

**AUGUSTA CHARTER TOWNSHIP
ZONING ORDINANCE AMENDMENT
ORDINANCE NO. 17-02**

An Ordinance to amend the Zoning Ordinance for Augusta Charter Township to update various sections of the Zoning Ordinance to comply with the Michigan Zoning Enabling Act and current office procedures and practices.

AUGUSTA CHARTER TOWNSHIP, WASHTENAW COUNTY, MICHIGAN, ORDAINS:

SECTION 1. AMENDMENT TO TOWNSHIP ZONING ORDINANCE
SECTION 2.2: Township Zoning Ordinance Section 2.2, entitled “Definitions,” is amended to state the following:

Adult care facilities.

1. *Adult family day care home.* A private home in which six (6) or less adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours per day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.
2. *Adult group day care home.* A private home in which more than six (6) but not more than twelve (12) adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours per day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.

Adult foster care facility. A state licensed establishment that provides foster care to adults. It includes facilities and foster care homes of adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include convalescent or nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which have been exempted from the definition of adult foster care facility by the Adult Foster Care Facility Licensing Act, MCL 40.701, et. seq.; MSA 16.610 (61),

et. seq., as amended. The following additional definition shall apply in the application of this Ordinance:

1. *Adult foster care family home.* A private residence with the approved capacity to receive six (6) or fewer adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours per day, five (5) or more days per week, and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
2. *Adult foster care small group home.* An owner-occupied facility with the approved capacity to receive twelve (12) or fewer adults, who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours per day, five (5) or more days per week, and for two (2) or more consecutive weeks.
3. *Adult foster care large group home.* A facility with the approved capacity to receive at least thirteen (13), but not more than twenty (20) adults, to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days per week, and for two (2) or more consecutive weeks.

Adult foster care congregate facility. An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.

Child day care facilities. The following definitions shall apply in the construction and application of this Ordinance:

1. *Child family day care home.* A private residence in which one (1) but not more than six (6) minor children are received for care and supervision for periods less than twenty-four (24) hours per day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
2. *Child group day care home.* A private residence in which seven (7) but not more than twelve (12) children are received for care and supervision for periods less than twenty-four hours per day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) consecutive weeks in a calendar year.
3. *Child day care center.* A facility, other than a private residence, receiving more than one (1) or more children for care and supervision for periods less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the child.

Child foster family facilities. Means the following:

1. *Child foster family home.* A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to the adoption code, Chapter X of Act No. 288 of the Public Acts of 1939, being sections 710.21 to 710.70 of the Michigan Compiled Laws, are given care and supervision for twenty-four (24) hours per day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
2. *Child foster family group home.* A private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to Chapter X of Act No. 288 of Public Acts of 1939, are provided care for twenty-four (24) hours per day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

SECTION 2. AMENDMENT TO TOWNSHIP ZONING ORDINANCE
SECTION 3.5:

Township Zoning Ordinance Section 3.5.A.1, entitled "Permitted Uses,"(C, Conservation) is amended to state the following:

- h. Adult Foster Care Family Home, and Foster Family Group Home, excluding an adult foster care facility licensed by a state agency for the care and treatment of persons released from or assigned to adult correctional institutions.

Township Zoning Ordinance Section 3.5.B.1, entitled "Permitted Uses," (AG, Agriculture) is amended to state the following:

- h. Adult Foster Care Family Home, and Foster Family Group Home, excluding an adult foster care facility licensed by a state agency for the care and treatment of persons released from or assigned to adult correctional institutions.

Township Zoning Ordinance Section 3.5.C.1., entitled "Permitted Uses" (AR, Agricultural Residential), is amended to state the following:

- h. Adult Foster Care Family Home, and Foster Family Group Home, excluding an adult foster care facility licensed by a state agency for the care and treatment of persons released from or assigned to adult correctional institutions.

