the locations they are placed;
- (3) To reduce visual distractions and obstructions to motorists traveling along, entering or leaving streets;
- (4) To promote a visually attractive manner of display that respects the character of the Township and prevents visual clutter and blight; and

(5) To ensure that the constitutionally-guaranteed right of free speech is protected.

**B. General Sign Regulations.** The following regulations shall apply to all signs in Webster Township:

(1) *Illuminated Signs.*

- (a) Residential and Agricultural Districts - only non-illuminated signs shall be permitted.
- (b) Commercial and Industrial Districts - Indirectly or internally illuminated signs shall be permitted, if otherwise permitted by this Ordinance, and provided that direct light rays will not be visible from a public right-of-way or any adjacent residential property.
- (c) No sign shall have blinking, flashing, or fluttering lights or other illuminating devices that have a changing light intensity, brightness, or color, or that are so constructed and operated as to create an appearance of writing or printing.
- (d) This Ordinance shall not prevent the use of lights or decorations related to holidays, religious, and patriotic festivities. Beacon lights and search lights shall not be permitted as or on a sign for advertising purposes.

(2) *Measurement of Sign Area.* The area of a sign shall include the entire area within a regular geometric form or combination of such forms comprising all the display area of the sign and including all elements of the matter displayed. The area to be measured encompasses the extreme limits of the writing, representation, emblem or other display together with any material or color forming an integral part of the background of the display or used to differentiate the sign material from the backdrop or structure against which the sign is placed. In cases where a sign, or a portion of a sign, is composed only of letters, figures, or other characters standing against no sign face background, then the sign face area is the area of the smallest regular geometric form or combination of such forms which fully contains the sign content. Frames and structural members not bearing copy or display material shall not be included in the sign area. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except where two such faces are placed back to back, parallel to one another, and less than twenty-four (24") inches apart, in which case the area of the sign shall be the area of one face.

(3) *Height of Signs.* No part of a free standing sign shall exceed a height of ten (10') feet for signs requiring a permit within Section 13.140(I) and six (6') feet for all other signs, above the average established ground level beneath the sign. The established ground level beneath the sign is the lower of (1) the existing grade prior to construction of the sign or (2) the newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign, unless the curb elevation at the street in front of the sign is higher than the established ground level, in

which case the height shall be measured from curb level.. No part of a wall mounted sign shall extend above the top of the wall or beginning of the roof of the building on which it is attached. Visibility at all intersections will be maintained in conformance with Section 13.180 (B)(1).

- (4) *Setback Requirements for Signs.* No sign shall be placed such that it interferes with the traveling public or the function, maintenance, or operation of the roadway system within the Township. Additionally, signs requiring a permit within Section 13.140(I) shall have all parts of the sign located outside of the road right of way and a minimum of twenty (20') feet from the edge of the road surface.
- (5) *Affixing Signs.* Tacking, pasting, or otherwise affixing signs on the walls of buildings, barns, sheds, in trees, utility poles or fences such that they are visible from a public right of way is prohibited. This prohibition does not apply to warning or danger signs, legal posting signs, and signs that obtain a permit via Section 13.140(I).
- (6) *Conflicts with Traffic Control Devices.* All signs must be of a size, location, content, coloring, or manner of illumination that will not be confused with or construed as a traffic control device, or hide from view any traffic or street sign or signal, or obstruct the view in any direction on a road.

**C. Signs Allowed in All Districts.** Subject to the other provisions of this Ordinance, the following signs shall be allowed in any district without a permit. These signs are in addition to those allowed in Sections 13.140 G-I applicable to the specific districts referenced therein.

- (1) Directional signs that do not exceed eight (8') square feet in area for each sign. Horizontal directional signs, on and flush with paved areas may exceed eight (8') square feet. A directional sign shall be located on the property on which it is directing traffic and shall be located behind the front right-of-way line.
- (2) Identification signs for places of worship, provided that the free standing sign does not exceed thirty-two (32) square feet in area and a height of six (6') feet. In addition, one announcement bulletin shall be permitted on the site of a place of worship, provided the bulletin does not exceed twenty-four (24') square feet in area and a height of six (6') feet.
- (3) Non-commercial Public Interest Signs.
- (4) Monument Signs.
- (5) Flags of any nation, state, municipality, or other political subdivision, or corporation or other business are allowed in addition to any other allowed sign. Within the Commercial, Industrial, Office, and Agri-Business Districts there is a limit of five flags per parcel.
- (6) Semi-historical and/or Traditional barn Signs.
- (7) Warning or Danger signs.

- (8) Legal Posting Signs.
- (9) Crop Identification Signs.
- (10) Political Campaign Signs.
- (11) Real Estate Signs.

**D. Prohibited Signs.** The following signs are prohibited:

- (1) Banners
- (2) Pennants
- (3) Search lights
- (4) Sandwich board signs
- (5) Sidewalk or curb signs
- (6) Balloons or other gas-filled figures
- (7) Moving Signs.
- (8) Vehicle Signs not used during the normal course of business shall not be parked or located for the primary purpose of displaying the advertising copy.
- (9) Signs that contain statements, words or pictures of an obscene, or pornographic nature
- (10) Signs that emit audible sound, odor, or visible matter.
- (11) Signs on the roof of buildings.

**E. Temporary and Off-Premise Signs.** No additional signage is permitted on a temporary basis or for off-premise advertising. There are no restrictions on changing sign copy as long as the sign complies with this Section.

**F. Non-Conforming Signs.** Non-conforming signs shall not:

- (1) Be re-established after the activity, business, or use that it identifies or advertises has been discontinued for ninety (90) days or longer.
- (2) Be structurally altered so as to prolong the life of the sign or to change the shape, size, type or design of the sign.

- (3) Be re-established after damage or destruction of the sign, if the estimated expense of reconstruction exceeds fifty (50%) percent of the replacement cost as determined by the Zoning Administrator.

**G. Allowed Signs in Agricultural Districts without a Permit.** One sign per parcel on each road frontage, outside of the right of way of publicly maintained roads, shall be allowed without a permit. The sign may be up to eighteen (18) square feet in area for parcels of two (2) acres or greater in size and up to nine (9) square feet in area for parcels less than two (2) acres in size. The sign may have copy on both sides of the sign surface.

**H. Allowed Signs in Residential Districts without a Permit.** One sign per parcel on each road frontage, outside of the right of way of publicly maintained roads, shall be allowed without a permit. The sign may be up to nine (9) square feet in area. The sign may have copy on both sides of the sign surface.

**I. Signs Allowed with a Permit.**

- (1) *Signs In Commercial (C), Office (O), AgriBusiness (AB), Special Uses of a Commercial Nature, and Industrial (I) Districts.* On-site canopy/awning or marquee signs, wall signs, and free standing signs shall be allowed with a permit subject to the following regulations:

- (a) Number and area allowed:

- (i) Area for all exterior on-site signs. The total maximum area of exterior on-site signs allowed for each lot shall be determined as two (2') square feet of sign area for each one (1') linear foot of building length that faces one public street, and as otherwise limited by Subsections 13.140(I)(1)(a)(i)(1) and (2):

- 1. *Free standing signs:* No free-standing sign shall exceed fifty (50) square feet in area.
- 2. *Wall signs:* No exterior wall sign shall exceed one hundred (100) square feet in area.

- (ii) Number. Each developed lot shall be allowed a maximum of two exterior on-site signs, except a developed lot that is located at the intersection of primary roads as classified in the adopted Master Plan, which shall be allowed three exterior on-site signs. Only one free-standing sign shall be allowed on any single street. (amended May 15, 2018)

- (b) Window signs shall be allowed and shall not be included in total sign area computation if said signs do not occupy more than twenty-five (25%) percent of the total window area of the floor level on which displayed or exceed a total of two hundred (200') square feet for any one building.

- (c) Time and temperature signs and similar public service signs shall be allowed in addition to exterior and window signs, provided that ownership, identification, or advertising copy does not exceed ten (10%) percent of the total sign area and further provided that the total area of the sign does not exceed thirty (30') square feet.
  - (d) No canopy or marquee sign shall extend into a required yard.
  - (e) In addition to the provisions of Subsections 13.140(I)(1)(a) and (b), a vehicle service station may have one additional sign, not exceeding eight (8') square feet in area, for each public street frontage, for the purpose of advertising gasoline prices and other services provided on the premises. Said sign shall be mounted on a freestanding structure or on the structure of another permitted sign, provided that clear views of street traffic by motorists or pedestrians are not obstructed.
- (2) *Signs in Agricultural (AG), Public Land (PL), Rural Residential (R-1), Urban Residential (R-2), Baseline Lake Residential (BLLR), Multi-Family Residential (R-3) and Planned Unit Development (PUD) Districts.* One identification sign shall be allowed with a permit for each public street frontage, for a residential development, multiple-family building development, PUD, PL areaq or mobile home park. Each sign shall not exceed eighteen square feet (18 s.f.) in area.

(3) *Permits and Fees.*

- (a) No sign requiring a permit shall be erected or replaced until a permit therefore has been issued by the Zoning Administrator and is in effect, and until required fees have been paid.
- (b) Application for a permit to erect or replace a sign shall be made by the owner of the property or authorized agent to the Zoning Administrator by submitting the required forms, fees, exhibits and information. Fees for sign permits shall be established by resolution of the Township Board.
- (c) An application for a sign permit shall contain the following:
  - (i) The applicant's name and address in full, and a complete description of his/her relationship to the property owner.
  - (ii) If the applicant is other than the property owner, the signature of the property owner concurring in the application.
  - (iii) The address and legal description of the property.
  - (iv) An accurate scale drawing of the property showing location of all buildings and structures and their uses, and location of the proposed sign.

- (v) A complete description and scale drawing of the sign, including all dimensions and the area in square feet.
- (vi) All signs shall be inspected by the Zoning Administrator for compliance with this Ordinance prior to placement on the site. The Zoning Administrator shall inspect all construction.
- (vii) A sign permit shall expire if the work for which the permit was issued has not been completed within six (6) months after the date of the permit. The sign permit may be extended for a period of thirty (30) days upon request by the applicant and approval of the Zoning Administrator.
- (viii) Painting, repainting, cleaning, and other normal maintenance and repair of a sign or a sign structure shall not require a sign permit, unless a structural or sign type change is made.

#### **J. Violations and Removal of Signs.**

- (1) The Zoning Administrator may order the removal of any sign erected or maintained in violation of this Ordinance. The sign owner or property owner will be given a written notice providing thirty (30) days to remove the sign or bring the sign into compliance. Upon failure to comply with the notice, the Zoning Administrator may remove the sign. The Zoning Administrator may also remove the sign immediately and without notice if it reasonably appears the condition of the sign presents an immediate threat to public safety or if the sign is located within right of way of a publicly maintained road. Temporary signs violating this Ordinance may be removed by the Zoning Administrator without written notice. Any cost of removal incurred by the Township shall be assessed to the owner of the property on which such sign is located and may be collected in the manner of ordinary debt or in the manner of taxes and such charge will be a lien on the property.
- (2) A sign shall be removed by the owner or lessee of the premises upon which the sign is located within ninety (90) days after the business that it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the Zoning Administrator may remove it in accordance with Subsection 13.140(J)(1).
- (3) Nothing within this ordinance shall limit the authority of the Washtenaw County Road Commission from regulating or enforcing the placement of signs within the right of way of county roads. Sign owners should refer to the Washtenaw County Road Commission for their current regulations and policies.

### **Section 13.150    Soil Erosion**

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All development in Webster Township shall, except as may be exempt by Washtenaw County, comply with the standards and specifications for soil erosion and sedimentation control adopted by Washtenaw County.

**Section 13.155**      **Storage and/or Display Lots**

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An outdoor storage use in a Commercial (C), Office (O) District or Industrial District (I) shall be enclosed by an approved masonry wall or obscuring fence as approved by the Zoning Administrator or Planning Commission/Township Board, whichever is authorized to approve the site plan. The extent of such a wall or fence shall be determined by the Zoning Administrator or Planning Commission on the basis of usage. Such wall or fence shall not be less than four feet six inches (4' 6") in height and may, depending upon land usage, be required to be eight (8') feet in height, and shall be subject to such other requirements as provided in this Ordinance. A chain-link fence or a landscaped earth mound (berm), both with intense evergreen shrub planting, may be permitted by the Zoning Administrator or Planning Commission. The Zoning Administrator or Planning Commission may require vertical decorative or wood pickets be installed in the fence where in its judgment it will better serve to obscure the open storage. Open storage areas shall be hard-surfaced with gravel or other suitable approved material and drained to meet Township engineering requirements. If open storage is to park wheeled vehicles, then it shall be paved to parking lot standards (ref. Section 13.95) based on the land use.

Open air business and uses with permitted outdoor space for display and sales shall not be allowed until approved by the Zoning Administrator or Planning Commission, which ever has the authority to approve the site plan. Such uses shall be paved and constructed to the same standards of construction as a parking lot or provided with a suitable surface acceptable to the Zoning Administrator or Planning Commission, whichever is applicable.

**Section 13.160**      **Storage of Rubbish, Scrap, Unused Items and Similar Materials** (Amended August 21, 2018)

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A. Garbage, trash and similar refuse to be stored outside a building in the Commercial (C), Office (O) and Industrial (I) Districts shall be stored within lidded containers and said containers shall be stored within a screened enclosure. The enclosure shall be constructed of an opaque material, such as wood, concrete blocks, or bricks, and shall be enclosed on at least three (3) sides. The fourth side may be open for access or access may be provided by one or more gates. The storage area shall have a concrete floor at least four (4") inches thick.

B. The location and storage of abandoned, discarded, unused, unusable, or inoperative appliances; furniture; equipment; vehicles (including Inoperable or Junk Motor Vehicles); boats; trailers; cars; vans; trucks; junk; or materials such as wood, metal, plastic, glass, rubber and synthetic materials shall be regulated as follows, except for junk yards, in which case the regulations pertaining to junk yards shall apply.

(1) Unless otherwise specifically provided as part of a special use or site plan approval, the owner or tenant shall locate and store such materials within a completely enclosed structure. Such storage shall be for future transfer to other premises and shall not be for the purpose of hire or sale.

(a) Notwithstanding the foregoing Section 13.160.B.(1), with respect to Junk or Inoperable Motor Vehicles located on a property dedicated exclusively to



residential use (and provided that such property does not constitute or contain a junk yard as defined in this Ordinance), the provisions of Section 13.105.A.(2) shall control and govern with respect to the storage of such Junk or Inoperable Motor Vehicles on such residential property.

- (2) On any lot or parcel in any Industrial District (I), the owner or tenant shall locate and store such materials:
  - (a) Within a completely enclosed building, where required; or,
  - (b) Where outdoor storage is permitted, within an area surrounded by a solid, non-pierced fence or wall at least seven (7') feet in height and not less in height than the materials located or stored therein, and not closer to the lot lines than the minimum yard requirements for said districts.

### **Section 13.165      Swimming Pools**

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The following regulations shall apply to any outdoor swimming pool that is more than twenty-four (24") inches deep in its deepest part or that has a surface area of more than two hundred-fifty (250') square feet.

- (1) Construction of a swimming pool shall require a certificate of zoning compliance and a building permit.
- (2) A swimming pool shall comply with the Michigan State Construction Code.
- (3) A swimming pool shall conform to all yard requirements of the district in which located.
- (4) The pool or property shall be enclosed by a fence or other enclosure at least four (4') feet high and of such design and construction as to limit access to the pool or property through gates. Each gate shall be at least four (4') feet high and self-latching.
- (5) The outside edge of the pool wall shall not be constructed in the front yard or located closer than fifteen (15') feet to any rear or side property line.
- (6) No swimming pool shall be filled with water until all required fencing or walls have been fully installed and all applicable Township, County, and State inspections and approvals have occurred.

### **Section 13.170      Temporary Structure Permit**

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#### **A. Permitted Structures.**

- (1) A mobile home may be used as a temporary dwelling by a family constructing a new single family residence in an AG District.

