ZONING ORDINANCE

Augusta Charter Township,
Washtenaw County,
Michigan

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TABLE OF CONTENTS

Article/Section		Page No.
Title Page		i
Table of Contents		ii
Article 1	**Title, Purpose, Enabling Authority and Conditions of Enactment**	**1-1**
Section 1.1	Title	1-1
Section 1.2	Purpose	1-1
Section 1.3	Enabling Authority	1-2
Section 1.4	Scope and Construction of Regulations	1-2
Section 1.5	Relationship to Other Ordinances, Regulations or Agreements	1-2
Section 1.6	Vested Right	1-2
Section 1.7	Validity and Severability	1-3
Section 1.8	Repealer	1-3
Section 1.9	Effective Date	1-3
Section 1.10	Adoption	1-3
Article 2	**Rules of Construction and Definitions**	**2-1**
Section 2.1	Rules Applying to Text	2-1
Section 2.2	Definitions	2-2
Article 3	**Zoning District Regulations**	**3-1**
Section 3.1	Establishment of Zoning Districts	3-1
Section 3.2	Official Zoning Map	3-1
Section 3.3	Application of Zoning District Regulations	3-2
Section 3.4	Intent of Districts	3-4
Section 3.5	Schedule of Use Regulations	3-7
Section 3.6	Schedule of Dimensional Regulations	3-29
Section 3.7	Additional Regulations	3-30
Article 4	**Special Land Uses**	**4-1**
Section 4.1	Intent	4-1
Section 4.2	Application Requirements	4-1
Section 4.3	Procedures	4-1
Section 4.4	Basis for Determinations	4-2
Section 4.5	Conditions and Safeguards	4-2
Section 4.6	Voiding or Revocation of Special Land Use Permit	4-3

Article 5 General Provisions 5-1

Section 5.1 Continued Conformance with Regulations 5-1
Section 5.2 Unlawful Buildings, Structures, Site Designs and Uses 5-1
Section 5.3 One Lot, One Building 5-1
Section 5.4 Required Street Frontage 5-1
Section 5.5 Visibility at Intersections 5-1
Section 5.6 Accessory Buildings and Structures 5-1
Section 5.7 Landscaping and Screening 5-3
Section 5.8 Walls and Fences 5-24
Section 5.9 Unsafe Buildings 5-28
Section 5.10 Structural Damage 5-28
Section 5.11 Buildings to be Moved or Demolished 5-28
Section 5.12 Dwellings in Non-Residential Districts 5-28
Section 5.13 Temporary Dwellings 5-28
Section 5.14 Temporary Construction 5-29
Section 5.15 Seasonal Sales 5-30
Section 5.16 Garage Sales, Rummage Sales and Similar Activities 5-31
Section 5.17 Home Occupations 5-31
Section 5.18 Essential Services 5-32
Section 5.19 Keeping of Animals 5-32
Section 5.20 Trash 5-36
Section 5.21 Traffic Impact Studies 5-36

Article 6 Development Standards 6-1

Section 6.1 Applicability 6-1
Section 6.2 Adult Foster Care Facilities 6-1
Section 6.3 Adult Regulated Uses 6-2
Section 6.4 Automobile Service Stations, Convenience Marts, and Repair Establishments 6-4
Section 6.5 Automobile Washes 6-6
Section 6.6 Bed and Breakfast Establishments 6-6
Section 6.7 Campgrounds/Recreational Vehicle Park 6-7
Section 6.8 Group Day Care Home 6-9
Section 6.9 Child Day Care Center 6-10
Section 6.10 Commercial Indoor Recreation 6-11
Section 6.11 Commercial Outdoor Recreation 6-11
Section 6.12 Commercial Outdoor Storage 6-13
Section 6.13 Drive-In/Drive-Thru Businesses 6-13
Section 6.14 Gravel, Sand or Mineral Extraction 6-14
Section 6.15 Hazardous Waste or Waste Incineration Facilities 6-20
Section 6.16 Heavy Vehicle and Equipment Repair Establishment 6-21
Section 6.17 Junk Yard, Wrecking Yard and Salvage Operation 6-23
Section 6.18 Lake Construction 6-24
Section 6.19 Motel or Hotel 6-27

Section 6.20 Open Air Businesses/Outdoors Sale and Display of Products 6-27
Section 6.21 Private Airport 6-29
Section 6.22 Self Storage Facility and Recreational Vehicle Storage 6-29
Section 6.23 Transient, Temporary Amusements 6-31
Section 6.24 Wireless Communication Facilities 6-31
Section 6.25 Large Solar Energy Systems 6-41

Article 7 Off-Street Parking Standards 7-1

Section 7.1 General Parking Requirements 7-1
Section 7.2 Off-Street Parking Requirements By Use 7-3
Section 7.3 Off-Street Parking Lot Construction and Operation 7-7
Section 7.4 Parking and Storage of Commercial and Recreational Vehicles 7-11
Section 7.5 Off-Street Loading Requirements 7-13

Article 8 Signage 8-1

Section 8.1 Purpose 8-1
Section 8.2 Definitions 8-1
Section 8.3 Signs Prohibited in All Districts 8-1
Section 8.4 Signs Allowed without a Permit 8-3
Section 8.5 Schedule of Sign Regulations 8-6
Section 8.6 Signs in Residential Districts 8-8
Section 8.7 Signs in Non-Residential Districts 8-9
Section 8.8 Billboards 8-14
Section 8.9 Sign Design Standards 8-14
Section 8.10 Sign Permit Review Process 8-17
Section 8.11 Inspection and Maintenance 8-19
Section 8.12 Non-Conforming Signs 8-20
Section 8.13 Removal of Prohibited Signs in Public Places 8-21
Section 8.14 Placement of Signage within Public Rights-of-Way 8-21
Section 8.15 Appeals 8-21

Article 9 Environmental Provisions 9-1

Section 9.1 Purpose 9-1
Section 9.2 Airborne Emissions 9-1
Section 9.3 Noise 9-2
Section 9.4 Vibration 9-2
Section 9.5 Glare or Heat 9-3
Section 9.6 Open Storage 9-4
Section 9.7 Open Dumping 9-4
Section 9.8 Sewage Treatment and Disposal 9-4
Section 9.9 Use, Storage and Handling of Hazardous Substances 9-5
Section 9.10 Fire Hazard 9-7
Section 9.11 Safety 9-7

Section 9.12 Electrical Disturbance, Electromagnetic, or Radio Frequency Interference 9-7
Section 9.13 Lighting 9-8
Section 9.14 Stormwater Management 9-13
Section 9.15 Natural Feature Setback 9-17
Section 9.16 Floodplain Management 9-19
Section 9.17 Paint Creek Overlay Zone 9-25

Article 10 Private Roads 10-1

Section 10.1 Purpose 10-1
Section 10.2 Definitions 10-1
Section 10.3 General Requirements 10-2
Section 10.4 Application and Approval Procedures 10-3
Section 10.5 Design Standards 10-10
Section 10.6 Prior Non-Conforming Private Roads 10-15
Section 10.7 Violations 10-15

Article 11 Site Plan Review 11-1

Section 11.1 Purpose 11-1
Section 11.2 Site Plan Approval Required 11-1
Section 11.3 Review and Approval Procedures 11-1
Section 11.4 Criteria for Site Plan Review 11-10
Section 11.5 Amendment of Approved Site Plans 11-12
Section 11.6 Modifications During Construction 11-12
Section 11.7 Phasing of Development 11-12
Section 11.8 Condominium Projects 11-13

Article 12 Planned Unit Development (PUD) 12-1

Section 12.1 Intent 12-1
Section 12.2 Eligibility Criteria 12-1
Section 12.3 Project Design Standards 12-3
Section 12.4 Optional Provisions for Exemplary Projects 12-15
Section 12.5 Project Approval Criteria 12-16
Section 12.6 Procedures for Review and Approval 12-17
Section 12.7 Phasing and Commencement of Construction 12-31
Section 12.8 Effect of Approval 12-32
Section 12.9 Modifications to Approved Final PUD Plans 12-33
Section 12.10 Recording of Planning Commission and Township Board Actions 12-34

Article 13 Non-Conformities 13-1

Section 13.1 Intent 13-1
Section 13.2 Non-Conforming Lots 13-1

Section 13.3 Non-Conforming Uses of Land 13-2
Section 13.4 Non-Conforming Structures 13-2
Section 13.5 Non-Conforming Uses of Structures and Land 13-3
Section 13.6 Repairs and Maintenance 13-4
Section 13.7 Uses Allowed as Special Uses, Not Non-Conforming Uses 13-4
Section 13.8 Change of Tenancy or Ownership 13-4

Article 14 Administration and Enforcement 14-1

Section 14.1 Zoning Administrator 14-1
Section 14.2 Duties and Powers of the Zoning Administrator 14-1
Section 14.3 Certificates of Zoning Compliance 14-1
Section 14.4 Building Permits 14-4
Section 14.5 Certificates of Occupancy 14-4
Section 14.6 Records 14-5
Section 14.7 Fees 14-5
Section 14.8 Compliance with Plans 14-5
Section 14.9 Performance Guarantees 14-5
Section 14.10 Violations and Penalties 14-7
Section 14.11 Completion of Construction 14-7
Section 14.12 Notice of Public Hearing 14-8

Article 15 Zoning Board of Appeals 15-1

Section 15.1 Establishment 15-1
Section 15.2 Membership 15-1
Section 15.3 Meetings 15-2
Section 15.4 Voting 15-2
Section 15.5 Minutes 15-2
Section 15.6 Jurisdiction 15-2
Section 15.7 Appeals 15-2
Section 15.8 Variances 15-3
Section 15.9 Appeals from the Zoning Board of Appeals 15-5

Article 16 Amendment 16-1

Section 16.1 Initiating Amendments 16-1
Section 16.2 Amendment Procedure 16-1
Section 16.3 Information Required 16-1
Section 16.4 Review 16-2
Section 16.5 Conformance with Court Decree 16-3
Section 16.6 Publication 16-3
Section 16.7 Conditional Rezoning 16-3

ARTICLE 1
TITLE, PURPOSE, ENABLING AUTHORITY AND CONDITIONS OF ENACTMENT

1.1 Title. This Ordinance shall be known and may be cited as "The Augusta Charter Township Zoning Ordinance."

1.2 Purpose. The purpose of this Ordinance is to provide in Augusta Charter Township for the establishment of districts which regulate the use of land and structures:

A. To meet the needs of the state's citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land;

B. To insure that use of the land shall be situated in appropriate locations and relationships;

C. To limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities;

D. To facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements;

E. And to promote public health, safety, and welfare.

For these purposes, the Board by this Ordinance divides the township into districts of such number, shape, and area as it considers best suited to carry out the act by which this Ordinance is authorized, and to achieve specific land management objectives and avert or solve specific land use problems, including the regulation of and development and the establishment of districts in areas subject to damage from flooding or erosion. This Ordinance regulating land development is also adopted for designating or limiting the location, the height, number of stories, and size of dwellings, buildings, and structures that may be erected or altered, and the specific uses for which dwellings, buildings and structures; and the maximum number of families which may be housed in buildings, dwellings, and structures, erected or altered. The provisions of this Ordinance are intended to be uniform for each class of land or buildings, dwellings, and structure, throughout each district, but the provisions in one district may differ from those in other districts. The Board does not regulate nor control the drilling, completion, or operation of oil or gas wells, or other wells drilled for oil or gas exploration purposes and shall not have

jurisdiction with reference to the issuance of permits for the location, drilling, completion, operation, or abandonment of those wells.

1.3 Enabling Authority. This Ordinance is adopted pursuant to the Michigan Zoning Enabling Act (Act 110 or 2006, as amended), the Natural Resources and Environmental Policy Act (Act 451 of 1994, as amended), and the Mobile Home Commission Act (Act 96 of 1987 as amended). The Michigan Zoning Enabling Act is hereby made a part of this Ordinance just as if said Act were repeated word-for-word herein.

1.4 Scope and Construction of Regulations.

A. This Ordinance shall be liberally construed in such manner as to best implement its purpose. In interpreting and applying the provisions of this Ordinance, the requirements shall be held to be the minimum for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare.

B. No building or structure, or part thereof, shall hereafter be erected, constructed, reconstructed or altered, and no new use or change shall be made of any building, structure or land, or part thereof, except as permitted by the provisions of this Ordinance.

C. Where a condition imposed by a provision of this Ordinance upon the use of any lot, building, or structure is conflicting with a condition imposed by any other provision of this Ordinance, or by the provision of an ordinance adopted under any other law, the provision which is more restrictive shall govern.

D. Nothing within this Ordinance shall be construed to prevent compliance with an order by the appropriate authority to correct, improve, strengthen, or restore to a safe or healthy condition any part of a building or premises declared unsafe or unhealthy.

1.5 Relationship to Other Ordinances, Regulations or Agreements. This Ordinance is not intended to abrogate or annul any ordinance, rule, regulation, permit, easement, covenant or other private agreement previously adopted, issued or entered into and not in conflict with the provisions of this Ordinance.

However, where the regulations of this Ordinance are more restrictive or impose higher standards or requirements that other such ordinances, rules, regulations, permits, easements, covenants or other private agreements, the requirements of this Ordinance shall govern.

1.6 Vested Right. Nothing in this Ordinance shall be interpreted or construed to give rise to any permanent vested right in the continuation of any particular use, district, zoning classification or permissible activity therein. Any such use, district, zoning classification or activity is hereby declared to be subject to subsequent

amendment, change or modification as may be necessary to the preservation or protection of the public health, safety and welfare.

1.7 Validity and Severability. This Ordinance and the various parts, sentences, paragraphs, sections and clauses it contains are hereby declared to be severable. Should any part, sentence, paragraph, section or clause be declared unconstitutional or invalid by any court of competent jurisdiction for any reason, such judgment shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Furthermore, should the application of any provision of this Ordinance to a particular property, building or structure be adjudged invalid by any court of competent jurisdiction, such judgment shall not affect the application of said provision to any other property, building or structure in the Township, unless otherwise stated in the judgment.

1.8 Repealer. The Zoning Ordinance text and map adopted by Augusta Charter Township on February 20, 1990, and all amendments thereto, shall be repealed on the effective date of this Ordinance. The repeal of the above Ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued or acquired, or any liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

1.9 Effective Date. The effective date of this Ordinance shall depend on whether the Ordinance is requested to be submitted to the Township electors for approval. A notice of intent to make such a request must be filed with the Township Clerk within 7 days of publication of this Ordinance. If such a notice has not been timely submitted, this Ordinance shall take effect on the eighth day following publication. If a notice of intent is timely filed, a petition requesting the submission of this Ordinance to the Township electors must be filed with the Township Clerk within 30 days of the publication. If such a petition has been timely filed, this Ordinance shall take effect immediately upon the final determination by the Township Clerk that it has been approved by a majority of the registered electors in the Township voting thereon. A petition requesting submission of this Ordinance to a vote of the electors must be signed by a number of registered Township electors that is not less than 15% of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected.

1.10 Adoption. We hereby certify that this Ordinance is a true copy of an ordinance as enacted by the Township Board of Trustees on the 12th day of June, 2017.

A. Date of Public Hearing held by Planning Commission: April 19, 2017.

B. Date of Planning Commission Recommendation for Adoption of Zoning Ordinance Text and Map to Township Board: April 19, 2017.

C. Date of Township Board approval to Adopt Zoning Ordinance Text and Map: June 12, 2017.

D. Date Ordinance Shall Take Effect: June 22, 2017.

Brian Shelby, Supervisor Belynda Domas, Clerk

I, Belynda Domas, Clerk of Augusta Charter Township, Washtenaw County, Michigan, hereby certify that notice of adoption of this Ordinance was published pursuant to the provisions of Section 103 of the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended) in a newspaper of general circulation in Augusta Charter Township on the 15th of June 2017.

Belynda Domas, Clerk Date

ARTICLE 2
RULES OF CONSTRUCTION AND DEFINITIONS

2.1 Rules Applying to Text. The following rules of construction apply to the text of this Ordinance:

A. The particular shall control the general.

B. Words used in the present text shall include the future.

C. Words used in the singular number shall include the plural and the plural shall include the singular, unless the context clearly indicates the contrary.

D. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

E. All measurements shall be to the nearest integer, unless otherwise specified herein.

F. The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “occupied for,” and “maintained for.”

G. The word “building” includes the word “structure.” The word “build” includes the words “erect” and “construct.” A “building” or “structure” includes any part thereof.

H. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any similar entity.

I. Whenever a word or term defined herein appears in the text of this Ordinance, its meaning shall be construed as defined herein. Words or terms not herein defined shall have the meaning customarily assigned to them.

J. Unless the context clearly indicates the contrary, where a regulation involves two of more items, conditions, provisions, or events connected by the conjunction “and,” “or,” or “either/or,” the conjunction shall be interpreted as follows:

1. “And” indicates that all the connected items, conditions, provisions, or events shall apply.

2. “Or” indicates that the connected items, conditions, provisions, or events may apply singularly or in any combination.

3. "Either/or" indicates that the connected items, conditions, provisions, or events shall apply singularly but not in combination.

K. Catch words and catch lines shall in no way by their presence or absence limit or affect the meaning of this Ordinance.

L. Unless the context clearly indicates to the contrary, where an illustration accompanies any item within this Ordinance, the written text shall have precedence over said illustrations.

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

Accessory Building or Structure. A supplementary building or structure on the same lot or parcel of land as the principal building or buildings or part of the principal building occupied by or devoted exclusively to any accessory use.

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

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 y the Adult Foster Care Facility Licensing Act, MCL 40.701, et. eqp.; 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, ad for two (2) or more consecutive weeks.

4. *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.

Adult Regulated Uses. Includes all of the following, each of which is regulated in Section 6.3.

1. *Adult Book or Supply Store.* An establishment having twenty percent (20) or more of its stock-in-trade or its sales devoted to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas.

2. *Adult Motion Picture Theater.* An enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein. Such establishment is customarily not open to the public generally, but only to one (1) or more classes of the public, excluding any minor by reason of age.

3. *Adult Motion Picture Theater, Adult Live Stage Performing Theater.* An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein. Such establishment is customarily not open to the public generally, but only to one (1) or more classes of the public, excluding any minor by reason of age.

4. *Adult Cabaret.* An establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, or topless and/or bottomless waitpersons or employees, or any other form of nude or partially nude service or entertainment.

5. *Body-Piercing.* Body-piercing means the perforation of human tissue other than an ear for a non-medical purpose.

6. *Body-Piercing Establishment.* An establishment where the perforation of human tissue other than an ear for a non-medical purpose is performed, whether or not it is in exchange for compensation or any form of consideration.

7. *Brand or Branding.* The creation of a permanent mark made on human tissue by burning with a hot iron or other instrument.

8. *Specified Anatomical Areas.* Specified anatomical areas means and includes any one (1) or more of the following: (a) less than completely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or (b) human male genitals in a discernible turgid state, even if completely and opaquely covered.

9. *Specified Sexual Activities.* Specified sexual activities means and includes any one (1) or more of the following: (a) the fondling or erotic touching of human genitals, pubic region, buttocks, anus or female breasts; (b) human sex acts, normal or perverted, actual or simulated, including but not limited to intercourse, oral copulation, and sodomy; (c) human masturbation, actual or simulated; (d) human excretory functions as part of, or as related to, any one of the activities described above, and (e) physical violence, bondage, mutilation, or rape, actual or simulated, as part of, or as related to, any of the activities described above.

Agriculture. The use of land for tilling of the soil, the raising of tree and field crops, or animal husbandry as a source of income.

Aircraft. As defined in the Michigan Aeronautics Code, any contrivance now known, or hereafter invented, used, or designed for navigation of or flight in the air.

Airport. As defined in the Michigan Aeronautics Code, any location, either on land or water, which is used for the landing and take-off of aircraft, which provides facilities for the shelter, supply or care of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurtenant rights-of-way, whether heretofore or hereafter established.

Alley. A public thoroughfare which affords only a secondary means of access to abutting properties and not intended for general traffic circulation.

Altered. Any change in location or use of a building, or any change in the supporting members of a building such as bearing walls, columns, beams, joists, girders, and similar components, or any substantial change in the roof or exterior walls, or any change in the type of occupancy. The word "altered" also includes the words "reconstructed" and "alteration".

Animal, Farm. Domesticated animals, other than household pets, that are customarily kept or raised on a farm, such as but not limited to horses and other equine; cattle; sheep; swine; goats; llamas, alpacas and other camelids; chickens, turkeys and other poultry; and rabbits, mink and similar fur-bearing animals.

Animal, Wild or Exotic. Any animal not defined herein as a “farm animal” or “household pet”, including but not limited to the following: large cats, bears, elephants, undomesticated carnivores including hybrids (wolves, foxes, coyotes, hyenas, etc.), undomesticated hoofed animals (deer, elk, etc.), primates, crocodiles, alligators, poisonous or venomous reptiles, poisonous and venomous insects and arachnids, raccoons, squirrels, and skunks.

Animal Unit. A term used to establish an equivalent density for various species of livestock and other farm animals.

Animal Shelter. A building supported by a governmental unit or agency or by a nonprofit corporation where domestic pets or other animals are kept because of requirements of public health officials, loss by owner, neglect or violation of a public law or ordinance.

Antique Shop. A place offering primarily antiques for sale. An antique for the purpose of this Ordinance shall be a work of art, piece of furniture, decorative object, or the like, or of belonging to the past, at least thirty (30) years old. Antique shop does not include “secondhand store.”

Apartment. See Dwelling, Multiple-Family.

Appeal. An entreaty or demand for a hearing and / or review of facts and / or actions.

Arcade. A business establishment whose principal function is the offering for public use of any form of game machine, instrument or apparatus, but not including automatic machines for vending food, soft drinks or tobacco.

Architectural Features. Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

Area, Building. The total area taken on a horizontal plane at the main grade level of the principal buildings and accessory buildings, including uncovered porches, terraces, and steps.

Assembly Use: A private, public, or semi-public building, room, or structure in which a group of people can gather together for worship, meeting, instruction, banquets, exhibits or entertainment. As used in this Ordinance, the term "Assembly Use" shall not include churches, synagogues or schools.

Automobile Wash or Car Wash Establishment. A building, or portion thereof, where self-propelled motor vehicles are washed as a commercial enterprise.

Automobile Convenience Mart. A place where gasoline, motor oil, lubricants, or other minor accessories are retailed directly to the public on the premises or in combination with the retailing of items typically found in a convenience market, carry-out restaurant or supermarket.

Automobile Dealer. A building or premises used primarily for the sale of new or used automobiles not including farm equipment and recreational vehicles.

Automobile Repair Facility. A place where, with or without the sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; overall painting and vehicle rust-proofing.

Automobile Service Station. A building or structure designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for the storage, minor repair, or servicing, but not including bumping, painting, refinishing, major repair and overhauling, steam cleaning, rust proofing, where the primary use of the premises is such, or high-speed washing thereof.

Automobile Storage. Any storage of inoperable vehicles intended to be repaired back to operable condition, but not including such vehicles which are incidental or accessory to an automotive repair garage or a licensed salvage yard used as a depository for such vehicles.

Basement. A space having not more than one-half (1/2) of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet (See Figure 1).

Bed and Breakfast. A use in which transient guests are provided a sleeping room and / or board in return for payment.

Bedroom. A bedroom is a dwelling room used for or intended to be used solely for sleeping purposes, by human beings.

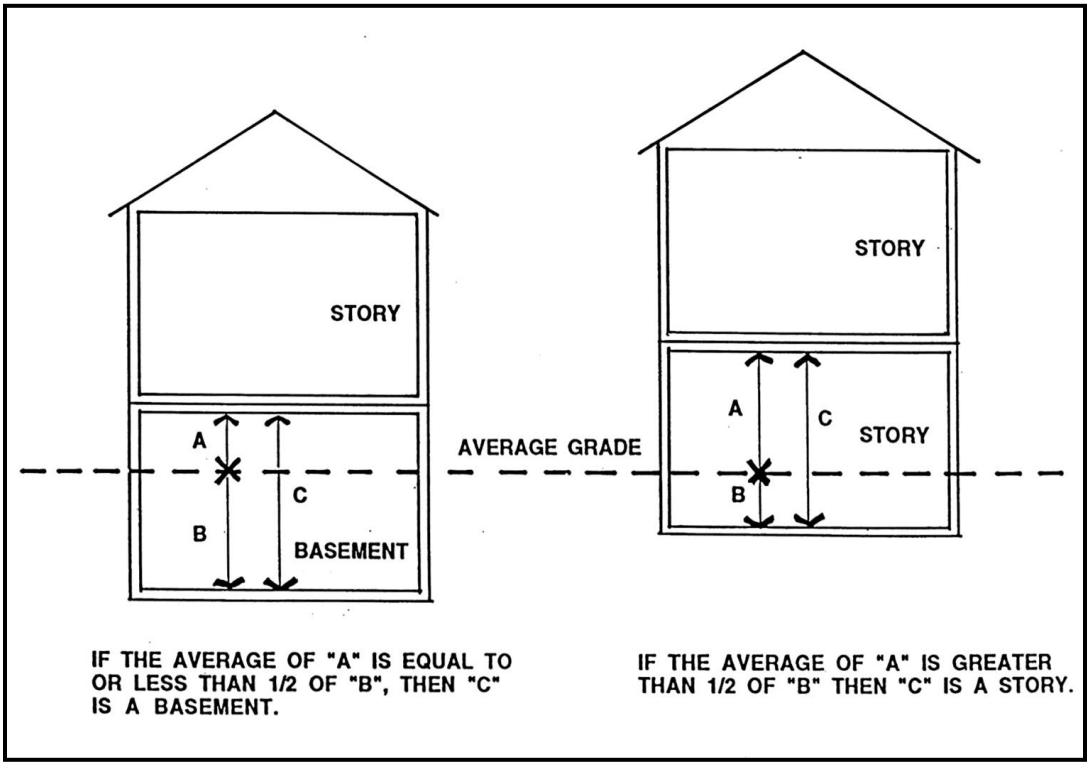
Berm. A landscaped mound of earth which has been contoured to blend with the surrounding terrain.

Block. The property abutting one side of a street and lying between the two (2) nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.