Township Zoning Ordinance Section 3.5.D.1., entitled "Permitted Uses" (RR, Rural Residential), is amended to state the following:

- g. Adult Foster Care Family Home, and Foster Family Group Home, excluding an adult foster care facility licensed by a state agency for the care and treatment of persons released from or assigned to adult correctional institutions.

Township Zoning Ordinance Section 3.5.E.1., entitled “Permitted Uses” (SR, Single-Family Residential), is amended to state the following:

- f. Adult Foster Care Family Home, and Foster Family Group Home, excluding an adult foster care facility licensed by a state agency for the care and treatment of persons released from or assigned to adult correctional institutions.

Township Zoning Ordinance Section 3.5.F.1., entitled “Permitted Uses” (VR, Village Residential), is amended to state the following:

- f. Adult Foster Care Family Home, and Foster Family Group Home, excluding an adult foster care facility licensed by a state agency for the care and treatment of persons released from or assigned to adult correctional institutions.

Township Zoning Ordinance Section 3.5.G.1., entitled “Permitted Uses” (MR, Multiple-Family Residential), is amended to state the following:

- f. Adult Foster Care Family Home, and Foster Family Group Home, excluding an adult foster care facility licensed by a state agency for the care and treatment of persons released from or assigned to adult correctional institutions. Subject to Section 6.2.

SECTION 3. AMENDMENT TO TOWNSHIP ZONING ORDINANCE

SECTION 4.3: Township Zoning Ordinance Section 4.3, entitled “Special Land Uses - Procedures,” is amended to state the following:

- B. Public Hearing Required. Upon receipt of the application for a special land use permit, the Planning Commission shall conduct a public hearing. Notice of said public hearing shall be in accordance with Section 14.12.

SECTION 4. AMENDMENT TO TOWNSHIP ZONING ORDINANCE SECTION

6.2: Township Zoning Ordinance Section 6.2, entitled “Adult Foster Care Group Home (Small and Large) Facilities,” is amended to state the following:

Adult Foster Care Facilities. It is the intent of this section to establish standards for adult foster family and group facilities that will ensure compatibility with adjacent land uses and maintain the character of the neighborhood.

SECTION 5. AMENDMENT TO TOWNSHIP ZONING ORDINANCE ARTICLE

10: Township Zoning Ordinance Section 10.2, entitled “Definitions,” is amended to replace the definition of “Township Clerk” with “Administrative Assistant” as follows:

- L. *Administrative Assistant* means a person hired by the Township Board of Trustees to facilitate the application process on behalf of Augusta Charter Township.

Township Zoning Ordinance Section 10.4, entitled “Application and Approval

Procedures,” is amended to replace the f “Township Clerk” with “Administrative Assistant” as follows:

A. Filing of Application. To initiate review of a proposed private road, the applicant shall submit 12 copies of the required materials as specified in Section 10.4(B) to the Administrative Assistant at the Township Hall.

C. Procedures.

1. Consultant Review. Upon receipt, the Administrative Assistant shall forward the private road application and related plans and materials to the Township Planner, Township Engineer, Township Attorney, and any other appropriate departments or persons for review. Such review shall consider compliance with this Article, sound planning and engineering principles and any other applicable ordinances. The Township Attorney and Engineer shall review all private road easement and maintenance agreements. All reviews and recommendations shall be forwarded in writing to the Planning Commission and Township Board.

2. Placement on Planning Commission Agenda. The Administrative Assistant shall submit the application and supporting materials to the Township Planner for distribution to the Township Planning Commission at its next regular meeting if the application and supporting materials are received at least twenty-eight (28) days prior to the next regular meeting of the Planning Commission.

SECTION 6. AMENDMENT TO TOWNSHIP ZONING ORDINANCE
ARTICLE 11: Township Zoning Ordinance Section 11.3, entitled “Review and Approval Procedures,” is amended to replace the role of “Township Clerk” with “Administrative Assistant” as follows:

B. Preliminary Site Plan. Following the pre-application conference, the applicant shall submit a Preliminary Site Plan and application for the proposed project. The purpose of such preliminary review is to confirm compliance with Township standards, policies and relationship to the Master Plan, as well as to suggest changes necessary, if any, for the Final Site Plan approval.