- (2) A temporary structure may be used as a temporary dwelling by a family while repairing or replacing its single family residence rendered uninhabitable by a disaster such as fire, flood, or windstorm. Such temporary dwelling shall be permitted only in an AG District.
- (3) A mobile home may be used as a temporary dwelling for a seasonal agricultural worker and family provided the dwelling is located on the farm on which the worker is employed and provided further that the farm operator shall certify the need for said worker.
- (4) A non-residential temporary structure designed as a general sales office, a sales/rental office, or a financial institution may be used for such purposes during construction of a permanent building for such purposes. A temporary structure designed as a sales/rental office, may be used in a residential development exclusively for the purpose of selling, leasing, or renting new dwelling units within said development.
- (5) A mobile home may be used as a temporary auxiliary dwelling in the AG District for a dependent person(s) on a lot with an existing and occupied principal single family detached dwelling, only during the period of dependency. At least one dependent person who occupies the temporary auxiliary dwelling shall be a member of the family that occupies the principal dwelling. Other permitted occupants of the temporary auxiliary dwelling shall be limited to the dependent's spouse, children, or parent(s). Dependency shall be determined by one or more of the following criteria:
  - (a) Financial dependency. The dependent occupant shall be listed as a dependent in the most current Federal Income Tax Form 1040 submitted by the occupant of the principal dwelling, or shall have an annual income at or below the national income poverty level.
  - (b) Physical or emotional dependency. The dependent occupant shall be certified by a physician licensed in the State of Michigan as being in a physical or emotional state that requires close supervision and care.
  - (c) The Township Board may waive the requirements of financial, physical, or emotional dependency for a dependent occupant who is sixty-five (65) years old or older.

**B. Required Approvals.** A temporary structure shall not be placed on any lot unless a temporary structure permit has been approved by the Township Board and is in effect. A temporary structure shall not be occupied until a certificate of occupancy has been issued by the Building Inspector. The Building Inspector shall not issue a certificate of occupancy until the Zoning Administrator has approved in writing said structure as complying with this Ordinance, and until a performance guarantee has been deposited as required herein.

**C. Application.** Application for a temporary structure permit shall be made to the Township Clerk. The application shall include the following information:

- (1) Name and address of the applicant and property owner.

- (2) Accurate legal description of the lot on which the temporary structure is to be located.
- (3) A plan of the property, showing the location of all proposed temporary and permanent improvements.
- (4) Copies of all County and State permits required, including copies of Washtenaw County Health Department permits for a well and septic tank.
- (5) An estimate, with supporting information of the cost of removal of the temporary structure, and temporary site improvements and of site cleanup.

**D. Regulations.**

- (1) A temporary dwelling shall be occupied by not more than one family. Not more than one temporary dwelling shall be permitted on a lot.
- (2) A temporary structure shall comply with all regulations of the zoning district in which it is located.
- (3) A mobile home shall comply with the National Mobile Home Construction and Safety Standards Act of 1974 (Title VI of PUB.L. 93-383, 88 STAT, 700, 42 U.S.C. Section 5401, *et seq.*).
- (4) A temporary structure shall be connected to water supply and sewage disposal systems approved by the Washtenaw County Health Department or the public water and sanitary sewer systems.
- (5) A temporary structure shall be permitted only on the same lot as the permanent structure, except that a temporary sales/rental office in a residential development shall be located within the boundary lines of said residential development.
- (6) Any certificate or permit issued under this Section shall not be transferable to any other owner or occupant.
- (7) A driveway permit shall have been issued by the Washtenaw County Road Commission or Michigan Department of Transportation, whichever is applicable.
- (8) Driveways and parking areas shall be paved or constructed of compacted gravel or crushed limestone according to accepted engineering standards.
- (9) Motor homes, travel trailers, camper-trailers, or other recreation vehicles shall not be used as temporary structures.

**E. Performance Guarantee.** Cash, certified check, or an irrevocable bank letter of credit shall be deposited with the Township Clerk. The performance guarantee shall be in an amount determined by the Zoning Administrator to be sufficient to cover all costs of the

removal of the temporary structure and all site improvements related thereto and restoration of the site to a stable, safe, and nuisance-free condition. The performance guarantee shall be deposited before the temporary structure may be located or relocated on the site.

**F. Expiration of Temporary Structure Permits.**

(1) *Temporary dwellings for dependent persons.*

(a) A temporary structure permit shall expire seven (7) days after the reason for the dependency has been terminated, or one year after the date of approval, whichever first occurs.

(b) The Township Board may extend a temporary structure permit for an auxiliary dwelling for dependent persons for a period of not more than one year, provided the occupant thereof submits proof of continued dependency in accordance with the criteria set forth in Subsection (A)(5) above. The Board may grant more than one extension.

(2) *All other temporary structures.*

(a) A temporary structure permit shall expire one year after the date of issuance, or such earlier date as may be specified in the approval of the permit.

(b) The Township Board may extend the time period of a permit upon showing of good cause for such extension. Extension shall be for one period of time only, not to exceed one year. Extension shall be made only upon written application filed with the Township Clerk at least thirty (30) days prior to the expiration date of the permit. The application shall show the cause for the extension and facts showing due diligence in construction of the permanent structure. An extension shall not be approved unless construction of the permanent structure has commenced within one hundred and eighty (180) days of the date of issuance of the temporary structure permit and diligently pursued.

**G. Removal of Temporary Structures.**

(1) A temporary structure and all site improvements related thereto shall be removed from the premises, and the site shall be restored to a stable, safe, and nuisance-free condition within two weeks following the expiration date of the permit therefore, or its extension, or within two weeks following the date of the certificate of occupancy of the permanent structure, whichever first occurs.

(2) Failure to cause the removals and site restoration as provided in Subsection F(1) above, shall authorize the Township Board to have said removals and site restoration completed, with all costs thereof incurred by the Township Board chargeable against the performance guarantee.

## **Section 13.180      Unobstructed Sight Distance**

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No fence, wall, structure or planting shall be erected, established or maintained that will obstruct the view of drivers in vehicles approaching an intersection of two roads or an intersection of a road and a driveway. An unobstructed triangular area meeting the following requirements shall be maintained:

**A. Description of the Unobstructed Area.** The unobstructed area shall be determined by the type of intersection as follows:

- (1) The area formed at the corner intersection of two street right-of-way lines, whether the streets are private or public, the two sides of the triangular area being twenty-five (25) feet in length, measured along the abutting right-of-way lines, and the third side being a line connecting the two sides.
- (2) The area formed at the corner intersection of a street right-of-way and a driveway, the two sides of the triangular area being ten (10) feet in length, measured along the right-of-way line and the edge of the driveway, and the third side being a line connecting the two sides.

**B. Restrictions in Unobstructed Area.** Cross-visibility shall be maintained within the unobstructed area as follows:

- (1) All fences, walls, structures and plantings located in the unobstructed area shall not obstruct cross-visibility between twenty-four (24) inches and six (6) feet above the lowest point of the intersecting road.
- (2) Trees shall be permitted in the unobstructed area provided that limbs and foliage are trimmed so that they do not extend in the cross-visibility area between twenty-four (24) inches and six (6) feet above the lowest point of the intersecting road or otherwise create a traffic hazard.

## **Section 13.185      Voting Places**

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

## **Section 13.190      Wireless Telecommunications Towers (amended June 17, 2014)**

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**A. Purpose and Goals.** The purpose of this Section is to establish guidelines for the siting, use, and maintenance of wireless telecommunications towers and antennas. The goals of this Section are to:

- (1) Protect residential areas, agricultural or natural areas, and protect future land uses from potential adverse impacts of towers and antennas.
- (2) Protect the public health and safety.
- (3) Permit telecommunications facilities within Township boundaries as required by law.
- (4) Minimize the total number of towers throughout the Township by encouraging the joint use of existing and new tower sites.
- (5) Require users of towers and antennas to configure or shield them in a way that minimizes the adverse visual impact of the towers and antennas.
- (6) Avoid potential damage to adjacent properties from tower failure.
- (7) Provide for the maintenance of existing facilities as well as timely removal of obsolete, unused or abandoned facilities.

In furtherance of these goals, Webster Township shall give due consideration to the Township's Master Plan, Zoning Map, existing and future land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

**B. Applicability.**

- (1) *New Towers and Antennas.* All new towers and antennas in Webster Township shall be subject to these regulations, except as provided in Subsections 2, 3, and 4, below.
- (2) *Amateur Radio Station Operators.* This section shall not govern any tower, or the installation of any antenna, that is owned and operated by a federally licensed amateur radio station operator. Amateur radio towers will be governed by maximum heights for non-attached structures in appropriate districts, as required elsewhere in this Ordinance.
- (3) *Receive Only Antennas.* This Section shall not govern any receive only antenna or tower installed and used by an individual to receive a fixed-wireless data signal at only a single location, except receive only antennas or towers shall meet the following conditions:
  - (a) A tower or antenna is permitted only as an accessory use in all districts.
  - (b) The tower or antenna height shall not exceed fifty (50) feet.
  - (c) The tower shall be setback from all property lines the minimum of the tower height or the underlying setbacks of the district, whichever is greater.
  - (d) Guy wires are not permitted on the tower.

- (e) The tower shall be equipped with an anti-climbing device.
  - (f) No ground equipment or additional buildings are permitted to accommodate the tower or antenna.
  - (g) No antenna or structure shall extend more than six (6) feet horizontally from the tower.
  - (h) A Certificate of Zoning Compliance is required prior to constructing the tower.
  - (i) The antenna or tower shall not be used to retransmit a data signal to multiple individuals' locations.
- (4) *Preexisting Towers and Antennas.* Towers and antennas that existed prior to January 1, 1986 shall not be required to meet the requirements of this Section, other than the applicable requirements of Subsections C(12), C(13), C(16), C(17), C(18), G, and H.

**C. General Requirements.**

- (1) *Principal or Accessory Use.* Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
- (2) *Lot Size.* For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, road frontage requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
- (3) *Inventory of Existing Sites and Justification of New Sites.* Each application for an antenna and/or tower shall provide to the Township an inventory of existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of Webster Township or within three (3) miles of the border thereof, including specific information about the location, height, and design of each tower. The Township may share such information with other applicants applying for siting approvals under this Ordinance, provided however that the Township is not, by sharing such information, in any way representing or warranting that such sites are available or suitable. In addition, the applicant shall supply a written statement from an independently hired radio frequency professional that justifies the need for the proposed new site by describing the unsuitability of existing towers for the proposed use.
- (4) *Height.* Overall heights for new towers and antennas shall meet the following requirements:

- (a) Maximum height for a single-user tower is one hundred-fifty (150') feet. A single-user tower must have a foundation capable of supporting a tower with a height of one hundred ninety-five (195') feet, to facilitate possible future tower height extension in the event of collocation by other users.
  - (b) Maximum height for a tower with allowances for multiple users is one hundred ninety-five (195') feet. The applicant must provide written assurance, verifying that there are reasonable provisions (including the tower, the equipment structure plan, and site location) for collocation by two other users. In addition, the applicant must provide written assurance that permission to collocate will be granted for compensation at the prevailing market rate. Suitability of this documentation will be assessed by the Zoning Administrator (for certificate of zoning compliance) or by the Planning Commission during site plan review.
- (5) *Setbacks.* The following setback requirements shall apply to all new towers:
- (a) Towers must be setback a distance equal to at least the height of the tower from an adjoining lot line, except in an industrial district where the setback from an adjoining lot line will be half the tower height. These setback requirements are in addition to meeting the requirements of C-7.
  - (b) Accessory buildings must satisfy the minimum zoning district setback requirements.
- (6) *Road Frontage.* For the entire lot, including a sub-parcel on which a tower or antenna is sited, there shall be a minimum of one hundred-fifty (150') feet of road frontage.
- (7) *Separation Distances.* New towers shall be located a minimum of four hundred (400') feet from any existing residential dwelling on adjacent properties.
- (8) *Tower and Antenna Appearance.* Towers and antennas shall meet the following requirements:
- (a) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
  - (b) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
  - (c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.



- (9) Landscaping. The following requirements shall govern the landscaping surrounding towers:
- (a) Towers and accompanying facilities shall be landscaped in a manner that effectively screens the view of the tower compound from property used (or potentially to be used) for residences. A landscaping plan shall be submitted for approval by the Zoning Administrator (certificate of zoning compliance) or by the Planning Commission (site plan review).
  - (b) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may provide sufficient buffer.
- (10) Security. Towers shall be equipped with anti-climbing devices and enclosed by security fencing not less than eight (8') feet in height. The fence may be equipped with an appropriate anti-climbing device, at the discretion of the owner.
- (11) Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, all available lighting options must be presented to the Zoning Administrator (certificate of zoning compliance) or to the Planning Commission (site plan review).
- (12) *State or Federal Requirements.* All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with such revised standards and regulations. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense, as required in Subsection G.
- (13) *Building Codes; Safety Standards.* To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers. If, upon inspection, Webster Township concludes that a tower fails to comply with applicable codes and standards and constitutes a danger to persons or property, then, upon notice being provided to the owner of the tower, the owner shall have sixty (60) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said sixty (60) days shall constitute grounds for removal of the tower or antenna at owner's expense, as required in Subsection G.
- (14) *Engineering Certification and Liability Insurance.* Application for tower or antenna siting approval must be accompanied by a signed certification from an independently hired State of Michigan licensed professional engineer. The engineer shall certify integrity of the design and indicating how the tower or antenna would fall in event of

such occurrence. Application for tower or antenna siting approval must also include evidence of at least one million (\$1,000,000) U.S. dollars of general liability insurance to cover the applicant, land owner, Township and damage to other persons or property that may result from unforeseen events or circumstances. The Township shall be notified of any notice cancellations or changes in liability insurance.

- (15) *Measurements.* For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in Webster Township irrespective of municipal, county, and state jurisdictional boundaries.
- (16) *Not Essential Services.* Towers and antennas shall be regulated or permitted pursuant to this Section and shall not be regulated or permitted as essential services, public utilities, or private utilities.
- (17) *Licensed or Franchises.* Owners and/or operators of towers or antennas shall certify that all licenses or franchises required by law for the construction and/or operation in Webster Township have been obtained and shall file a copy of all required licenses or franchises with the Zoning Administrator. In addition, owners and/or operators of towers or antennas shall identify the entities providing relevant backhaul networks for newly developed sites and also for other sites owned or operated by the applicant in Webster Township.
- (18) *Signs.* No signs shall be allowed on an antenna or tower except for usual regulatory signs required by the State of Michigan or the FCC such as “No Trespassing”, “Danger”, or a sign indicating who should be contacted in case of an emergency.
- (19) *Buildings and Support Equipment.* Buildings and support equipment associated with antennas or towers shall comply with the requirements of Subsection F.
- (20) *Provision for Removal.* The application for siting of any antenna or tower shall require the applicant to deposit with the Township Clerk security of a performance guarantee (in a time duration and with a financial institution deemed acceptable to the Township) in the form of cash, a certified check, or irrevocable bank letter of credit, which will ensure full compliance with this Ordinance and any conditions of approval. The security shall cover removal of the facility when it has been abandoned, is no longer in use, or is in violation as provided in Subsection G. The security shall be in the amount indicated in the following schedule:

Total Construction Cost	Security
\$0.00 - \$2,500	\$500
\$2,501 - \$7,500	\$1,000
\$7,501 - \$15,000	\$2,000
\$15,001 - \$25,000	\$5,000
\$25,001 - \$50,000	\$15,000
\$50,001 and greater	\$25,000

Total construction cost includes all costs for construction, including engineering and design costs, governmental review, permitting fees, labor, and parts. The security shall be kept in full force and effect and irrevocable and non-cancelable (except by the written consent of both the Township and the then-owner of the antenna, tower or related facility) during the entire time while the antenna or tower exists or is in place. The applicant and owner shall further agree as a condition of the security that the applicant and owner are responsible for the payment of any costs and attorney fees incurred by the Township in securing removal.

- (21) *Tower Spacing.* Minimum spacing between tower locations shall be two (2) miles. The Planning Commission may waive this standard where the proposed location of the tower will serve to cluster two or more towers in close proximity to one another and, thereby, minimize the visual impacts upon panoramic views in the Township.