Boarding House. A building other than a hotel, where for compensation and by prearrangement for definite periods, lodging, or lodging and meals are provided for three (3) or more persons, but not exceeding twenty (20) persons.

Buffer. A landscaped area composed of plant material, wall, berm, or combination thereof, established and/or maintained to provide visual screening, noise reduction, and transition between conflicting types of land uses.

Figure 1



Buildable Area. That portion of a lot remaining after the minimum setbacks and any area encumbered by public road rights-of-way, private road easements, wetlands, water bodies, and 100-year floodplain areas have been excluded.

Building. Any structure other than a boundary wall or fence, and includes the word "structure".

Building, Accessory. See Accessory Building or Structure.

Building, Principal. A building in which is conducted the principal use of the lot on which it is situated.

Building, Temporary. A building which is not permanently affixed to the property, and is permitted to exist for specific reason for a specified period of time.

Building Envelope. The area of a lot which is defined by the minimum setback requirements within which building construction is permitted by the terms of the Ordinance.

Building Line. A line parallel to the front lot line at the minimum required front setback.

Building Height. The building height is the vertical distance measured from the established grade reference level to the highest point of the roof surface if a flat

roof; to the deck of mansard roofs; and to the mean height level between eaves and ridge for gables, hip and gambrel roofs. Where the building may be situated on sloping terrain, this height may be measured from the average ground level of the grade at the building wall (See Figure 2).

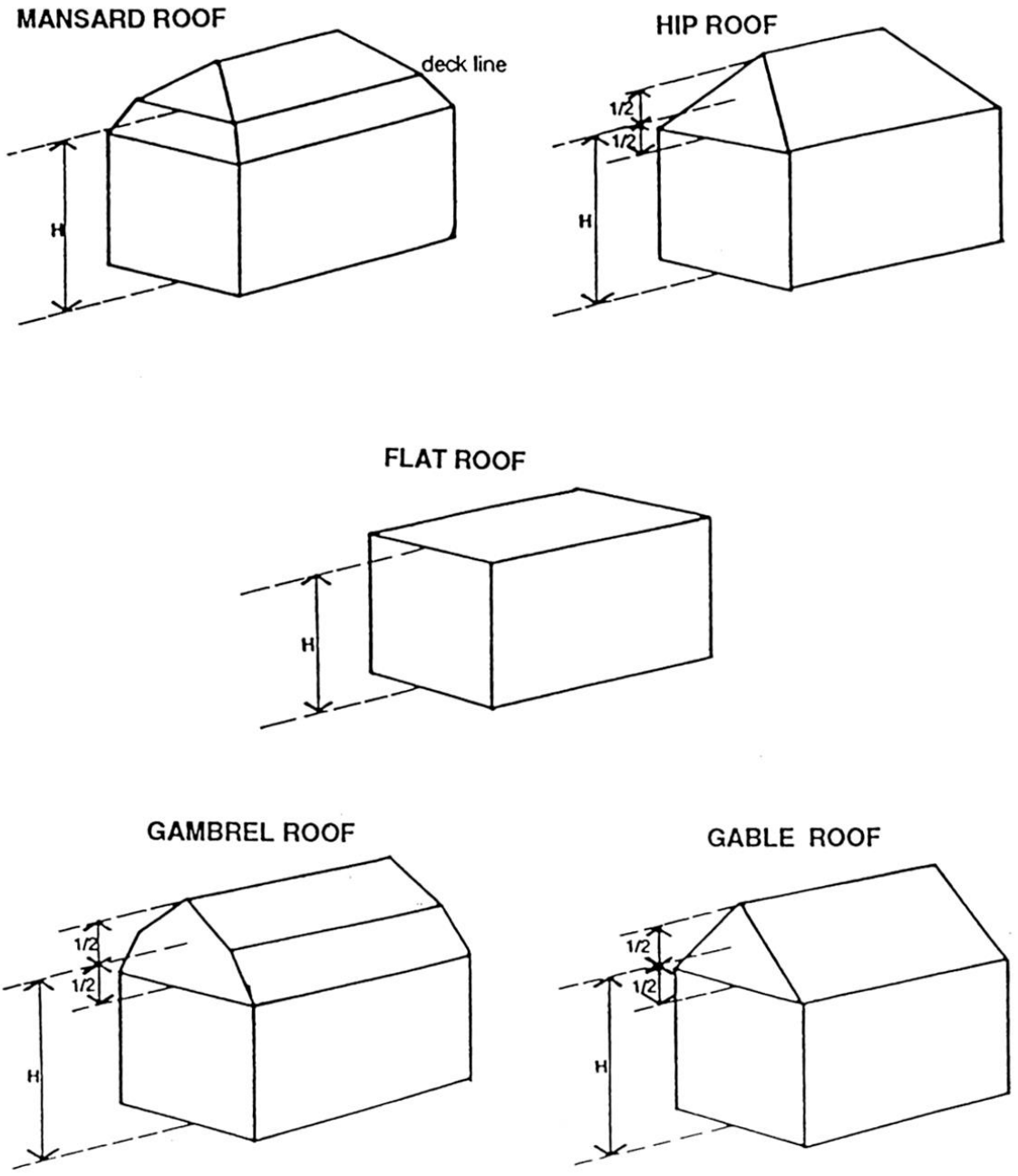
Building Official. The officer or other authority designated by the Township Board to administer and enforce the Building Code.

Building Permit. Written authority issued by the Building Official in conformity with the provisions of the Building Code.

Bulk. The volume of a structure in cubic feet as determined by the dimensions taken from the outer surfaces of the exterior of the structure.

Figure 2

MEASUREMENT OF BUILDING HEIGHT: Vertical distance from finished grade to highest point of flat roof; to the deck of mansard roofs; and to the mean height between the eaves and ridge on a hip, gambrel or gable roof.



Campground. The temporary short-term resort or recreational uses and activities which take place on a lot or parcel of land in accordance with Act No. 368 of the Public Acts of Michigan of 1978, Part 125 (MCL 333.12501 et seq., MSA 14.15(12501) et seq.), and the administrative rules promulgated under such Act as administered by the county, district or state public health departments.

Change of Use: Any alteration of a lot, parcel, or land which is an intensification of use which results in one (1) or more of the following:

1. A change in land use which requires additional parking.

2. A significant change in traffic flow or interior circulation.

3. A change in the hours of operation which could impact surrounding areas.

4. A change in stormwater flow or an increase in impervious area.

5. A change which has the potential to require additional public service such as police and fire.

6. A change in water and/or sewer REUs.

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 fives 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 ta 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 day s a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

Church. A building wherein persons assemble regularly for religious worship, and is maintained and operated by an organized religious body. Churches include temples, synagogues and mosques.

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

Clinic, Veterinary. An institution which is licensed by the Michigan Department of Health to provide for the care, diagnosis and treatment of sick or injured animals, including those in need of medial or surgical attention. A veterinary clinic may include customary pens and cages for the overnight boarding of animals and such related facilities as laboratories, testing services and offices.

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

Communication Tower. For purposes herein, the term “communication tower(s)” shall mean and include monopole, lattice, guyed or similar towers attached directly to the ground or to another structure, used for the transmission or reception of radio, telephone, television, microwave, digital or any other form of telecommunication signal.

Condominium. A building or lot governed under Act 59, Public Acts of 1978, as amended. The following condominium terms shall apply in the application of this Ordinance:

1. *Condominium Documents.* The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed

or bylaws that affects the rights and obligations of a co-owner in the condominium.

2. *Condominium Lot.* The condominium unit and the contiguous limited common element surrounding the condominium unit, which shall be the counterpart of "lot" as used in connection with a project developed under the Subdivision Control Act, Act 288 of the Public Acts of 1967, as amended.

3. *Condominium Unit.* The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.

4. *General Common Elements.* A portion of the comment elements reserved in the master deed for the use of all of the co-owners.

5. *Limited Common Elements.* A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

6. *Master Deed.* The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference, the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the Condominium Act.

7. *Site Condominium.* A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which the condominium development is located, in which each co-owner owns the exclusive right to a volume of space within which each co-owner may construct a structure or structures.

Conflicting Land Use. Any incompatible land uses that abut each other.

Convalescent or Nursing Home. A structure with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing and medical care. Said home shall conform to, and qualify for license under applicable State laws.

Convenience Store. A one-story, retail store that is designed and stocked to sell primarily food, beverages and other household supplies to customers who purchase a relatively few items (in contrast to a “supermarket”). Convenience stores are designed to attract a large volume of stop-and-go traffic.

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

Development. The modification of a parcel, alteration of terrain, or construction, modification or relocation of buildings or structures.

Distribution Center. A use which typically involves both warehouse and office/administration functions, where short and/of long term storage takes place

in connection with the distribution operations of a wholesale or retail supply business.

District. A portion of the Township within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

Drive-In Establishment. A business establishment so designed that its operation involves providing service to patrons while they are in their car, rather than within a building or structure.

Dwelling. A building designed and built in accordance with the State of Michigan Construction Code and used exclusively as the living quarters for one (1) or more families but not including automobile chassis, tents, or portable buildings, or mobile homes outside of a mobile home park.

Dwelling, Multiple-Family. A building used for and designed as a residence for three (3) or more families living independently of each other and each having their own cooking facilities therein, including apartment buildings, townhouses, and apartment hotels, but not including mobile homes.

Dwelling, One-Family or Single-Family. A detached building designed for or occupied exclusively by one (1) family; also known as a single-family dwelling.

Dwelling, Two-Family or Duplex. A detached building designed for, or occupied exclusively by two (2) families living independently of each other; also known as a duplex dwelling.

Dwelling Unit. A dwelling unit is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently, but in no case shall a travel trailer, motor home, mobile home, trailer coach, automobile chassis, tent or other portable building be considered a dwelling in single-, multiple-, or two-family residential areas. In cases of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings.

Essential Services. The phrase, "essential services" means the erection, construction, alternation, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, police call boxes, towers, pools, and other similar equipment or accessories reasonably in connection therewith (not including buildings) for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential services. An essential

service shall not include cellular telephone facilities including cellular telephone transmitting towers.

Fairgrounds. Property used for, but not limited to, the following uses: agricultural related office buildings, animal shows and judging; carnivals, circuses, community meeting or recreation buildings and uses; food booths and stands; games, rides, rodeos, sales and auctions, storage, theaters.

Family. A family shall be defined by one (1) of the following:

1. One (1) or more persons related by blood, marriage, adoption, or guardianship, plus not more than two (2), persons not so related, who are either domestic employees, caregivers, such as a nurse, nanny, or physical therapist, or persons who occupy rooms for which compensation may or may not be paid, living together as a single housekeeping unit.

2. Two (2) persons and their children by natural birth or adoption, plus not more than two (2), persons not so related, who are either domestic employees, care givers, such as a nurse, nanny or physical therapist, or persons who occupy rooms for which compensation may or may not be paid.

3. A functional family living together as a single housekeeping unit (see definition for *Functional Family*).

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

Farm Operation. 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:

1. Marketing produce at roadside stands or farm markets.

2. The generation of noise, odors, dust, fumes, and other associated conditions.

3. 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 on the roadway as authorized by the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.

4. Field preparation and ground and aerial seeding and spraying.

5. The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides.

6. Use of alternative pest management techniques.

7. The fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals.

8. The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes.

9. The conversion from a farm operation activity to other farm operation activities.

10. The employment and use of labor.

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 aquacultural 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 which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan commission of agriculture.

Fence. A permanent partition, structure or gate erected as a dividing marker, barrier or enclosure, and not a part of a principal building or structure or other accessory structure.

Floodplain. That portion of land adjacent to or connected to a water body or water course which is subject to periodic inundation in accordance with the one hundred (100) year flood cycle as determined by the U.S. Army Corps of Engineers or other applicable federal agency.

Floor Area, Gross (GFA). The sum of the gross horizontal area of the floor or floors measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The “gross floor area" of a building shall include the basement (see definition) floor area when more than one-half of the basement height is above the established curb level or finished lot grade, whichever is higher. Any space devoted to off-street parking or loading shall not be included in "gross floor area". Areas of dwelling basements, unfinished attics, utility rooms, breezeways, porches (enclosed or unenclosed) or attached garages are not included.

Floor Area, Usable (UFA). The measurement of usable floor area shall be that portion of floor area (measured from the interior face of the exterior walls) used for

or intended to be used for services to the public as customers, patrons, clients, or patients; including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including areas used or intended to be used principally for storage of merchandise, utility or mechanical equipment rooms or sanitary facilities. In the case of a half-story area, the usable floor area shall be considered to be only that portion having a clear height above it of four (4) feet or more.

Functional Family. A group of no more than four (4) persons, plus their minor children, having a relationship which is functionally equivalent to a family. The relationship must be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. A functional family shall not include any society, club, fraternity, sorority, association, lodge, organization or group of students or other individuals, exceeding four (4) persons in number, where the common living arrangement or basis for the establishment of the housekeeping unit is temporary.

Garage, Private. An accessory building intended or designed to be used for storage of noncommercial motor vehicles.

Gas Station. See Automobile Service Station.

Grade. The degree of rise or descent of sloping surface.

Grade, Finished. The final elevation of the ground surface after development.

Grade, Natural. The elevation of the ground surface in its natural state, before man-made alterations.

Figure 3a

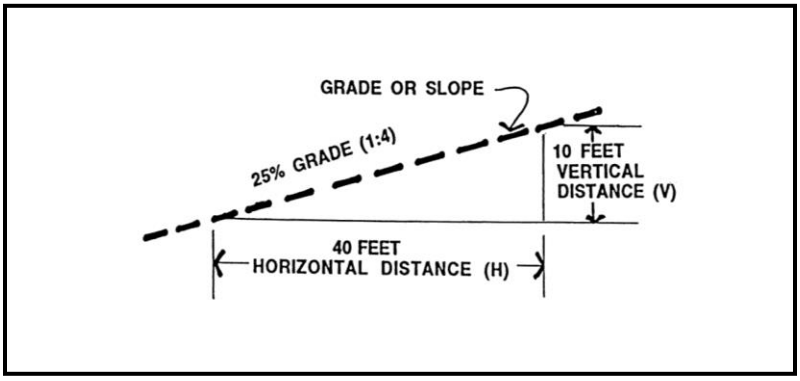
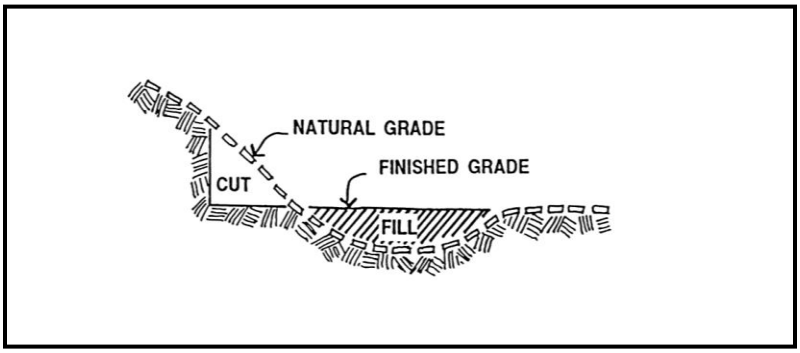


Figure 3b



Group day care home. A private home in which more than six, but not more than 12, minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related by blood, marriage or adoption to an adult member of the family. Such term includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.

Gym or Gymnasium. A room or building equipped for gymnastics, exercise or sport.

Home Improvement Center. A facility of more than 30,000 square feet of gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, builder's hardware, paint and glass, house wares and household appliances, garden supplies and cutlery.

Home Occupation. Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the exterior of the property or affect the residential character of the neighborhood.

Hospital. An institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the

institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities, and staff offices.

Hotel. A building containing rooms for sleeping purposes for more than twenty (20) transients and where only a general kitchen and dining room are provided.

Household Pets. Small, domesticated animals that are customarily kept in the house or residential yard for the pleasure or companionship of the owner, such as but not limited to dogs, cats, rabbits, birds, rodents, fish and other such animals that pose no threat, harm or disturbance to neighboring residents or properties.

Impervious Surface. A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

Indoor Recreation Center. An establishment which provides indoor exercise facilities and indoor court sports facilities, and which may include spectator seating in conjunction with the sports facilities. For the purposes of the Ordinance, a bowling establishment shall be considered a type of indoor recreation center.

Industrial Park. A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.

Institution. An organization having a social, educational or religious purpose established by law, custom, practice or a system to serve a public.

Junk. All rubbish, refuse, waste material, and garbage, including, but not limited to, the following: waste composed of animal, fish, fowl, fruit or vegetable matter, dead animals, putrescible and non-putrescible solid waste (except body wastes), ash, glass, cans, bottles, discarded or abandoned machinery, household appliances, industrial wastes, discarded, inoperative, dismantled or partially dismantled motorized vehicles or parts thereof. This shall not preclude home or farm composting for on-site use.

Junk Yard or Salvage Yard. Any land or building used for abandonment, storage, keeping, collecting, or baling or paper, rags, scrap metals, other scrap or discarded materials, or for abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles not in running condition, machinery, or parts thereof.

Kennel, Private. Any combination of buildings and/or land used, designed or arranged for the boarding, breeding, and/or care of household pets belonging to the kennel owner and kept for purposes of sale, show, hunting, or as pets, provided that no more than eight (8) such animals six (6) months old or older are kept on the premises either permanently or temporarily. The keeping of such animals shall be strictly incidental to the principal use of the premises.

Kennel, Commercial. Any combination of buildings and/or land used, designed or arranged for the boarding, breeding, and/or care of household pets. This definition shall not be construed to include private kennels, pet stores, pet grooming operations or veterinary clinics.

Laboratory. A place in which the principal use is devoted to experimental, routine or basic study such as testing and analytical operations.

Lake. A permanent natural or man-made body of surface water of at least five (5) acres in area.

Large Box Retail. A singular retail or wholesale user, who occupies no less than 70,000 square feet of gross floor area, typically requires high parking to building area ratios and has a regional sales market. Regional retail/wholesale uses can include, but are not limited to, membership warehouse clubs that emphasize bulk sales, discount stores, and department stores.

Large Solar Energy System. A utility-scale solar energy system where the primary use of the land is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology, for the sale, delivery or consumption of the generated energy with a capacity greater than one megawatt (MW).

Loading Space. An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading and/or unloading merchandise or materials.

Lodging Facility. Any establishment in which individual units are rented to transients for periods of less than thirty (30) days for the purpose of sleeping. The term shall include hotels and motels but shall not include bed-and-breakfasts operations, multiple-family dwellings, or rooming houses.

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

1. A single lot of record;

2. A portion of a lot of record;

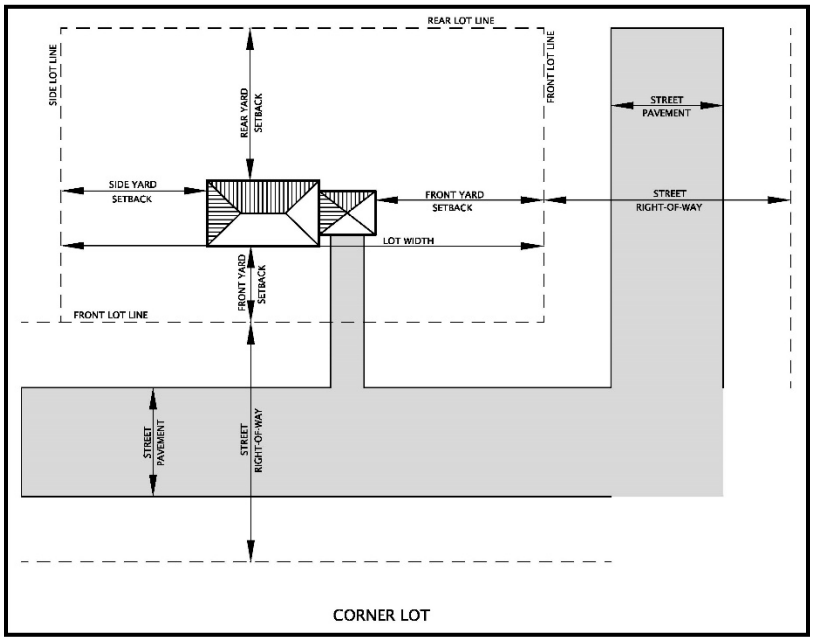
3. Any combination of complete and/or portions of lots of record; or

4. A parcel of land described by metes and bounds.

Lot, Corner. A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) streets is less than one hundred and thirty-five (135)

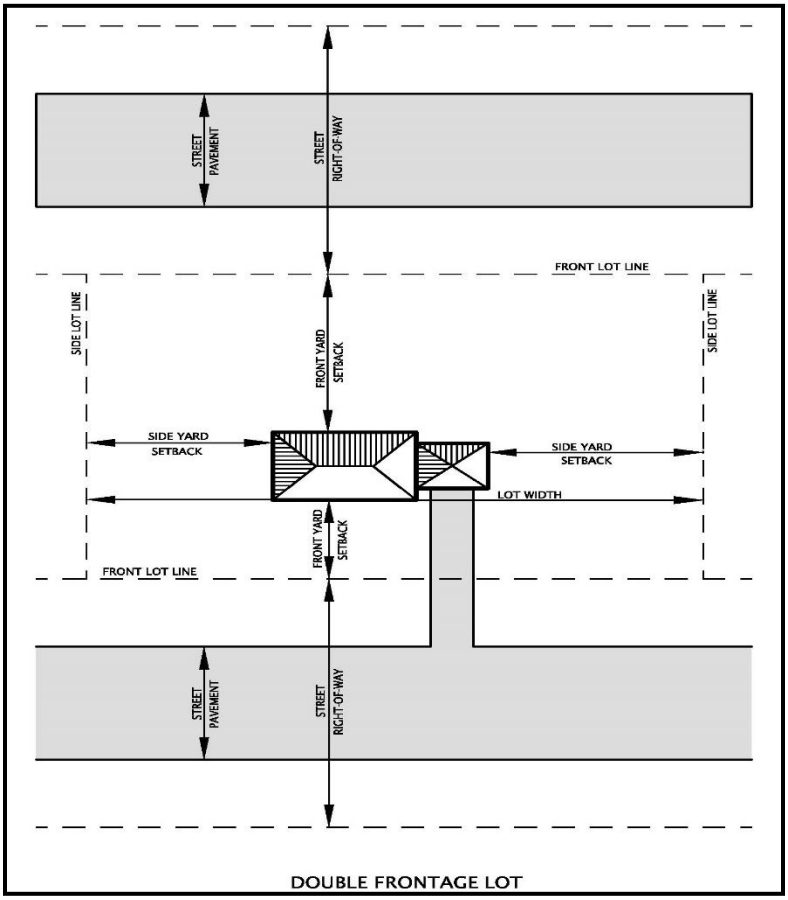
degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred and fifty (150) feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred and thirty-five (135) degrees (See Figure 4).

Figure 4



Lot, Double Frontage. A lot other than a corner lot having frontage on two (2) more or less parallel streets. In the case of a row of double frontage lots, one street will be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing structures in the same block fronting one or both of the streets, the required front yard setback shall be observed on those streets where structures presently front (See Figure 5).

Figure 5



Lot, Interior. An interior lot is a lot other than a corner lot with only one (1) lot line fronting on a street.

Lot, Zoning. A single tract of land, located within a single block which, at the time of applying for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control and which tract satisfies the applicable requirements of this Ordinance in every respect. A zoning lot may, therefore, not coincide with a lot of record, but may include one (1) or more lots of record.

Lot Area, Gross. The net lot area plus any open bodies of water, public road right-of-way or private road easement contained within the property boundary.

Lot Area, Net. The total horizontal area within the lot lines of the lot, exclusive of any open bodies of water, public road rights-of-way or private road easements. Net lot area shall be used to determine compliance with minimum lot area requirements.

Lot Coverage. That percentage of the net lot area covered by the ground floor of principal and accessory buildings.

Lot Depth. The mean horizontal distance from the front lot line to the rear lot line.

Lot Lines. Any line dividing one lot from another or from right-of-way, and thus constitutes the property lines bounding a lot.

Lot Line, Front. In the case of an interior lot, abutting upon one (1) public or private street, the front lot line shall mean the line separating the lot from such street right-of-way. In the case of corner or double frontage lot, the front lot line shall be that line separating said lot from that street which is designated as the front street in the plat and/or in the request for a zoning compliance permit (see Lot, Double Frontage).

Lot Line, Rear. Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular or triangular shaped lot, a line ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard. In cases where none of these definitions is applicable, the planning commission shall designate the rear lot line (see Lot, Double Frontage).

Lot Line, Side. Any lot line other than the front lot line or rear lot line.

Lot of Record. A lot, the dimensions of which are shown on a map recorded in the office of the register of deeds for Washtenaw County, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a professional engineer or registered surveyor, so designed by the State of Michigan, and said description so recorded or on file with the county.

Lot Width. The horizontal distance between the side lot lines, as measured between the two (2) points where the building line intersects the side lot lines (see Figure 5).

Manufactured Housing Unit or Mobile Home. A dwelling unit manufactured in one (1) or more sections, designed for year-round, temporary or transient dwelling purposes, capable of being transported upon its own or a separate wheeled chassis, not motorized or self-propelled, built for the purpose of being located in a licensed manufactured housing community or mobile home park, meets the requirements of the FHA Standards of the United States Department of Housing and Urban Development (HUD) or the American National Standards Institute (ANSI), if built prior to 1976, and installed in accordance with this Ordinance and the State Construction Code. Such dwellings do not include recreational vehicles such as travel trailers, motor coaches, campers and the like.

Manufactured Housing Community or Mobile Home Park. A specifically designated parcel of land constructed and designed to accommodate three (3) or more manufactured housing units for residential dwelling use, and licensed by the State of Michigan in accordance with Act No. 96 of the Public Acts of Michigan of

1987 (MCL 125.2301 et seq., MSA 19.855(101) et seq.), the Mobile Home Commission Act.

Master Plan. The Plan prepared and adopted by the Township Planning Commission in accordance with Public Act 33 of 2008, as amended, consisting of graphic and written materials which indicate the Township's desired arrangement of land uses and future development.

Mini-Warehouse. A building or group of buildings, each of which contains several individual storage units, each with a separate door and lock and which can be leased on an individual basis.

Motel. A business comprised of a dwelling unit or a group of dwelling units so arranged as to furnish overnight lodging accommodations for transient guests, open to the traveling public for compensation.