1. Submittal. The Preliminary Site Plan and application form shall be submitted to the Administrative Assistant and forwarded to the Township Planner. The Preliminary Site Plan shall be put on the next available Planning Commission agenda for consideration, provided the Township received it by noon at least twenty-eight (28) calendar days prior to the meeting. Upon receipt of the Preliminary Site Plan submittal, the applicant must request a preliminary review of the proposal from the Washtenaw County Road Commission, Drain Commissioner and Health Department, as applicable.

C. Final Site Plan Review. Following Planning Commission approval of the Preliminary Site Plan, the applicant shall submit a Final Site Plan and application for the proposed project.

1. Submittal. The applicant shall submit the Final Site Plan and related application form and supplementary materials to the Administrative Assistant and forward to the Township Planner. The Final Site Plan shall be put on the next available Planning Commission agenda for consideration, provided the Township received it by noon at least twenty-eight (28) calendar days prior to the meeting.

SECTION 7. AMENDMENT TO TOWNSHIP ZONING ORDINANCE

ARTICLE 12: Township Zoning Ordinance Section 12.6, entitled “Procedures for Review and Approval” is amended to replace the role of “Township Clerk” with “Administrative Assistant” as follows:

B. Conceptual PUD Plan. Following the pre-application conference, the applicant shall submit a Conceptual PUD Plan and application for the proposed PUD. The intent of the Conceptual PUD review phase is to allow the Planning Commission and Township Board to conceptually identify an acceptable arrangement of roads, units, buildings, density, open space and other site improvements before considerable effort and expense associated with detailed engineering is expended on the part of the applicant.

1. Submittal. The Conceptual PUD Plan and application form shall be submitted to the Administrative Assistant and forwarded to the Township Planner. The Conceptual PUD Plan shall be put on the next available Planning Commission agenda for consideration, provided the Township received it by noon at least twenty-eight (28) calendar days prior to the meeting. Upon their initial consideration of the proposed Conceptual PUD Plan, the Planning Commission shall set a date for the required public hearing. Concurrent with submittal to the Township, the Conceptual PUD shall also be submitted to the Washtenaw County Subdivision Advisory Committee, where applicable.

C. Preliminary PUD Plan. Following Township Board action on the Conceptual PUD Plan, the applicant shall submit a Preliminary PUD Plan and application for the proposed PUD. The intent of the Preliminary PUD review phase is to allow the Planning Commission and Township Board to finalize the arrangement of roads, units, buildings, density, open space and other site improvements concurrent with preliminary approvals from all appropriate governmental agencies. If a Preliminary PUD Plan is not submitted by the applicant for approval within twelve (12) months of Conceptual PUD Plan approval by the Township Board, the Conceptual PUD Plan approval becomes null and void. The Planning Commission may, however, issue one (1), one (1)-year waiver. Such a request of waiver shall be made by the applicant prior to the expiration date. Additional periods of time may be granted, if it is determined to be appropriate, as a condition of Conceptual PUD Plan approval.

Appropriateness of extension requests shall be determined by proof that design, planning, and engineering of the development is progressing, and all Township accounts are current.