#### **D. Permitted Uses.**

- (1) *General.* The uses listed in this Subsection are deemed to be permitted uses. They shall not require a special use permit, but they may require administrative approval or review as governed by the following provisions.
- (a) The Webster Township Zoning Administrator may administratively approve or review the uses listed in this Subsection.
  - (b) Each applicant for administrative approval or review shall apply to the Zoning Administrator, providing all information called for and/or regulated in Subsection C and a nonrefundable fee as established by resolution of the Webster Township Board to reimburse Webster Township for the costs of reviewing the application.
  - (c) The Zoning Administrator shall review the application as required in this Section, and determine if the proposed use complies with all requirements and regulations of this Ordinance.
  - (d) If an administrative approval is denied, the applicant may take an appeal to the Board of Appeals.
- (2) *List of Permitted Uses.* Locating antennas on existing or preexisting towers or structures consistent with the terms of Subsection (a) is permitted upon administrative review by the Zoning Administrator. Antennas or cable microcell networks consistent with Subsection (b) and (c) below are permitted uses, upon approval by the Zoning Administrator after an administrative review:
- (a) Administratively reviewed tower collocation must not require tower reconstruction or tower height modification above the following thresholds:

- i. Height increase greater than 20 feet or 10% of the original tower height as approved at the time of construction or greater than the maximum tower height permitted in Subsection C(4).
  - ii. Width increase of the original tower as approved at the time of construction by more than necessary to permit the installation of the new equipment.
  - iii. Increase in the related facilities or tower foot print greater than 2500 square feet.
- (b) Any antenna that is not attached to a tower may be approved by the Zoning Administrator as a secondary use to any agricultural, commercial, industrial, or institutional structure, provided:
- i. The antenna does not extend above the highest point of the structure.
  - ii. The antenna complies with all applicable FCC and FAA regulations.
  - iii. The antenna complies with all applicable building codes.
  - iv. The antenna will not materially alter the appearance of the existing structure.
  - v. Any accessory equipment for the antenna shall be placed inside the structure to which the antenna is attached or in the rear yard with screening provided so that the equipment is not visible from adjacent properties and roads.
- (c) Installing a cable microcell network through use of multiple low powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

**E. Special Uses.**

- (1) *General.* The uses listed in this Subsection will require a special use permit issued pursuant to Section 10.05 of this Ordinance.
- (2) *List of Permitted Special Uses.* Any of the following may be granted as a special use if it meets all applicable requirements set forth in this Ordinance:
- (a) Locating a tower, including the placement of additional buildings or other supporting equipment used in connection with said tower, in any Industrial District (I) and Public Land District (PL).
  - (b) Locating a tower, including the placement of additional buildings or other supporting equipment used in connection with said tower, elsewhere in the township, subject to the following:

- i. Applicant shall provide information and supporting documents that demonstrate that no existing structure identified in Subsection C(3) or location in a zoning district listed within Subsection E(2)(a) can reasonably meet the disclosed service, coverage and/or capacity needs of the applicant, including demonstration that not approving the proposed location would result in a significant gap in coverage and prohibit personal wireless services to individual in that location. Such demonstration requires identification of all structure and properties considered and a factual explanation of why they are not feasible in terms of availability, suitability, or otherwise.
  - ii. Applicant shall demonstrate good faith by identifying and evaluating alternate sites, locations, designs, placements, or features for the proposed facility that would be more consistent with the purposes stated in Subsection A.
  - iii. For each alternate site, location, design, placement, or feature identified by the applicant or otherwise, the applicant shall demonstrate that the proposed facility is more consistent with the ordinance purposes stated in Subsection A and/or that such alternates are not feasible.
  - iv. Wireless communication facilities and towers shall be of a design that camouflages or conceals the presence of antennas and towers into the surrounding environment and to minimize the visual impact so as to be compatible with the existing character of the proposed site, neighborhood, and general area, as found satisfactory by the Township. Monopole construction is preferred.
  - v. Locations shall not include areas identified as Natural Features Overlay within the Master Plan or areas zoned residential, including zoning districts R-1, R-2, BLLR, and R-3.
  - vi. Locations within the Agriculture (AG) District shall be setback a minimum of 750 feet from a public road and limited to parcels five acres or greater in size. The Planning Commission may waive the road frontage requirement in Subsection C(6) if it prevents implementation of this setback requirement.
- (c) Locating an antenna on existing or preexisting towers or structures in compliance with this Section when locating such antenna will increase the original tower height as approved at time of construction more than 20 feet or 10%, increase the width of the original tower as approved at time of construction by more than necessary to permit the installation of the new antenna and equipment, increase the original tower facility or foot print as approved at time of construction to an area greater than 2500 square feet, or will violate the terms and conditions of any previous approval of the tower and tower facility. Collocation by multiple carriers on existing or preexisting towers

will be strongly encouraged, provided such collocation is accomplished in a manner consistent with the following:

- i. A tower that is modified or reconstructed shall be of the same tower type as the existing tower or reconstructed as a monopole.
- ii. Height.
  - (a) An existing or preexisting tower may be modified or rebuilt to a taller height, not to exceed forty-five (45) feet over the original tower's height, provided the ultimate height does not exceed the maximum height listed in Subsection C(4)(b).
  - (b) An existing or preexisting tower modified or rebuilt to a taller height shall not require an additional setback distance as set forth in Subsection (c)(5).
- (d) Any antenna that is not located on a tower as a secondary use to any agricultural, commercial, industrial, or institutional structure, provided:
  - i. The antenna does not extend more than thirty (30') feet above the highest point of the structure.
  - ii. The antenna complies with all applicable FCC and FAA regulations.
  - iii. The antenna complies with all applicable building codes.
  - iv. The antenna will not materially alter the appearance of the existing structure.
  - v. Any accessory equipment for the antenna shall be placed inside the structure to which the antenna is attached or in the rear yard with screening provided so that the equipment is not visible from adjacent properties and roads.
- (e) Relocating a tower within fifty (50') feet of its existing location to accommodate collocation, provided the following conditions are met:
  - i. Relocation does not further decrease a required setback as required in Subsection (C)(5) or cause violation of the separation requirement in Subsection (C)(7).
  - ii. After a tower is rebuilt to accommodate collocation, any abandoned or unused tower must be removed from the site, in accordance with the stipulations of Subsection G.

**F. Buildings and other Equipment Storage.**

- (1) *Antennas located on towers.*
  - (a) The related unmanned equipment structures shall not contain more than three hundred (300') square feet of gross floor area per user or be more than twelve (12') feet in height. It shall be located within fifty (50') feet of the associated

tower. Multiple users will be strongly encouraged to share an equipment structure with a common wall.

- (b) The structure or cabinet shall be screened as required in Subsection C(9).
  - (c) The structure shall be surrounded by a security fence as required in Subsection C(10).
  - (d) The structure will comply with all applicable building codes.
- (2) *Antennas Mounted on Structures or Rooftops.* The equipment cabinet or structure used in association with antennas shall comply with the following:
- (a) The cabinet or structure shall not contain more than three hundred (300') square feet of gross floor area per user or be more than twelve (12') feet in height. In addition, for buildings and structures that are less than sixty-five (65') feet in height, the related unmanned equipment structure, if over one hundred (100') square feet of gross floor area or eight (8') feet in height, shall be located on the ground and shall not be located on the roof of the structure.
  - (b) If the equipment is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than twenty-five (25%) percent of the roof area.
  - (c) If the equipment structures or cabinet is located on the ground, it will be surrounded by a security fence as required in Subsection C(10).
  - (d) Equipment storage buildings or cabinets shall comply with all applicable building codes.

**G. Removal of Antennas, Towers, and Associated Facilities.**

- (1) A condition of every approval of a wireless communication facility shall be adequate provisions for removal of all or part of the facility as required in Subsection C(20). Removal shall be called for upon the occurrence of one or more of the following events:
  - (a) When the facility has not been used one hundred eighty (180) days or more. For purposes of this Section, the removal of antennas or other equipment necessary to operate the facility or the cessation of the operations (transmission and/or reception of communication signals) shall be considered as the beginning of a period of nonuse. Also, a change of use, from the original principal use, without reapplication and approval by Webster Township will be considered as the beginning of a period of nonuse.
  - (b) When a tower, antenna, or other facility is in violation of this Ordinance.

- (2) The situations in which removal of a facility is required, as set forth above, may be applied and limited to portions of a facility.
- (3) Upon the occurrence of one or more of the events requiring removal, as specified above, the property owner or persons who have used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to the pre-existing conditions as documented on the approved site plan.
- (4) If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days following written notice by the Township, the Township may remove or secure removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn, collected and/or enforced from or under the security posted at the time application was made for establishing the facility. If reasonable actual costs for facility removal and site restoration exceed the posted security, then the owner of this facility will be liable for those excess costs.

#### **H. Nonconforming Uses.**

- (1) *Not Expansion of Nonconforming Use.* Towers that are constructed and antennas that are installed, in accordance with the provisions of this Section shall not be deemed to constitute the expansion of a nonconforming use of a structure.
- (2) *Pre-existing Towers.* Pre-existing towers shall be allowed to continue their usage as they presently exist. Routine maintenance shall be permitted on such pre-existing towers. New construction (other than routine maintenance), height modification, expanded use, or application for collocation on a pre-existing tower shall comply with the requirements of this Ordinance.
- (3) *Replacing Damaged or Destroyed Nonconforming Towers or Antennas.* Pre-existing or nonconforming antennas or towers that are damaged or destroyed are governed by reconstruction in Section 13.90 of this Ordinance. In the event of abandonment or termination of use, such towers will be removed.

#### **I. Review.**

- (1) *Completeness of Application.* Upon receipt of an application for a special use permit and payment of application fees, the Zoning Administrator and the Planning Commission Chairperson must determine if the application is administratively complete within 14 business days and notify the applicant in writing what additional information is necessary to make the application complete. Once an application is determined to be administratively complete, the Zoning Administrator shall notify the applicant, the Planning Commission, and the Township Board of Trustees.



- (2) *Scheduling Public Hearing.* To enable timing required in Section I(3) and notwithstanding Sections 8.05(E)(3)(h) and 10.05(A)(8), the Planning Commission Chair shall schedule the public hearing required for applications needing a Special Use. This shall be done upon determination that the application is administratively complete.
- (3) *Decision.* Once the application is complete, the Zoning Administrator for principal uses and the Township Board for special uses must approve or deny an application for new equipment (including an antenna) on an existing tower within 60 days and must approve or deny an application for a new tower within 90 days.

### **Section 13.195      Sites Providing Multi-Boat Access to Bodies of Water**

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**A. Intent.** It is the intent of this section to provide standards and regulations to insure that the provision of multi-boat access to bodies of water within the community are situated in appropriate locations and with appropriate relationships in relation to uses, improvements, and activities on adjoining water and land access, to limit the inappropriate overcrowding of land and congestion of public facilities, to prevent the creation of inappropriate land use conflicts and/or conflicts with water-related activities and adjacent land uses, to promote the orderly development and use of property adjacent to bodies of water, to promote and protect the character and aesthetics of land and water resources, to maintain property values of land on and proximate to inland lakes, and to promote public health, safety and welfare. Consistent with the policy and principles governing the design and carrying capacity of roads and utility lines, the carrying capacity of lake resources must be governed by the policy and principle of regulating for the purpose of accommodating usage under maximum, or peak, usage. Regulation must take into consideration the protection of health, safety and welfare at times when the health, safety and welfare will be subjected to the greatest threat. It has been concluded that, if a lower standard of regulation were utilized, persons, property and lake resources would be exposed to unreasonable risks, contrary to the public interest.

**B. Scope and Application.**

- (1) This Ordinance shall apply to proposed multi-boat access sites on and adjacent to all private property on and proximate to bodies of water, and on and adjacent to all public property on and proximate to bodies of water not exempt from regulation by law.
- (2) This Section is intended to promote safe and appropriate use of that portion of inland lakes, and adjacent upland areas, where uses and activities on and adjacent to an inland lake are reasonably anticipated to have impacts upon the upland portion of the community adjacent to the inland lake. It is anticipated that this Section will apply primarily to that portion of an inland lake near the shore, and the adjacent upland. The objectives of this Ordinance shall be carried out by regulating the manner and extent of access to inland lakes.

**C. Permitted Locations for the Establishment or Expansion of Multi-Boat Access.**

- (1) *Agricultural and Residential Districts.* Subject to any limitation under subsection D.1, below, and subject to the terms of this section, multi-boat access may be established or expanded only within the following zoning districts: AG and R-1.
- (2) *Non-Residential Districts.* Subject to the terms of this section, multi-boat access may be established or expanded only in non-residential districts for which this Ordinance expressly authorizes such use, and only in the manner and to the extent expressly authorized in this section and in the regulations applicable to such districts.

**D. Requirement and Procedure for Regulation of Multi-boat Access Sites.**

- (1) Any proposed new or expanded multi-boat access site shall require special land use approval in accordance with this subsection.
- (2) Any person proposing to establish or expand a multi-boat access site shall submit an application for a special land use approval for such purpose.
- (3) The application form shall include the following information: special land use application information required by Section 10.05.A.4, and the carrying capacity of the lake.
- (4) The application shall initially be reviewed by the Zoning Administrator.
- (5) The application shall then be noticed for hearing before the Planning Commission as a special use determination as provided in Section 10.05 of this Ordinance. The Township Board, after review and recommendation by the Planning Commission, has the authority to grant, grant with conditions, or deny an application for a special land use for a multi-boat access site in accordance with the procedures and standards set forth in this Section and Section 10.05 of this Ordinance.
- (6) The determination on the proposed special use shall be made based upon the Carrying Capacity/Boat Access Considerations and the General Standards and Criteria contained in sub-sections E and F, below.
- (7) Based upon the considerations and standards set forth in sub-sections E and F, below, the decision on the special use shall specify the location, design specifications, and maximum number of boats that may be docked or moored at the multi-boat access site, the number and location of parking spaces to serve the multi-boat access site, any and all buildings, structures and other fixtures and improvements, walls, fences, screening and buffering, and all vehicular lanes, including ingress/egress.
- (8) The decision on the special use may also, include reasonable conditions as permitted by law.

- (9) If the special use is granted, with or without conditions, the Township, at the expense of the applicant, may cause notice of the special use to be recorded with the Washtenaw County Register of Deeds.
- (10) Authorization for a multi-boat access site under this section may also be subject to approval by the Michigan Department of Natural Resources under the Inland Lakes and Streams Act, and shall be subject to ongoing compliance with applicable law, with the terms of the special land use granted, with any conditions, imposed in the grant of the special land use, and with all other applicable ordinances.
- (11) The grant of approval of a multi-boat access site shall be valid for a period of one year following the approval, and at the end of one year, the approval shall expire unless actual and substantial improvements have been made on the property. The Township Board following request and hearing, is authorized to extend the effectiveness of the approval on the condition that the use, as approved, conforms in all respects to applicable ordinances, laws and regulations as of the date the request for extension is acted upon.

**E. Carrying Capacity/Boat Access Considerations.** The applicant shall demonstrate, and the Township Board shall find that the proposed multi-boat access site shall not result in an overburdening of the carrying capacity of the lake, taking into consideration the existing usage and regulations on the lake, and applying the following criteria for determining the carrying capacity of respective lakes:

- (1) *General findings and determinations.*
  - (a) *General Acres per Boat Requirement:* On the basis of studies reported and available to the Township, it has been found, and it is determined, that the amount of lake surface generally required for boat usage is 30 acres of usable lake surface for each boat actually using the lake at a given time.
  - (b) *Anticipated Peak Lake Usage Level:* On the basis of studies reported and available to the Township, it has been found, and it is determined, that during times of peak usage on lakes within the Township, it can be expected that 15 percent of the number of boats having access to the lake will be launched and use the lake surface at a given time.
- (2) *Adjustment and review of general findings.* The general findings and determinations stated in paragraph (1), above, shall be reviewed on a lake-by-lake basis, and adjustments to the standards specified for acres per boat requirement and/or anticipated lake usage level may be found to be appropriate, taking into account the following lake specific conditions to be utilized in establishing specific carrying capacities and levels of lake access on respective lakes:

(a) Lake characteristics

- (i) Surface size;
- (ii) Lake configuration (round, irregular, star-shaped);

- (iii) Bank types;
- (iv) Water depth;
- (v) Inlet type;
- (vi) outlet type;
- (vii) Source of water supply;
- (viii) Nature of beds (sand, muck);
- (ix) Existing land uses on and proximate to the lake, and trends in land use development reasonably foreseeable (including areas at risk by type);
- (x) Existing dockage by type and character;
- (xi) Existing boat numbers by type and parcel;
- (xii) Existing surface water use (fishing, water skiing, sailing, sailboarding, jet skiing), by daily averages and peak use.

(b) Environmental characteristics

- (i) Natural characteristics of the watershed (e.g., water quality);
- (ii) Vegetative cover around the lake;
- (iii) Habitat considerations, including types and amounts of aquatic life;
- (iv) Relationship to other water, courses;
- (v) Presence of wetlands;
- (vi) Amount of shoreline presently conserved in natural state, and anticipation for foreseeable future;
- (vii) Lake water quality.

(c) Land use characteristics

- (i) Average frontage of building sites on lake;
- (ii) Minimum lot width under the zoning ordinance for property on lake;
- (iii) Consideration of size and ownership (sole ownership or ownership in common with a group) of properties adjacent to lake;
- (iv) Community master planning for properties adjacent to lake;
- (v) Extent of shoreline development, and anticipation for development in the foreseeable future.

(d) Lake access

- (i) Availability and extent of public access;
- (ii) Availability and extent of access from other water courses;
- (iii) Availability and extent of private multi-boat access site access.

(e) Specific recreational, environmental or other objectives determined by the Planning Commission or Township Board to be necessary or appropriate to be achieved on respective lakes.