Natural Resources. Natural Resources shall include land, soils, wetlands, floodplains, surface and groundwater, topography, trees and other types of vegetative cover, subsurface strata, geological formations, animal life, and naturally occurring substances and living organisms that can be useful to people. Natural resources are of two types: renewable (e.g., plants and trees) and nonrenewable (e.g. mineral resources). Natural resources may also be referred to as "natural features" in this Ordinance.

Nonconforming Building, Legal. A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions of the Ordinance in the zoning district in which it is located.

Nonconforming Lot, Legal. A lot that was lawfully created at the effective date of this Ordinance, or amendments thereto, and that does not conform to the lot requirements of the zoning district in which it is located.

Nonconforming Use, Legal. A use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.

Non-residential Uses. Shall mean commercial, industrial, office and other non-residential uses which may or may not be allowed in residential zoning districts. This can also include schools, country clubs, churches and campus related uses.

Nuisance. An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or adversely affect a human being.

Nursery, Plant Material. A space, building, and/or structure, or any combination thereof, where live trees, shrubs, and other plants used for gardening and

landscaping are propagated, stored, and/or offered for sale on the premises, but not including any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

Nursing Home. See *Convalescent Home*.

Occupied. The word "occupied" includes arranged, designed, built, altered, converted to, rented or leased, or intended to be inhabited; not necessarily for dwelling purposes.

Off-Street Parking Lot. A facility providing vehicular parking spaces along with adequate drives and aisles. Adequate maneuvering space shall be provided which allows unrestricted ingress and egress plus on-site parking space for at least two (2) vehicles.

Open-Air Business Uses. A business use operated for profit, usually without buildings or structures, including uses such as the following:

1. Bicycle, utility truck or trailer, motor vehicle, boats or home equipment sale, repair or rental services.

2. Outdoor display and sales of garages, motor homes, mobile homes, snowmobiles, farm implements, swimming pools and similar products.

3. Retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer.

4. Tennis courts, archery courts, shuffleboard courts, horseshoe pits, rifle ranges, miniature golf courses, golf driving ranges, children's amusement parks or similar recreation uses (transient or permanent).

Open Space. Any parcel or area of land or water that is generally free of structures and that is set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Open space may be required for recreation, conservation, aesthetics, or other purposes.

Open Space Uses. Any principal or accessory use of a lot or parcel not involving the use of buildings or structures which are required to meet the Building Code or any construction requirement of the Township Ordinances, rules or regulations, except as provided in this Ordinance.

Open Storage. All outdoor storage of building materials, sand, gravel, stone, lumber, equipment, and other supplies.

Ordinary High Water Mark. The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is

distinguished from the upland as evidenced in the soil, the configuration of the surface of the soil and vegetation.

Parcel. A piece of land created by a partition, subdivision, deed, or other instrument recorded with the appropriate recorder. This includes a lot, lot of record, or a piece of land created though other methods.

Parking Space. An area of definite length and width as designated in this Ordinance for parking an automobile or other vehicle, and which is fully accessible for such purposes.

Pawnshop. Any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again, or loans or advances money on personal property.

Performance Guarantee. A cash deposit, certified check, or irrevocable bank letter of credit acceptable to the Township covering the estimated cost of improvements associated with a project for which Township approval is sought, deposited with the Township in order to insure faithful completion of the improvements.

Photovoltaic Device. A system of components that generates electric energy from incident sunlight by means of the photovoltaic effect, whether or not the device is able to store the electric energy produces for later use.

Planned Unit Development. A special zoning district intended to permit flexibility and innovation in accordance with Article 12 of this Ordinance.

Planned Unit Development Agreement. A written agreement between a developer and the Township which specifies the terms and conditions of Planning Unit Development.

Planning Commission. The Planning Commission of Augusta Charter Township, Washtenaw County, Michigan.

Pond. A small body of surface water more than one quarter (¼) of an acre but less than five (5) acres and at least eighteen (18) inches deep which exists in a natural state or is established by either the damming of surface water or by excavation of soil to expose groundwater.

Porch, Enclosed. A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of such building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Porch, Open. A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Private Community Wastewater System (PCWS). A sanitary sewer system which is owned by a non-governmental entity and which is proposed to serve more than one dwelling unit or structure. The PCWS shall be deemed to include any individual septic tanks, pumps, lines and appurtenances serving each dwelling unit or structure, in addition to the central treatment facility, drainfield, reserve field, any approved lift stations, lines, sewers and appurtenances that serve more than one dwelling unit.

Public Utility. Any person, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing, and under federal, state or municipal regulations, to the public; electricity, gas, steam, communications, telegraph, transportation or water. A public utility shall not however include cellular telephone operations.

Recreational Vehicle. These uses shall be defined as follows:

1. *Travel Trailer.* A portable vehicle on a chassis, not exceeding thirty-six (36) feet in length or nine (9) feet in width, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a "travel trailer" by the manufacturer. Travel trailers generally contain sanitary, water, and electrical facilities.

2. *Motor Home.* A recreational vehicle intended for temporary human habitation, sleeping and/or eating, mounted upon a chassis with wheels and capable of being moved from place-to-place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.

3. *Pickup Camper.* A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.

4. *Folding Tent Trailer.* A canvas folding structure mounted on wheels and designed for travel and vacation use.

5. *Boats and Boat Trailers.* Includes boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.

6. *Other Recreational Equipment.* Includes snowmobiles, all-terrain or special terrain vehicles, utility trailers, plus the normal equipment to transport them on the highway.

Recreational Vehicle Park (RV Park). A recreation-oriented facility for the overnight or short-term parking of travel trailers, recreation vehicles or tents, but not including mobile homes. May also be known as a campground.

Refuse. All rubbish, waste material, and garbage, including, but not limited to, the following: waste composed of animal, fish, fowl, fruit or vegetable matter, dead animals, putrescible and solid waste (except body wastes), ashes, glass, cans,

bottles, discarded or abandoned machinery, household appliances, industrial wastes, discarded, inoperative, dismantled or partially dismantled motorized vehicles or parts thereof.

Restaurant. Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in, drive-through, fast food, sit-down restaurant, bar/lounge, combination thereof, as defined below.

1. *Carry-Out Restaurant.* Any restaurant whose method of operation involves sale of food, beverages and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.

2. *Drive-In Restaurant.* Any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages or other food served directly to, or permitted to be consumed by, patrons in cars or other vehicles parked on the premises, or permitted to be consumed by patrons elsewhere on the site outside the main building.

3. *Drive-Through Restaurant.* Any restaurant whose method of operation involves the delivery of prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off of the premises.

4. *Fast-Food Restaurant.* Any restaurant whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside or outside of the structure, or for consumption off the premises, but not in a motor vehicle at the site.

5. *Sit-Down Restaurant.* Any restaurant whose method of operation involves either the delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building, or the prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.

6. *Bar/Lounge.* Any restaurant that is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

Right-of-Way. A road, street, alley, or other thoroughfare or easement permanently established for passage of persons or vehicles.

Road or Street. Any public or private thoroughfare or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land,

lot or parcel whether designated as a thoroughfare, road, avenue, highway, drive, land, place, court, or any similar designation.

Road, Private. Any road which is to be privately maintained and has not been accepted for maintenance by the Washtenaw County Road Commission, the State of Michigan or the federal government, but which is subject to Township approval.

Road, Public. Any road which has been dedicated to and accepted for maintenance by the Washtenaw County Road Commission, the State of Michigan or the federal government, but which is subject to Township approval.

Road Right-of-Way Line. The line which forms the outer limits of a road right-of-way or easement, and which forms the line from which all setbacks and front yards are measured, unless otherwise specified in this Ordinance.

Rooming House. A building where lodging only is provided for compensation.

Secondary Access Drive. A road that is generally parallel to and adjacent to an arterial road and that is designed to provide access to abutting properties so that these properties are separated from the through traffic on the arterial road and so that the flow of traffic on the arterial road is not impeded by direct driveway access from a large number of abutting properties.

Setback. The minimum horizontal required distance measured from a front, side, or rear lot line. The required setback area is that area encompassed by the respective lot lines and setback lines.

Shopping Center. More than one (1) commercial establishment, planned, developed, owned, and managed as a unit, with off-street parking provided on the property.

Signage Definitions.

1. *Animated Sign* (See *Flashing Sign*). Any sign that uses movement or change of lighting to depict or create a special effect or scene. This definition shall not include electronic signs displaying only time, temperature and stock market information.

2. *Awning Sign.* (See *Canopy Sign*). A sign which is printed or otherwise affixed to an awning which may be rolled or folded up against the wall to which it is attached.

3. *Balloon Sign.* Any air or gas-filled object used as a temporary sign to direct attention to any business or profession , or to a commodity or service sold, offered or manufactured, or to any festival or entertainment.

4. *Banner Sign.* Temporary signs produced on cloth, paper, fabric or other natural or synthetic material of any kind, with or without frames. National,

state or municipal flags or the official flag of any institution or business shall not be considered banners.

5. *Billboard.* A surface whereon advertising matter is set in view conspicuously and which advertising does not apply to premises or any use of premises wherein it is displayed or posted (an off-site sign) and is regulated in accordance with regulations governed by the Highway Advertising Act, P.A. 106 of 1972 as amended.

6. *Business Sign.* An accessory sign related to the business, activity or service conducted on the premises upon which the sign is placed.

7. *Canopy Sign* (See *Awning Sign*). Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

8. *Changeable Copy Sign.* A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the structural integrity of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time, temperature or stock market information shall be considered a "time, temperature and stock market" portion of a sign and not a changeable copy sign for purposes of this ordinance.

9. *Commercial Message*. Any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service, or other commercial activity.

10. *Construction Sign*. A temporary sign that bears the names and addresses of the project, contractors, architects, developers, planners, financial institutions, or engineers engaged in the construction project.

11. *Development Entranceway Sign*. A sign, depicting the name of a residential, office, or industrial development, including, but not limited to, residential, office or industrial subdivisions or condominium subdivisions, apartment complexes, senior housing complexes, and mobile home parks, located at the entrance of such development.

12. *Flag.* Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, corporation, or other entity.

13. *Flashing Sign* (See *Animated Sign*)**.** Any sign, which, by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion, or creates the illusion of motion or revolves in a manner to create the illusion of being on or off.

14. *Freestanding Or Ground Sign.* A sign supported directly by the ground or with support provided by uprights, braces, pylons or poles anchored in the ground that are independent from any building or other structure. For purposes of this ordinance, freestanding or ground signs shall include: billboards, incidental signs, monolith, subdivision entranceway, and business signs.

15. *Illuminated Sign.* A sign illuminated in any manner by an artificial light source.

16. *Incidental Sign.* A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking", "loading only", "telephone", and similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.

17. *Integral Sign.* A sign that may contain the name of the building, date of erection, or take the form of a monumental citation or commemorative tablet. The sign is often carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of the structure.

18. *Marquee.* Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

19. *Marquee Sign.* Any sign attached to, in any manner, or made a part of a marquee.

20. *Monolith Sign.* A three-dimensional, self-supporting, base-mounted, freestanding sign, consisting of two (2) or more sides extending up from the base, and upon which a message is painted or posted. A monolith sign may also consist of a base-mounted cylindrical structure upon which a message is painted or posted.

21. *Neon Sign.* A sign consisting of visible glass tubing, filled with neon gas, which glows when electric current is sent through it.

22. *Non-Conforming Sign.* Signs which are prohibited under the terms of this Ordinance but were in use and lawful prior to the enactment of this Ordinance, or subsequent amendment thereof that enacted the prohibition.

23. *Obsolete Sign.* Signs that advertise a product that is no longer made or that advertise a business that has closed.

24. *Off-Premises Sign.* See Billboard.

25. *Pennant Sign.* A sign or display consisting of long, narrow, usually triangular flags of lightweight plastic, fabric, or other materials, that may or may not contain a message, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

26. *Political Sign.* A temporary sign relating to the election of a person to public office or relating to a political party or relating to a matter to be voted upon at an election called by a public body.

27. *Portable Sign.* A temporary sign which is not permanently affixed to a building face or to a pole, pylon, or other support that is permanently anchored in the ground. A portable sign is capable of being moved from one location to another. Portable signs include, but are not limited to: signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

28. *Principal Building.* The building in which is conducted the principal use of the lot on which it is located. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

29. *Projecting Sign.* Any sign affixed to a building or wall in such a manner that its leading edge extends beyond the surface of the building or wall.

30. *Real Estate Sign.* A temporary sign placed upon property for the purpose of advertising to the public the sale or lease of said property.

31. *Roof Sign.* Any sign erected and constructed wholly on and over the roof of a building, and supported by the roof structure.

32. *Sandwich Sign.* A temporary, portable sign consisting of two advertising boards laid back-to-back and at least partially supported by each other.

33. *Sign.* The display of any words, numerals, figures, devices, designs or trademarks to make known an individual, firm, profession, business, product or message and which is visible to the general public.

34. *Street Furniture Sign.* A sign structure which by its design invites, entices, encourages or makes itself convenient or available to use by the general public for something more than mere visual attraction to its message. Street furniture signs include but are not limited to signage on benches and on table umbrellas used for outdoor, cafe-style dining.

35. *Street Frontage.* The distance for which a lot line of a lot (or combination of lots) adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

36. *Suspended Sign.* A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

37. *Temporary Sign.* A sign which is used only temporarily and advertises a private or public seasonal or special event, function or sale. Temporary signs are not permanently mounted. For purposes of this ordinance, temporary signs shall include: balloon, banner, construction, political, portable and real estate signs.

38. *Wall Sign.* A sign fastened to or painted on the wall area of a building or structure that is confined within the limits of the wall with the exposed face of the sign in a plane approximately parallel to the plane of such wall.

39. *Window Sign.* Any sign that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Solar Array. Any number of Photovoltaic Devices connected together to provide a single output of electric energy or other energy.

Special Land Use or Special Use. A use which is subject to special land use approval by the Planning Commission. A special land use may be granted only when there is a specific provision in this Ordinance. A special land use is not considered to be a nonconforming use.

State Construction Code or Building Code. The latest edition of the Michigan Building Code adopted by the State of Michigan in R408.30401 of the Michigan Administrative Code.

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

Story, Mezzanine. A mezzanine floor may be used in this definition of a full story when it covers more than fifty percent (50) of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below it to the floor next above is twenty-four (24) feet or more.

Story, Basement. For the purposes of this Ordinance, a basement shall be counted as a story if over fifty percent (50) of its height is above the level from which the height of the building is measured, or if it is used for business purposes.

Story, One-Half. The story under the gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story and the floor area shall not exceed two-thirds (2/3) of the area of the floor below.

Story Height. The vertical distance from the top surface of one floor to the top surface of the next above. The height of the top most story is the distance from the top surface of the floor to the ceiling above it.

Structure. Anything constructed or erected, the use of which requires more or less permanent location on the ground. When the structure is divided into separate parts by an unpierced wall, each part shall be deemed a separate structure.

Structural Alterations. Any change in the supporting members of a building such as bearing walls, columns, beams or girders, or any substantial changes in the roof and exterior walls.

Substantial Portion. Substantial portion means a use or activity accounting for more than twenty (20) percent of any one (1) or more of the following: stock-in-trade, display space, floor space, or viewing time, movie display time, or entertainment time measured per month.

Swimming Pool. Any structure intended for swimming, recreational bathing or wading that contains water over twenty-four (24) inches deep. This includes in-ground, aboveground and on-ground pools; hot tubs; spas and fixed-in-place wading pools.

Township. Augusta Charter Township, Washtenaw County, Michigan.

Township Board of Trustees. The Supervisor, Clerk, Treasurer and Trustees of Augusta Charter Township, Washtenaw County, Michigan.

Transition Zone. Any zoning district, arrangement of lots or land uses, landscaped area, or similar means used to provide a buffer between land uses or districts.

Use. The lawful purpose for which land or premises or a structure or building thereon is designed, arranged, intended or for which is occupied, maintained, let or leased.

Variance. A modification of the literal provisions of the Zoning Ordinance granted by the Zoning Board of Appeals when strict enforcement of the Zoning Ordinance would cause practical difficulties owing to circumstances unique to the individual property on which the variance is granted.

Warehouse. A building used primarily for storage of goods and materials. See also Distribution Center.

Wetland. An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Wetland, Regulated. A wetland regulated by the Michigan Department of Environmental Quality (MDEQ) under the provisions of Part 303 of Public Act 451 or 1994, as amended, and generally defined as land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation and aquatic life and is commonly referred to as a bog, swamp, or marsh and which is any of the following:

1. Contiguous to an inland lake or pond, or a river or stream;

2. Not contiguous to an inland lake or pond, or a river or stream, and more than five (5) acres in size;

3. Not contiguous to an inland lake or pond, or a river or stream, and five (5) acres or less in size if the Michigan Department of Environmental Quality (MDEQ) determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the department has so notified the property owner.

Wireless Communication Facilities. Includes all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment buildings and commercial mobile radio service facilities. Not included within this definition are citizen band radio facilities, short wave facilities, ham amateur radio facilities, satellite dishes, and governmental facilities which may be subject to state or federal law or regulations which preempt municipal regulatory authority. For purposes of this Ordinance, the following additional terms are defined:

1. Wireless Communications Facilities, Attached. Wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.

2. Wireless Communication Support Structures. Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

3. Collocation. The location by two (2) or more cellular communication providers of cellular communication facilities on a common structure, tower or building with the intent to reduce the overall number of structures required to support wireless communication antennas within the community.

Yard. A general term applied to the space on a lot or parcel, which lot or parcel contains a building or group of buildings, lying between the building or group of buildings and the nearest respective lot or property line facing each building.

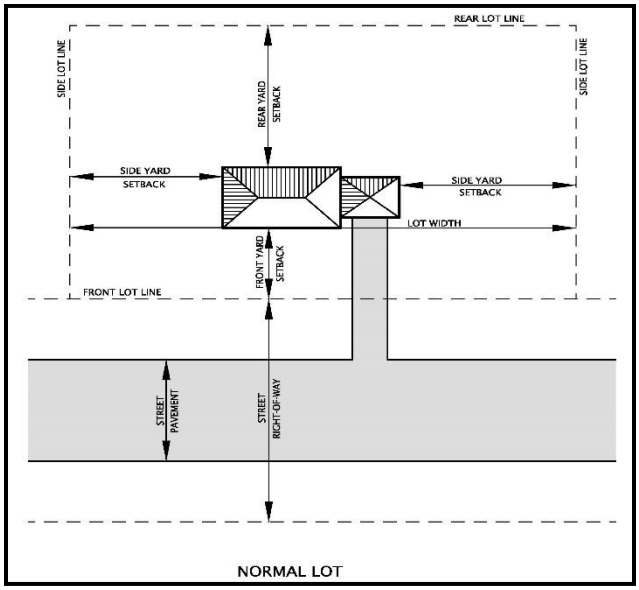
Yard, Front. A required front yard is an open space extending the full width of a lot and of a uniform depth (setback) measured horizontally at right angles to the front lot line and unoccupied from the ground upward except as hereinafter specified (see Figure 6).

Yard, Rear. A required rear yard is an open space extending the full width of a lot and of a uniform depth (setback) measured horizontally at right angles to the rear lot line and unoccupied from the ground upward as herein otherwise specified (see Figure 6).

Yard, Required. An open space of prescribed width or depth adjacent to a lot or property line on the same land with a building or group of buildings, which open space lies in the area between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

Yard, Side. A required side yard is an open space extending from the front to the rear yard and of a uniform width (setback) measured horizontally at right angles to the side lot line; and unoccupied from the ground upward except as herein otherwise specified (see Figure 6).

Figure 6



Zoning Administrator or Enforcement Officer. The person appointed by the Township Board to administer and enforce the standards of this Ordinance.

Zoning Compliance Permit. A permit issued by the Zoning Administrator or Enforcement Officer prior to construction, enlargement or alterations of property in accordance with Section 14.3 of this Ordinance.

ARTICLE 3
ZONING DISTRICT REGULATIONS

3.1 Establishment of Zoning Districts. For the purposes of this Ordinance, Augusta Charter Township is hereby divided into the following districts:

Residential Districts

C	Conservation
AG	Agriculture
AR	Agricultural Residential
RR	Rural Residential
SR-1, 2 & 3	Single-Family Residential
VR	Village Single-Family Residential
MR	Multiple-Family Residential
MHC	Manufactured Housing
VMU	Village Mixed-Use
PUD	Planned Unit Development (where residential uses are involved)

Non-Residential Districts

VMU	Village Mixed-Use
LC	Local Commercial
GC	General Commercial
O	Office
LI	Limited Industrial
GI	General Industrial
PUD	Planned Unit Development (where non-residential uses are involved)

3.2 Official Zoning Map.

A. Identification. The zoning districts as provided in Section 3.1 are bounded and defined as shown on the map entitled "Zoning District Map of Augusta Charter Township." The Zoning District Map, along with all notations, references, and other information shown thereon shall accompany and be made a part of this Ordinance.

B. Authority. Regardless of the existence of purported copies of the Zoning District Map, which may be published, a true and current copy of the Zoning District Map available for public inspection shall be located in and maintained by the Office of the Township Clerk. The Clerk's copy shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building, or structure in the Township.

C. Interpreting Zoning District Boundaries. Where uncertainty exists with respect to the boundaries of any of the districts indicated on the Zoning District Map, the following rules shall apply:

1. A boundary indicated as approximately following the centerline of a highway, alley, or easement shall be construed as following such centerline.

2. A boundary indicated approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.

3. A boundary indicated as approximately following a municipal boundary line of a city, village, or township shall be construed as following such line.

4. A boundary indicated as following a railroad line shall be construed as being located midway in the right-of-way.

5. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in the shoreline shall be construed as moving with the actual shoreline.

6. A boundary indicated as following the centerline of a stream or river, canal, lake or other body of water shall be construed as following such centerline.

7. A boundary indicated as parallel to, or an extension of, features in items (1) through (6) preceding shall be so construed.

8. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

9. Where a physical or cultural feature existing on the ground is at variance with that shown on the Official Zoning District Map or any other circumstances not covered by items (1) through (8) preceding, the Zoning Board of Appeals shall interpret the location of the zoning district boundary.

D. Amendment. In accordance with the provisions of this Ordinance and Michigan Public Act 110 of 2006, as amended, changes made in district boundaries and other matters portrayed on the Zoning District Map shall be entered on the Zoning District Map after the amendment has been approved by the Township Board and has been published in a newspaper of general circulation in the Township. No changes shall be made to the Zoning District Map except in conformity with the provision of Article 16.

3.3 Application of Zoning District Regulations. The regulations herein established within each zoning district shall be the minimum regulations for promoting and

protecting the public health, safety, and general welfare and shall be uniform for each class of land, buildings, structure, or uses throughout each district. Wherever the requirements of this Ordinance are at variance with the requirements of any other adopted rules or regulations, ordinances, deed restrictions, or covenants, the most restrictive or those imposing the higher standards shall govern. Except as hereinafter provided, district regulations shall be applied in the following manner:

A. No building shall hereafter be erected, altered, or moved, nor shall any building or premises hereafter be used for any purpose other than is permitted in the district in which said building or premises is located, except by appeal as herein described by this Ordinance.

1. Permitted Uses. Uses shall be permitted by right only if specifically listed as principal permitted uses in the various zoning districts or are similar to such listed uses. All other uses not listed are prohibited.

2. Accessory Uses and Buildings. Accessory uses and buildings are permitted only if such uses are clearly incidental to the permitted principal uses.

3. Special Land Uses. Special land uses are permitted as listed or if similar in density, intensity, traffic generation or environmental impact to the listed special uses.

B. No building shall hereafter be erected or altered except by appeal as described by this Ordinance, to:

1. Exceed the height limit specified for the district in which such building is located.

2. Occupy a greater percentage of lot area than is specified for the district in which such building is located.

3. Intrude upon the required front, rear, or side yards, as specified for the district in which such building is located.

4. Accommodate or house a greater number of families than is specified for the district in which such building is located.

5. Provide less living space per dwelling unit than is specified for the district in which such building is located.

C. No lot area shall be so reduced or diminished that yards and other open spaces shall be smaller than specified, nor shall the density of population be increased in any manner except in conformity with the area regulations, nor shall the area of any lot be reduced below the minimum requirements herein established for the district in which such lot is located.

D. No part of a yard or other open space required for any building for the purposes of compliance with the provisions of this Ordinance shall be included as a part of a yard or other open space similarly required for another building.

E. Every building erected, altered, or moved shall be located on a lot of record as defined herein, and except in the case of approved multiple dwelling, commercial, office and industrial developments, there shall be no more than (1) principal building and its permitted accessory structures located on each lot in any district.

F. Whenever any street, alley or other public way within Augusta Charter Township shall have been vacated by official governmental action and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, alley, or public right-of-way shall automatically and without further governmental action thenceforth acquire and be subjected to the same zoning regulations as are applicable to lands to which same shall attach, and the same shall be used for the same use as is permitted under this Ordinance for such adjoining lands.

G. Whenever any fill is placed in any lake or stream, the land thus created shall automatically and without further governmental action thenceforth acquire and be subjected to the same zoning regulations as are applicable to lands to which the same shall attach or be adjacent, and the same shall be used for the same purposes as are permitted under this Ordinance for such adjoining lands. No use of the surface of any lake or stream shall be permitted for any purpose not permitted on the land from which the use emanates.

3.4 Intent of Districts. The intent and purpose of each district is set forth as follows:

A. C, Conservation. The intent of the Conservation district is to preserve significant natural features and promote public health, safety and welfare. Preservation of open space and wildlife habitat and the protection of flood prone areas, wetlands, woodlands, groundwater recharge areas and other natural features is encouraged, consistent with state law.

B. AG, Agriculture. The intent of the Agricultural district is to provide a stable environment for agricultural production and discourage the encroachment of urban and suburban uses and services into agricultural and rural portions of the Township, while promoting public health, safety and welfare.

C. AR, Agricultural Residential. The intent of the Agricultural Residential district is to provide a district in which low-density single-family residential development and agricultural pursuits may occur in close proximity to each other along with other compatible uses often occupying large areas. The predominant use of the Agricultural Residential district shall be considered

residential. The regulations of this district are designed to protect and promote low-density residential land use, while accommodating agricultural activities. These regulations are also designed to exclude uses and buildings which demand substantial public services, such as major thoroughfares, centralized sewer or water facilities, and other public services.