1. Submittal. The Preliminary PUD Plan and related application form and supplementary materials shall be submitted to the Administrative Assistant and forwarded to the Township Planner. At the time of Preliminary PUD submittal, the applicant must also request a preliminary review of the proposal from the Washtenaw County Road Commission. The Preliminary PUD Plan shall be put on the next available Planning Commission agenda for consideration, provided the Township received it by noon at least twenty-eight (28) calendar days prior to the meeting.
- E. Final PUD Plan. Following engineering review and approval, the applicant shall submit a Final PUD Plan and application. If a Final PUD Plan is not submitted by the applicant for final approval within twelve (12) months of Preliminary PUD Plan approval by the Township Board, the Preliminary PUD Plan approval becomes null and void. The Township Board may, however, issue one (1), one (1)-year waiver. Such a request of waiver shall be made by the applicant prior to the expiration date. Additional periods of time may be granted if it is determined to be appropriate, as a condition of Preliminary PUD Plan approval. Appropriateness of extension requests shall be determined by proof that design, planning, and engineering for the development is progressing, and that submittal of information regarding phasing or market conditions of the proposed development and all Township accounts are current.
1. Submittal. The applicant shall submit the Final PUD Plan and related application form and supplementary materials to the Administrative Assistant and forwarded to the Township Planner within twelve (12) months of Preliminary PUD Plan approval. The Final PUD Plan shall be put on the next available Township Board agenda for consideration, provided the Township received it by noon at least twenty-eight (28) calendar days prior to the meeting.

SECTION 8. AMENDMENT TO TOWNSHIP ZONING ORDINANCE
ARTICLE 12: Township Zoning Ordinance Section 16.2, entitled “Amendment Procedure” is amended to replace the role of “Township Clerk” with “Administrative Assistant” as follows:

- 16.1 Amendment Procedure. The procedure for amending this Ordinance shall be in accordance with the Michigan Zoning Enabling Act (P.A. 110 of 2006), as amended. Application for amendment shall be made by submitting the application, along with required information and the required fee (as established by the Township Board), to the Administrative Assistant. After receipt of filing, the Administrative Assistant shall transmit a copy of the application and required information to the Township Planner to place on the next available Planning Commission meeting and provide notice pursuant to Section 14.12.

SECTION 9. SEVERABILITY: The provisions of this Ordinance are hereby declared to

be severable and if any provision, section or part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall only affect the particular provisions, section or part involved in such decision and shall not affect or invalidate the remainder of such Ordinance, which shall continue in full force and effect.

SECTION 10. EFFECTIVE DATE: This Ordinance shall become effective seven (7) days after its publication following final adoption or as required by law.

SECTION 11. REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

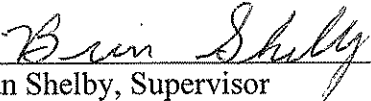
Following its introduction and publication prior to final adoption, the above Ordinance was offered for final adoption by Brian Shelby and was supported by Cath Howard at a regular meeting of the Augusta Charter Township Board, held at the Augusta Charter Township Hall on the 12 day of June, 2017, at 7:00 p.m., the vote being:

YEAS: Burek, Domas, Howard, Knick, Ortiz, Shelby

NAYS: None

ABSENT/ABSTAIN: Chie, Absent

ORDINANCE DECLARED ADOPTED:



Brian Shelby, Supervisor
Augusta Charter Township

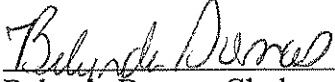
CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance that was:

1. Introduced for publication and subsequent final adoption by the Augusta Charter Township Board at a duly scheduled and noticed meeting of that Township Board held on May 8, 2017;
2. Published by a summary once before its final adoption in the Ann Arbor newspaper, a newspaper that circulates within Augusta Charter Township, on May 14, 2017;
3. Finally adopted by the Augusta Charter Township Board at a duly scheduled and noticed meeting of that Township Board held on June 12, 2017;
4. Published by summary again following its final adoption in the Ann Arbor newspaper, a newspaper that circulates within Augusta Charter Township, on June 15, 2017;

5. Recorded within one (1) week after such publication in a book of Ordinances kept by me for that purpose, including the date of passage of the Ordinance, the names of the members of the Township Board voting, and how each member voted; and
6. Filed as an attested copy with the Washtenaw County Clerk on June 29, 2017.

ATTESTED:



Belynda Domas, Clerk
Augusta Charter Township