(3) *Lake Specific Application.* The acres per boat requirement and anticipated lake usage level, as may be adjusted as provided, above, shall be utilized to establish lake access regulations by applying the following:

(a) *Net Usable Acre Determination*: Determine the "net usable acres" of a specific lake by subtracting from the total acres of surface area on the lake, each of the following:

- (i) The acres of surface area in all locations where the lake depth is less than 5 feet; and
- (ii) The acres of surface area within 100 feet of the lakeshore; and
- (iii) Any other areas of lake surface that would not be usable based upon clear and objective reasons, such as the presence of a special fishing habitat that is designated for preservation, small isolated bay areas, and the like.

(b) *Carrying Capacity of Lake*. Determine the maximum number of boats that should utilize the lake at any given time by dividing the net usable acres of lake surface by the acres per boat requirement, as may have been adjusted for the respective lake. The result of this calculation is the maximum number of boats that should utilize the lake at peak usage times, that is, the lake carrying capacity.

(c) *Conversion of Carrying Capacity to Total Boat Access Limitation*. Determine the total number of boats that may be permitted to have access to the lake by dividing the maximum number of boats that should have access to the lake at peak usage times, i.e., the lake carrying capacity, by the peak lake usage level.

**F. General Standards and Criteria.** The applicant shall demonstrate and the Township Board with recommendation from the Planning Commission shall find compliance with each of the following:

(1) Taking into consideration the size, location and character of the multi-boat access site, viewed within the context of surrounding land uses and land use planning for such area, the proposed multi-boat access site shall not be incompatible nor inharmonious, as determined by the application of generally accepted planning standards and/or principles, with

(a) the surrounding uses; and/or

(b) the orderly development of the surrounding neighborhood and/or vicinity.

(2) The proposed multi-boat access site shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle interfacing.

(3) The proposed multi-boat access site shall not unreasonably impact upon surrounding property in terms of noise, dust, fumes, smoke, air, water, odor, light and/or vibration, and shall not unreasonably impact upon persons perceiving the operation in terms of

aesthetics. Where such concerns can be remedied by way of design, construction and/or use, the proposed multi-boat access site shall be designed, constructed and used so as to eliminate the effects of the use that would otherwise substantiate denial thereof, taking into consideration the location, size, intensity, layout and periods of operation of such use.

- (4) The proposed multi-boat access site shall be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
- (5) The proposed multi-boat access site shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.
- (6) The proposed multi-boat access site shall be so designed, located, planned and operated that the public health, safety and welfare will be protected.
- (7) The proposed multi-boat access site shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the Zoning District.
- (8) The proposed multi-boat access site shall not result in an impairment, pollution and/or destruction of the air, water, natural resources and/or public trust therein.
- (9) The proposed use shall not unreasonably burden the capacity of public services and/or facilities.
- (10) The proposed multi-boat access site shall not result in an overcrowding of land and/or a congestion of public facilities.
- (11) The proposed multi-boat access site shall not create conflicts with water-related activities.
- (12) The proposed multi-boat access site shall not unreasonably interfere with or undermine the character and aesthetics of land and/or water resources. This standard shall be considered based upon the proposed multi-boat access site on its own, as well as in light of the impact of other existing and reasonably anticipated future uses.
- (13) The proposed multi-boat access site shall have adequate sanitary sewage disposal facilities, and provide off-street parking based upon the following standards:
  - (a) One (1) space per each three boat slips located on, in or above water, plus one space per three boat slips located on or above the ground out of the water, plus one space for each employee on a regular shift.
  - (b) Twenty-four (24) combined vehicle and boat trailer spaces (10 feet x 40 feet) for each one individual boat launch, plus any additional spaces as required for all affiliated

uses or facilities. Depending upon the size of lake, the requirement for 24 spaces may be adjusted as part of the approval granted.

**Section 13.200**     **Lighting Standards (amended Jan. 17, 2012)**     [\(Back to Table of Contents\)](#)

**A. Intent.** It is the goal of the township to minimize lighting levels to reduce off-site impacts, prevent the reflection and glare of light in a manner which creates a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses, and to promote dark skies in keeping with the rural character of the township.

**B. Scope and Application.**

(1) This section applies to all developments requiring site plan review.

(2) This section does not apply to the individual single family residential units and parcels planned for single family residential units within a residential development or the residential portion of a site plan.

**C. On-site lighting shall conform to the following regulations:**

(1) All lighting, including signage, façade, and ornamental lighting, shall be shown on site plans in sufficient detail with appropriate photometric studies when required to allow determination of the effects of such lighting upon adjacent properties, traffic safety, and overhead sky glow. The objectives of these specific actions are to minimize undesirable on-site effects.

(2) Only non-glare lighting shall be permitted. Full cutoff shielding is required for light sources so as to direct the light onto the site and away from adjoining properties. The light source shall be recessed into the fixture so as not to be visible from off site. Building- and pole-mounted fixtures shall be parallel to the ground. Wall-pak type lighting shall be prohibited.

(3) Illumination levels.

(a) Lighting for uses adjacent to residentially or agriculture zoning, shall be designed and maintained such that illumination levels do not exceed 0.1 footcandle along property lines. Lighting for uses adjacent to nonresidential or non-agriculture zoning shall be designed and maintained such that illumination levels do not exceed 0.3 footcandle along property lines.

(b) Where lighting is required, maximum light levels shall not exceed 20 footcandles directly beneath a light fixture. Lighting levels shall not exceed three footcandles as measured directly between two fixtures. The township board, after receiving a recommendation from the planning commission, may allow for an increased level of lighting above maximum permissible levels when the board

determines that the applicant has demonstrated that such lighting is necessary for safety and security purposes.

(c) For the purposes of this chapter, all lighting measurements shall be taken at ground level.

(4) Parking Lots: Lighting fixtures shall not exceed a height of 16 feet measured from the ground level to the centerline of the light source.

(5) Signs are regulated under Section 13.140.

(6) Street lighting within residential developments is not permitted. Street light fixtures for non-residential developments shall not exceed a height of 16 feet measured from the ground level to the centerline of the light source.

#### **D. Buildings:**

(1) Exterior lighting shall be located and maintained to prevent the reflection and glare of light in a manner which creates a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses. This provision is not intended to apply to public street lighting. Any operation, which produces intense glare, shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines.

(2) Exterior doors shall be located, operated, and maintained so as to prevent any glare and light from creating a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses.

(3) Building- or roof-mounted lighting intended to attract attention to the building and not strictly designed for security purposes or meeting the requirements for building façade lighting, shall not be permitted.

(4) Building Façade Lighting. The exterior of a building may be lighted provided the following standards are met:

(a) The lighting is done to accentuate an architectural or aesthetic element of the building, not the entire building.

(b) The light must not exceed 2 footcandles and only be directed onto the building façade and not spillover beyond the plane of the building

(c) Lighting must be aimed downward, fully shielded, and mounted as flush to the wall as possible

(d) Façade lighting that is measurable at the ground level shall be included in the maximum allowable light levels specified in Section 13.200(C)(3)



**E. Vehicle Headlights:** The design and/or screening of the development shall minimize glare from automobile and commercial or industrial vehicle headlights from being directed into any adjacent property, particularly residential property.

## ARTICLE 14

### STORM WATER MANAGEMENT REGULATIONS

#### **Section 14.05**      **Intent**

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**A. Purpose.** The purposes of this Article shall be:

1. To protect public health, safety and welfare by requiring storm water management whenever new, expanded or modified developments are proposed. This article is not applicable to the construction of a single family dwelling. It applies only to new developments (i.e. platted subdivisions, site condominiums, private roads, etc.)
2. To assure that storm water runoff from development is controlled so that the water quality in watercourses, ground water recharged by storm water and habitat situated in areas impacted by storm water are protected, and that siltation, pollution and stream bank erosion are minimized.
3. To provide for cost-effective and functionally-effective storm water management, and to reduce the need for future remedial projects.
4. To prevent soil erosion and sedimentation.
5. To recognize private responsibility to incorporate storm water management systems into the early stages of site planning and design.
6. To ensure that all storm water conveyance and detention facilities will be properly maintained.
7. To promote the avoidance of water resource degradation by reducing and/or avoiding the hydrologic impacts of storm water runoff.
8. To establish regulations to prevent harmful effects of changes in the quantity and quality of surface water discharge into water bodies.
9. To achieve compliance with state and federal law and regulations relating to water quality, including the Middle Huron Phosphorus Total Maximum Daily Load (TMDL) and the National Pollution Discharge Elimination System (NPDES) Phase II Permit.

**B. Scope.** An engineered grading plan and/or storm management plan shall be submitted as part of the site plan required under Section 8.05 of this Ordinance when the Planning Commission determines the intent of this Article will be fostered. An engineered grading plan and/or a storm water management plan shall be submitted as part of the site plan required under Subsection 3.80(E) of this Ordinance when the Zoning Administrator determines the intent of this Article will be fostered.

## **Section 14.15      Engineering Standards**

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### **A.      General.**

- (1) All developments requiring a storm water management plan and/or an engineered site grading plan shall be designed, constructed, and maintained to prevent flooding, mimic natural hydrology and protect water quality. The particular facilities and measures required on-site shall take into consideration the natural features, wetlands, and watercourses on the site; the potential for on-site and off-site adverse storm water impacts, water pollution, and erosion; and the size of the site.
- (2) Neither the storm water management plan nor the engineered grading plan shall burden lands not owned by the applicant without the written consent of the owners of those lands.

### **B.      Storm Water Management Plan.**

- (1) *Planning Commission Review and Approval.* The following procedure shall apply to all storm water management plans submitted as part of an overall site plan, in conjunction with the Site Plan Review requirements in Section 8.05 of this Ordinance.
  - (a) The storm water management plan shall be presented to the Township Engineer at the pre-application conference required in Subsection 8.05(E)(2) of this Ordinance.
  - (b) Based on comments received at the pre-application conference, the applicant will submit a revised storm water management plan to the Township along with application for site plan review. The Township Engineer shall review the revised plan to assure that it complies with the intent of this Article.
  - (c) After receiving authorization from the Township Engineer, the applicant shall submit the storm water management plan to the Washtenaw County Water Resources Commissioner (WCWRC) for review. Comments from the WCWRC will be provided to the Planning Commission.
  - (d) The standards applicable under this Section include the engineering standards of the Washtenaw County Water Resources Commissioner relevant to storm water devices and techniques, and not those standards that go to the establishment of a drainage district.
  - (e) The Planning Commission shall approve, or approve with conditions, a storm water management plan that meets the engineering standards of Webster Township. A plan that does not meet the engineering standards of Webster Township shall be denied.

(2) *Zoning Administrator Review and Approval.*

- (a) For site plans received by the Zoning Administrator pursuant to Subsection 3.80(E) of this Ordinance, the storm water management plan shall be reviewed by the Zoning Administrator and/or Township Engineer.
- (b) The standards applicable under this Section are the engineering standards of the Washtenaw County Water Resources Commissioner relevant to storm water devices and techniques, and not those standards that go to the establishment of a drainage district.
- (c) The Zoning Administrator with the assistance of the Township Engineer shall approve, or approve with conditions, a storm water management plan that meets the engineering standards of the Washtenaw County Water Resources Commissioner. A plan that does not meet the engineering standards of the Washtenaw County Water Resources Commissioner shall be denied.
- (d) The storm water management plan, if any, shall be part of the site plan provided for under Subsection 3.80(E) of this Ordinance.

**C. Engineered Site Grading Plan.**

- (1) The grading plan submitted under either Section 8.05 or Subsection 3.80(E) shall be reviewed by the Zoning Administrator with the assistance of the Township Engineer. For plans submitted under Section 8.05, the Zoning Administrator shall recommend to the Planning Commission approval, approval with conditions or disapproval of the plan. For plans submitted under Subsection 3.80(E), the Zoning Administrator shall approve, approve with conditions, or disapprove the plan.
- (2) The engineered grading plan shall include the following site information:
  - (a) The legal property description.
  - (b) Existing grades in one (1') foot contours on a fifty (50') foot grid to a minimum of fifty (50') feet beyond the site property line and sufficient intermediate grades to determine such things as ditches, swales, adjacent pavement, buildings and other pertinent features.
  - (c) Location of any watercourses, wetlands, lakes and ponds on the site.
  - (d) Existing easements.
  - (e) Existing utilities, manholes and culverts.
  - (f) Road rights-of-way, existing and proposed.

- (g) Location and description of any existing and proposed storm water management and soil erosion control measures.
  - (h) Flow direction(s) of storm water runoff onto and from the site before and after development, including the direction of overland flow.
  - (i) Proposed topography of the site. Proposed new elevations, in one (1') foot contours, shall be shown in such a way as to clearly differentiate from existing elevations. It is expected that all elevations shall be in hundredths of a foot.
  - (j) A location map.
- (3) The Zoning Administrator shall sign and date each page of the plan reviewed and indicate on each whether the plan is approved, approved with conditions, or disapproved.
  - (4) The engineered site grading plan shall be part of the site plan required under Section 8.05 and Subsection 3.80(E) of this Ordinance.

**Section 14.20      Application**

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**A. Preliminary Site Plan.** The preliminary storm water management plan and engineered grading plan submitted pursuant to Subsection 8.05(E)(3) may be depicted on a common plan or on separate plans. The plan(s) shall be depicted with the size and scale required for plans submitted to the office of the Washtenaw County Water Resources Commissioner and shall depict all storm water management devices, techniques, general location, and surface water flow patterns.

**B. Final Site Plan.** The final storm water management plan and engineered grading plan submitted pursuant to Subsection 8.05(E)(4) shall be submitted in accordance with the engineering specifications of Webster Township. The grading plan shall comply with the requirements of Subsection 14.15 (C)(2) above.

**C. Certificate of Zoning Compliance.**

- (1) The storm water management plan and grading plan submitted pursuant to Subsection 3.80(E) shall be reviewed in accordance with the standards of the office of the Washtenaw County Water Resources Commissioner or nationally recognized standards. The Zoning Administrator and applicant are required to discuss the details of such plans prior to the submission of an application for a certificate of zoning compliance so the requirements for such plan(s) can be drafted to reflect the size and complexity of the project.
- (2) All plans submitted for individual parcels shall be consistent with previously approved area plans that cover the particular site. If the plan for a particular site does not conform to the area plan, then the area plan shall be modified at the expense of the applicant

seeking a certificate of zoning compliance. Any modification of the area plan that burdens lands not owned by the applicant shall require the written consent of those persons who own such lands.

## **Section 14.25      Storm Water Management Plan**

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### **A.      General Standards for On-Site and Off-Site Storm Water Management.**

- (1) Storm water management conveyance, storage and infiltration measures and facilities shall be designed to prevent flood hazards and water pollution related to storm water runoff, to prevent accelerated soil erosion from the proposed development, and shall conform to the engineering requirements of the office of the Washtenaw County Water Resources Commissioner.
- (2) Natural topography and site drainage shall be preserved and site grading shall be minimized to the maximum extent reasonably achievable considering the nature of the development. Watercourses shall not be obstructed.
- (3) Unless otherwise approved, storm water runoff shall be conveyed through swales and vegetated buffer strips so as to decrease runoff velocity, allow for natural infiltration, allow suspended sediment particles to settle, and to remove pollutants.
- (4) Runoff rates from detention basins shall conform with the requirements utilized by the office of the Washtenaw County Water Resources Commissioner.
- (5) Watercourses shall not be deepened, widened, dredged, cleared of vegetation, straightened, stabilized or otherwise altered without applicable permits or approvals from the Township, relevant county agencies and the Michigan Department of Natural Resources and Environment.
- (6) Drainage systems shall be designed to protect public health and safety and to facilitate efficient and effective maintenance.

### **B.      Storm Water Infiltration Facilities.**

- (1) Site runoff for the first flush rainfall event, defined as one-half (½") inch, must be infiltrated on-site if all the other conditions of this Section can be met. This infiltration requirement meets the Washtenaw County Water Resources Commissioner requirement for first flush volume treatment and does not have to be considered in the design of detention facilities.
- (2) Infiltration facilities may not be allowed on areas: *(i)* containing pollutants at sediment or groundwater concentrations above Michigan Department of Natural Resources and Environment criteria; *(ii)* on steep, unstable slopes; *(iii)* within the 100-year floodplain *(iv)* entirely covered by Washtenaw County soil group D, *(v)* directly upslope or within

close proximity (< 25' feet) to basements, sensitive structural foundations, water supply wells or septic tanks and drain fields, or where the bottom of the planned infiltration facility is less than three (3') feet from the seasonably high water table.