D. RR, Rural Residential. The intent of the Rural Residential district is to provide a district in which low-density single-family residential development may occur in close proximity to each other along with other compatible uses often occupying large areas. The predominant use of the Rural Residential district shall be considered residential. The regulations of this district are designed to protect and promote low-density residential land use, exclusive of agricultural activities. These regulations are also designed to exclude uses and buildings which demand substantial public services, such as major thoroughfares, centralized sewer or water facilities, and other public services.

E. SR, Single-Family Residential. The intent of the Single Family Residential districts is to provide districts in which the principal land use is single-family residential, along with those uses which are compatible with a single-family residential environment and are customarily accessory to or supportive of such uses. A reasonable range of lot sizes is envisioned which will provide a variety of desirable and economically feasible housing opportunities for all members of the general public. Certain other private and public uses are also intended for these districts, subject to conditions which will insure their compatibility with the main use and character of these districts.

F. VR, Village Single-Family Residential. The intent of the Village Single Family Residential district is to promote the development of single-family residential neighborhoods of a density and arrangement similar to that found in a traditional village settlement, along with those uses which are compatible with a single-family residential environment and are customarily accessory to or supportive of such uses. Such districts are intended to be established at or in close proximity to the core of existing or intended village areas of the Township, with access to centralized sewer and water facilities. Certain other private and public uses are also intended for these districts, subject to conditions which will insure their compatibility with the main use and character of these districts.

G. MR, Multiple Family Residential. The intent of the Multiple-Family Residential district is to provide sites for two-family and multiple-family residential land use, along with those uses which are compatible with a multiple-family residential environment and are customarily accessory to or supportive of such uses. These districts are intended to serve the Township's limited needs for higher density residential land use. Such districts shall serve as zones of transition between non-residential districts

and lower density single-family districts, and shall have access to major thoroughfares and centralized sewer and water facilities. Certain other private and public uses are also intended for these districts, subject to conditions which will insure their compatibility with the main use and character of these districts.

H. MHC, Manufactured Housing Community. The intent of the Manufactured Housing Community district is to provide districts of such size and location as will encourage the development of quality manufactured housing communities, in areas of the Township having access to major thoroughfares and centralized sewer and water facilities, and otherwise protecting the health, safety and welfare of manufactured housing community residents in Augusta Charter Township.

I. VMU, Village Mixed-Use. The intent of the Village Mixed-Use district is to promote development of the Township's existing and intended village areas with a density and combination of land uses (both residential and non-residential) similar to that found in a traditional village settlement. Such districts are intended to be established as close as reasonably possible to the intended core of such village areas, with access to centralized sewer and water facilities. Development in the Village Mixed-Use district shall adhere to supplemental regulations to minimize conflict between differing land uses and foster a traditional village development pattern.

J. LC, Local Commercial. The intent of the Local Commercial district is to provide personal service and convenience shopping facilities aimed at satisfying the needs for such in adjacent and surrounding neighborhoods, rather than addressing the needs of the community or region as a whole. These regulations are meant to discourage strip development, and to encourage stable and desirable development in a clustered or planned pattern.

K. GC, General Commercial. The intent of the General Commercial district is to provide sites for commercial and business facilities where they can most efficiently and effectively serve the needs for such uses in the Township and adjacent areas. It is intended that such uses have access to major thoroughfares and centralized sewer and water facilities.

L. O, Office. The intent of the Office district is to provide locations in the Township for professional offices and related uses of a lower-intensity nature than those found in the Township's commercial and industrial districts, developed in a fashion that is compatible with neighboring land uses. Such districts shall serve as zones of transition between commercial/industrial districts and residential areas. It is intended that such uses have access to major thoroughfares and centralized sewer and water facilities.

M. LI, Limited Industrial. The Limited Industrial district is intended to primarily accommodate research, wholesale and warehouse activities, and light industrial operations whose external, physical effects are restricted to the district and in no manner affect in a detrimental way any of the surrounding districts. The LI Industrial District is intended for the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared material. The processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, shall not be permitted.

N. GI, General Industrial. The intent is to provide a district whose location will permit heavy manufacturing types of use. Further, the General Industrial district is intended to provide land for the more large-scale and intense manufacturing, fabricating and assembling uses. While such may occasionally produce external physical effects noticeable to a limited degree beyond the boundaries of the site, nevertheless every possible effort shall be made to minimize such effects.

O. PUD, Planned Unit Development. The intent of this Zoning district is to authorize the use of the PUD for the purposes of: encouraging the use of the land in accordance with its natural characteristics and adaptability; conserving natural features such as wetlands and woodlots and the expenditure of energy; encouraging innovation in land use design and planning; providing for mixed-use development; providing for usable, functional open space and wildlife corridors; preserving viewsheds; providing enhanced housing, employment, shopping, traffic circulation and recreational opportunities for the citizens of Augusta Charter Township; and bring about a greater compatibility of design and use.

3.5 Schedule of Use Regulations. Permitted and special land uses are set forth by zoning district as follows:

A. C, Conservation.

1. Permitted Uses.

a. Public or private conservation area, forest preserve, game refuge, wildlife preserve, or park.

b. Agricultural uses in compliance with the Right to Farm Act.

c. Keeping of farm animals, subject to Section 5.19(B).

d. Single-family dwelling, detached.

e. Family Day Care Home.

f. Foster Family Home.

g. Foster Family Group Home.

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.

i. Home occupations, subject to Section 5.17.

j. Essential services and structures, transmission and distribution lines, pipelines, telephone repeaters and related structures, but not including buildings of public utility companies when located in an existing right-of-way or a utility easement, subject to Section 5.18.

k. Accessory buildings, structures or uses customarily incidental to those uses listed above, subject to Section 5.6.

2. Special Uses.

a. Structures or roads associated with the protection and conservation of open space, natural resources and wildlife.

b. Private kennel, subject to Section 5.19(A)(2).

c. Game yard or hunting preserve.

d. Group Day Care Home, subject to section 6.8.

e. Gravel, sand or mineral extraction, subject to Section 6.14.

f. Oil or gas extraction.

g. Private airport, subject to Section 6.21.

h. Wireless communication facilities, subject to Section 6.24.

B. AG, Agriculture.

1. Permitted Uses.

a. Agricultural uses in compliance with the Right to Farm Act.

b. Keeping of farm animals, subject to Section 5.19(B).

c. Public or private conservation area, forest preserve, game refuge, wildlife preserve, or park.

d. Single-family dwelling, detached.

e. Family Day Care Home.

f. Foster Family Home.

g. Foster Family Group Home.

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.

i. Home occupations, subject to Section 5.17.

j. Essential services and structures, transmission and distribution lines, pipelines, telephone repeaters and related structures, but not including buildings of public utility companies when located in an existing right-of-way or a utility easement, subject to Section 5.18.

k. Accessory buildings, structures or uses customarily incidental to those uses listed above, subject to Section 5.6.

2. Special Uses.

a. Farm implement sales or repair, fertilizer sales, feed or seed sales.

b. Intensive livestock operation.

c. Livestock auction yard.

d. Slaughter house.

e. Temporary housing for seasonal labor.

f. Private kennel, subject to Section 5.19(A)(2).

g. Veterinary clinic for domestic pets and farm animals.

h. Commercial kennel or animal shelter, subject to Section 5.19(A)(3).

i. Commercial, non-farm related nursery or greenhouse.

j. Campground, subject to Section 6.7.

k. Country club.

l. Golf course or driving range.

m. Church.

n. Cemetery.

o. Bed and Breakfast Establishments, Subject to Section 6.6.

p. Commercial outdoor recreation, subject to Section 6.12.

q. Gravel, sand or mineral extraction, subject to Section 6.16.

r. Oil or gas extraction.

s. Recreational vehicle storage, subject to Section 6.26.

t. Private elementary, middle, or secondary school; college or university.

u. Group Day Care Home, subject to section 6.8.

v. Governmental/municipal buildings.

w. Private airport, subject to Section 6.23.

x. Domestic radios, television, broadcast station, receiving or broadcasting towers, excluding wireless/cellular towers/facilities.

y. Wireless communication facilities, subject to Section 6.27.

C. AR, Agricultural Residential.

1. Permitted Uses.

a. Agricultural uses in compliance with the Right to Farm Act.

b. Keeping of farm animals, subject to Section 5.19(B).

c. Public or private conservation area, forest preserve, game refuge, wildlife preserve, or park.

d. Single-family dwelling, detached.

e. Family Day Care Home.

f. Foster Family Home.

g. Foster Family Group Home.

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.

i. Home occupations, subject to Section 5.17.

j. Essential services and structures, transmission and distribution lines, pipelines, telephone repeaters and related structures, but not including buildings of public utility companies when located in an existing right-of-way or a utility easement, subject to Section 5.18.

k. Accessory buildings, structures or uses customarily incidental to those uses listed above, subject to Section 5.6.

2. Special Uses.

a. Farm implement sales or repair, fertilizer sales, feed or seed sales.

b. Livestock auction yard.

c. Veterinary clinic for domestic pets and farm animals.

d. Commercial kennel or animal shelter, subject to Section 5.19(A)(3).

e. Private kennel, subject to Section 5.19(A)(2).

f. Commercial, non-farm related nursery or greenhouse.

g. Campground, subject to Section 6.7.

h. Country club.

i. Golf course or driving range.

j. Church.

k. Cemetery.

l. Bed and Breakfast Establishments, Subject to Section 6.6.

m. Commercial outdoor recreation, subject to Section 6.12.

n. Gravel, sand or mineral extraction, subject to Section 6.16.

o. Oil or gas extraction.

p. Recreational vehicle storage, subject to Section 6.26.

q. Private elementary, middle, or secondary school; college or university.

r. Group Day Care Home, subject to Section 6.8.

s. Governmental/municipal buildings.

t. Private airport, subject to Section 6.23.

u. Domestic radios, television, broadcast station, receiving or broadcasting towers, excluding wireless/cellular towers/facilities.

v. Wireless communication facilities, subject to Section 6.27.

w. Large Solar Energy Systems.

D. RR, Rural Residential.

1. Permitted Uses.

a. Single-family dwelling, detached.

b. Agricultural uses in compliance with the Right to Farm Act.

c. Public or private conservation area, forest preserve, game refuge, wildlife preserve, or park.

d. Family Day Care Home.

e. Foster Family Home.

f. Foster Family Group Home.

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.

h. Home occupations, subject to Section 5.17.

i. Essential services and structures, transmission and distribution lines, pipelines, telephone repeaters and related structures, but not including buildings of public utility

companies when located in an existing right-of-way or a utility easement, subject to Section 5.18.

j. Accessory buildings, structures or uses customarily incidental to those uses listed above, subject to Section 5.6.

2. Special Uses.

a. Group Day Care Home, subject to Section 6.8.

b. Commercial stable, subject to Section 6.13.

c. Private kennel, subject to Section 5.19(A)(2).

d. Country club.

e. Golf course or driving range.

f. Church.

g. Cemetery.

h. Bed and Breakfast Establishments, Subject to Section 6.6.

i. Commercial outdoor recreation, subject to Section 6.12.

j. Gravel, sand or mineral extraction, subject to Section 6.16.

k. Oil or gas extraction.

l. Governmental/municipal buildings.

m. Private elementary, middle, or secondary school; college or university.

n. Domestic radios, television, broadcast station, receiving or broadcasting towers, excluding wireless/cellular towers/facilities.

o. Wireless communication facilities, subject to Section 6.27.

E. SR, Single-Family Residential.

1. Permitted Uses.

a. Single-family dwelling, detached.

b. Public or private parks and recreation activities and conservation areas.

c. Family Day Care Home.

d. Foster Family Home.

e. Foster Family Group Home.

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.

g. Home occupations, subject to Section 5.17.

h. Essential services and structures, transmission and distribution lines, pipelines, telephone repeaters and related structures, but not including buildings of public utility companies when located in an existing right-of-way or a utility easement, subject to Section 5.18.

i. Accessory buildings, structures or uses customarily incidental to those uses listed above, subject to Section 5.6.

2. Special Uses.

a. Group Day Care Home, subject to Section 6.8.

b. Church.

c. Country club.

d. Golf course.

e. Bed and Breakfast Establishments, Subject to Section 6.6.

f. Governmental/municipal buildings not requiring outdoor storage.

g. Professional office for doctors, dentists, lawyers, architects, engineers, or other similar professions, not exceeding 4,000 square feet in gross floor area.

h. Private elementary, middle, or secondary school; college or university.

i. Community swimming pool.

j. Libraries, museums or similar non-commercial cultural facilities.

F. VR, Village Single-Family Residential.

1. Permitted Uses.

a. Single-family dwelling, detached.

b. Public or private parks and recreation activities and conservation areas.

c. Family Day Care Home.

d. Foster Family Home.

e. Foster Family Group Home.

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.

g. Home occupations, subject to Section 5.17.

h. Essential services and structures, transmission and distribution lines, pipelines, telephone repeaters and related structures, but not including buildings of public utility companies when located in an existing right-of-way or a utility easement, subject to Section 5.18.

i. Accessory buildings, structures or uses customarily incidental to those uses listed above, subject to Section 5.6.

2. Special Uses.

a. Group Day Care Home, subject to Section 6.8.

b. Child Day Care Center, subject to Section 6.9.

c. Church.

d. Governmental/municipal buildings not requiring outdoor storage.

e. Professional office for doctors, dentists, lawyers, architects, engineers, or other similar professions, not exceeding 3,000 square feet in gross floor area.

f. Private elementary, middle, or secondary school; college or university.

g. Community swimming pool.

h. Libraries, museums or similar non-commercial cultural facilities.

G. MR, Multiple-Family Residential.

1. Permitted Uses.

a. Multiple-family dwelling.

b. Public or private parks and recreation activities and conservation areas.

c. Family Day Care Home.

d. Foster Family Home.

e. Foster Family Group Home.

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.

g. Governmental/municipal buildings not requiring outdoor storage.

h. Police, fire or emergency medical station.

i. Home occupations, subject to Section 5.17.

j. Essential services and structures, transmission and distribution lines, pipelines, telephone repeaters and related structures, but not including buildings of public utility companies when located in an existing right-of-way or a utility easement, subject to Section 5.18.

k. Accessory buildings, structures or uses customarily incidental to those uses listed above, subject to Section 5.6.

2. Special Uses.

a. Group Day Care Home, subject to Section 6.8.

b. Child Day Care Center, subject to Section 6.9.

c. Church.

d. Golf course.

e. Funeral home.

f. Professional office for doctors, dentists, lawyers, architects, engineers, or other similar professions, not exceeding 5,000 square feet in gross floor area.

g. Private elementary, middle, or secondary school; college or university.

h. Community swimming pool.

i. Libraries, museums or similar non-commercial cultural facilities.

H. MHC, Manufactured Housing Community.

1. Permitted Uses.

a. Manufactured Housing Community developments subject to all minimum requirements and standards as established in the Mobile Home Commission Act, Act 96 of 1987 as amended, and all rules promulgated pursuant to Act 96, as may be amended, and further subject to 3.7(C).

b. Recreational facilities for the residents of manufactured housing communities.

c. Accessory buildings required for normal operation of the mobile home development. Such uses as stores, mechanical dispensers, equipment storage, and coin operated laundry facilities, subject to Section 3.7(C).

d. Administration building for conducting the operation and maintenance of Manufactured Housing Community developments.

e. Family Day Care Home.

f. Foster Family Home.

g. Foster Family Group Home.

h. Adult Foster Care Family Home, and Foster Family Group Homes, 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.

i. Essential services and structures, transmission and distribution lines, pipelines, telephone repeaters and related structures, but not including buildings of public utility companies when located in an existing right-of-way or a utility easement, subject to Section 5.18.

2. Special Uses.

a. Group Day Care Home, subject to Section 6.8.

b. Child Day Care Center, subject to Section 6.9.

I. VMU, Village Mixed-Use.

1. Permitted Uses.

a. Single-family dwelling, detached.

b. Public or private parks and recreation activities and conservation areas.

c. Governmental/municipal buildings not requiring outdoor storage.

d. Police, fire or emergency medical station.

e. Post offices.

f. Family Day Care Home.

g. Foster Family Home.

h. Foster Family Group Home.

i. 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.

j. Home occupations, subject to Section 5.17.

k. Essential services and structures, transmission and distribution lines, pipelines, telephone repeaters and related structures, but not including buildings of public utility

companies when located in an existing right-of-way or a utility easement, subject to Section 5.18.

l. Accessory buildings, structures or uses customarily incidental to those uses listed above, subject to Section 5.6.

2. Special Uses.

a. Multiple-family dwelling.

b. Convenience shopping or personal service establishment.

c. Art or music studio.

d. Professional office.

e. Restaurant, Sit-Down or Carry-Out.

f. Theater.

g. Group Day Care Home, subject to Section 6.8.

h. Child Day Care Center, subject to Section 6.9.

i. Church.

j. Funeral home.

k. Private elementary, middle, or secondary school; college or university.

l. Community swimming pool.

m. Libraries, museums or similar non-commercial cultural facilities.

n. Accessory buildings, structures or uses customarily incidental to those uses listed above, subject to Section 5.6.

o. Feed Mill.

p. Seasonal agricultural product sales.

J. LC, Local Commercial.

1. Permitted Uses.

a. Retail uses of up to 10,000 square feet in gross floor area, including but not limited to, convenience stores, bakeries, butchers, specialty grocers, pharmacies, etc.

b. Financial or business service establishment, including but not limited to, banks, credit unions, insurance offices, etc.

c. Personal service establishment.

d. Dry cleaning drop-off center.

e. Laundromat.

f. Professional office for doctors, dentists, lawyers, architects, engineers, or other similar professions.

g. Governmental/municipal buildings not requiring outdoor storage.

h. Police, fire or emergency medical station.

i. Essential services and structures, transmission and distribution lines, pipelines, telephone repeaters and related structures, subject to Section 5.18.

j. Accessory buildings, structures or uses customarily incidental to those uses listed above, subject to Section 5.6.

2. Special Uses.

a. Assembly Uses.

b. Automobile Service Station, subject to Section 6.4.

c. Automobile Convenience Mart, subject to Section 6.4.

d. Child Day Care Center, subject to Section 6.9.

e. Funeral home.

f. Commercial indoor recreation, subject to Section 6.11.

g. Commercial outdoor recreation, subject to Section 6.12.

h. Restaurant, Sit-Down or Carry-Out.

i. Accessory buildings, structures or uses customarily incidental to those uses listed above, subject to Section 5.6.

K. GC, General Commercial.

1. Permitted Uses.

a. All uses permitted by right in the LC district.

b. Retail uses of up to 35,000 square feet in gross floor area, including but not limited to, supermarkets, pharmacies, etc.

c. Restaurant, Sit-Down or Carry-Out.

d. Child Day Care Center, subject to Section 6.9.

e. Health and fitness club.

f. Funeral home.

g. Theater, excluding drive-in theater.

h. Public or private college.

i. Essential services and structures, transmission and distribution lines, pipelines, telephone repeaters and related structures, subject to Section 5.18.

j. Accessory buildings, structures or uses customarily incidental to those uses listed above, subject to Section 5.6.

2. Special Uses.

a. All special uses permitted in the LC district, excepting those that are permitted by right in the GC district.

b. Retail uses of more than 35,000 square feet in gross floor area, including but not limited to, supermarkets, pharmacies, discount stores, membership warehouses, etc.

c. Automobile Service Stations, Convenience Marts, and Repair Establishments, subject to Section 6.4.

d. Automobile Wash Establishment, subject to Section 6.5.

e. Automobile or RV Sales Establishment, subject to Section 6.22.

f. Assembly or dance hall.

g. Bar or lounge.

h. Governmental/municipal buildings with outdoor storage.

i. Motel or hotel, subject to Section 6.21.

j. Equipment and/or vehicle rental.

k. Drive-in/drive-thru business associated with permitted use, subject to Section 6.15.

l. Open air business, subject to Section 6.22.

m. Outdoors sale and display of products, subject to Section 6.22.

n. Veterinary clinic for household pets only.

o. Transient, temporary amusements, subject to Section 6.27.

p. Domestic radio, television broadcast station, receiving or broadcasting towers, excluding wireless / cellular towers / facilities.

q. Wireless Communication Facilities, subject to Section 1331.

r. Accessory buildings, structures or uses customarily incidental to those uses listed above, subject to Section 5.6.

L. O, Office.

1. Permitted Uses.

a. Administrative or professional office, including, but not limited to, doctors, lawyers, dentists, engineers, architects, tax or financial consultants, realtors, insurance agents, or brokers.

b. Medical or dental office, excluding veterinarian establishments and medical facilities permitting overnight patients.

c. Office of local, state or federal governmental agency.

d. Office of non-profit organizations, including, but not limited to, labor unions; civic, social or fraternal associations; or political or religious organizations, excluding those requiring large meeting or assembly halls.

e. Data processing or computer center, including sales, service and maintenance of electronic data processing equipment.

f. Police, fire or emergency medical station.

g. Essential services and structures, transmission and distribution lines, pipelines, telephone repeaters and related structures, subject to Section 5.18.

h. Accessory buildings, structures or uses customarily incidental to those uses listed above, subject to Section 5.6.

2. Special Uses.

a. Laboratory and office for industrial, scientific, or business research, development and testing, including limited manufacturing operations incidental to these uses equal to no more than twenty-five (25%) percent of the total usable floor area.

b. Prototype development and testing facility, including limited manufacturing operations incidental to these uses equal to no more than twenty-five (25%) percent of the total usable floor area.

c. Motel or hotel, subject to Section 6.21.

d. Child Day Care Center, located, designed and intended to serve only those employees of other uses permitted in the Office district (not the general public), subject to Section 6.9.

e. Commercial support service, located, designed and intended to serve the needs of other businesses permitted in the Office district (not the general public), including, but not limited to, restaurant or cafeteria facility (not including drive-in facilities), barber or beauty shop, banking, news stand, photocopying shop, photographic studio, etc.

f. Accessory buildings, structures or uses customarily incidental to those uses listed above, subject to Section 5.6.

M. LI, Light Industrial.

1. Permitted Uses.

a. All uses permitted by right in the O district.

b. The manufacture, assembly, compounding, processing, packaging or treatment of previously prepared materials, or repair of products, including, but not limited to:

i. Textile goods;

ii. Apparel or leather goods;

iii. Sporting goods;

iv. Light sheet metal products, including heating or ventilating equipment, siding, and the like;

v. Blacksmith shop or welding shop.

vi. Electric or neon signs;

vii. Furniture or fixtures;

viii. Glass products (using purchased glass);

ix. Converted paper or paper products;

x. Printing or publishing;

xi. Jewelry, silverware or plated ware;

xii. Office or artists supplies and materials;

xiii. Professional or scientific instruments, photographic and optical equipment and supplies;

c. Wholesale or warehouse establishment.

d. Contractor establishment, equipment and material storage yard, subject to Section 6.14.

e. Self storage facility, subject to Section 6.26.

f. Scientific research facility or testing laboratory.

g. Automobile Repair Establishment, subject to Section 6.4.

h. Truck or Heavy Equipment Sales Establishment, subject to Section 6.22.

i. Equipment and/or vehicle rental.

j. Agricultural wholesale or retail facility, including bulk storage of commodities in elevators or other transfer structures.

k. Police, fire or emergency medical station.

l. Municipal equipment or material storage yard.

m. Radio TV broadcasting, transmitting or receiving towers.

n. Essential services and structures, transmission and distribution lines, pipelines, telephone repeaters and related structures, subject to Section 6.18.

o. Accessory buildings, structures or uses customarily incidental to those uses listed above, subject to Section 5.6.

2. Special Uses.

a. All special uses permitted in the O district, except those that are permitted by right in the LI district.

b. Cartage, trucking or distribution center.

c. Bulk storage of refined petroleum products above or below ground.

d. Building material or lumber supply (sales and/or storage).

e. Private airport.

f. Central dry cleaning plant.

g. Recycling collection center.

h. Commercial outdoor storage, subject to Section 6.14.

i. Fabrication of metal products, excepting heavy machinery and transportation equipment.

j. Junk yard or salvage operation, subject to Section 6.19.

k. Lumber mill or saw mill.

l. Manufacture of monuments, cut stone, stone or clay products.

m. Municipal water or waste water treatment facility.

n. Radio, television, telephone, transmitter tower.

o. Recreational vehicle storage, subject to Section 6.26.

p. Sales, leasing, or storage of contractor's equipment or supplies.

q. Vehicle Repair Establishment, including automobiles, trucks, farm and construction equipment, subject to Sections 6.4 or 6.18, as appropriate.

r. Wireless Communication Facility, subject to Section 6.27.

s. Retail sales of goods assembled on the premises, provided the building floor area devoted to retail sales comprises no more than twenty-five (25%) percent of principal building usable floor area and the outdoor sales area comprises no more than twenty-five (25%) percent of the minimum required lot area.

t. Accessory buildings, structures or uses customarily incidental to those uses listed above, subject to Section 5.6.

u. Large Solar Energy Systems.

N. GI, General Industrial.

1. Permitted Uses.

a. All permitted uses in the LI and O District.

b. Any manufacturing or other industrial-type or related use including but not limited to the following:

i. The manufacturing, fabrication and assembling of motor vehicle equipment and parts, farm machinery and equipment, heavy industrial machinery and equipment;

ii. Production, manufacturing, processing and packaging of such products as cereals, dog foods, soft drinks, and distillation of grains and fruits;

iii. Drop forges, heavy stamping, fabricating, assembly and other manufacturing processes, except tanneries, slaughter houses, stock yards, oil refineries, or soap factories;

iv. Lumber mill or saw mill;

v. Manufacturing or processing of wood, concrete, cinder block and brick;

vi. Manufacture of major appliances;

vii. Pressing, stamping or forming of major sheet metal parts;

viii. Manufacture of iron, aluminum, bronze and other castings;

c. Cartage, trucking or distribution center.

d. Certain uses, which, by their nature, would be dangerous in a community with large residential areas, are prohibited.

e. Essential services and structures, transmission and distribution lines, pipelines, telephone repeaters and related structures, subject to Section 5.18.

f. Accessory buildings, structures or uses customarily incidental to those uses listed above, subject to Section 5.6.