- (3) Where feasible, Webster Township encourages the use of infiltration facilities as integral components of storm water management plans. To that end, the Township has developed an incentive program for the use of on-site infiltration. The incentive program offers the opportunity to downsize detention/retention basins with the use of properly engineered infiltration facilities that meet the standards of this Section. Reduction in detention/retention facility size must be calculated and demonstrated in one of two ways:

(a) The estimated site infiltration (estimated per the procedures of this Ordinance) of engineered infiltration facilities can be converted to an outflow rate and added to the Washtenaw County maximum allowable runoff rate (0.15 cfs/ac). Detention pond volume can then be based on the adjusted maximum allowable runoff rate. This procedure is detailed below:

Washtenaw County Water Resources Commissioner (WCWRC) Standard

$$\text{Total allowable site runoff} = \text{Site area} * 0.15 \text{ cfs}$$

Webster Township Standard

$$\text{Adjusted maximum allowable site runoff} = (\text{Site area} * 0.15 \text{ cfs/ac}) + \text{Estimated site infiltration converted to an outflow rate (cfs)}$$

$$\text{Estimated site infiltration} = \text{Infiltration rate} * \text{Infiltration area}$$

- (b) Application of a dynamic storm water model that simulates infiltration, such as the U.S.E.P.A. Storm Water Management Model (SWMM), or equal approved by the engineer of jurisdiction, to demonstrate that the proposed facilities meet all standards of the Washtenaw County Water Resources Commissioner.
- (4) The order of preference for sources contributing runoff to an engineered infiltration facility is: (i) roofs; (ii) walkways, sidewalks, paths, etc.; (iii) parking lots and roads; (iv) auto repair shops, loading docks and car washes. Rooftop runoff has first preference for capture by infiltration facilities while auto repair shops, loading docks and car washes are the last choices for capture by infiltration facilities.
- (5) All sources contributing runoff to infiltration facilities must have traps, sumps, or filters of some type that will limit solids, leaves, trash, etc. from reaching and accumulating in the facility. The source order preference given above provides an indication of the effort involved in pre-treating runoff source water to infiltration facilities. For roof runoff, the preferred source water to infiltration facilities, screening to keep out leaves and twigs would be a sufficient level of control. For walkways, sidewalks, paths, etc, appropriate pretreatment could consist of twenty-five (25') foot vegetated buffers strips between the

runoff source and the infiltration facility. For parking lots and roads, however, pretreatment would require more substantial effort, such as a sediment forebay or in-line filtration device.

- (6) Infiltration facilities are defined as engineered facilities. Undeveloped land that receives sheet flow from an impervious surface is not considered to be an engineered infiltration facility. Engineered facilities can however be as simple as an earthen berm designed and built to retain first flush runoff in order to enhance infiltration over undisturbed earth. Types of infiltration facilities include, but are not limited to, bioretention basins, sand filters, dry swales, and rain gardens.
- (7) All infiltration facilities must provide a route for overflow water to be safely conveyed off-site as needed. Estimates of infiltration facility overflow water that will be conveyed off-site must be included in the outlet design.
- (8) Proposed and constructed infiltration facilities must be protected during construction and maintenance and operation from both eroded and eroding soil and from compaction by heavy equipment. Fine soils, such as silt and clays can clog pore spaces in well-draining soils and their migration into proposed or existing infiltration facilities must be avoided. Heavy equipment compaction of well-draining soils can significantly decrease the infiltration capacity and must also be avoided for proposed or existing infiltration facilities.
- (9) For all infiltration facilities, a minimum infiltration rate of one-half ( $\frac{1}{2}$ " ) inch per hour (average rate for a loam soil texture class) is required. If the infiltration capacity of existing soils or engineered soils exceeds this criterion, the size of infiltration facilities may be increased and a proportionate decrease in the size of retention and detention facilities allowed.
- (10) For a conservative calculation of cumulative infiltration volume over a design rainfall event, Darcy's Law ( $Q = kIA$ ) and an assumed gradient of 1 shall be used. Cumulative infiltration based on the changing ponding depth can be calculated by use of the Green-Ampt model, or an equivalent method approved by the Township Engineer. A Factor of Safety shall be applied to all infiltration calculations; i.e., total infiltration = calculated infiltration divided by the Factor of Safety. For infiltration facilities and dry ponds the Factor of Safety shall be 2. For wet ponds the Factor of Safety shall range between 2 and 10, depending on site constraints.

$$\text{Darcy's Law: } Q = kIA;$$

$Q =$  flow rate,  $k =$  hydraulic conductivity,  $I =$  hydraulic gradient,  $A =$  cross sectional area

- (11) Determination of on-site infiltration capacity shall be determined by in-situ testing. The number of required borings and infiltration tests is based on the size of the proposed facilities and the anticipated variation of site soil types. Testing is done in two phases, (i) Initial Feasibility, and (ii) Design Testing. Refer to Table 1 for detailed requirements.



Note: On-site soil borings conducted for other purposes, such as structural stability analyses, that are within twenty-five (25') feet of a proposed infiltration facility, can also be used for design of that proposed infiltration facility and counted towards the required number of borings when the number of borings required for that facility is greater than one (1).

(a) Testing shall be conducted by a qualified professional. This professional shall be; a professional engineer, a soils scientist, a hydrogeologist or geologist, licensed in the State of Michigan.

(b) Feasibility testing is conducted to determine whether full-scale testing is necessary, and is meant to screen unsuitable sites, and reduce testing costs. A soil test pit or boring is not required at this stage. However, a designer or landowner may opt to perform design test borings per Table 1 at his or her discretion, without feasibility testing.

(c) The initial feasibility investigation involves either one soil boring or infiltration test per soil type, or previous testing data, such as the following:

i. Septic percolation testing on-site, within two hundred (200') feet of the proposed facility location and on the same five (5') foot elevation contour line.

ii. Previous written geotechnical reporting on the site location as prepared by a qualified geotechnical consultant.

iii. NRCS (USDA) Washtenaw County Soil Mapping shows infeasible results such as a hydrologic group "C" or "D" soil in a low-lying area.

(d) If the results of initial feasibility testing as determined by a qualified professional show that an infiltration rate of greater than one-half ( $\frac{1}{2}$ " ) inch per hour is probable, then the design and post-construction testing shall be per the following table. The Township Engineer may waive design testing requirements if it is determined that adequate testing data exists. An encased soil boring may be substituted for a test pit, if desired.

(e) Infiltration testing data shall be documented, which shall also include a description of the infiltration testing method, if completed. This is to ensure that the tester understands the procedure.

Note: Unless, otherwise noted, all field-testing must be done in the proposed area of the facility.

**TABLE 1  
INFILTRATION TESTING SUMMARY TABLE\***

Type of Facility	Initial Feasibility Testing	Design Testing (initial testing yields a rate greater than 0.5"/hour)	Post-Construction Testing
Private Drywell System	NRCS (USDA) soils classification or previous testing data	1 infiltration test per drywell	May be required by Township Engineer
Private Infiltration Trench	NRCS (USDA) or previous testing data	1 infiltration test per 500 square-feet of private infiltration trench;	May be required by Township Engineer
Public Infiltration Sump System	Call Township Engineer for initial feasibility	May be required by Township Engineer	May be required by Township Engineer
Vegetative Infiltration Basin	NRCS (USDA) soils classification or previous testing data	1 infiltration test per 500 square-feet of facility	May be required by Township Engineer

*\*Adapted from Maryland Storm Water Design Manual,  
Maryland Department of the Environment, 2000.*

**C. Testing Methods.**

(1) *Test Pit/Boring Requirements.*

- (a) Excavate a test pit or dig a standard soil boring to a minimum depth of four (4') feet below the proposed facility bottom elevation.
- (b) Determine depth to highest seasonal groundwater table (if within ten (10') feet of proposed bottom) upon initial digging or drilling, and again twenty-four (24) hours later.
- (c) Conduct Standard Penetration Testing (SPT) every two (2') feet to a depth of four (4') feet below the facility bottom.
- (d) Determine United States Department of Agriculture (USDA) texture or Unified Soil Classification System soil type at the proposed bottom and four (4') feet below the bottom of the facility.

- (e) Determine depth to bedrock (if within ten (10') feet of proposed bottom).
- (f) The soil description should include all soil horizons.
- (g) The location of the test pit or boring shall correspond to the facility location; test pit/soil boring stakes are to be left in the field for inspection purposes and shall be clearly labeled as such.

(2) *Infiltration Testing Requirements.*

- (a) Install casing (solid five (5") inch diameter, thirty (30") inch length) to a minimum of forty-eight (48") inches below proposed facility bottom.
- (b) Remove any smeared soiled surfaces and provide a natural soil interface into which water may percolate. Remove all loose material from the casing. Upon the tester's discretion, a two (2") inch layer of coarse sand or fine gravel may be placed to protect the bottom from scouring and sediment. Fill casing with clean water to a depth of twenty-four (24") inches and allow pre-soaking for twenty-four hours.
- (c) Twenty-four (24) hours later, refill casing with another twenty-four (24") inches of clean water and monitor water level (measured drop from the top of the casing) for one (1) hour. Repeat this procedure (filling the casing each time) three additional times, for a total of four observations. Upon the tester's discretion, the final field rate may either be the average of the four observations, or the value of the last observation. The final rate shall be reported in inches per hour.
- (d) Testing may be done through a boring or open excavation.
- (e) The location of the test shall correspond to the facility location.
- (f) Upon completion of the testing, the casings shall be immediately pulled, and the test pit shall be back-filled.

- (3) *Laboratory Testing.* Use grain-size sieve analysis and hydrometer tests (where appropriate) to determine unified soil classification system textural fractions and texture class. Visual inspection by a qualified professional may also be used, provided it is documented. The use of lab testing to establish infiltration rates is prohibited.

**D. Soil Erosion Control.**

- (1) Excavation, filling and grading shall conform to the requirements specified by the Washtenaw County Water Resources Commissioner.

- (2) All development and other earth changes shall be designed, constructed and completed in such a manner that the exposed area of any disturbed land is limited to the smallest area and to the shortest practical period of time. Proposed soil erosion control measures shall be submitted to the Washtenaw County Soil Erosion Control Authority for determination that such measures comply with the Washtenaw County Soil Erosion Control Ordinance, as follows:
- (a) Limit construction vehicle access to one route wherever possible. Stabilize all access points to minimize tracking of sedimentation onto public roads.
  - (b) Approved soil erosion control measures shall be installed between the disturbed area and any down gradient watercourses (including rivers, streams, creeks, lakes, ponds and other watercourses), wetlands, roadways and property lines.
  - (c) Sediment resulting from accelerated soil erosion shall be removed from runoff water before it leaves the site of the development.
  - (d) Temporary and permanent soil erosion control measures designed and constructed for the conveyance of water around, through or away from the development or earth change area shall be designed to limit the water flow to a non-erosive velocity.
  - (e) Temporary soil erosion control measures shall be removed after permanent soil erosion control measures have been implemented and stabilized. All developments and earth change areas shall be stabilized with permanent soil erosion control measures.
  - (f) If inland lakes, ponds, rivers, creeks, streams or other watercourses and wetlands are located on or near the site, measures which trap sediment shall be provided. Straw bale berms may be used as temporary storm water diversion structures but will not be considered sufficient by themselves for trapping sediment on-site. The use of temporary sediment basins, sediment traps, filter fabric, and rock filters in lieu of straw bale berms shall be employed as required as part of a permit. Other measures may be required if reasonably determined to be necessary to protect a watercourse or wetland.
  - (g) When it is not possible to permanently stabilize a disturbed area after an earth change has been completed or where significant earth change activity ceases, temporary soil erosion control measures shall be implemented within two calendar days.
  - (h) Permanent soil erosion control measures for all slopes, channels, ditches, or any disturbed land area shall be completed within fifteen (15) calendar days after final grading or the final earth change has been completed. All temporary soil erosion control measures shall be maintained until permanent soil erosion control measures are implemented and stabilized.

(i) Vegetated filter strips a minimum of twenty-five (25') feet in width, shall be created or retained along the edges of all lakes, creeks, streams, and other watercourses. As part of permit approval, the width of a particular filter strip may be reduced to the extent it is demonstrated that a portion of the width will serve no useful function, e.g., to the extent the grade is such that water flow will be away from the watercourse and the filter strip does not serve to protect wildlife habitat or other useful function.

- (3) The Township shall have the authority to issue stop-work orders for failure to comply with the requirements of this Section, provided a proprietor shall be entitled to a hearing before the Township Supervisor within three business days to determine whether the stop-work order shall continue.

**E. Storm Water Infiltration Facilities.** Storm water infiltration facilities required pursuant to this Ordinance shall comply with the requirements specified in Section 14.25.

**F. Discharge to Watercourses.** Where storm water is discharged directly to a watercourse or to a conveyance system that discharges to a watercourse, stream bank erosion and effects on water quality in streams shall be minimized through the selection, design, installation, and maintenance of temporary and permanent controls.

**G. Discharge of Storm Water Runoff to Wetlands.**

- (1) Wetlands will be protected from damaging modification and adverse changes in runoff quality and quantity associated with land developments. Before approval of a final plat or site plan, all necessary wetland permits from the Michigan Department of Natural Resources and Environment (MDNRE) and the Township must be issued.
- (2) Direct discharge of untreated storm water to a natural wetland is prohibited. All runoff from the development will be pre-treated to remove sediment and other pollutants prior to discharge to a wetland. Such treatment facilities shall be constructed before property grading begins.
- (3) Site drainage patterns will not be altered in any way that will modify existing water levels in protected wetlands without proof that all applicable permits from the MDNRE and/or the Township have been obtained.
- (4) Wetland construction, reconstruction, or modification will be overseen by a qualified professional with specific wetland expertise.
- (5) Whenever feasible, a permanent filter strip at least twenty-five (25') foot wide, preferably vegetated with native plant species, will be maintained or restored around the periphery of wetlands.
- (6) Wetlands will be protected during development by appropriate soil erosion and sediment control measures.

**H. Automated Watering Systems.** Over-saturation of managed turf landscapes can limit soil infiltration, increase runoff volume and contribute to non-point source pollution. Automated watering systems shall be equipped with rain sensors that can disable watering systems during and following rain storms.

- (1) *Required installation.* Rain sensors shall be required on all automatic irrigation systems (new and existing).
- (2) *Required maintenance.* All rain sensors shall be adjusted and set so that they automatically shut off the irrigation system for at least twenty-four (24) hours after more than one-fourth (1/4") inch of rainfall has occurred. All rain sensors shall be installed according to manufacturer's instructions in a location that will provide full exposure to rainfall such that accuracy of operation is assured, and shall be maintained in good working condition. No person shall, with the intent of circumventing the purpose of this Section, adjust either the rain sensor or irrigation system so that the rain sensor is not able to override and turn off the irrigation system after one-fourth (1/4") inch of rain has fallen.

**I. Off-Site Storm Water Management.**

- (1) In lieu of on-site storm water management, off-site storm water management facilities may be proposed. Off-site storm water management facilities shall be designed to comply with the current engineering requirements of the Washtenaw County Water Resources Commissioner and the provisions of this Ordinance.
- (2) Off-site storm water management areas may be shared with other landowners, provided adequate provision is made for the maintenance and repair of the system, including but not limited to requiring the lands to be a drainage district under the jurisdiction of the Washtenaw County Water Resources Commissioner, or a special assessment district established by the Township.
- (3) Adequate provision and agreements providing for maintenance and inspection of storm water management facilities shall be made by recorded instrument, including applicable access easements to the Washtenaw County Water Resources Commissioner and/or Township.
- (4) All soil erosion shall be managed off-site as well as on-site.

**Section 14.30      Engineered Grading Plan**

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The Zoning Administrator or Township Engineer shall review engineered site grading plans to assure compliance with the following standards:

- (1) Cutting, filling and grading shall be minimized and the natural topography of the site shall be preserved to the maximum extent feasible.
- (2) Sediment caused by accelerated soil erosion shall be trapped and retained on the site

through the use of effective soil and erosion control measures.

- (3) Seeding, mulching, establishment of a vegetative cover or other permanent soil erosion control measures for all disturbed land areas shall be completed within fifteen (15) calendar days after final grading or the final earth change has been completed.
- (4) When it is not possible to permanently stabilize a disturbed area after an earth change has been completed or where significant earth change activity ceases, temporary soil erosion control measures shall be implemented within two-calendar days. All temporary soil measures shall be maintained until permanent soil measures are implemented.
- (5) The engineered site grading plan shall promote retention and detention on site through the design of site contours, yards, paved areas, roadways, driveways, landscaping, and infiltration measures, including but not limited to native landscaping, bioretention basins, and rain barrels.
- (6) Alterations of storm water runoff to adjacent properties that result in off-site impacts such as concentrated flow, flooding, accelerated soil erosion, damage to natural features including wildlife habitat or stream channels shall be prohibited.

### **Section 14.35**      **Inspections**

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The Township, at the expense of the applicant, may perform or cause to be performed such inspections and testing as necessary to ensure that the materials and installation of the storm water management plan and engineered grading plan meet applicable federal, state and local requirements and standards.

### **Section 14.40**      **Maintenance and Repairs**

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The Planning Commission and Township Board may condition any approval under this Ordinance upon the applicant providing assurance that the storm water management plan and/or engineered grading plan will be timely and satisfactorily installed, and adequately maintained.

#### **A. Completion and Performance Guarantees.**

- (1) In accordance with the provisions of Section 3.60 (Performance Guarantees) of this Ordinance, the owner of the land or developer of the project upon which a storm water management plan and/or engineered grading plan is to be installed or implemented may be required to post funds, a letter of credit, or other acceptable form of performance guarantee with the Township to ensure that those improvements are timely completed and properly installed.
- (2) For projects under the jurisdiction of the Washtenaw County Water Resources Commissioner, the applicant shall consult the Washtenaw County Water Resources

Commissioner for completion and performance guarantee requirements.

**B. Maintenance Agreement.** The legal description of the drainage easements shall be recorded with the Washtenaw County Register of Deeds at the time of the land division. The seller and/or proprietor shall give written notice to each new owner of record served by the drainage easements that initial construction of the drainage improvements are the responsibility of the seller, but that the maintenance of the improvements and easements are the responsibility of all record owners served by the improvements. Said notice shall be attached to and recorded with each transmitting instrument of interest. In addition, each platted subdivision, subdivision of land into four parcels or less, or condominium project shall provide a duly recorded maintenance agreement for the drainage devices within its definition of easement, subdivision regulations, master deed or by-laws that shall be subject to review and approval by the Township Attorney. As a minimum the maintenance agreement shall provide the following:

- (1) A method of apportioning and collecting all maintenance costs.
- (2) A statement holding the Township harmless as to liability for design and maintenance of the drainage easements and improvements.
- (3) An acknowledgment that it is the collective responsibility of the property owners benefiting from the storm water management plan and/or engineered grading plan to maintain the following: surface grades, clearing of debris, cutting of grass and weeds; and repair or replacement such devices as (but not limited to) culverts, ditches, bridges, catch basins, retention/detention ponds.
- (4) A statement that the obligation to maintain the storm water management plan and/or engineered grading plan as depicted on the site plan shall be an obligation attached to the land parcels benefited by such improvements and shall be binding upon the owner(s) of such land and their heirs, successors, and assigns.
- (5) A statement in a recorded easements, master deeds, maintenance agreements, or other such instruments that runs to the Township shall (i) provide at the sole option (not the duty) of the Township the right to enter upon the lands to affect repairs and maintenance; (ii) specify that the property owners shall not have the authority to compel the Township to affect such repairs and maintenance; (iii) that costs incurred by the Township, including legal, engineering and administrative expenses, shall be borne by the property owners (not the Township); and (iv) in addition to all other remedies available to the Township, that sums due and owing shall constitute a lien upon the individual and collective properties subject to the instrument.
- (6) In the event either the storm water management plan or engineered grading plan burdens lands not owned by the applicant, then the applicant shall obtain and record such easements as may be necessary or appropriate to facilitate such plan(s).

**C. Special Assessment District.** As a condition of site plan approval, the Planning Commission may recommend and the Township Board may require the owner(s) of the land



benefited by the storm water management plan and/or engineered grading plan depicted on the site plan to petition the Township or consent to the Township's establishment of a special assessment district to maintain those improvements. It is the intent of this Section that the special assessment district be activated only in the event the property owner(s) benefited by the improvements fail to properly maintain or repair those improvements.

**D. Drainage District.** To ensure proper maintenance and repair of the storm water management plan, the Township may require the land owner(s) to establish a drainage district under the jurisdiction of the Washtenaw County Water Resources Commissioner.

**Section 14.45**      **Appeal**

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A decision on a site plan that depicts a storm water management plan or an engineered grading plan as a improvement of the project, which is processed concurrent with an application over which the Township Board exercises its legislative authority, such as an application for rezoning, conditional rezoning and special use, may not be appealed to the Board of Appeals.

**ARTICLE 15**  
**[RESERVED]**



## **ARTICLE 16**

### **ENVIRONMENTAL REGULATIONS**

#### **Section 16.05**      **Intent**

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The preservation and enhancement of natural features is essential to maintaining Webster Township’s rural character, ecological diversity, economic well-being and quality of life. The purpose of this Article is to assist applicants, reviewers, decision makers, and the general public in understanding how natural features may be identified, evaluated, protected and mitigated on sites being reviewed by the Planning Commission. Construction or alteration of a residential dwelling not subject to review by the Planning Commission or Board is not subject to the requirements of this section.

For the purposes of this Ordinance, “*natural features*” include: wetlands, surface water features (rivers, streams, and lakes five (5) acres or greater), woodlands, groundwater recharge areas and steep slopes.

Federal, State and local governments have laws, rules and regulations governing natural features that often require licenses, permits or approvals for development in or affecting these natural features, which may change from time to time. Licenses, permits or approvals obtained from Webster Township shall not relieve a person of the need to obtain applicable licenses, permits or approvals from other applicable jurisdictions; nor shall the issuance of licenses, permits or approvals from another applicable jurisdiction relieve a person of the need to obtain licenses, permits or approvals required by Webster Township.

#### **Section 16.10**      **General Requirements**

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When natural features exist on a new development or private road proposed for site plan review, the applicant shall be required to complete the following:

**A. Natural Features Determination.** The applicant contemplating a project requiring Township review is responsible for determining whether natural features exist on the site. Natural features will be discussed during the pre-application conference required of all site plan applications. This determination can be made by outside professional consultants retained by the petitioner or by consultants retained by the Township and paid for by the applicant. Township staff and Planning Commissioners will confirm these determinations during the review process. This determination shall be part of the preliminary site plan process.

**B. Preparation of Required Plans.** Prior to submitting a site plan, the applicant should meet with Township staff (Zoning Administrator and other designated personnel) to review the proposed site layout and consider suggestions for complying with Township requirements. In addition, applicants may wish to consult with experts on questions regarding the type, extent, quality and management needs of natural features and on the impacts of various design approaches on these features.

**C. Natural Features Impact Statement.** When at least one natural feature is determined to exist on a site, a Natural Features Impact Statement must be submitted as part of the preliminary site plan process. The statement will contain the following information:

- (1) *Site inventory map.* This map must clearly show the locations and types of existing natural features both on the site and those within one hundred (100') feet of the property lines. The drawing should delineate edges of woodlands and wetlands, show buffer areas, show watercourse stream banks, pond ordinary high water marks, floodways, floodplains, groundwater recharge areas and steep slopes. The site inventory should include a written description of the quality, character and health of the natural features.
- (2) *Natural Features Protection Plan.* This plan must delineate natural features to be retained on the site or excluded from development. Lines should show the limits of soil disturbance expected on the site. Protective measures such as barrier fencing, restrictions on traffic and storage of materials under trees, and soil erosion control measures are also to be shown on the plan. In some cases, this plan may include information on how the retained natural features are to be sustained on the site.
- (3) *Alternative Analysis.* The applicant shall provide a report that displays and discusses the alternative approaches and designs that were considered in arriving at the design proposed, in an effort to minimize disturbance to natural features on the site. A written justification must be made as to why the design proposed must cause the degree of disturbance to natural features planned, and explaining how the mitigation proposed is a wise course of action.
- (4) *Mitigation Plan.* In situations where preservation of existing natural features is not required by the Planning Commission and mitigation in the form of replacement is permitted under this Ordinance, a mitigation plan shall be submitted to the Planning Commission. A mitigation plan to replace natural features shall be considered to be subject to approval by the Planning Commission. Where natural features are present and their preservation is required by this Ordinance, a mitigation plan shall not be considered and the natural features shall not be disturbed or taken. The mitigation plan shall include:
  - i. A written description of the proposed mitigation program;
  - ii. Replacement calculations;
  - iii. Planting plan, showing the location of trees, shrubs, and ground cover;
  - iv. Planting list, including botanical and common names, caliper sizes, root type and height;
  - v. Timing schedule for the implementation of the mitigation measures; and
  - vi. At least the minimum elements set forth under each particular natural features protection and mitigation guidelines, where mitigation is applicable.

## **Section 16.15**      **Groundwater Protection Overlay District** [\(Back to Table of Contents\)](#)

### **A. Purpose and Intent.**

Webster Township recognizes that most residents rely on groundwater for their safe drinking water supply and that certain land uses can contaminate groundwater, particularly in shallow aquifers. To ensure the protection of these drinking water supplies, this Ordinance establishes a Groundwater Protection Overlay District.

Groundwater resources are contained within aquifers, which are permeable rock strata occupying vast regions of the subsurface. These aquifers are replenished by infiltration of surface water runoff in zones of the surface known as groundwater recharge areas. Groundwater is susceptible to contamination when unrestricted development occurs within significant groundwater recharge areas. It is therefore, necessary to manage land use within groundwater recharge areas in order to ensure that pollution threats are minimized.

The purpose of the Groundwater Protection Overlay District is to protect public health and safety by minimizing contamination of aquifers and preserving and protecting existing and potential sources of drinking water supplies. It is the intent to accomplish this by creating appropriate land use regulations that may be imposed in addition to those currently imposed by existing zoning districts or other county or state regulations.

The Groundwater Protection Overlay is hereby superimposed on current zoning districts and shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses. Applicable activities or uses allowed in the underlying zoning districts that fall within the Groundwater Protection Overlay District must additionally comply with the requirements of this district. Uses prohibited in the underlying zoning districts shall not be permitted in the Groundwater Protection Overlay District.

**B. Highly Sensitive Area.** The “*Highly Sensitive Area*” depicted on the Groundwater Protection Overlay District map includes groundwater recharge areas based on soil characteristics.<sup>1</sup>

*Land uses.* The following uses are encouraged within the “*Highly Sensitive Area*” provided they meet the appropriate performance standards outlined in Section (C) herein and are designed so as to prevent any groundwater contamination: parks, greenways, or publicly-owned recreational areas such as foot, bicycle and/or horse paths, boardwalks and bridges, necessary public utilities/facilities including the construction, maintenance, repair and enlargement of drinking water supply related facilities such as, but not limited to, wells, pipelines, and aqueducts.

- (1) *Permitted uses* - all uses permitted in the underlying zoning districts, provided that they can meet the Performance Standards as outlined for the Groundwater Protection Overlay District.

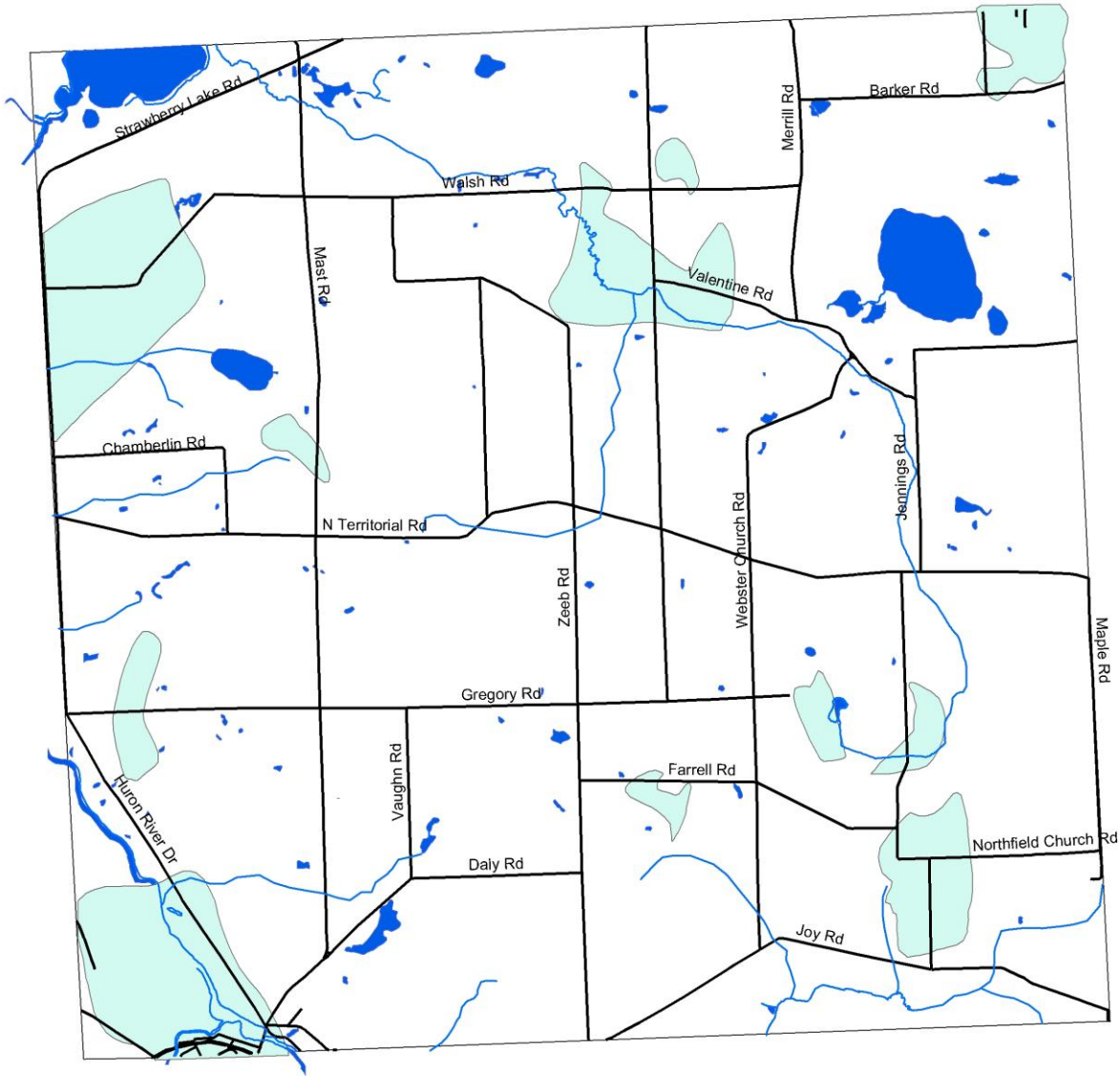
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<sup>1</sup> Map developed using data from the Washtenaw County GIS Program and methodology from Washtenaw County Fragile Lands. Washtenaw County Metropolitan Planning Commission, August 1993.

(2) *Prohibited uses* - The following uses, unless granted a variance by the Board of Appeals, are prohibited within the Groundwater Protection Overlay District:

- a) Automobile body/repair shop
- b) Gas station
- c) Fleet/trucking/bus terminal
- d) Dry cleaner
- e) Electrical/electronics manufacturing facility
- f) Machine shop
- g) Metal plating/finishing/fabricating facility
- h) Chemical processing/storage facility
- i) Wood preserving/treating facility
- j) Junk/scrap/salvage yard
- k) Mine/gravel pit
- l) Irrigated nursery/greenhouse stock
- m) Confined animal feeding operations
- n) Equipment maintenance/fueling areas
- o) Injection wells/dry wells/sumps, except for single-family residences directing gutter downspouts to a drywell
- p) Underground storage tanks
- q) All other facilities involving the collection, manufacture, use, storage, transfer or disposal of any solid or liquid material or waste having a potentially harmful impact on groundwater quality
- r) Land divisions resulting in lots less than one acre that will require individual septic systems
- s) All uses not specifically mentioned as being permitted in the underlying zoning district.