2. Special Uses.

a. Special uses in the LI and O Zoning District, except those that are permitted by right in the GI district.

b. Production, processing or packaging of such products as cosmetics, toiletries, and pharmaceuticals.

c. Sanitary landfill or waste incinerator.

d. Hazardous waste or waste incineration facilities, subject to Section 6.17.

e. Materials recycling facility.

f. Commercial composting.

g. Large Solar Energy Systems.

O. PUD, Planned Unit Development.

1. Permitted Uses.

a. All uses permitted in any other zoning district, subject to the provisions of Article 12.

2. Special Uses.

a. Any special uses would be negotiated, subject to the provisions of Article 12.

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3.6 Schedule of Dimensional Regulations.

District	Minimum Lot Area[1]	Min. Lot Width[2]	Minimum Yard Setback[3]			Max. Bldg. Height[4,5]		Maximum Lot Coverage[6]	Additional Regulations
			Front Yard[7]	Side Yard[8]	Rear Yard	Feet	Stories		
C, Conservation	10 acres	300 ft.	50 ft.	30 ft.	50 ft.	35 ft.	2½	10%	See §3.7(A)
AG, Agriculture	2.5 acres	200 ft.	50 ft.	30 ft.	50 ft.	35 ft.	2½	10%	See §3.7(A)
AR, Agricultural Residential	43,560 s.f.	150 ft.	50 ft.	30 ft.	35 ft.	35 ft.	2½	15%	See §3.7(A)
RR, Rural Residential	43,560 s.f.	150 ft.	40 ft.	20 ft.	40 ft.	35 ft.	2½	15%	See §3.7(A)
SR-3, Single-Family Res.	21,780 s.f.	100 ft.	35 ft.	15 ft.	30 ft.	35 ft.	2½	20%	See §3.7(A)
SR-2, Single-Family Res.	17,000 s.f.	90 ft.	30 ft.	12.5 ft.	25 ft.	35 ft.	2½	20%	See §3.7(A)
SR-1, Single-Family Res.	13,000 s.f.	80 ft.	25 ft.	10 ft.	20 ft.	35 ft.	2½	25%	See §3.7(A)
VR, Village Single-Family Res.	9,000 s.f.	70 ft.	25 ft.	7.5 ft.	20 ft.	35 ft.	2½	30%	See §3.7(A)
MR, Multiple-Family Res.	See §3.7(B)	200 ft.	35 ft.	20 ft.	40 ft.	45 ft.[9]	3	30%	See §3.7(B)
MHC, Manufactured Housing	–	–	–	–	–	– [9]	–	–	See §3.7(C)
VMU, Village Mixed-Use	9,000 s.f.	60 ft.	15 ft.	7.5 ft.	15 ft.	35 ft.	2½	50%	See §3.7(A) & (D)
LC, Local Commercial	21,780 s.f.	100 ft.	35 ft.	20 ft.	25 ft.	35 ft.	2	30%	–
GC, General Commercial	2 acres	150 ft.	35 ft.	30 ft.	30 ft.	35 ft.	2	30%	–
O, Office	21,780 s.f.	100 ft.	35 ft.	20 ft.	25 ft.	45 ft.	3	30%	–
LI, Limited Industrial	1 acre	200 ft.	50 ft.	25 ft.	50 ft.	40 ft.	2	40%	–
GI, General Industrial	2 acres	200 ft.	75 ft.	50 ft.	75 ft.	50 ft.	2	50%	–
PUD, Planned Unit Development	–	–	–	–	–	–	–	–	See Article 12

[1] Net Lot Area, as defined in Section 2.2, shall be used to determine compliance with Minimum Lot Area requirements.
[2] Lot width shall be measured at the Minimum Front Yard Setback line to determine compliance with Minimum Lot Width requirements.
[3] See Section 3.7(E) for permitted yard encroachments.
[4] Building Height shall be measured in accordance with the definition for Building Height provided in Section 2.2.
[5] See Section 3.7(F) for exemptions from Maximum Building Height standards.
[6] Lot coverage shall be measured as the percentage of Net Lot Area covered by Building Area, as defined in Section 2.2.
[7] Minimum Front Yard Setback shall be measured from the Front Lot Line, as defined in Section 2.2.
[8] Corner lots shall maintain the Minimum Front Yard Setback from all lot lines fronting on a public or private road.
[9] Detached accessory buildings (clubhouses, maintenance buildings, etc.) in the MR and MHC districts shall not exceed 25 feet in height.

3.7 Additional Regulations.

A. Single-Family Residential Regulations. No single-family dwelling (site built), manufactured housing unit, mobile home, modular housing or prefabricated housing located outside of a licensed manufactured housing community shall be permitted unless said dwelling unit conforms to the following standards:

1. Building Permit Required. No single-family dwelling unit shall be constructed without the prior issuance of all necessary Township and/or County building permits.

2. Minimum Floor Area. The minimum floor area provided for a single-family dwelling unit shall be as follows:

Stories	Minimum Gross Floor Area Required
1	1,000 sq. ft.
1½	1,200 sq. ft., with a 900 sq. ft. first floor
2	1,400 sq. ft., with a 900 sq. ft. first floor

3. Minimum Building Width. The minimum width of the front elevation of a single-family dwelling shall be twenty (20) feet.

4. Single-Family Residential Site Drainage.

   a. Proposed grading and other site improvements associated with single-family residential structures (new or existing) shall not disrupt the natural flow of surface water through or across the subject parcel of land, nor shall it cause increased flow of water onto adjoining parcels of land or exacerbate existing flooding problems.

   b. If the finish floor elevation of the first floor of a proposed single-family residence is requested to be more than thirty-six (36) inches above the centerline of the road upon which it fronts, a detailed drainage plan, prepared by a civil engineer or landscape architect, shall be provided with the application for a zoning compliance permit, demonstrating the following:

      i. how the lot will drain;

      ii. that the filling of the lot will not disrupt the natural flow of surface water through or across the parcel of land; and,

iii. that there will be no additional flow of water onto adjoining parcels of land.

5. Foundation.

   a. All single family dwelling units (including premanufactured housing) shall be firmly attached to a permanent foundation constructed on the site in accordance with those building codes applicable to "Single-Family Dwellings."

   b. All premanufactured dwelling units shall be installed with the wheels removed. Additionally, no dwelling unit shall have any exposed towing mechanism, undercarriage or chassis.

6. Roof.

   a. Roofs on single-family dwelling units shall be double pitched, having a slope of no less than four (4) feet of rise for each twelve (12) feet of run over the majority of the dwelling unit. Additions or repairs to existing dwelling units may involve roof pitches compatible with existing roof pitches, including ancillary flat roofs that complement the home's design would be permitted.

   b. All single-family dwelling units shall have at least a twelve (12) inch roof overhang on the eave sides and gable ends of the building. Such overhang shall be exclusive of gutters.

   c. Roofs on single-family dwelling units shall be covered in either asphalt, fiberglass, shake, slate or steel shingles or other finished roofing material meeting applicable building codes.

7. Quality of Workmanship. All rooms and other additions to a dwelling unit shall be of a similar or superior quality of construction as the original portion of the principal structure.

8. Applicable Codes. All single-family dwelling units, including all alterations and additions thereto, shall comply with applicable building and fire codes. In the case of premanufactured dwellings, all construction, plumbing, electrical systems, and insulation within and connected to said premanufactured dwelling shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards," as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time may be amended. Additionally, all dwellings shall meet or exceed all applicable snow load and strength requirements.

9. Sanitary Service and Water Supply. All dwelling units shall be connected to public sanitary sewer and water service, or a private septic system and well, in accordance with all applicable codes and ordinances.

10. Storage. All dwelling units shall include a storage area equal to 10% of the gross floor area of the dwelling or 100 square feet, whichever is less. Such storage area shall be accommodated via basements, attics, closets, or a separate structure of similar construction to that of the principal dwelling.

B. Multiple-Family Residential District Regulations. The following regulations shall apply to all development in the MR district:

1. Unit Density. The maximum permitted density of multiple-family dwelling units shall be based upon the total number of bedrooms. The maximum number of bedrooms permitted shall be equal to the area of the subject parcel (in square feet) divided by 1,800. For the purposes of this calculation, efficiency units shall be considered to have one (1) bedroom.

2. Minimum Lot Area. Sites containing only two-family dwellings shall have a minimum lot area of 17,000 square feet. Sites containing multiple-family units other than two-family dwellings shall have a minimum lot area of one (1) acre.

3. Building Length. Multiple-family buildings shall not exceed 200 feet in overall length.

4. Setbacks Adjacent to Single-Family Residential. No multiple dwelling shall be located closer than one hundred (100) feet to property zoned or used for single-family residential purposes.

5. Building Spacing. In addition to required yard setbacks provided elsewhere in this Ordinance, where two (2) or more multiple-family dwelling structures exist on the same parcel, the following minimum separation distances shall be maintained:

a. Where buildings are front-to-front or front-to-rear, a minimum separation of 70 feet shall be provided;

b. Where buildings are side-to-side, a minimum separation of 20 feet shall be provided;

c. Where buildings are front-to-side, rear-to-side or rear-to-rear, a minimum separation of 45 feet shall be provided.

6. Access. Multiple-family developments shall have paved access to a major collector or arterial road.

7. Internal Streets, Drives and Parking. All internal parking and circulation areas shall meet the standards provided in Article 7.

8. Pedestrian Facilities. Sidewalks shall be provided within multiple-family residential developments connecting building entrances, parking areas, and recreational areas found on-site to one another and to sidewalks or safety paths found within the adjacent road right(s)-of-way. Such sidewalks shall made of concrete, with a minimum width of four (4) feet.

C. Manufactured Housing Community Regulations.

1. Procedure and Permits for Manufactured Housing Communities.

a. To receive approval of a proposed manufactured housing community, the owner or developer, in addition to all such procedures as may otherwise be required by this Ordinance, shall:

i. Obtain approval subject to preliminary plan review requirements in accordance with Public Act 96 of 1987, as amended.

ii. Subsequent to item a.i., above, obtain Plan approval from the Mobile Home Commission as required by Public Act 96 of 1987, as amended.

b. To construct a manufactured housing community, the owner or developer shall:

i. Obtain a construction permit from the Mobile Home Commission as required by Public Act 96 of 1987, as amended. A copy of said permit shall be given to the Township Building Official.

ii. Obtain electrical, fuel system and plumbing permits from the appropriate State agency.

iii. Obtain a building permit from the Township Building Inspector for any accessory buildings or structures, under park management supervision, which are used as/for office space.

c. To occupy, or operate a manufactured housing community, the owner or developer shall:

i. Obtain approval from the Director of the Mobile Home Commission of the completed construction as required by Public Act 96 of 1987, as amended. A copy of said approval shall be given to the Township Building Inspector.

ii. Obtain an annual license from the Director of the Mobile Home Commission as required by Public Act 96 of 1987, as amended, a copy of receipt of which shall be given to the Township Clerk.

iii. Obtain a permit to occupy or license to occupy the site of each individual manufactured housing community site. The permit shall be issued after an inspection to determine the following:

(7) The manufactured housing unit contains the property HUD seal of approval or is built to A.N.S.I. standards.

(8) The necessary connections between the manufactured housing unit and the manufactured housing unit site have been properly completed.

d. Periodic Inspection. The Township Building Inspector or other agents authorized by the Township are granted the power and authority to enter upon the premises of any such park to inspect in connection with the issuance or renewal of the license or whenever there is reason to believe that a rule promulgated by the Mobile Home Commission or any provision or provisions of this or any other Township ordinance is applicable to the issuance of a building permit.

2. Required Standards for Manufactured Housing Communities.

a. All manufactured housing units sited on individually platted lots or lots of record not in a manufactured housing community or zoned MHC, shall conform to the area, height, and placement regulations of the zoning district governing that parcel.

b. The land area of a manufactured housing community shall not be less that ten (10) acres and be zoned MHC.

c. Each manufactured housing unit within such park shall be constructed in all respects so as to meet or exceed all of the standards (including, but not limited to those for plumbing,

electrical apparatus, insulation, and roof snow load and strength) set forth in the United States Department of Housing and Urban Development Mobile Home Construction and Safety Standards (24 CFR 3280), as amended or A.N.S.I. standards.

d. Manufactured housing communities may be developed as a conventional-zoned development in which case the following standards shall apply:

i. The manufactured housing community shall be developed with sites averaging 5,500 square feet per manufactured housing unit. The 5,500 square feet for any one site may be reduced by 20 percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space. The open space shall be in addition to that required under R 125.1946, Rule 946 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code.

ii. Manufactured housing unit separation distances:

(7) From another manufactured home 20 feet

(8) From an adjacent parking space, and attached or detached structure or accessory not used for living purposes, or an internal road 10 feet

(9) From a permanent building 50 feet

(10) From an active recreational facility 100 feet

(11) From an exterior property line 10 feet

(12) From a public road right-of-way line 50 feet or,

iii. The developer may also request PUD zoning in which case the standards in “d” above may be relaxed to provide additional site amenities.

e. Outdoor lighting shall comply with Rule 929 of the Mobile Home Commission.

f. Each manufactured housing unit site may be provided with a stand consisting of a solid concrete pad not less than four (4)

inches thick and not less than the length and width of of the manufactured home that will use this site or installed in accordance with rules promulgated by the Mobile Home Commission. This pad shall be so constructed, graded, and placed to be durable and adequate for the support of the maximum anticipated load during all seasons. In the absence of the solid concrete pad, the pillar method of support shall be used, as specified by the rules promulgated by the Mobile Home Commission pursuant to the authority granted by Public Act 96 of 1987, as amended.

g. Each manufactured housing unit shall be anchored in a manner consistent with the rules promulgated by the Mobile Home Commission pursuant to the authority granted by Public Act 96 of 1987, as amended.

h. No personal property shall be stored outside or under any manufactured home. Storage sheds may be used to store property, but need not be supplied by the owner of the manufactured housing community.

i. Uniform skirting of each manufactured home base shall be required. Such skirting shall be so constructed and attached to the manufactured housing unit so as to deter and prevent entry of rodents and insects. Further, such skirting shall meet the requirements of Rule 604 of the Mobile Home Commission Rules. Storage of goods and articles underneath any manufactured housing unit or out-of-doors at any manufactured housing unit site shall be prohibited, except that the appurtenances to the manufactured housing unit such as the towing tongue may be stored underneath the manufactured housing unit.

j. Canopies and awnings may be attached to any manufactured housing unit and may be enclosed and used for recreation or sun room purposes. When enclosed for living purposes, such shall be considered as part of the manufactured housing unit and a permit required, issued by the Township Building Inspector, before such an enclosure can be used for living purposes, and shall conform to all relevant yard and setback requirements.

k. All manufactured housing units within such parks shall be suitably connected to sewer and water services provided at each manufactured housing unit site, and shall meet the requirements and be approved by the Michigan Department of Public Health.

i. All sanitary sewage facilities, including plumbing connections to each manufactured housing unit site, shall be constructed so that all facilities and lines are protected from freezing, from bumping, or from creating any type of nuisance or health hazard. Sewage facilities shall be of such capacity to adequately serve all users of the park at peak periods. Running water from a State tested and approved supply shall be piped to each manufactured housing unit.

ii. Storm drainage and storm retention facilities shall be so constructed as to protect those property owners adjacent to the park. Such park facilities shall be of such capacity to insure rapid on-site drainage and prevent the accumulation of stagnant pools of water in the park, and shall confirm to the requirements of the Michigan Department of Public Health.

l. Disposal of garbage and trash.

i. All garbage and trash containers shall meet, be located, and be serviced according to the rules of the Michigan Department of Public Health.

ii. The method used for such removal shall be approved by the State and inspected periodically by the Washtenaw County Health Department.

m. Every manufactured housing community served by a public water main shall be equipped at all times with fire hydrants in good working order of such type, size, and number, and located within the park so as to satisfy regulations of the State Fire Marshall and the Township Fire Department in the same manner as required of all other residential development.

n. All electric, telephone, cable television, and other lines from poles along the perimeter of the park or from other sources to each manufactured housing unit site shall be underground.

o. The use of individual fuel oil or propane storage tanks shall meet the standards of Rule 939 of the Mobile Home Commission Rules.

p. Any required plantings in the development shall be hardy plant materials and maintained thereafter in a neat and orderly manner. Withered and/or dead plant material shall be

replaced within a reasonable period of time, but no long than one growing season.

q. Open spaces and/or recreational areas and facilities shall be developed according to Rules 946 and 947 of the Mobile Home Commission Rules.

r. All roads, driveways, and motor vehicle parking spaces shall be hard surfaced and constructed as to handle all anticipated peak loads, and adequately drained and lighted for safety and ease of movement of pedestrians and vehicles. All roads and driveways may have curbs and gutters as provided by Rule 923 of the Mobile Home Commission Rules.

s. Two automobile parking spaces shall be provided for each manufactured housing unit site. There shall be provided additional automobile parking spaces in number no less than one-third the number of manufactured housing unit sites within such development. Central storage of all non-passenger type vehicles including trucks, trailers, and recreational vehicles shall be properly screened so as not to be a nuisance. Any truck or truck/trailer combination over 10,000 Gross Vehicle Weight is specifically prohibited with the exception of manufactured housing unit transport or community maintenance vehicles. Each parking space shall be of adequate size, at least according to the standards of Rules 925 and 926 of the Mobile Home Commission Rules.

t. Minimum widths of roadways (curb face to curb face) shall be as follows:

Motor Vehicle Parking	**Traffic Use**	**Minimum Pavement Width**	
		Curb face to curb face	**Without Curb**
Parking Prohibited	Two-Way Road	22 feet	21 feet
Parallel Parking One (1) Side Only	Two-Way Road	32 feet	31 feet
Parallel Parking Two (2) Sides	Two-Way Road	42 feet	41 feet
Parking Prohibited	One-Way Road	13 feet	13 feet
Parallel Parking One (1) Side Only	One-Way Road	23 feet	23 feet
Parallel Parking Two (2) Sides	One-Way Road	33 feet	33 feet

u. All walkways shall not be less than three (3) feet in width.

v. A master antenna or cable system may be installed and extended to individual manufactured housing unit sites by underground lines. Such master antenna shall be so placed as not to be a nuisance to community residents or surrounding areas. A master antenna system is preferred over antenna located upon the individual manufactured housing unit sites.

w. It is intended that the manufactured housing community be attractively landscaped. Development owners and management are required to maintain the physical and natural features of the community in a neat, orderly, and safe manner.

D. Commercial Design Standards. Development in the Local Commercial (LC), General Commercial (GC), and Village Mixed-Use (VMU) district shall conform to the following:

1. Residential Density (only applies to VMU districts).

a. The maximum permitted density of multiple-family dwellings in the VMU district shall be based on the total number of bedrooms. The maximum number of bedrooms permitted shall be equal to the area of the subject parcel dedicated to multiple-family use (in square feet) divided by 1,800. For the purposes of this calculation, efficiency units shall be considered to have one (1) bedroom.

b. Land area to be shared between multiple-family dwellings and other uses (e.g. apartments over storefronts), shall be permitted one-half (½) the number of bedrooms described above under item a.

c. Detached single-family dwellings shall occupy individual lots meeting the minimum lot size for the VMU district.

2. Parking.

a. Parking shall not be permitted in a required front yard.

b. Parking areas shall be screened from view from the road through the use of a masonry screen wall at least 42 inches in height, or a continuous evergreen landscape screen of at least six (6) feet in height.

c. Parking areas shall be set back at least ten (10) feet from all property that is zoned or used for single-family residential purposes.

d. Shared or collective parking arrangements, in conformance with Section 7.1(J), are encouraged.

3. Building Design and Orientation.

a. The maximum linear length of an uninterrupted building façade facing public streets shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street are required to ensure that the building is not monotonous in appearance. Building wall offsets (projections and recesses), cornices, varying building materials or pilasters shall be used to break up the mass of a single building.

b. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than fifty percent (50%) of their horizontal length. Real windows allowing daylight in the building are encouraged.

c. Roofs.

i. Flat Roofs. Parapets concealing flat roofs and rooftop equipment such as HVAC units from public view are required.

ii. Pitched Roofs.

(1) Overhanging eaves on pitched roofs shall be a minimum of twelve (12)-inches including gutter, with a minimum one (1)-inch rake.

(2) An average slope greater than 4:12 is required.

d. Building Materials and Colors.

i. Predominant exterior building materials shall be high quality materials, including, but not limited to: brick, stone, architectural steel, glass, stone, fiber cement, and split-faced block. Vinyl or aluminum siding shall only be used for accents. Exterior Insulation Finishing Systems (E.I.F.S) or similar material is not permitted as a primary building material.

ii. Façade colors and systems shall be reviewed and approved by the Planning Commission as part of final site plan review.

4. Road/Pedestrian Orientation. Buildings in the LC, GC, and VMU districts shall have at least one entrance facing the road upon which said building fronts. Said entrance shall be connected by a concrete sidewalk of at least four (4) feet in width to any sidewalks located within the adjacent road right(s)-of-way.

E. Permitted Yard Encroachments. Chimneys, fire escapes, balconies, bay windows, roofed porches and similar projections shall be considered integral parts of the building to which they are attached, and shall be subject to all yard and setback requirements. The items listed below may be permitted to encroach upon required yards, according to the standards provided for each, however all other applicable standards of this or any other ordinance shall remain in effect.

3. Terraces, Patios. Terraces, patios, and similar accessory structures that are not attached to a principal or accessory building and are unroofed and without walls or other continuous enclosure may encroach upon required side or rear yards, but shall be no closer than five (5) feet from the side or rear lot line. Such structures may have open railings or fences not exceeding four (4) feet in height and may have non-continuous windbreaks or visual screens not exceeding six (6) feet in height. Such structures are not permitted to encroach into the required front yard.

4. Architectural Features. Eaves, gutters, sills, pilasters, cornices, belt courses, leaders, and similar architectural features may project into any required yard a maximum of twenty-four (24) inches.

5. Residential Air Conditioning Equipment. Air conditioning equipment may encroach into required side or rear yards, but shall be no closer than five (5) feet from the side or rear property line. Such structures are not permitted to encroach into the required front yard.

6. Encroachments Permitted in All Yards. Fences, landscaping, arbors, trellises, driveways and similar items may encroach upon any required yard.

F. Exemptions from Building Height Regulations. The following structures and appurtenances shall be exempt from the height regulations of this ordinance: cupolas, spires, belfries, mechanical penthouses, and domes; chimneys, ventilators, skylights, water tanks, windmills, public utility transmission and distribution lines and related structures; radio and television broadcasting and receiving antennae; silos, grain storage bins and associated equipment; parapets, and other appurtenances usually required to be placed above roof level and not intended for human occupancy. Wireless and/or cellular towers and/or facilities shall not be exempt from height restrictions.

ARTICLE 4
SPECIAL LAND USES

4.1 Intent. The procedures and standards in this Section are intended to provide a consistent and uniform method for review of proposed plans for special land uses. Special land uses are uses which possess unique characteristics and therefore cannot be properly classified as a permitted use in a particular zoning district. This Article contains standards for review or each special land use proposal individually on its own merits to determine if it is an appropriate use for the district and specific location where it is proposed.

4.2 Application Requirements. An application for special land use permit approval shall be accompanied by a site plan meeting the standards of Article 11, along with any other information deemed necessary by the Zoning Administrator to determine compliance with this Ordinance and to provide for its enforcement.

4.3 Procedures. Special land uses permit requests shall be reviewed in accordance with the procedures in Article 11 for site plan review, except as follows:

A. The Zoning Administrator shall review the proposed application to determine if all required information has been supplied, and then forward completed applications and supporting data to the Planning Commission.

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.

C. Upon conclusion of the public hearing procedures, the Planning Commission may deliberate on the special land use permit request. A copy of the Planning Commission's decision, with any conditions or reasons for rejection, shall be sent promptly to the Zoning Administrator and to the applicant.

D. The decision of the Planning Commission shall be incorporated in a statement of conclusions, or “findings of fact”, relative to the special land use under consideration. The statement of conclusions, or “findings of fact”, shall be incorporated in the Planning Commission’s motion, and recorded in the official meeting minutes. Any decision which denies a request or imposes conditions upon its approval shall specify the basis for the denial or the conditions imposed.

E. Upon approval of a special land use pursuant to Section 4.3(C), a Special Land Use Permit Agreement, which incorporates the terms and conditions of the approval, shall be prepared by the Township in recordable form. The

special land use approval shall not become effective until the Special Land Use Permit Agreement has been executed by the Chair and Secretary of the Planning Commission and the applicant, and has been recorded by the applicant with the Washtenaw County Register of Deeds. Evidence of such recording shall be provided to the Township.

F. Reapplication. No application for a special land use permit which has been denied wholly or in part shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or change of conditions found to be sufficient to justify reconsideration by the Planning Commission.

4.4 Basis of Determinations. The Planning Commission shall review each case individually and make findings of fact relative to the following criteria and, where applicable, additional standards stated within this Ordinance.

A. Will be harmonious and in accordance with the general objectives or any specific objectives of the Augusta Charter Township Master Plan.

B. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.

C. Will not be hazardous or disturbing to existing or future nearby uses.

D. Will be an improvement in relation to property in the immediate vicinity and to the Township as a whole.

E. Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately for any such service or facility.

F. Will not create excessive additional public costs and will not be detrimental to the economic welfare of the Township.

G. Will be consistent with the intent, purposes and specifications of this Ordinance.

4.5 Conditions and Safeguards. The Planning Commission may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for ensuring that the purposes of this Ordinance and the general spirit and purpose of the district in which the special approval use is proposed will be observed. Special land use permits for temporary or transient uses may be issued for specific time periods as determined by the Planning Commission.

4.6 Voiding or Revocation of Special Land Use Permit. Unless otherwise specified by the Planning Commission, any special land use permit granted under this section shall be null and void unless the development proposed shall have its first inspection within six (6) months of the date of granting the permit. Should the Zoning Administrator determine that construction associated with an approved Special Land Use Permit is not in conformance with the approved plans, or that compliance with the conditions set forth in an approved Special Land Use Permit has not been consistently demonstrated, the Administrator shall notify the permit holder and attempt to secure compliance with the Special Land Use Permit administratively. If the Zoning Administrator's attempts to secure compliance are unsuccessful, the following process shall be followed:

A. The issue shall be placed on the agenda of the next available Planning Commission meeting for a show cause hearing to be held. Written notification of the hearing shall be delivered to the permit holder (at the address indicated on the permit in question) via certified mail no less than ten (10) days prior to the hearing.