# Groundwater Protection Overlay District



## Legend

-  Rivers and streams
-  Roads
-  Highly sensitive areas
-  Surface Water
-  Township Boundary

Last Updated: 10/9/2007  
 Data Source: Washtenaw County  
 GIS Program 2000 (natural features),  
 2005 (roads)





**C. Performance Standards.**

- 1) No land disposal of hazardous substances (as defined in this Ordinance) shall be permitted within any Highly Sensitive Area.
- 2) Any facility, with the exception of septic tanks serving individual residential dwellings, involving the collection, handling, manufacture, use, storage, transfer or disposal of any solid or liquid material or wastes, unless granted a variance, must have a secondary containment system that is easily inspected and whose purpose is to intercept any leak or release from the primary containment vessel or structure. Underground tanks or buried pipes carrying such materials must have double walls and inspectable sumps.
- 3) Open liquid waste ponds containing materials referred to in item (b) above will not be permitted without a secondary containment system.
- 4) New waste disposal facilities must have synthetic liners and leachate collection systems.
- 5) A Soil Conservation Service-approved liner must be provided for new agricultural waste impoundments exceeding fifty (50') acre-feet. As a minimum, the liner shall be constructed of compacted clay having a thickness of one (1') foot and a vertical hydraulic conductivity of less than  $5 \times 10^{-7}$  cm/sec or other criteria established by the Washtenaw County Conservation District.
- 6) For all Groundwater Recharge Areas, the handling, storage and disposal of hazardous substances shall take place on an impermeable surface having spill and leak protection approved by the Michigan Department of Natural Resources and Environment (MDNRE). New facilities that handle hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and in the amounts of 10,000 pounds or more on any one day, shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements and local fire code requirements.
- 7) For all Groundwater Recharge Areas, new above ground chemical or petroleum storage tanks larger than six hundred fifty (650) gallons must have secondary containment of one hundred ten (110%) percent of tank volume or one hundred ten (110%) percent of the largest tanks in a cluster of tanks.
- 8) An acceptable contingency plan for all permitted facilities must be prepared for preventing hazardous substances from contaminating the shallow/surficial aquifer should floods, fire, or other natural catastrophes, equipment failure or releases occur:
  - a) For flood control, all underground facilities shall include, but not be limited to, a monitoring system and secondary standpipe above the one hundred

(100) year flood control level, for monitoring and recovery. For above ground facilities, an impervious dike, above the one hundred (100) year flood level and capable of containing one hundred (100%) percent of the largest volume of storage will be provided with an overflow recovery catchment area (sump).

- b) For fire control, plans shall include but not be limited to a safe fire lighting procedure, a fire retarding system, effective containment of any liquid runoff, and provide for dealing safely with any other health and technical hazards that may be encountered by disaster control personnel in combating fire. Hazards to be considered are pipes, liquids, chemicals, or open flames in the immediate vicinity.
  - c) For equipment failures, plans shall include but not be limited to: below ground level, removal and replacement of leaking parts, a leak detection system with monitoring, and an overfill protection system; above ground level, liquid and leaching monitoring of primary containment systems, the replacement or repair and cleanup and/or repair of the impervious surface; for any other release occurring, the owner and/or operator shall report all incidents involving liquid or chemical material to the Zoning Administrator.
- 9) Since it is known that improperly abandoned wells can become a direct conduit for contamination of groundwater by surface water, all abandoned wells must be properly plugged according to local and state regulations.

**D. Regulated Substances.** A regulated substance, for the purpose of this Ordinance, includes any substance, including petroleum or derivatives thereof, or combination of substances that because of their quantity, concentration, physical, chemical, infectious, flammable, combustible, radioactive, explosive or toxic characteristics, may cause or significantly contribute to a present or potential risk to human health, safety, welfare, to groundwater resources or to the natural environment. Regulated substances include those materials subject to the following regulations that meet the requirements of this definition:

- (1) Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. §§ 9601-9675;
- (2) Clean Water Act (Federal Water Pollution Control Act), 33 U.S.C. §§ 1251-1387;
- (3) Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. §§ 136-136Y;
- (4) Emergency Planning and Community Right-to-Know Act of 1986 (EPCRTKA), 42 U.S.C. §§ 11001-11050;
- (5) Hazardous Materials Transportation Act (HMTA), 49 App. (U.S.C.) §§ 1801-1819;

- (6) Hazardous and Solid Waste Amendments of 1984 (HSWA), Pub.L. 98-616, Nov. 8, 1984, Stat. 3221;
- (7) Solid Waste Disposal Act and Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901-6992K;
- (8) Superfund Amendments and Reauthorization Act (SARA), Pub. L. 99-499, as amended by Pub. L. 99-563, Pub. L. 100-102, and Pub. L. 101-144;
- (9) Toxic Substances Control Act (TSCA), 15 U.S.C. §§ 2601-2654;
- (10) Hazardous Substances Law, Sections 501.061-501.121, Florida Statutes; and
- (11) Michigan Natural Resources and Environmental Protection Act.

**E. Liability.** Nothing in this Ordinance shall be construed to imply that Webster Township has accepted any of an owner/developer's liability if a permitted facility or use contaminates groundwater in any aquifer.

**F. District Boundary Disputes.** If the location of the Groundwater Protection Overlay District boundary in relation to a particular parcel is in question, resolution of boundary disputes shall be resolved by the Zoning Administrator's interpretation of the Groundwater Protection Overlay District Map. To assist in this interpretation, the Township may, at the expense of the owner/developer, engage a professional engineer, surveyor, hydrologist, geologist, or soil scientist.. Any person aggrieved by such interpretation may appeal the decision of the Zoning Administrator to the Board of Appeals.

## **Section 16.20      Surface Water Protection Overlay District** [\(Back to Table of Contents\)](#)

**A. Purpose and Intent.** Buffers adjacent to stream systems and shore areas provide numerous environmental protection and resource management benefits that can include the following:

- 1) Restoring and maintaining the chemical, physical and biological integrity of the water resources;
- 2) Removing pollutants delivered in urban storm water;
- 3) Reducing erosion and controlling sedimentation;
- 4) Stabilizing stream banks;
- 5) Providing infiltration of storm water runoff;
- 6) Maintaining base flow of streams;
- 7) Contributing the organic matter that is a source of food and energy for the aquatic ecosystem;
- 8) Providing tree canopy to shade streams and promote desirable aquatic organisms; and
- 9) Providing riparian wildlife habitat.

The purpose of the Surface Water Protection Overlay District is to preserve and enhance the environmental, ecological and aesthetic values of the lakes, rivers and streams in Webster Township. Rivers, lakes and streams are a vital component of the hydrologic cycle, draining surface water runoff through the watershed and transporting it to the Great Lakes. Healthy rivers, lakes and streams provide natural storm water management, allow for numerous recreational activities and provide valuable habitat for flora and fauna. In addition, owners of waterfront property benefit from higher property values when water bodies are high quality.

**B. Surface Water Overlay Zones.** The zones overlay existing zoning for an area twenty-five (25') feet and one hundred (100') feet from the ordinary high-water mark on each side of and parallel to all rivers, streams, and lakes greater than 5 acres in area. The zones are depicted on the map of the Surface Water Protection Overlay District below. Specific regulations for these two zones are provided below.

**C. Building Setbacks.** New buildings shall be setback a minimum of one hundred (100') feet from the water's edge.

**D. Accessory Uses.** All accessory uses, including storage buildings, garages, parking lots, detention ponds, retention ponds, gravel parking lots, or outdoor industrial storage areas shall be set back a minimum of one hundred (100') feet from the water's edge.

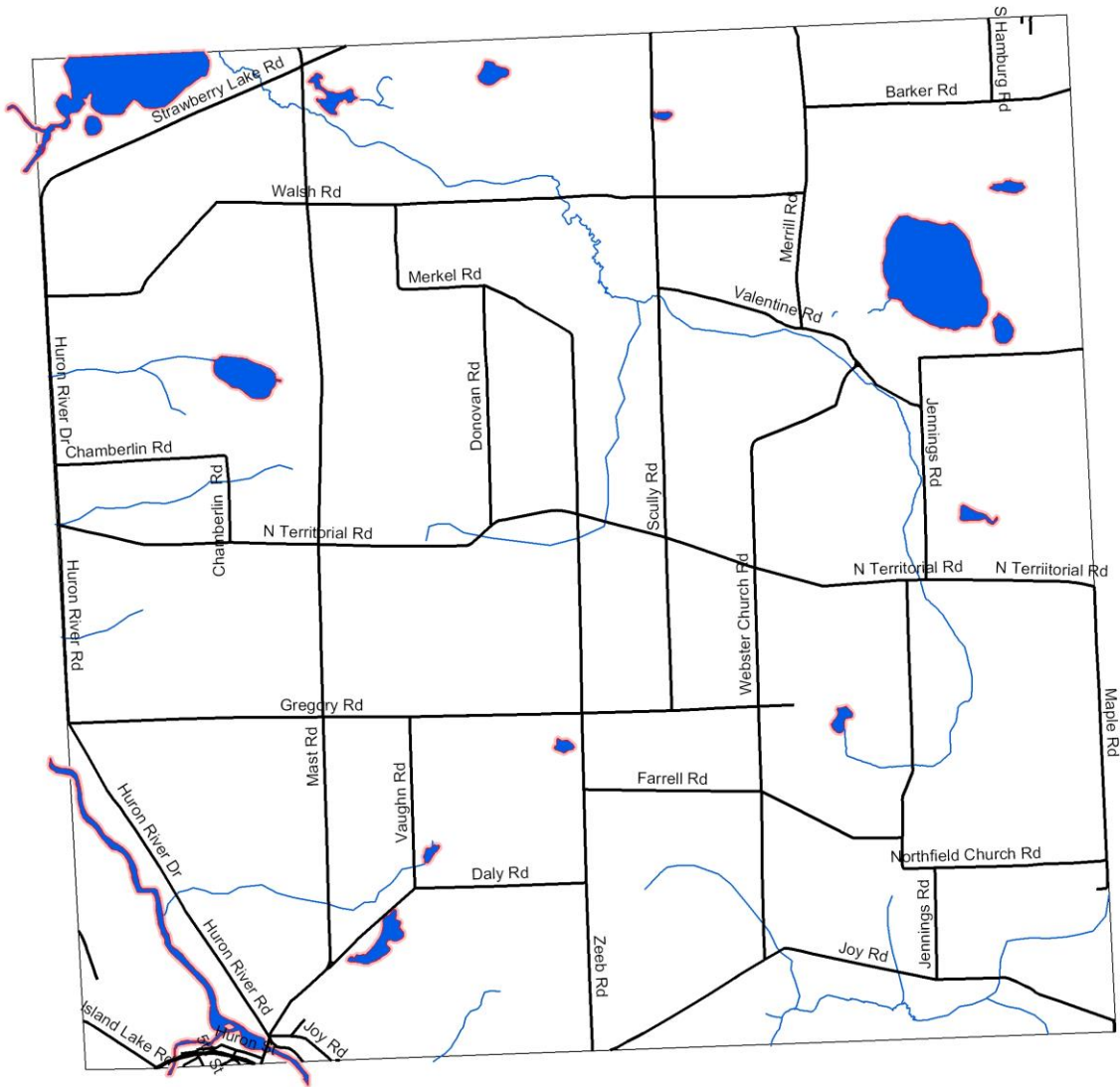
**E. Excavation.** All excavation, including dredging, cutting, filling, and grading within the overlay zone shall be done in accordance with the requirements of the Washtenaw County Water Resources Commissioner for soil erosion/sedimentation control pursuant to the Soil Erosion and Sedimentation Control Act, Michigan Natural Resources and Environmental Protection Act, as amended [MCL 324.9101 et seq.] and other applicable state and local laws. In addition, commercial mining, extraction of soil materials, sand or gravel is prohibited within the overlay zone.

**F. Pesticides, Herbicides and Fertilizers.** Because of the effects on vegetation, fish, wildlife and water quality from improper use of even small amounts of pesticides, herbicides, and fertilizers, the use of such on lands within the overlay zone is prohibited.

**G. Storm Water Management.** Detention, retention and/or sedimentation basins shall be designed and constructed in accordance with Article 14, Storm Water Management Regulations, of this Ordinance and Washtenaw County Water Resources Commissioner rules. Storm water management systems shall be designed to reduce the impact of flooding and the degradation of water quality. All activity within the Surface Water Protection Overlay District shall be in compliance with all County and Township storm water management standards.

**H. Vegetation Strip.** To minimize erosion, stabilize banks, protect water quality, minimize nutrient loading, maintain water temperature at natural levels, preserve fish and wildlife habitat, to screen man-made structures and to preserve aesthetic values, a natural vegetation strip shall be maintained for a distance of twenty-five (25') feet from the water's edge. This restricted cutting strip shall apply to all sides of a body of water although a single access path to the water's edge is allowed. The natural vegetation strip shall maintain the following standards:

# Surface Water Overlay Zone



**Legend**

Roads	Township Boundary	25 Foot Buffer Zone
Lakes		100 Foot Buffer Zone

Map prepared by:



Last Updated: 6/20/06  
 Data Source: Washtenaw County  
 GIS Program 2000 (natural features),  
 2005 (roads)



1. The strip shall ensure that a live root system stays intact to provide for creek bank stabilization and prevent soil erosion.
2. Planting of perennial native species on the natural vegetation strip is encouraged, especially where exposed soil or steep slopes exist or where reforestation is necessary.
3. Pathways or boardwalks running along or parallel to the river within the required natural vegetation strip shall be prohibited.

**I. Nonconformities.** In cases where nonconforming uses or nonconforming structures exist at the time of adoption this Ordinance, the Planning Commission may determine that compliance with all of the overlay standards of this Section is unreasonable. In these cases, the standards shall be applied to the maximum extent possible. In such situation, suitable alternatives that substantially achieve the purpose of this Section may be accepted by the Planning Commission, provided that the applicant demonstrate that one or more of the following conditions apply:

1. Size of the parcel is insufficient to meet dimensional standards.
2. A site plan, plat, or special use permit was previously approved by the Planning Commission or building permits were previously issued by the building department.

**J. Restrictions on Land Uses that Pose Water Pollution Hazards.** The following land uses and/or activities are designated as potential water pollution hazards, and must be set back from any stream or water body by the distance indicated below:

- (1) Storage of hazardous substances (150 feet);
- (2) Above or below ground petroleum storage facilities (150 feet);
- (3) Drain fields from on-site sewage disposal and treatment system (i.e. septic systems - 100 feet);
- (4) Raised septic systems (250 feet);
- (5) Solid waste landfills or junkyards (300 feet);
- (6) Confined animal feedlot operations (250 feet); and
- (7) BMP's for septic tanks and other underground storage tanks.

**K. Waivers.**

- (1) The requirements and standards of this Section apply to all developments commenced after the effective date of this Ordinance, except those developments that obtained site

plan approval, plat approval, or a building permit (which remains effective), prior to the effective date of this Ordinance.

- (2) The Planning Commission may grant a waiver for the following:
  - (a) Those projects or activities serving a public need where no feasible alternative is available;
  - (b) The repair and maintenance of public improvements where avoidance and minimization of adverse impacts to wetlands and associated aquatic ecosystems have been addressed; or
  - (c) For those developments that have had buffers applied in conformance with previously issued requirements.
- (3) Waivers for development may also be granted in two additional forms:
  - (a) The buffer width may be relaxed and the buffer permitted to become narrower at some points as long as the average width of the buffer meets the minimum requirement. This averaging of the buffer may be used to allow for the presence of an existing structure or to recover a lost lot, as long as the streamside zone is not disturbed by the narrowing, and no new structures are built within the one hundred (100) year floodplain.
  - (b) The Planning Commission may offer credit for additional density elsewhere on the site in compensation for the loss of developable land due to the requirements of this Ordinance. This compensation may increase the total number of dwelling units on the site up to the amount permitted under the base zoning.
- (4) The applicant shall submit a written request for a waiver to the Township Clerk, who shall retain the original and forward a copy to the Planning Commission. The application shall include specific reasons justifying the waiver and any other information necessary to evaluate the request. The Planning Commission may require an alternatives analysis that clearly demonstrates that no other feasible alternatives exist and that minimal impact will occur as a result of the project or development.
- (5) In granting a request for a waiver, the Planning Commission may require site design, landscape planting, fencing, the placement of signs, and the establishment of water quality best management practices in order to reduce adverse impacts on water quality, streams, wetlands, and floodplains.

## **Section 16.25      Wetlands Protection Area**

[\(Back to Table of Contents\)](#)

### **A. Purpose.**

- (1) The Township Board finds that:
  - (a) Wetlands conservation is a matter of Township concern because a wetland in one area of the Township may be affected by acts on a river, lake, stream, or wetlands in other areas of the Township.
  - (b) Wetlands are indispensable and fragile resources, which in their natural state provide many benefits to the Township. The loss of a wetland may deprive the people of the Township of the benefits to be derived from the wetland, including, but not limited to, the following:
    - i. Flood and storm control by the hydrologic absorption and storage capacity of the wetland.
    - ii. Wildlife habitat by providing breeding, nesting, and feeding grounds and cover for many forms of wildlife, fish, and waterfowl, including migratory waterfowl, and rare, threatened, or endangered animal and plant species.
    - iii. Protection of subsurface water resources and provision of valuable watersheds and recharging ground water supplies.
    - iv. Pollution treatment by serving as a biological and chemical oxidation basin.
    - v. Erosion control by serving as a sedimentation area and filtering basin, absorbing silt and organic matter.
    - vi. Sources of nutrients in water food cycles and nursery grounds and sanctuaries for fish.
- (2) The loss of wetlands and corresponding loss of the benefits to be derived there from constitutes a threat to the public health, safety and general welfare of the Township and the environment.
- (3) Preservation of wetlands in an undisturbed and natural condition is necessary to maintain important physical, hydrological, aesthetic, recreational, and economic assets for existing and future residents of the Township.