B. The Planning Commission shall conduct the show cause hearing, allowing the applicant the opportunity to present information and answer questions.

C. Either at the hearing or at their next regular meeting, the Planning Commission may revoke the Special Land Use Permit if it finds, by a preponderance of evidence and facts presented, all of the following:

1. That a violation of the site plan approval or Special Land Use Permit exists, or that a violation of this or any other ordinance of the Township exists;

2. That the violation has not been remedied prior to the meeting; and,

3. That the violation creates a risk or danger to the public health, safety and/or welfare.

ARTICLE 5
GENERAL PROVISIONS

5.1 Continued Conformance with Regulations. The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, and all other requirements for a building or use specified within this Ordinance shall be a continuing obligation of the owner of such building or property on which such building or use is located.

5.2 Unlawful Buildings, Structures, Site Designs and Uses. A building, structure or use which was not lawfully existing at the time of adoption of this ordinance shall not be made lawful solely by the adoption of this Ordinance. In case any building, or part thereof, is used, erected, occupied or altered contrary to the provisions of this Ordinance, such building or use shall be deemed an unlawful nuisance and may be required to be vacated, torn down or abated by any legal means, and shall not be used or occupied until it has be made to conform to the provisions of this Ordinance. Public expenditures toward abating any such nuisance shall become a lien upon the land.

5.3 One Lot, One Building. In all single-family residential districts, only one (1) principal building shall be placed on a single lot of record.

5.4 Required Street Frontage. Any parcel of land which is to be occupied by a use or building, other than an accessory use or building, shall have frontage on and direct access to a public or private road which meets one of the following conditions.

A. A public road which has been accepted for maintenance by the Washtenaw County Road Commission; or

B. A permanent and unobstructed private road built in accordance with the provisions of Article 10.

5.5 Visibility at Intersections. On any corner lot in any district having front and side yards, no fence, wall, screen, hedge, sign, or other structure or planting shall obstruct the visibility of street vehicular traffic between the heights of three (3) feet and ten (10) feet in an area measuring twenty-five (25) feet from the point of intersection of the street right-of-way lines and the tangent connecting the twenty-five (25) foot extremities of the intersecting right-of-way lines.

5.6 Accessory Buildings and Structures.

A. <u>Use of Accessory Buildings and Structures.</u> Attached and detached accessory buildings and structures associated with residential dwellings shall only be used for the storage of personal property and for the conduct

of a permitted home occupation, as defined in Article 2. Such buildings and structures shall not be used as dwelling units or for the conduct of any other business, profession, trade or occupation, or as storage that is offered for rent.

B. Timing of Construction. No accessory building or structure shall be constructed or established on a parcel unless there is a principal building, structure or use being constructed or already established on the same parcel of land, unless otherwise approved by the Zoning Board of Appeals. The Zoning Board of Appeals shall require that a cash performance guarantee be posted to insure completion of the main building, as a condition of approval for prior construction of an accessory building.

C. Attached Accessory Buildings and Structures. Accessory buildings or structures which are attached to the principal building (such as an attached garage, breezeway, deck, or workshop) shall be considered a part of the principal building for the purposes of determining conformance with setback, height, and lot coverage requirements.

D. Detached Accessory Buildings and Structures

1. Setbacks. In the VR, SR-1, SR-2 and SR-3 zoning districts, side and rear setbacks shall be five (5) feet. In all other residential zoning districts side and rear setbacks of accessory structures will be ten (10) fee. Detached accessory buildings and structures in non-residential districts shall comply with the setback requirements of Section 3.6.

2. Distance Between Buildings. Detached accessory buildings shall be located at least ten (10) feet from any building on the site.

3. Height. Accessory buildings and structures in the VR, SR-1, SR-2 and SR-3 zoning districts shall not exceed 15 feet in height. Accessory buildings and structures in all other zones shall comply with the maximum building height requirement for the district in which they are located, as established under Section 3.6. Accessory buildings and structures associated with a legally-existing farm operation protected under the Right to Farm Act shall be exempt from the height restrictions of this Section.

4. Lot Coverage. Accessory buildings and structures shall be included in computations to determine compliance with maximum lot coverage standards established under Section 3.6.

E. Location. Accessory buildings and structures shall not be located within a dedicated easement or right-of-way. Additionally, all accessory structures shall e located outside of the required front setbacks as established in Section 3.6 and behind the front building line of the principal structure.

F. Area in Relation to Principal Building. The total floor area of all attached and detached accessory buildings in VR, SR-1, SR-2 and SR-3 zoning districts shall not exceed the total floor area of the main dwelling on the same lot.

G. Appearance. No attached or detached residential accessory building shall have exposed or uncovered tarpaper, plywood sheathing, unpainted cement block walls or similar materials. All exposed walls shall have a finished appearance by the application of face brick, wood, aluminum or composition siding, or similar materials approved by the Zoning Administrator.

H. Non-Residential Features. In order to maintain the residential character of attached and detached accessory buildings located in the VR, SR-1, SR-2 and SR-3 zoning districts, overhead or similar doors greater than nine (9) feet in height, and similar non-residential equipment and features, shall not be permitted on the side of the accessory building facing the front lot line.

I. Swimming Pools. Private swimming pools shall be considered as accessory structures and are subject to the following:

1. Private swimming pools shall not be permitted in the front yard.

2. All design and construction standards contained in the Michigan Residential Code related to private swimming pools shall be adhered to.

5.7 Landscaping and Screening.

A. Intent and Scope of Requirements

1. Intent. Landscaping enhances the visual image of Augusta Charter Township, preserves natural features, improves property values, and alleviates 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 intensive, nonresidential uses. These provisions are intended to set minimum standards for the design and use of landscaping, greenbelts, and screening, and for the protection and enhancement of the Township's environment. More specifically, the intent of these provisions is to:

a. Improve the appearance of off-street parking areas, vehicular use areas, and property abutting public rights-of-way,

b. Protect and preserve the appearance, character, and value of the neighborhoods that abut non-residential areas, parking areas, and other intensive use areas, thereby protecting the public health, safety and welfare,

c. Reduce soil erosion and sedimentation, and

d. Increase stormwater infiltration, thereby helping to prevent flooding.

2. Scope of Application. No site plan shall be approved unless it shows landscaping consistent with the requirements of this Section. A building permit shall not be issued until the required landscape plan is submitted and approved, and a certificate of occupancy shall not be issued unless provisions set forth in this Section have been met or a performance guarantee has been posted. The requirements in this Section shall not apply to single family detached homes, unless otherwise specifically noted.

3. Minimum Requirements. The requirements in this Section are minimum requirements, and under no circumstances shall they preclude the developer and the Township from agreeing to more extensive landscaping.

4. Design Creativity. Creativity in landscape design is encouraged. Accordingly, required trees and shrubs may be planted at uniform intervals, irregular intervals, or in groupings, depending on the designer's desired visual effect and, equally important, the intent of the Township to coordinate landscaping on adjoining properties.

5. Summary of Regulations. The following table summarizes the landscaping regulations contained in this Section:

Summary of Minimum Landscape Requirements[1]

	Landscaping Island Ratio	Minimum Height	Minimum Width	Deciduous or Evergreen Trees	Ornamental Trees	Deciduous or Evergreen Shrubs
General Site Landscaping Sec. 5.7(C)(1)	--	--	--	1 per 3,000 sq. ft.	--	--
Landscaping Adjacent to Roads Sec. 5.7(C)(2)	--	--	20 ft.	1 per 30 lineal ft.	1 per 100 lineal ft.	5 per 30 lineal feet
Greenbelts Sec. 5.7(C)(4)	--	--	20 ft.	1 per 30 lineal ft.	--	[2]
Greenbelts used for Screening Sec. 5.7(C)(2) & (5)	--	6 ft.	20 ft.	[3]	--	--
Berms in Front Yard Sec. 5.7(C)(2)	--	[4]	[4]	1 per 30 lineal ft.	1 per 100 lineal ft.	5 per 30 lineal ft.
Berms used for Screening Sec. 5.7(C)(3) and (5)	--	3 ft.	[4]	[3]	--	--
Parking Lot Landscaping Sec. 5.7(C)(6)	20 sq. ft. per space	--	5 ft. [5]	1 per 300 sq. ft.	--	--

[1] See Sections 5.7(B) and 5.7(C) for detailed requirements.
[2] Five (5) shrubs may be substituted for each tree.
[3] Evergreens must be closely spaced (no further than fifteen (15) feet apart) to form an 80% visual barrier in summer and 60% visual barrier in winter within three (3) years.
[4] See Section 5.7(C)(3) for detailed requirements.
[5] Minimum area of each parking lot landscaped area: 200 sq. ft.

B. Specific Landscaping Requirements for Zoning Districts

1. Requirements for Commercial, Office, and Industrial Districts. All lots or parcels of land located in the LC, GC, VMU, O, LI and GI zoning districts shall comply with the following landscaping requirements:

   a. General Site Landscaping. All undeveloped portions of the site not already containing specific landscape requirements shall conform to the General Site Requirements in Section 5.7(C)(1).

   b. Landscaping Adjacent to Road. All commercial, office, and industrial developments shall comply with the requirements for landscaping adjacent to the road in Section 5.7(C)(2).

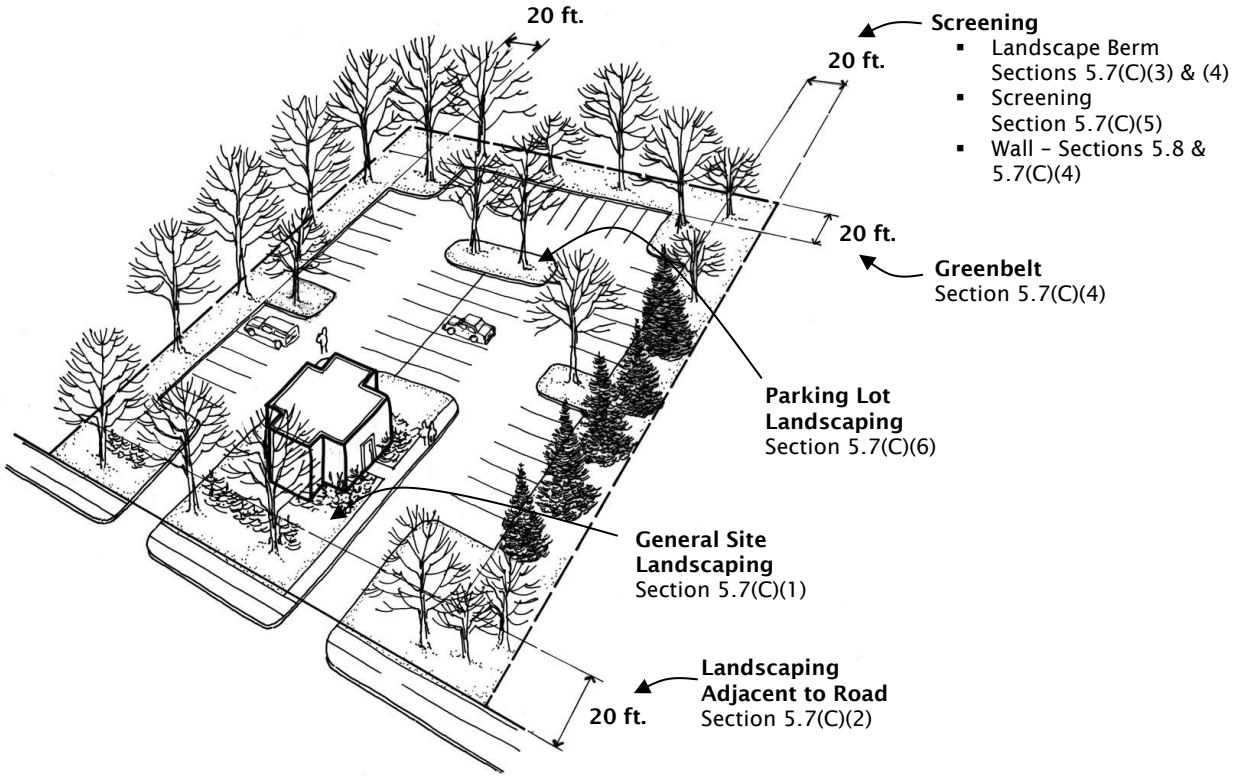
c. Berm Requirements. A berm may be used to screen off-street parking from view of the road, in which case the berm shall be planted in accordance with Section 5.7(C)(2). The berm shall be located totally on private property, adjacent to the road right-of-way.

d. Screening. Screening in the form of a landscaped berm, dense landscape screen, or wall shall be required wherever a non-residential use in a commercial, office, or industrial district abuts directly upon land zoned or used for residential purposes, and where loading areas would be visible from residential districts. Landscaped screening shall comply with the requirements in Section 5.7(C)(5). If a wall is used instead of landscaping, the requirements in Section 5.8 shall be complied with, but a landscaped greenbelt conforming to Section 5.7(C)(4) shall be required on the side of the wall facing the residential district.

e. Greenbelts. Except where screening is required, a landscaped greenbelt shall be provided along side and rear property lines in accordance with Section 5.7(C)(4).

f. Parking Lot Landscaping. Off-street parking areas containing greater than twenty (20) spaces shall comply with the requirements for parking lot landscaping in Section 5.7(C)(6).

Figure 1
Landscaping Requirements for Commercial, Office and Industrial Districts



2. Requirements for Multiple Family Districts. All lots or parcels of land located in the MR zoning district shall comply with the following landscaping requirements:

   a. General Site Landscaping. All undeveloped portions of the site not already containing specific landscape requirements shall conform to the General Site Requirements in Section 5.7(C)(1).

   b. Landscaping Adjacent to Road. All multiple family developments shall comply with the requirements for landscaping adjacent to the road in Section 5.7(C)(2).

   c. Berm Requirements. A berm may be used to screen off-street parking from view of the road, in which case the berm shall be planted in accordance with Section 5.7(C)(2). The berm shall be located totally on private property, adjacent to the road right-of-way.

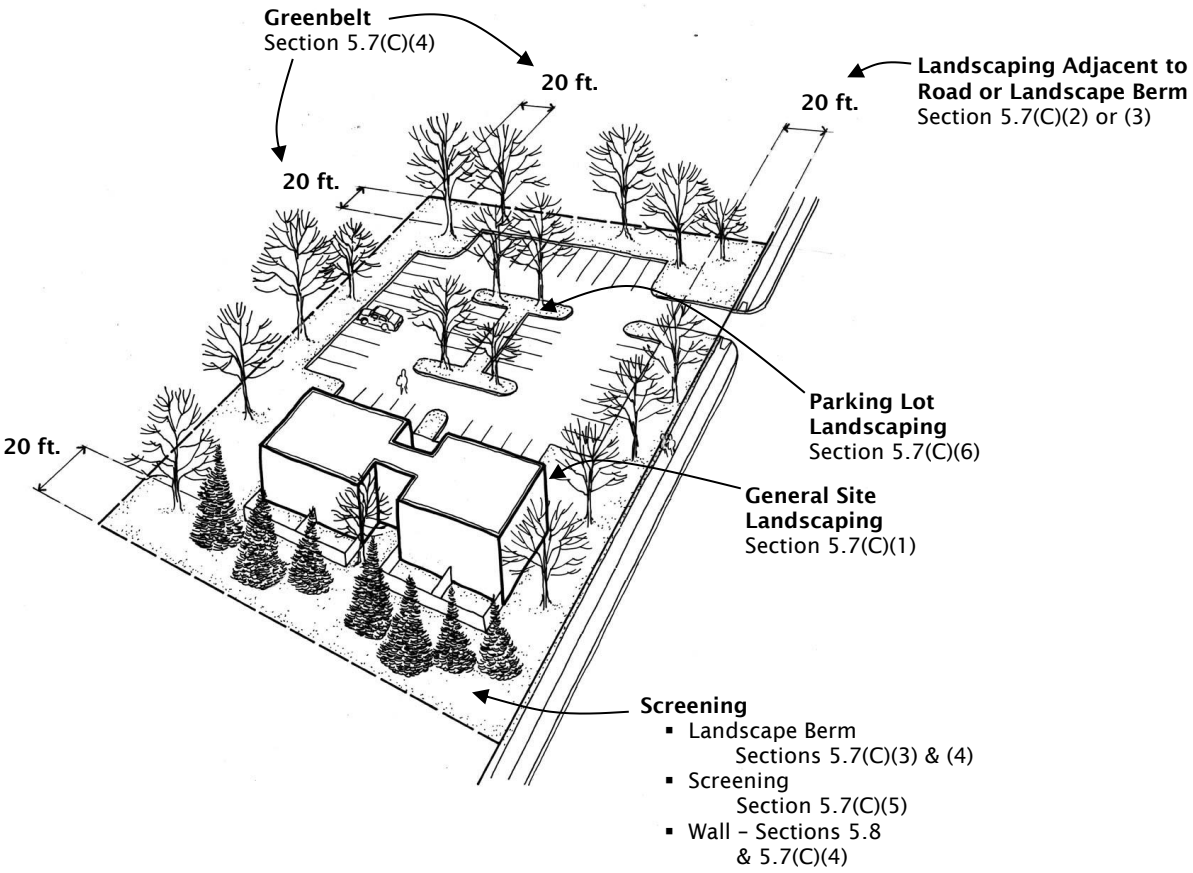
d. Screening. Screening in the form of a landscaped berm, dense landscape screen, or wall shall be required on all sides of a multiple family development abutting land zoned or used for single family residential purposes. Landscaped screening shall comply with the requirements in Section 5.7(C)(5). A wall may be used instead of landscaping adjacent to nonresidential districts, subject to the requirements in Section 5.8. If a wall is used instead of landscaping, the requirements in Section 5.8 shall be complied with, but a landscaped greenbelt conforming to Section 5.7(C)(4) shall be required on the side of the wall facing the residential district.

e. Greenbelts. Except where screening is required, a landscaped greenbelt shall be provided along side and rear property lines in accordance with Section 5.7(C)(4).

f. Parking Lot Landscaping. Off-street parking areas containing greater than ten (10) spaces shall comply with the requirements for parking lot landscaping in Section 5.7(C)(6).

g. Privacy Screen. Where multiple family dwellings are designed so that rear open areas or patio areas front onto a public street, a landscaped privacy screen shall be provided. The screen may consist of a combination of trees, shrubs, and berms, subject to review by the Planning Commission.

Figure 2
Landscaping Requirements for Multiple-Family Residential Districts



3. Requirements for Non-Residential Uses in Residential Districts. All non-residential uses developed in residential zoning districts shall comply with the following landscaping requirements:

   a. General Site Landscaping. All undeveloped portions of the site not already containing specific landscape requirements shall conform to the General Site Requirements in Section 5.7(C)(1).

   b. Landscaping Adjacent to Road. All non-residential developments located in residential districts shall comply with the requirements for landscaping adjacent to the road in Section 5.7(C)(2).

   c. Berm Requirements. A berm may be used to screen off-street parking from view of the road, in which case the berm shall be planted in accordance with Section 5.7(C)(2). The berm shall be located totally on private property, adjacent to the road right-of-way.

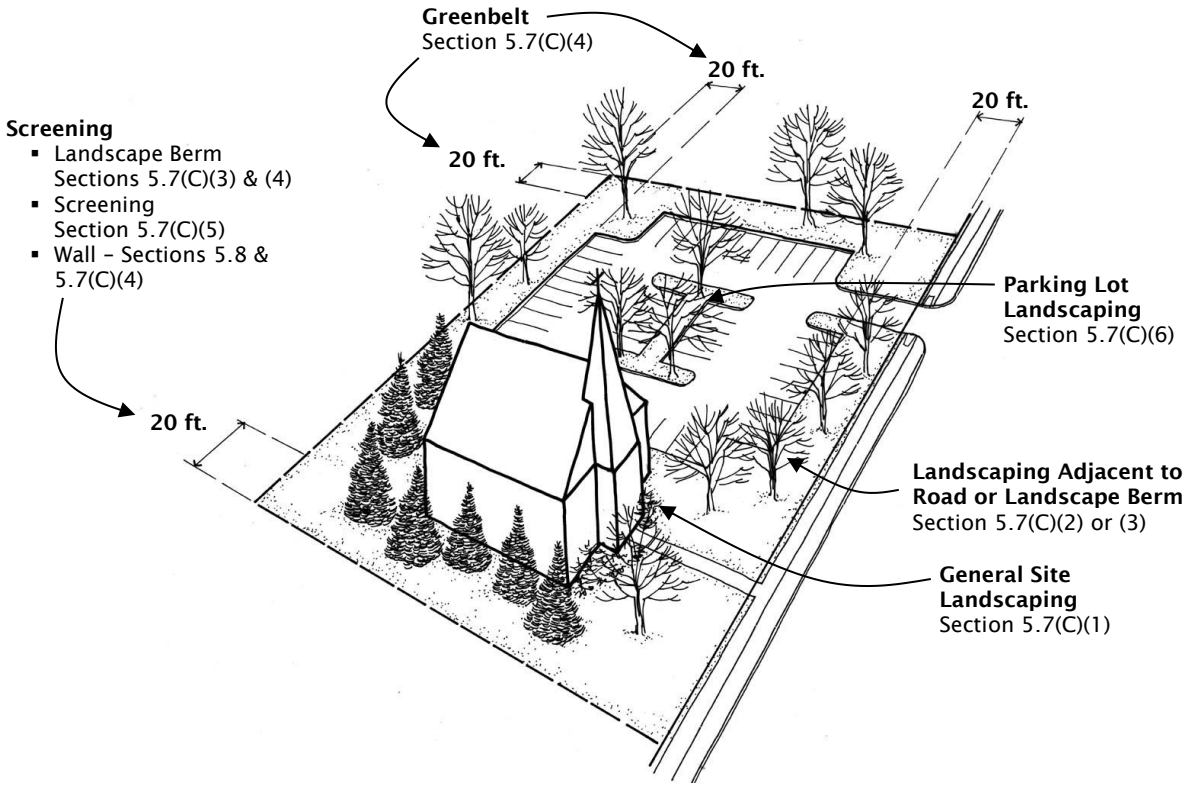
d. Screening. Screening in the form of a landscaped berm, dense landscape screen, or wall shall be required wherever a non-residential use abuts directly upon land zoned or used for residential purposes. Landscaped screening shall comply with the requirements in Section 5.7(C)(5). If a wall is used instead of landscaping, the requirements in Section 5.8 shall be complied with, and a landscaped greenbelt conforming to Section 5.7(C)(4) shall be provided on the side of the wall facing the residential district.

e. Greenbelts. Except where screening is required, a landscaped greenbelt shall be provided along side and rear property lines in accordance with Section 5.7(C)(4).

f. Parking Lot Landscaping. Off-street parking areas containing greater than ten (10) spaces shall comply with the requirements for parking lot landscaping in Section 5.7(C)(5).

Figure 3

Landscaping Requirements for Non-Residential Uses in Residential Areas



C. General Landscaping Requirements

1. General Site Requirements. All undeveloped portions of the site shall conform to the following general landscaping standards, except where specific landscape elements, such as greenbelts, berms, parking lot landscaping, landscaping along roadways or screening are required:

   a. All undeveloped portions of the site shall be planted with grass, ground cover, landscape mulch, shrubbery, landscape stone, or other suitable live plant material, which shall extend to any abutting street pavement edge. Grass areas in the front yard of all non-residential uses shall be planted with sod or hydro-seeded.

   b. A mixture of evergreen and deciduous trees shall be planted on non-residential parcels at the rate of one (1) tree per 3,000 square feet or portion thereof of any undeveloped open area for which specific landscaping requirements do not appear elsewhere in this chapter. Required trees may be planted at uniform intervals, irregular intervals, or in groupings.

2. Landscaping Adjacent to Roads

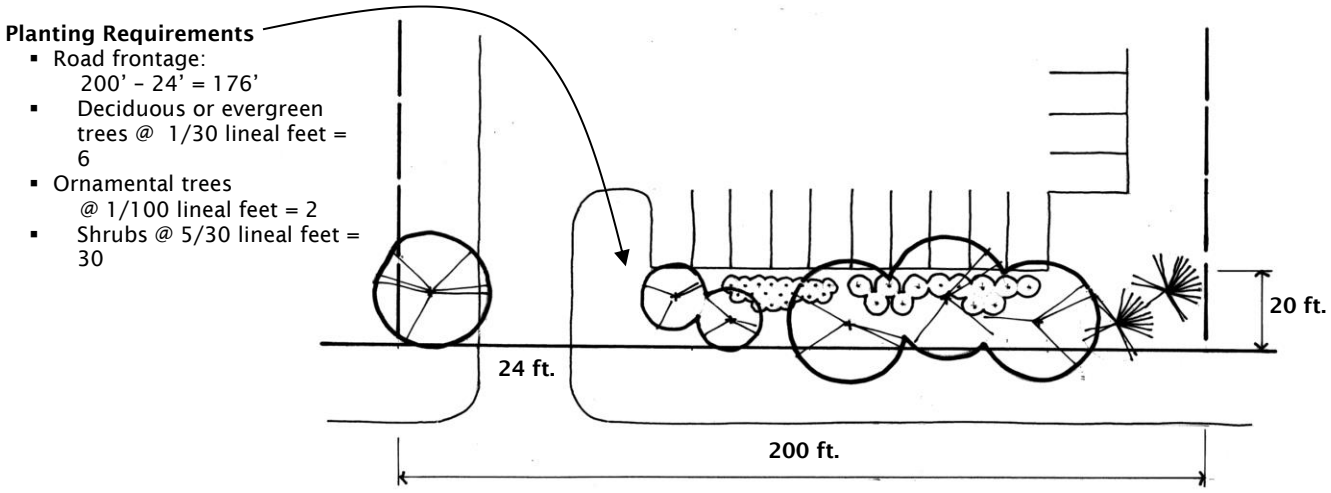
a. Planting Requirements. Where required, landscaping adjacent to public and private roads shall comply with each of the following planting requirements:

Planting Type	Requirement
Deciduous or Evergreen Trees	1 per 30 lineal feet of road frontage
Ornamental Trees	1 per 100 lineal feet of road frontage
Shrubs	5 per 30 lineal feet of road frontage

For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted. Trees and shrubs may be planted at uniform intervals, irregular intervals, or in groupings.

b. Location and Dimensions. Required landscaping adjacent to public and private roads shall be located totally on private property within a planting strip adjacent to the road right-of-way, planted in accordance with the requirements for intersection visibility under Section 5.5. The minimum width of the planting strip shall be twenty (20) feet.

Figure 4
Landscaping Adjacent to Roads



3. Berms. Where required, berms shall conform to the following standards:

   a. Dimensions. Unless otherwise indicated or appropriate, required berms shall be measured from the grade of the parking lot or flat ground adjacent to the berm, and shall be constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal (33 percent slope), with at least a two (2) foot flat area on top. Berms may undulate in height, subject to review and approval of berm design as shown on the site plan. All berms shall conform to the requirements for intersection visibility under Section 5.5.

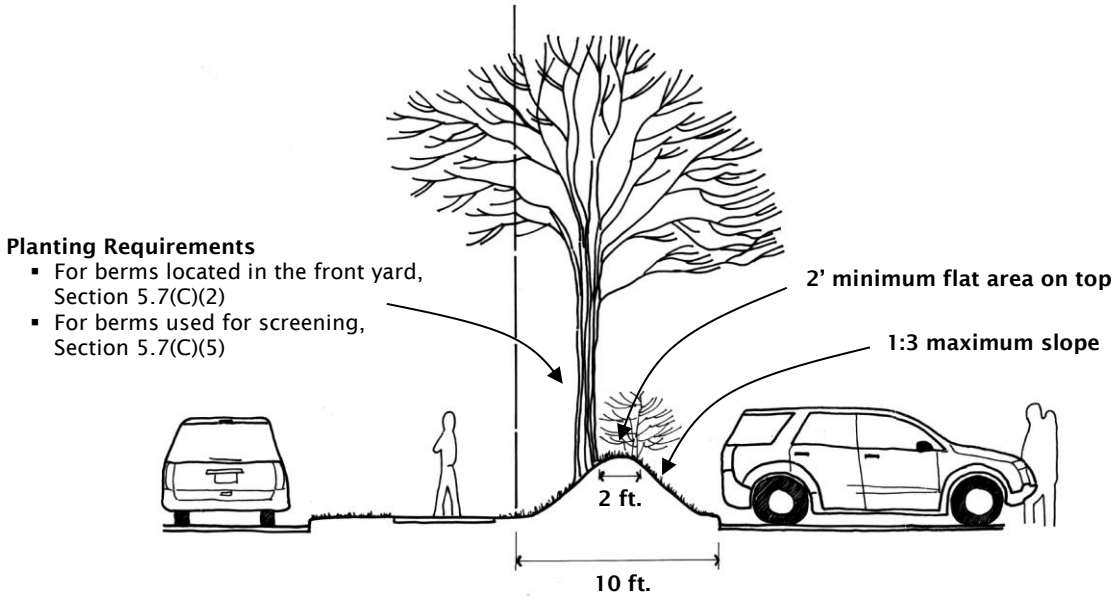
   b. Protection from Erosion. Any required berm shall be planted with sod, ground cover, or other suitable live plant material to protect it from erosion so that it retains its height and shape**.**

   c. Required Plantings

      i. Berms located in the front yard of non-residential parcels shall be landscaped in accordance with the requirements for Landscaping Adjacent to Roads, Section 5.7(C)(2).

      ii. Berms used for screening other than in the front yard shall be landscaped in accordance with the requirements for Screening, Section 5.7(C)(5).

Figure 5
Berms



d. Measurement of Berm Length. For the purposed of calculating required plant material, berm length shall be measured along the exterior edge of the berm.

4. Greenbelts. A twenty (20) foot greenbelt shall be required along the side and rear property lines of all nonresidential developments. Greenbelts shall conform to the following standards:

a. Location. Required greenbelts shall be located between the property line and any developed or paved area, including parking areas, access drives and buildings.

b. Measurement of Greenbelt Length. For the purposes of calculating required plant material, greenbelt length shall be measured along the exterior edge of the greenbelt.

c. General Planting Requirements

i. Ground Cover Requirements. Grass, landscape mulch, landscape stone, or other suitable live plant material shall be planted over the entire greenbelt area, except where paved walkways are used.

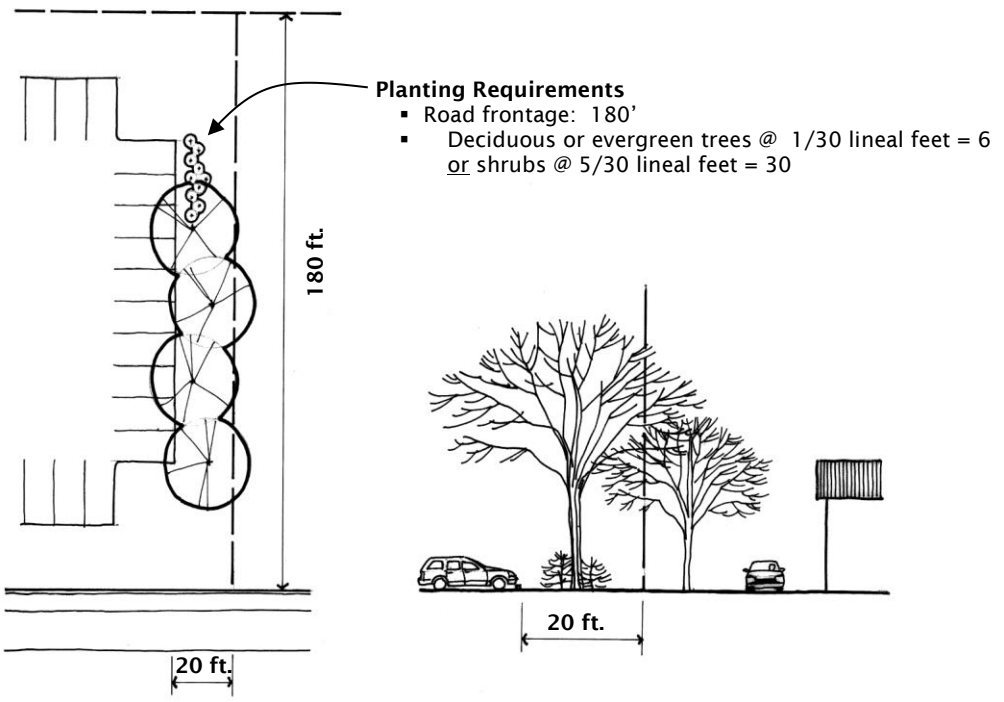
ii. Tree and Shrub Requirements. Except where the greenbelt is used for screening, a minimum of one (1) deciduous or evergreen tree shall be planted for each

thirty (30) lineal feet or portion thereof of required greenbelt, or, alternatively, five (5) shrubs may be substituted for each required tree. Trees and shrubs may be planted at uniform intervals, irregular intervals, or in groupings.

iii. Distance from Sidewalk. Plant materials shall not be placed closer than four (4) feet to the right-of-way line where the greenbelt abuts a public sidewalk.

d. Greenbelts Used for Screening. Greenbelts used for screening shall be landscaped in accordance with the requirements for Screening, Section 5.7(C)(5).

Figure 6
Greenbelt Along Side & Rear Property Lines



5. Screening

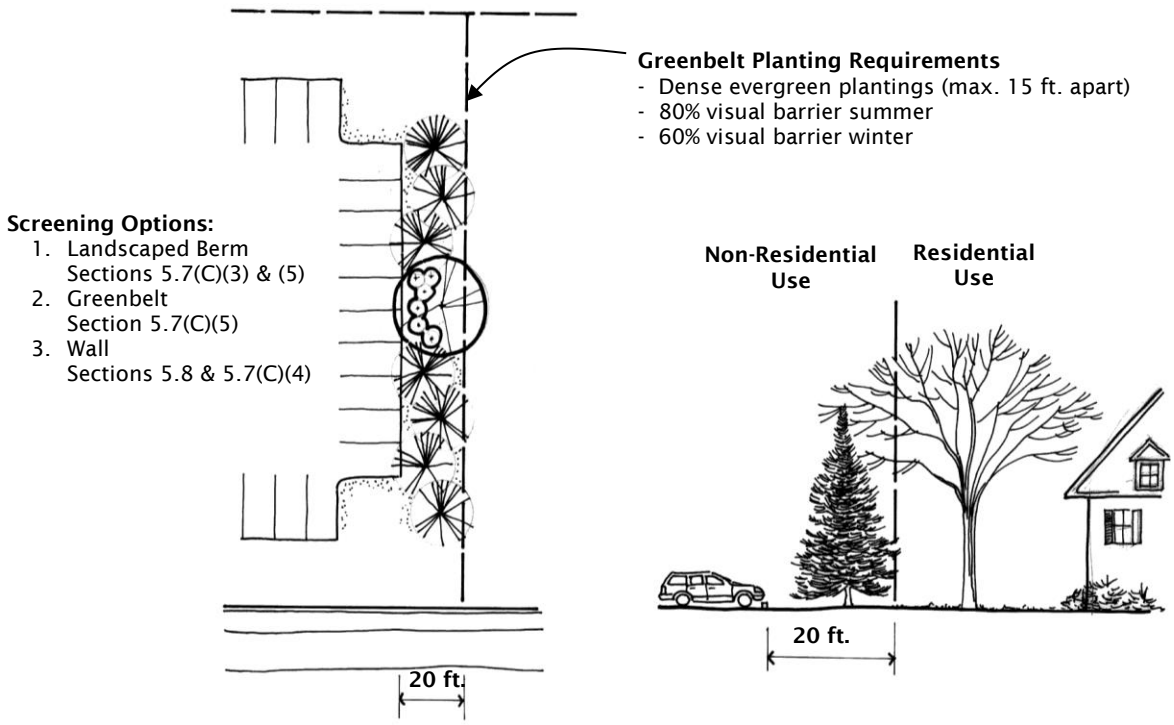
a. Landscape Screening Requirements. Unless otherwise specified, wherever an evergreen or landscaped screen is required, screening shall consist of closely-spaced evergreen plantings (i.e., no farther than fifteen (15) feet apart) which can be reasonably expected to form an eighty (80) percent visual barrier in summer and sixty (60) percent visual barrier in winter, that is at least six (6) feet above ground level within

three (3) years of planting. Deciduous plant materials may be used provided that an eighty (80) percent visual barrier in summer and sixty (60) percent visual barrier in winter is maintained. Wherever screening is required adjacent to residentially zoned or used property, the screening shall be installed as soon as practicable in relation to site grading and general construction activities.

b. Screen Wall Requirements. Unless otherwise specified, wherever a masonry screen wall is required, it shall measure no less than five (5) feet in height and comply with all requirements of Section 5.8.

c. Screening of Equipment. Mechanical equipment, such as air compressors, pool pumps, transformers, sprinkler pumps, satellite dish antennae, and similar equipment shall be screened on at least three (3) sides. Insofar as practical, said screening shall exceed the vertical height of the equipment being screened by at least six (6) inches within two (2) years of planting.

Figure 7
Screening Between Conflicting Land Uses



6. Parking Lot Landscaping. In addition to required screening, all off-street parking areas shall be landscaped as follows:

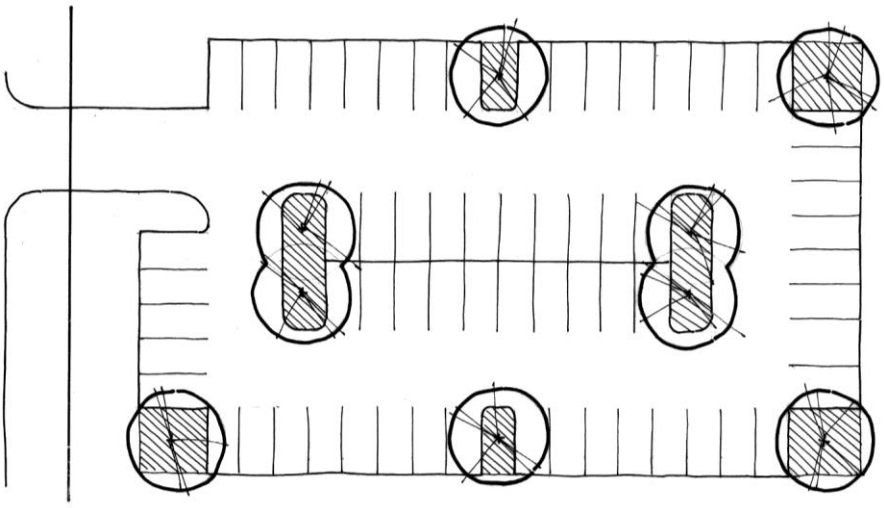
   a. Landscaping Ratio. Off-street parking areas containing greater than twenty (20) spaces shall be provided with at least twenty (20) square feet of interior landscaping per parking space. Landscaping around the perimeter of the lot shall not satisfy this requirement. Suitable interior parking lot landscaping is illustrated below in Figure 8. Whenever possible, parking lot landscaping shall be designed to improve the safety of pedestrian and vehicular traffic, guide traffic movement, break up the expanse of pavement, create shade, and improve the appearance of the parking area.

   b. Minimum Area. Landscaped areas in parking lots shall be no less than five (5) feet in any single dimension and no less than two hundred (200) square feet in area. Landscaped areas in or adjacent to parking lots shall be protected with curbing or other means to prevent encroachment of vehicles.

   c. Other Landscaping. Landscaping provided to satisfy other requirements elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements.

   d. Required Plantings. Requirements for plant material shall be based on the location, size, and shape of the parking lot landscaped area. A minimum of one (1) tree shall be planted per three hundred (300) square feet or fraction thereof of interior landscaped area. At least fifty percent (50%) of each interior landscaped area shall be covered by living plant material, such as sod, shrubs, ground cover, or trees. The landscape plan shall indicate the types, sizes, and quantities of plant material proposed for such area.

Figure 8
Parking Lot Landscaping



Parking Lot Requirements
- Internal landscaping:
  @ 20 s.f./space
- Plantings: 2400 s.f. provided
  @ 1 tree/300 s.f. = 8 trees

7. Landscaping of Rights-of-Way. Public rights-of-way located adjacent to required landscaped areas and greenbelts shall be planted with grass or other suitable live ground cover, and shall be maintained by the owner or occupant of the adjacent property as if the rights-of-way were part of the required landscaped areas or greenbelts. No plantings except grass or ground cover shall be permitted closer than three (3) feet from the edge of the road pavement.

8. Maintenance of Unobstructed Visibility For Drivers. No landscaping shall be established or maintained on any parcel or in any parking lot that will cause a traffic hazard by obstructing the view of drivers. All landscaping shall be planted in accordance with the requirements for intersection visibility under Section 5.5.

9. Potential Damage to Utilities. In no case shall landscaping material be planted in a way that will interfere with or cause damage to underground utility lines, public roads, or other public facilities. Species of trees whose roots are known to cause damage to public roadways, sewers, or other utilities, such as willows and silver maples, shall not be planted closer than fifteen (15) feet from any such roadways, sewers, or utilities.

10. Landscaping of Divider Medians. Where traffic on driveways, maneuvering lanes, private roads, or similar vehicle access ways is

separated by a divider median, the median shall be curbed and have a minimum width of ten (10) feet. A minimum of one (1) deciduous or evergreen tree shall be planted for each thirty (30) lineal feet or portion thereof of median. Trees may be planted at uniform intervals, irregular intervals, or in groupings, but in no instance shall the center-to-center distance between trees exceed sixty (60) feet.

11. Irrigation. The site plan shall indicate the proposed method of watering landscaped areas. Although not required, installation of an in-ground irrigation/sprinkler system is encouraged, particularly in front yards.

D. Standards for Landscape Materials. Unless otherwise specified, all landscape materials shall comply with the following standards:

1. Plant Quality. Plant materials used in compliance with the provisions of this Ordinance shall be nursery grown, free of pests and diseases, hardy in southeastern Michigan, in conformance with the American Standards for Nursery Stock of the American Landscape and Nursery Association (formerly the American Association of Nurserymen), and shall have passed inspections required under state regulations.

2. Non-Living Plant Material. Plastic and other non-living plant materials shall not be considered acceptable to meet the landscaping requirements of this Ordinance.

3. Plant Material Specifications. The following specifications shall apply to all plant material proposed in accordance with the landscaping requirements of this Ordinance:

a. Deciduous shade trees shall be a minimum of two and one-half (2.5) inches in caliper measured six (6) inches above grade with the first branch a minimum of four (4) feet above grade when planted.

b. Deciduous ornamental trees shall be a minimum of one and one-half (1-1/2) inches in caliper measured six (6) inches above grade with a minimum height of four (4) feet above grade when planted.

c. Evergreen trees shall be a minimum of six (6) feet in height when planted. Furthermore, evergreen trees shall have a minimum spread of two and one-half (2.5) feet, and the size of the burlapped root ball shall be at least ten (10) times the caliper measured six (6) inches above grade.

d. Shrubs shall be a minimum of two (2) feet in height when planted. Low growing shrubs shall have a minimum spread of twenty-four (24) inches when planted.

e. Hedges shall be planted and maintained so as to form a continuous, unbroken, visual screen within two (2) years after planting, barring unusual growing conditions, such as drought or disease. Hedges shall be a minimum of two (2) feet in height when planted.

Summary of Plant Material Specifications[1]

	Minimum Caliper	Minimum Height	Minimum Spread
Deciduous Trees	2 1/2 in.[2]	4 ft. first branch	--
Ornamental Trees	1 1/2 in.[2]	4 ft. first branch	--
Evergreen Trees	--	6 ft.	2 1/2 ft.
Shrubs	--	2 ft.	2 ft.
Hedges	--	2 ft.	--

[1] See Section 5.7(D) for detailed requirements.
[2] Measured six (6) inches above grade.

f. Ground cover used in lieu of turf grasses in whole or in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one (1) complete growing season.

g. Grass area shall be planted using species normally grown as permanent lawns in southeastern Michigan. Grass, sod, and seed shall be clean and free of weeds, pests, and diseases. Grass may be sodded, plugged, sprigged or seeded. When grass is to be established by a method other than complete sodding or seeding, nurse grass seed shall be sown for immediate effect and protection until complete coverage is otherwise achieved. Straw or other mulch shall be used to protect newly seeded areas.

h. Mulch used around trees, shrubs, and vines shall be a minimum of three (3) inches deep, and installed in a manner as to present a finished appearance.

i. Undesirable Plant Material. Use of plant materials that cause disruption to storm drainage or that are susceptible to pests

or disease is not encouraged. The following plant materials exhibit such characteristics, and therefore their use is not encouraged in the Township:

- Box elder
- Chinese elm
- Siberian elm
- Honey locust (with thorns)
- Black locust
- Gingko (female only)
- Tree of heaven
- European barberry
- Mulberry
- Cottonwood
- Willow
- Silver maple

E. Installation and Maintenance. The following standards shall be observed where installation and maintenance of landscape materials are required:

1. Installation. Landscaping shall be installed in a sound, workmanlike manner to ensure the continued growth of healthy plant material. Areas to be landscaped shall be provided with a minimum topsoil depth of six (6) inches. Trees, shrubs, hedges, and vines shall be generously mulched at the time of planting.

2. Installation of Perimeter Landscaping. Landscaping along the perimeter shall be installed prior to construction, except where such landscaping would be destroyed during construction.

3. Seeding or Sodding. Lots or parcels shall be seeded or sodded within ninety (90) days after occupancy.

4. Protection from Vehicles. Landscaping shall be protected from vehicles through use of curbs or wheel stops in parking lots. Landscape areas shall be elevated above the pavement to a height that is adequate to protect the plants from snow removal, salt, and other hazards.

5. Timing of installation.

   a. Landscaping provided for nonresidential and multiple family residential projects shall generally be installed upon issuance of a Certificate of Occupancy. Where extenuating circumstances warrant (e.g., if development is completed during the off-season when plants cannot be installed), the Planning Commission or Zoning Administrator shall have the ability establish an alternative schedule for the installation of

required landscaping. If landscaping is to be installed after the Certificate of Occupancy is granted, the developer shall provide a performance guarantee to ensure installation of required landscaping as established by the Planning Commission or Zoning Administrator, such as an irrevocable letter of credit, in an amount equal the estimated value of the proposed landscape improvements.

b. Landscaping of all common areas associated with single-family residential developments shall generally be installed upon the occupancy of the first lot or unit of the development, or of a particular phase in the case of a phased development. Where extenuating circumstances warrant, the Planning Commission or Zoning Administrator shall have the ability establish an alternative schedule for the installation of required landscaping. To ensure that landscaping is installed according to the schedule established by the Planning Commission or Zoning Administrator, the developer may be required to provide a performance guarantee, such as an irrevocable letter of credit, in an amount equal the estimated value of the proposed landscape improvements. Notwithstanding, required street trees shall be installed within 90 days of occupancy of each lot or unit, or by June 1 for residences occupied in winter months.

6. Maintenance. Landscaping required by this Ordinance shall be maintained in a healthy, neat, and orderly appearance, free from refuse and debris. All unhealthy and dead plant material shall be replaced immediately upon notice from the Zoning Administrator, unless the season is not appropriate for planting, in which case such plant material shall be replaced at the beginning of the next planting season.

   All constructed or manufactured landscape elements, such as but not limited to benches, retaining walls, edging, and so forth, shall be maintained in good condition and neat appearance. Rotted, deteriorated, or damaged landscape elements shall be repaired, replaced, or removed.

7. Irrigation. All landscaped areas shall be provided with a readily available and acceptable supply of water, with at least one spigot located within three hundred (300) feet of all plant material to be established and maintained. Trees, shrubs, and other plantings and lawn areas shall be watered regularly throughout the growing season. The Planning Commission may require an irrigation system to stabilize plant materials, in particular for larger parcels (over five acres), for landscaped areas over one thousand (1,000) square feet

in area, in locations where screening considered crucial to achieve land use compatibility, and/or where more formalized plantings are proposed (as opposed to natural spacing and clustering of plant material).

F. Treatment of Existing Plant Material. The following regulations shall apply to existing plant material:

1. Consideration of Existing Elements in the Landscape Design. In instances where healthy plant material exists on a site prior to its development, the Planning Commission may permit substitution of such plant material in place of the requirements set forth previously in this Section, provided such substitution is in keeping with the spirit and intent of this Chapter and the Ordinance in general.

   Existing hedges, berms, walls, or other landscape elements may be used to satisfy the requirements set forth previously, provided that such landscaping is in conformance with the requirements of this Section.

G. Modifications to Landscape Requirements. In consideration of the overall design and impact of a specific landscape plan, and in consideration of the amount of existing plant material to be retained on the site, the Planning Commission may modify the specific requirements outlined herein, provided that any such adjustment is in keeping with the intent of this chapter and Ordinance in general. In determining whether a modification is appropriate, the Planning Commission shall consider whether the following conditions exist:

1. Topographic features or other unique features of the site create conditions such that strict application of the landscape regulations would result in a less effective screen than an alternative landscape design.

2. Parking, vehicular circulation, or land use are such that required landscaping would not enhance the site or result in the desired screening effect.

3. The public benefit intended by the landscape regulations could be better-achieved with a plan that varies from the strict requirements of the Ordinance.

In consideration of a reduction in landscaping the Planning Commission may seek a donation to the Township's Tree Fund.

H. Landscape Plan Submission Requirements. All development proposals for which landscaping is required under Section 5.7 shall submit a landscape

plan demonstrating compliance with that Section. The required landscape plan shall include the following:

1. Location of all proposed plant material.

2. Schedule of all proposed plant materials, indicating the botanical and common name, number, size, and root type, as well as which landscaping or tree replacement requirement, if any, the plant material is intended to satisfy.

3. Calculations used for determining required number of trees and shrubs.

4. Proposed groundcover in all unpaved areas of the site.

5. Location of all landmark trees existing on site.

6. Proposed topographical contour lines.

7. Berm cross-sections, if proposed.

8. Planting details.

9. Method of irrigation.

10. Details of any proposed structures, such as retaining walls, gazebos, arbors, fences, etc.

5.8 Walls and Fences.

A. General Requirements. It shall be unlawful for any person, firm, or corporation to construct, or cause to be constructed, any fence on any property, lot, parcel, tract or yard within Augusta Charter Township, including land zoned or used for single-family residential purposes, except in accordance with these regulations. Violation of this Section shall be subject to the penalties set forth in Section 13.10 of this Ordinance.

B. Location of Fences and Walls.

1. All fences and walls shall be located entirely on the property, lot, parcel or tract of the owner of the fence. Adjoining property owners may jointly install a fence on the common property line.

2. No fence or wall shall be located within a public road right-of-way or private road easement.

3. No fence or wall shall be located within a public easement in which public utilities are located or are proposed to be located without first receiving the approval of the public utility responsible.

4. No fence or wall shall be established or maintained on any property, lot, parcel or tract that will cause a traffic hazard by obstructing the view of drivers. All fences and walls shall be installed in accordance with the requirements for intersection visibility under Section 5.5.

5. When one side of a fence or wall has a more finished appearance than another, such fence shall be installed with the finished side facing outward, toward adjacent roads and properties.

C. Height Regulations.

1. Fences and walls located on property zoned or used for residential purposes shall comply with the following regulations:

a. Except as provided under items i. and ii., below, fences and walls located within a required front yard setback adjoining a public or private road shall be ornamental in nature and shall not exceed four (4) feet in height. A fence or wall shall be considered "ornamental" if it is composed of wrought iron-style pickets, wood pickets, wood split rails and posts, brick, stone, or similar materials.

i. Walls or fences that are associated with a decorative entrance feature to a residential condominium, site condominium or subdivision development having multiple lots or units may measure up to six (6) feet in height within a required front yard setback.

ii. Woven wire farm fences not exceeding five (5) feet in height that are used to enclose horses or other livestock shall be permitted within the required front yard setback of lots having at least three (3) acres of area.

b. Fences and walls located within any required side setback not adjoining a street or in any required rear setback shall not exceed six (6) feet in height.

c. A zoning compliance permit shall be required to erect fences in excess of six (6) feet in height on residential property. Such fences shall only be permitted outside of required setback areas.