### **B. Scope.** It is the purpose of this Section to regulate wetlands within the Township five (5) acres or greater in size to the fullest extent.

- (1) Prevent the people of the Township from being deprived of any of the benefits derived from wetlands.



- (2) Provide the procedures and requirements to identify all wetlands within the Township, and to maintain an accurate and up-to-date inventory of all wetlands within the Township.
- (3) Specify the activities that are prohibited in a wetland.
- (4) Prevent a further loss of wetlands.
- (5) Specify the activities that are allowed in a wetland, subject to other local, state and federal laws and regulations.
- (6) Require a permit for any use or development in a wetland that is not otherwise authorized.
- (7) Establish all other procedures, requirements, standards, and conditions; financial assurance provisions necessary and appropriate to accomplish the regulatory purposes and intent of this Section.
- (8) Provide incentives for wetlands protection and recognition of the value of stewardship for the care and protection of wetlands.

**C. Wetland Identification.** A Webster Township Wetland Map is available in the Township office that depicts wetlands as identified by the Washtenaw County Metropolitan Planning Commission. This map is to be used *as a general guide only* as the data is not site specific. Wetlands are visible in low altitude aerial photos, particularly older ones prior to the invasion of exotic shrubs and trees. The boundaries of wetlands are further determined by considering vegetation and soils in the field. Generally speaking, current wetlands are quite plainly visible in the field.

For purposes of site plan review, any wetland, regardless of whether it is depicted on the Webster Township Wetland Map, is subject to the protection afforded by this Section.

**D. Protection and Restoration Strategies.**

- (1) *Buffer strip.* A permanent vegetated buffer strip, ten (10') in width, will be maintained or restored around the periphery of wetlands. Development around wetlands shall be set back at least twenty-five (25') feet from the wetland boundary.
- (2) *Prioritization.* The Planning Commission, at its discretion, may prioritize wetlands on a site based on their size, proximity to other natural features or other characteristics of the wetland. All wetlands should be considered for protection. However, forested wetlands and wetlands along watercourses with native plant associations still intact or regenerating shall be given a higher priority.

- (3) *Storm Water Retention.* Natural wetlands may be used as storm water retention ponds, however, when natural wetlands are used in this way they will be protected from damaging modifications and adverse changes in runoff quality and quantity associated with land developments. Direct discharge of untreated storm water into a natural wetland is prohibited. All runoff from the development will be pre-treated by sedimentation traps and/or basins to remove sedimentation and other pollutants prior to discharge into a wetland. Such treatment facilities will be constructed before property grading begins. Site drainage patterns will not be altered in any way that will modify existing water levels. Wetland construction, reconstruction, or modification will be overseen by a qualified professional with specific wetland experience.

Where wetlands are to be used as part of a storm water retention system, the rules of the Washtenaw County Water Resources Commissioner shall be followed to minimize negative impacts on the wetland.

- (4) *Disturbed wetlands.* Disturbed wetlands with underlying hydric soils, such as on once-farmed lands, constitute a genuine opportunity to restore some of the capacity and function of the wetland and the diversity of species. Maintaining and enhancing the biological and hydrological value and function of these wetlands should be the primary concern. Use of these wetlands as retention basins can be acceptable, as long as there are separate filtration basins and as long as the volumes of water involved do not overwhelm the plant life that must be sustained in the wetland.
- (5) *Damaged wetlands.* Some wetlands have been greatly damaged and have been reduced to open water and/or a few species of plants and animals. Replacement or relocation of these wetlands is more acceptable, if they must be taken for development. In many cases, these wetlands can be effectively repaired and used for storm water retention and filtration.
- (6) *Construction.* Wetlands will be protected during construction by appropriate soil erosion and sediment control measures. Barrier fencing should be used during construction. A soil erosion and sedimentation control permit from Washtenaw County must be obtained and followed.

**E. Mitigation.** Mitigation shall not be considered a substitute for making all prudent attempts to avoid wetlands impacts. Where wetland losses are unavoidable, mitigation plans shall be considered only if the following criteria are met:

1. The mitigation plan provides for substantial replacement of the predominant value of the wetland to be lost.
2. Mitigation shall be provided on-site where practical and beneficial to the wetland resources.

3. If mitigation on-site is not practical and beneficial, then mitigation in the immediate vicinity, within the same watershed of the proposed development, may be considered.
4. Only if all of these options are impractical shall mitigation be considered elsewhere.
5. Mitigation shall be a minimum ratio of 1.5 new acres to 1 lost acre.

**Section 16.30**      **Natural River Overlay District** (Added May 15, 2018)

[\(Back to Table of Contents\)](#)

**A. Purpose and Intent.** This district is intended to comply with the land use regulations established by the Michigan Department of Natural Resources (MDNR)'s Huron River Natural River Zoning ordinance. The land areas in this district are in the Huron River watershed and their uses impact the water quality of the Huron River.

This District includes all land areas within 400 feet of the Huron River and the designated tributaries as shown on the Natural River Overlay Map below. The goal of this district is to protect and enhance the water conservation values, free flowing condition, fish, wildlife, flood plain, and aesthetic ecologic, historic and recreational values of the designated Natural River areas.

**B. Uses Allowed in Natural River Overlay District.** The following uses are allowed within the Natural River Overlay District, to the extent allowed within the underlying zoning district applicable to the subject property in question (it being understood that no uses shall be allowed that are not otherwise allowed within the zoning district applicable to the subject property):

1. Standard single-family detached dwelling unit.
2. Forest preserves and parks.
3. Home occupations, subject to the following conditions:
  - (a) The home occupation shall be extent clearly incidental and subordinate to the structure's primary use as a single-family residential dwelling.
  - (b) Equipment or process shall not be used in a home occupation if it creates excessive noise, vibration, fumes, odors or electrical interference that is detectible to the normal senses off the premises.
4. Normal agricultural activities, subject to the following conditions:
  - (a) The agricultural activity shall occur landward of the natural vegetation strip (i.e., not less than 50 feet from the ordinary high water mark).
  - (b) The agricultural activity shall not contribute to stream degradation.

# Natural River District Overlay Zone

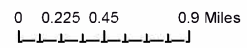


Prepared by:



Data Sources: SEMCOG,  
HRWC, Washtenaw  
County  
Map created 2016

- Arms Creek and Mill Creek Natural River District
- Huron River Natural River District
- All other watercourses (lakes and streams) - not in Natural River District



- (c) Any new aquaculture facility or concentrated animal feeding operation, and expansion of any existing aquaculture facility or concentrated animal feeding operation, is not permitted within the Natural River District without a land use variance.
5. One private boat dock per parcel, subject to the following conditions:
    - (a) The dock shall be not more than 48 square feet in area, with not more than 4 feet of the dock extending over the edge of the river.
    - (b) The dock shall be designed, constructed and maintained to blend with the natural surroundings.
  6. One private river access stairway per parcel, subject to the following conditions:
    - (a) A stairway is not permitted unless no other reasonable and safe access to the river exists.
    - (b) A stairway shall be low-profile, not more than 4 feet wide, and constructed without stairs being recessed into the ground surface, except if site and soil conditions dictate that a recessed stairway is appropriate.
    - (c) A landing shall not be constructed unless required by building code, in which case the landing shall be the minimum number and size required by building codes.
    - (d) Not more than 1 handrail shall be associated with a stairway.
    - (e) A stairway shall be constructed using natural materials.
    - (f) A stairway shall be located and maintained to blend with the natural surroundings, and where removal of vegetation in the natural vegetation strip can be minimized.
  7. Bridges, subject to prior written approval from the Michigan Department of Environmental Quality and/or the Michigan Department of Natural Resources.
  8. A boardwalk associated with a footpath to the river's edge, subject to the following conditions:
    - (a) The boardwalk shall be placed in an area that is generally too wet to be traversed without significant disturbance to the soils.
    - (b) The boardwalk and all supports shall be constructed of natural materials.
    - (c) The boardwalk shall be not more than 3 feet wide.
    - (d) The boardwalk shall not include any railing.
    - (e) The top of the boardwalk shall be not more than 12 inches above grade.
  9. Accessory buildings and uses, customarily incidental to any of the above permitted uses.

**C. Natural River Overlay District.** Specific regulations for the district zones are provided below. All measurements are in feet.

<b>Zones and Restrictions (in feet from the ordinary high-water mark on each side of and parallel to designated rivers and tributaries):</b>		
	<i>Huron River</i>	<i>Arms Creek &amp; Mill Creek Natural River</i>
Setback for Improvements (i.e., all buildings, Structures, appurtenances and improvements constructed upon the land) <sup>1, 2, 3</sup>	125	50
Natural Vegetation Strip	50	50
<b>Additional dimensional standards applicable to all Lots and all Structures within the Natural River Overlay District (<i>applies to all sections, including Huron River, Arms Creek &amp; Mill Creek</i>):</b>		
Minimum Lot Width (measured at the river's edge; or, if the parcel does not have river frontage, then measured at the point of the parcel closest to the river)		150
Maximum Height of Any Structure (measured from the original surface elevation)		35
<b>The following land uses and/or activities are designated as potential water pollution hazards, and must be set back from the ordinary high-water mark of any stream or water body by the distance indicated below (<i>applies to all sections, including Huron River, Arms Creek &amp; Mill Creek</i>):</b>		
Storage of hazardous substances		150
Above or below ground petroleum storage facilities		150
Drain fields from on-site sewage disposal and treatment system (i.e. septic systems)		125
Raised septic systems		250
Solid waste landfills or junkyards		300
Confined animal feedlot operations		250
Mining and extracting industries		300

<sup>1</sup> The closest point of construction of new structures and improvements shall be set back from the ordinary high-water mark the minimum distance indicated, even if that point is not on the subject parcel. The designated setback distances along the Huron River may be decreased 10 feet for every 10-foot rise in back height to a minimum of 75 feet from the ordinary high-water mark.

<sup>2</sup> Setback restrictions include all Structures, and all primary and accessory uses, including but not limited to all storage buildings, garages, parking lots, detention ponds, retention ponds, gravel parking lots, and outdoor industrial storage areas. For purposes of this Section 16.30, "Structures" shall also include all patios, fences, walls, utility poles, basketball goals, mailboxes, sidewalks, driveways, streets, parking areas, retaining walls and sea walls, and such items shall be subject to the setback requirements in this Section 16.30, notwithstanding that fact that such items are not considered to be Structures for other purposes under this Zoning Ordinance.

<sup>3</sup> Note that greater setback requirements may apply under other provisions of this Ordinance. (i.e., if any other provision of this Ordinance requires a setback greater than that required under this Section 16.30, then the greatest setback requirement contained in this Ordinance shall govern and apply.)

**D. Vegetation Strip.** To minimize erosion, stabilize banks, protect water quality, minimize nutrient loading, maintain water temperature at natural levels, preserve fish and wildlife habitat, to screen man-made structures and to preserve aesthetic values, a natural vegetation strip shall be

maintained for a distance in accordance with Section C above. This strip shall apply to all sides of a body of water, although a single access path to the water's edge is allowed. The natural vegetation strip shall maintain the following standards:

1. The strip shall ensure that a live root system stays intact to provide for creek bank stabilization and prevent soil erosion.
2. Dead, diseased, unsafe fallen trees and invasive and noxious plants and shrubs, including poison ivy, poison sumac, common buckthorn, honeysuckle, purple loosestrife and other plants regarded as invasive may be removed. Planting of perennial native species on the natural vegetation strip is encouraged, especially where exposed soil or steep slopes exist or where reforestation is necessary.
3. Pathways to the river's edge shall be no wider than 6 feet and shall meander down to the river's edge in a manner which protects the soil and vegetation from erosion while also screening the principal structure and vehicles from a direct river view.
4. Pathways or boardwalks running along or parallel to the river within the required natural vegetation strip shall be prohibited.

**E. Nonconformities.** In cases where nonconforming uses or nonconforming structures exist at the time of adoption this Ordinance, the Planning Commission may determine that compliance with all of the overlay standards of this Section is unreasonable. In these cases, the standards shall be applied to the maximum extent possible. In such situation, suitable alternatives that substantially achieve the purpose of this Section may be accepted by the Planning Commission, provided that the applicant demonstrates that one or more of the following conditions apply:

- (1) Size of the parcel is insufficient to meet dimensional standards.
- (2) A site plan, plat, or special use permit was previously approved by the Planning Commission or building permits were previously issued by the building department.

**F. Waivers and Variances.**

- (1) **Applicability.** The requirements and standards of this Section 16.30 apply to all developments, land divisions, construction, improvements and site work projects commenced after the effective date of this Ordinance, except those developments, land divisions, construction, improvements or site work projects that obtained site plan approval, plat approval, or a building permit (which remains effective), prior to the effective date of this Ordinance.

- (2) **Waivers.** The Planning Commission may grant a waiver for the following:
- (a) Those projects or activities serving a public need where no feasible alternative is available;
  - (b) The repair and maintenance of public improvements where avoidance and minimization of adverse impacts to wetlands and associated aquatic ecosystems have been addressed;
  - (c) For instances where there is an error on the Natural River Overlay District map; or
  - (d) The buffer width may be relaxed and the buffer permitted to become narrower at some points as long as the average width of the buffer meets the minimum requirement. This averaging of the buffer may be used to allow for the presence of an existing structure or to recover a lost lot, as long as the streamside zone is not disturbed by the narrowing, and no new structures are built within the one hundred (100) year floodplain.
- (3) **Dimensional Variances.** A dimensional variance from any standard established in this Section 16.30 may be granted by the Board of Appeals, to allow a modification from a standard that establishes an area, yard, height, width, frontage, setback, or similar numerical restriction, but only after evidence establishes that a practical difficulty exists in complying with these rules. A variance shall be granted only when it is consistent with the general purposes and intent of these rules. The Board of Appeals shall consider the following factors to determine if a practical difficulty exists:
- (a) Whether a condition exists on the property that prevents the development standards from being met.
  - (b) Whether the practical difficulty can be overcome by some reasonable method other than a variance.
  - (c) If the practical difficulty cannot be overcome by some reasonable method other than a variance, whether the variance shall meet the standards to the greatest extent possible.
  - (d) Whether the variance will cause a substantial change in the character of the area.
  - (e) In view of the manner in which the practical difficulty arose, whether the interests of justice will be served by allowing the variance.
  - (f) Whether the practical difficulty is due to circumstances which are unique to the subject property and not self created.
  - (g) Whether the variance shall result in an adverse effect on the environment.

Work authorized by the variance shall not commence until a permit is issued by the Zoning Administrator.

- (4) **Use Variances.** A land use variance is a land or building use in contravention of



any of the use requirements of these rules, but explicitly permitted by the Board of Appeals as hereinafter provided. The Board of Appeals may grant a land use variance upon a finding of unnecessary hardship, which may be found upon evidence being submitted that all of the following factors exist:

- (a) The property cannot be used as zoned.
- (b) The unnecessary hardship results from the application of these rules to the subject property.
- (c) The unnecessary hardship is suffered by the subject property only and not shared by other property owners.
- (d) The unnecessary hardship is not self created.

Upon determining that an unnecessary hardship for a land use variance exists, the Board of Appeals shall determine that the proposed use meets all of the following:

- (i) The proposed use shall be generally in accordance with the spirit and intention of the State of Michigan Natural River plan and this Zoning Ordinance.
  - (ii) The proposed use will be designed, constructed, operated and maintained consistent with the existing or intended character of the Natural River District, and the proposed use will not change the character of the Natural River District.
  - (iii) The proposed use will not involve activities, processes, materials, equipment, and/or conditions of operation that may be detrimental to any person, property, or the environmental quality of the Natural River District and the surrounding areas, such as excessive noise, smoke, fumes, glare, odors, or outdoor storage of materials.
  - (iv) The proposed use will be consistent with the intent and purpose of these rules.
  - (v) The proposed use or a structure to be used will not cause an overcrowding of the land or an undue concentration of population that may result in degradation to the Natural River District.
  - (vi) The proposed use lot area is sufficient, appropriate, and adequate for the proposed use and the reasonable anticipated operation and expansion thereof.
- (5) **Conditions.** The Planning Commission and Board of Appeals may impose permit conditions in writing before granting a waiver or variance. The zoning permit issued for the waiver or variance is not valid until the applicant accepts the conditions in writing.
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