2. Fences and walls on property zoned or used for commercial or office purposes shall not exceed six (6) feet in height, except as required elsewhere in this Ordinance or waived by the Planning Commission. Fences in a required front setback shall not be permitted except where required by the Planning Commission.

3. Fences and walls on any industrial property, lot, parcel or tract shall not exceed eight (8) feet in height.

4. Fences erected in conjunction with a farm operation (as defined by the Right to Farm Act, P.A. 93 of 1981) shall be exempt from the regulations of this subsection.

5. In determining the height of a fence or wall, the maximum height at any point shall be measured from the average grade within two (2) feet of that point, measured perpendicularly from the fence. The deposition of fill or other land-contouring activities shall not be undertaken merely to circumvent the fence height limitations contained in this Section.

D. Safety.

1. No spikes, nails, barbed wire, or other pointed objects or sharp protrusions shall be placed on, attached to, or permitted to remain on, any fence or wall below the height of 10 feet, except in the case of fences that enclose farmland, in which case barbed wire may be permitted at any height of the fence.

2. Fences shall not contain any electric charge or current, except fences that enclose land used for agricultural purposes, in which case electrically charged fence wires shall be permitted, provided such wires shall be attached to the inside face of the fence posts. All electrically charged fences shall be of a type and make approved by Underwriters Laboratories.

3. Fences and walls may be constructed of woven wire, metal, wood, plastic, or masonry. Masonry walls shall require a foundation equal to the depth of the frost line, or forty-two (42) inches.

E. Retaining Walls.

1. A retaining wall shall be regulated as a fence if the wall projects more than eighteen (18) inches above the grade of the ground being retained.

2. No retaining wall shall be built within the public road right-of-way without prior approval of the Washtenaw County Road Commission.

3. Any retaining wall that retains greater than thirty-six (36) inches of earth shall maintain a ten (10) foot setback from side and rear lot lines, unless the following can be demonstrated:

   a. The proposed retaining wall is the only option available to reasonably manage changes in grade on the subject site.

b. The proposed retaining wall will not adversely impact the flow of stormwater within, from or onto the subject site.

4. A zoning compliance permit shall be required to install or construct a retaining wall that retains greater than thirty-six (36) inches of earth.

5. Retaining walls that retain greater than thirty-six (36) inches of earth shall be designed by an engineer licensed in the State of Michigan.

F. Maintenance. Fences and walls (and associated gates) shall be maintained so as not to endanger life or property. Any fence or wall which, 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 or wall, the Zoning Administrator or other authorized person shall serve written notice to the owner, agent, or person in control of the property on which such fence is located. The notice shall describe the unsafe conditions, shall specify the repairs or modifications required to make the fence or wall safe, or shall require an unsafe fence or wall (or portion thereof) to be removed. The notice shall provide a time limit for such repairs, modifications, or removal to be made.

G. Exemptions. Fences and walls enclosing land used for agricultural purposes shall be exempt from the regulations and requirements of this Section. Likewise, fencing for municipal facilities shall also be exempt from the fencing regulations of this Section.

H. Dumpster Enclosures. Trash receptacle or "dumpster" areas shall be screened on at least three (3) sides with a masonry wall of common brick, face brick, or decorative block, of the same material as the principal building, and at least equal to the height of the trash receptacle, with a completely obscuring gate on the fourth side. In locating trash receptacle facilities, primary consideration shall be given to access for service, minimizing on-site traffic congestion, and minimizing visibility or other negative effects on those utilizing the site or adjoining properties. The Planning Commission may modify or waive the required screening when they determine that no significant negative effects will result from the waiver of such screening.

5.9 Unsafe Buildings. Nothing within this Ordinance shall be construed to prevent compliance with an order by the appropriate authority to correct, improve, strengthen, or restore to a safe or healthy condition, any part of a building or premises declared unsafe or unhealthy.

5.10 Structural Damage. Any structure or building which may be in whole or in part destroyed by fire, windstorm, or other such cause, if rebuilt, shall be rebuilt in accordance with this Ordinance and other pertinent codes and ordinances or shall

be restored to a safe and healthy condition with all debris removed from the site within one-hundred and eighty (180) days from the occurrence of such damage.

5.11 Buildings to be Moved or Demolished.

A. No building permit shall be granted for the moving or demolishing of buildings or structures from without or within the limits of the Township to be placed on property within said limits unless the Building Official shall have made an inspection of the building to be moved and has found that it is structurally safe, will not adversely affect the character of existing buildings in the neighborhood of the new location and will fully comply with the Building Code and other codes regulating the health, safety, and general welfare of the Township. A performance guarantee as established by the Township Board of sufficient amount to ensure cost of completing building for occupancy within a period of not less than six (6) months from date of permit shall be furnished before permit is issued.

B. Any building moved within a district and placed upon a foundation or any building moved into a district from without shall be considered a new building and be subject to all the limitations and requirements herein set forth relating to uses, construction, permits, and certificates.

C. The Building Official shall approve in writing the route to be used to move the building(s).

D. All debris from any demolished building or structure shall be properly disposed of. The foundation materials shall be removed and disposed of, and backfilled with clean earth materials devoid of all debris, large stones and organic materials. The site shall be graded to a smooth, even surface and seeded to grass.

5.12 Dwellings in Non-Residential Districts. No dwelling shall be erected in a non-residential zoning district. However, the sleeping quarters of a watchman or caretaker may be permitted by the Planning Commission as a special approval use.

5.13 Temporary Dwellings. No cabin, trailer, motor home, mobile home, or other temporary structure, whether of a fixed or movable nature, may be erected, moved, or used for dwelling purposes, except as permitted under Section 7.4(B). However, if a permanent dwelling is destroyed or is damaged by a natural or man-made event, such as fire, flood, windstorm, or tornado, to an extent that it is uninhabitable, self-contained living units (e.g. mobile homes) may be permitted as indicated in the following sections:

A. The location shall not be injurious to the surrounding property or neighborhood and meet all applicable setbacks for a principal structure in the district in which it is located.

B. The water supply and toilet facilities serving the temporary dwelling shall conform to the minimum requirements as set forth by the Washtenaw County Health Department.

C. An application for a zoning compliance permit for the construction, erection, or movement of a temporary dwelling shall be made to the Zoning Administrator. The application shall be accompanied by a drawing, showing the location of the proposed temporary structure, and the proposed water supply and toilet facilities.

D. After due consideration, the Building Official shall approve or deny a building permit for the same, and shall clearly set forth on the permit that the structure is intended as a temporary dwelling while the principal structure is rehabilitated or reconstructed. The applicant must apply for applicable building and trade permits to rehabilitate or reconstruct within 60-days of the event that caused the principal structure to be uninhabitable. Said temporary dwelling is to be vacated upon the expiration of 1-year from the issuance of building and trade permits for the rehabilitation or reconstruction of the principal structure, or 60-days following the issuance of a certificate of occupancy from the Building Official, whichever comes first. Longer time periods may be allowed, at the discretion of the Building Official, provided that the applicant continues to pursue rehabilitation and/or reconstruction activities diligently.

E. A permit for a temporary dwelling shall not be transferable to any other owner or occupant.

5.14 Temporary Construction.

A. Structures and activities associated with temporary construction shall be allowed in any zoning district for a period of one (1) year following the issuance of applicable building, trade and zoning compliance permits. Extensions may be allowed, at the discretion of the Zoning Administrator, if the temporary structure and/or activity is considered a necessity for an on-going development.

B. For the purposes of this Section, temporary construction activities, with or without temporary structures, shall be defined as construction activities other than actual construction of buildings approved pursuant to a building and zoning compliance permit. They include, but are not limited to, a construction yard for the development of a subdivision or multiple family project, a cement or asphalt making operation for street and/or road construction, and other similar activities.

C. The Zoning Administrator shall determine, before issuing a zoning compliance permit, whether the proposed temporary construction building and/or construction activity is necessary and if it is necessary that it should

be located at the proposed location. The Zoning Administrator shall also find that the proposed activity does not place excessive burden on the septic, sanitary sewer and/or water system, nor create a hazardous fire condition. In granting the approval, the Zoning Administrator may set such conditions as appear necessary to minimize disturbance to the area and the surrounding land uses. As a condition of approval, the Zoning Administrator may require the posting of a cash bond, corporate surety bond, or letter of credit to guarantee compliance with this Ordinance and all other applicable Township ordinances, standards, rules, and regulations, and a proper clean-up of the site at a time indicated on the building and zoning/land use permit.

D. Activities allowed pursuant to this Section shall conform to the following requirements.

1. All roads used for ingress or egress, on or off the site, shall be kept dust free by oiling, chemical substances, or water and/or by hard-topping with cement or bituminous substance.

2. Work areas shall be kept clean and clear.

3. Work areas shall be posted with the owner's and operator's name and phone numbers.

4. Work yards shall be fenced or otherwise made safe.

5. Truck crossings and other means of ingress and egress shall be posted two hundred (200) feet there from in either direction to warn motorists.

6. Working hours shall be between 7 am and 8 pm, Monday through Friday and 8 am to 7 pm Saturday. No work shall be permitted on Sundays or holidays except by special permission of the Zoning Administrator.

5.15 Seasonal Sales. The sale of Christmas trees, pumpkins, bedding plants, locally-grown produce, and other items deemed “in season” shall be considered temporary accessory uses within the AG, RR and all non-residential zoning districts subject to the following conditions:

A. A temporary zoning compliance permit renewable on an annual basis shall be secured from the Zoning Administrator.

B. All such sales shall be conducted in a manner so as not to create a traffic hazard or a nuisance to neighboring properties.

C. Adequate parking and ingress and egress to the premises shall be provided.

D. Upon discontinuance of the seasonal use, any temporary structures and signage shall be removed.

E. Signs shall conform to the provisions of the district in which the seasonal use is located.

F. Any lighting shall be directed and controlled to not create a nuisance to neighboring property owners.

5.16 Garage Sales, Rummage Sales and Similar Activities. Garage sales, rummage sales, yard sales, moving sales, and similar activities shall be considered temporary accessory uses within any residential zoning district subject to the following conditions.

A. Any garage sale, rummage sale, or similar activity shall be allowed without a building and land use permit for a period not to exceed four (4) days within a six (6) month period. Such activities in operation for a period of time in excess of four (4) days shall require a zoning compliance permit from the Zoning Administrator. In no instance shall more than two (2) garage sales, rummage sales, or similar activities be held in any one location within any twelve (12) month period.

B. All such sales shall be conducted in a manner so as not to create a traffic hazard or a nuisance to neighboring properties.

C. All such sales shall be conducted a minimum of twenty (20) feet from the front lot line of the premises of such sale.

D. Outdoor storage of goods or merchandise offered at such a sale shall not occur longer than the sale itself.

E. Signage shall conform to the standards of Article 8.

5.17 Home Occupations. Home occupations which are clearly incidental to the principal residential use are permitted in any residential district. The following conditions for home occupations shall be met.

A. The occupation shall utilize no more than twenty-five (25) percent of the total floor area of any one story of the residential structure so used.

B. The home occupation shall involve no employees other than members of the immediate family residing on the premises.

C. All home occupation activities shall be conducted indoors, except gardening.

D. No structural alterations or additions which will alter the residential character of the structure shall be permitted to accommodate a home occupation.

E. Only customary domestic or household equipment, or equipment judged by the Administrator not to be injurious or a nuisance to the surrounding neighborhood shall be permitted.

F. There shall be no external evidence of such occupations except a small announcement sign not exceeding two (2) square feet and conforming to provisions for signage contained in Article 8.

G. No unrelated commodity shall be sold on the premises in connection with a home occupation.

H. No home occupation shall be permitted which is injurious to the general character of the residential district and which creates a congested or otherwise hazardous traffic or parking condition.

5.18 Essential Services. Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township. The construction of buildings associated with essential services shall be subject to the provisions of Article 11, Site Plan Review. Otherwise, the construction, maintenance, and alteration of essential services shall be exempt from the provisions of this Ordinance.

5.19 Keeping of Animals.

A. Household Pets. Household pets may be kept on private property in accordance with the following standards:

1. The keeping of up to four (4) household pets of more than six (6) months of age shall be permitted on any residentially-zoned or used lot or unit. However, small household pets kept within the residence, and small animals (such as small birds, frogs, toads, fish, gerbils, hamsters, mice, and the like) shall not be limited in number. All household pets shall be maintained and accommodated in a manner so as to not pose a nuisance to adjoining property or a hazard to water quality and the public health, safety and welfare.

2. Private Kennels. The keeping of greater than four (4) household pets of more than six (6) months of age, belonging to the owner, shall constitute a private kennel, and shall be subject to the following standards:

a. Allowable Zoning Districts. Private kennels are allowed on property zoned C, AG, AR and RR, subject to special land use review pursuant to Article 4.

b. Lot Size. The lot or parcel shall be adequate in size to provide a distance of not less than one hundred and fifty (150) feet to

any dwelling on adjoining property and twenty (20) feet to a side or rear lot line, from the care or pen housing the animals.

c. Number of Animals Allowed. Private kennels shall in no case exceed eight (8) household pets of more than six (6) months of age.

d. County Licensing. Private kennels shall maintain a valid kennel license, when required by Washtenaw County.

e. Incidental Uses. The sale of animals or pet/veterinary products, training or grooming of animals, and providing veterinary care shall be incidental to the private kennel use, and shall not be available to the general public.

3. Commercial Kennels. Commercial kennels include any establishment animals are confined and kept for sale, boarding, breeding or training, or remuneration. The purpose of regulating kennels is to maintain adequate health standards, and to protect the general public. A commercial kennel shall be subject to the following conditions:

a. Licensing and Other Requirements. Commercial kennels shall have a valid kennel license from Washtenaw County, and shall comply with all applicable local, county and state requirements for such facilities.

b. Minimum Lot Area. A minimum lot area shall be provided on not less than five (5) acres, with a minimum lot width of not less than five hundred (500) feet.

c. Enclosure. All animals shall be kept in an enclosed structure, or within a securely fenced area complying with Section 5.8. The Special Use Permit may limit the time during which the animals are permitted out of the kennel building(s).

d. Setbacks. Structures in which animals are kept, as well as animal runs and exercise areas, shall not be less than one hundred and fifty (150) feet from any adjacent property lines.

e. Animal Waste. Animal waste shall be collected and disposed of on a regular basis so as not constitute a nuisance to adjacent properties.

f. Odor Control. Properties on which commercial kennels are kept shall be maintained in a sanitary condition. Such

properties shall not emit unreasonable objectionable odors onto adjacent or nearby properties.

g. Grooming. Pet grooming (including bathing, fur and nail trimming, brushing, flea and tick treatment, and similar treatment) shall be permitted for animals being boarded; for animals not being boarded, pet grooming shall be permitted if specifically authorized in the Special Use Permit.

h. Sale of Products. The sale of pet and veterinary products shall be incidental to the kennel unless specifically authorized in the Special Use Permit.

i. Veterinary Care. Veterinary care shall be incidental to the kennel unless specifically authorized in the Special Use Permit.

j. Sale of Animals. The sale of animals shall be permitted only if specifically authorized in the Special Use Permit.

k. Training. Training of pets and owners shall be permitted only if specifically authorized in the Special Use Permit.

l. Breeding. In districts other than AG, the kennel shall not be operated for breeding purposes, unless specifically authorized in the Special Use Permit.

m. Number of Animals Allowed. The Special Use Permit shall establish a limit on the number of animals that may be boarded at one time.

B. Farm Animals. Farm animals may be kept on property zoned C, AG, AR and RR, pursuant to the following standards:

1. Applicability. The regulations of this sub-section shall apply to all properties upon which farm animals are kept, with the exception of bona fide farm operations protected in accordance with the Right to Farm Act (P.A. 93 of 1981).

2. Minimum Lot Size Required. The minimum lot size required for the keeping of farm animals shall be two and one-half (2½) acres.

3. Density of Animals Allowed. The aggregate number of farm animals that may be kept on a property other than a farm protected under the Right to Farm Act shall not exceed one (1) animal unit per acre, in accordance with Animal Unit Equivalency table provided below.

Animal Unit Equivalency

Animal Type	No. of Animal Units per Animal
Slaughter and Feeder Cattle	1.0
Dairy Cattle	1.4
Swine	0.4
Sheep and Lambs	0.1
Horses	2.0
Turkeys	0.02
Chickens	0.01

The animal unit equivalency for all other animal classes, types or sizes not included in this table, but defined in the Michigan Right to Farm Act or described in Michigan Commission of Agriculture Policy, shall be calculated on the basis of one thousand (1,000) pounds live weight equaling one (1) animal unit.

4. Fencing. All areas in which farm animals are kept shall be securely fenced. Such fencing shall conform to the requirements of Section 5.8.

5. Setbacks. No building or confined feeding area in which farm animals are kept or fed shall be located in the front yard of a lot, nor shall they be located closer than sixty (60) feet to any property line or road right-of-way line.

6. Animal Waste. Manure or other animal waste shall not accumulate or be stored within one hundred (100) feet of any property line or road right-of-way line.

7. Odor Control. Properties on which farm animals are kept shall be maintained in a sanitary condition. Such properties shall not emit unreasonable objectionable odors onto adjacent or nearby properties.

8. Animals shall be maintained and accommodated in a manner so as to not pose a nuisance.

C. Wild or Exotic Animals. It shall be unlawful for wild or exotic animals to be kept, bred, exchanged, bought or sold in Augusta Charter Township, except by the following facilities and organizations: zoological parks and aquariums accredited by the American Association of Zoological Parks and

Aquariums; wildlife sanctuaries; nature preserves; circuses; and bona fide scientific, medical, or educational research facilities.

5.20 Trash.

A. Dumpsters or other trash receptacles shall be screened in accordance with Section 5.8(H).

B. A temporary trash and construction debris storage area shall be required to be located on the site of all construction and renovation projects for the duration of the project. All trash and debris shall be removed from the property and disposed of properly.

5.21 Traffic Impact Studies.

A. Intent. The Township requires traffic impact studies in certain cases to identify the anticipated traffic impacts and to assist in decision making. The intent of this section is to provide specific direction for the preparation of traffic impact studies where such studies are required by this Zoning Ordinance. The requirements of this section are also intended to help Township staff and officials determine the appropriateness of certain uses at proposed locations in terms of traffic impacts and the adequacy of proposed access design.

B. Applicability. A traffic impact study may be required by the Planning Commission for any use which, in the Township Engineer's preliminary analysis, is expected to potentially generate over one hundred (100) directional trips in any peak hour or over seven hundred fifty (750) directional trips in an average day, or for projects at locations that currently experience traffic operational problems.

C. Submittal Procedures. The traffic impact study shall be submitted with the site plan or other material required to be submitted.

D. Qualifications of Preparer. The person responsible for the preparation of the study shall have a degree or specific professional training in the preparation of traffic impact studies. The preparer shall have at least three (3) years of recent experience in the preparation of traffic impact studies, shall provide evidence of ongoing experience and familiarity with the Highway Capacity Manual and other traffic operation evaluation techniques, shall be an associate (or higher) member of one or more professional transportation-related organizations and shall be either a registered engineer (PE) or a planner with AICP or PCP certification. Any study involving roadway or traffic signal design work shall be prepared by or under the supervision of a registered engineer (PE) with specific training in traffic engineering.

E. Contents. The extent of information to be provided depends upon the

expected trip generation of the proposed project. The information provided in the traffic impact study shall include:

1. A description of the site, surroundings and study area. Illustrations and a narrative should describe the characteristics of the site and adjacent roadway system (functional classification, lanes, speed limits, etc.). This description should include surrounding land uses, expected development in the vicinity which could influence future traffic conditions, special site features and a description of any committed roadway improvements. The study should define and justify the study area selected for analysis.

2. A description of the requested use which relates to traffic generation, such as the number and types of dwellings units, the gross and usable floor area, the number of employees and shift change factors. Intended phasing or future expansion should also be noted.

3. A description of existing peak-hour traffic volumes (and daily volumes if applicable) at intersections and on street(s) adjacent to the site. The existing level of service analysis shall be provided for intersections in the vicinity which are expected to experience an increase in traffic of at least five percent due to the proposed project. Existing traffic counts shall not be over two years old from the date of submittal of the report.

4. Roadway characteristics, described and illustrated, as appropriate. Features to be addressed include existing rights-of-way, lane configurations, geometrics, signal timing, traffic control devices, posted speed limits, average running speeds, sight distance information, existing driveways and potential turning movement conflicts in the vicinity of the site.

5. For projects that will be completed and occupied within one year of a traffic impact statement submittal, an analysis of background traffic (i.e. the expected increase in traffic volumes related to approved projects and historic annual percentage increases).

6. Forecasted trip generation of the proposed use for the a.m. (if applicable), the p.m. peak hour and an average weekday. For commercial uses that are expected to generate significant weekend traffic, a weekend forecast shall also be required. The forecasts shall be based on one standard deviation above the average rate, outlined in the most recent edition of Trip Generation, published by the Institute of Transportation Engineers (ITE). For rezoning requests, the study shall contrast the traffic impacts of typical uses permitted in the requested zoning district with uses permitted in the current zoning district. The determination of typical uses shall be made by

the Building Department or Planning Commission. Any trip reduction for pass-by trips, transit, ride-sharing, other modes, internal capture rates, etc., shall be based both on ITE findings and documented survey results acceptable to the agency reviewers. The community may accept in whole or in part the trip reduction rates used. For projects intended to be developed in phases, the trip generation by phase shall be described.

F. Distribution of Traffic. The projected traffic generated shall be distributed (inbound vs. outbound; left turn vs. right turn) onto the existing street network to project turning movements at site access points and nearby intersections where required. Projected peak hour turning movement volumes shall be illustrated in the report. A description of the application of standard engineering procedures for determining the distribution should also be attached.

G. Capacity Analysis. A before and after level of service or "capacity" analysis at the proposed access points and nearby intersections shall be completed using the procedures outlined in the most recent edition of the Highway Capacity Manual, published by the Transportation Research Board.

H. Mitigation Alternatives. The study shall outline mitigation measures and demonstrate any changes to the level of service achieved by these measures. Any alternatives or suggested phasing of improvements should be described. The mitigation measures may include items such as roadway widening, need for bypass lanes or deceleration tapers/lanes, changes to signalization, use of access management techniques or a reduction in the proposed intensity of use.

I. Waiver of Study Requirements. The requirement for a traffic impact study or the study elements listed herein may be waived or modified by the Planning Commission. Reasons for the waiver or modification shall be documented, and the following factors may be considered:

1. Roadway improvements are already scheduled which are expected to mitigate any impacts associated with the proposed project.

2. The existing level of service is not expected to be significantly impacted by the proposed project due to specific conditions at this location.

3. A similar traffic study was previously prepared for the site and is still considered applicable.

ARTICLE 6
DEVELOPMENT STANDARDS

6.1 Applicability. This Article sets forth development standards that address a broad range of specific land uses. The standards contained in this Article shall apply whenever a use addressed herein is proposed.

6.2 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.

A. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of fifteen hundred (1,500) square feet per adult, excluding employees and/or care givers.

B. A minimum outdoor area of five hundred (500) square feet shall be provided on the same premises as the facility shall be provided. This open space shall be securely fenced and screened, located in the side or rear-yard, and shall be made and kept safe by the care-givers.

C. The property is developed and maintained in a manner that is similar, compatible and consistent with the character of the neighborhood.

D. One (1) off-street parking space per employee and/or caregiver shall be provided.

E. Appropriate licenses with the State of Michigan Department of Human Services shall be maintained.

F. Be so constructed, arranged, and maintained as to provide adequately for the health, safety and welfare of all occupants.

G. The atmosphere and routine shall be that a resident may spend the majority of non-sleeping hours outside of resident's bedroom.

H. A toilet, lavatory and bathing or showering facility shall be provided for each six (6) persons. At least one (1) toilet and lavatory shall be provided on each floor of the Foster Care Home.

I. Provide distinct living and sleeping areas. All areas shall be well lighted, heated and ventilated.

J. Provide a living or day room area, which affords privacy for use by a resident and respective visitors.

K. The living and sleeping areas for each resident shall not be in non-contiguous wings, units or buildings.

L. A living room, dining room or other room not designed nor ordinarily used for sleeping shall not be used for sleeping purposes.

M. A room shall not be used as a bedroom where more than one-half (1/2) of the room height is below grade except where the ceiling of such portion of a building is located five (5) feet or more above grade for more than twenty-five (25) percent of the perimeter measurement of the room.

N. Bedrooms shall have at least one (1) window with a minimum sash area of eight (8) square feet.

O. A single-occupancy bedroom shall have at least eighty (80) square feet of usable floor area.

P. A multiple-occupancy bedroom shall have at least seventy (70) square feet of usable floor area per person with a maximum of four (4) beds and persons per bedroom.

Q. A group foster care home shall be inspected and approved for fire safety by the Augusta Charter Township Fire Department prior to the issuance of an occupancy permit and shall be inspected at least annually.

R. A four (4) square foot sign identification sign shall be permitted.

6.3 Adult Regulated Uses.

A. Purpose. Special control of these uses is necessary to insure that the adverse effects of these uses will not interfere with the stable growth and development of the surrounding areas because of their disruptive and deleterious effect on adjacent properties, especially when constructed near residential uses and zones. These special controls are itemized in this Section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one (1) area (i.e., not more than two (2) such uses within one thousand (1,000) feet of each other).

B. Uses Constituting an Adult Regulated Use. Applicable uses considered under this Section are as defined Section 2.2 of this Ordinance.

C. Special Land Use Approval. All adult regulated uses shall be subject to special land use approval, pursuant to Article 4 of this Ordinance.

D. Required Spacing. Adult regulated uses shall meet all of the following space requirements, measured horizontally between the nearest point of each property line:

1. At least one-thousand (1000) feet from any other adult regulated use;

2. At least five-hundred (500) feet from all churches, convents, temples and similar religious institutions;

3. At least five-hundred (500) feet from all public, private or parochial nurseries, primary or secondary schools, playgrounds, licensed child care facilities, and hospitals;

4. At least five-hundred (500) feet from any one-family or multiple-family residential district or use;

5. At least five-hundred (500) feet from any pool or billiard hall, coin-operated amusement center, indoor and outdoor recreation, dance club catering primarily to teenagers, movie theaters, and similar uses frequented by children and teenagers.

E. Special Site Design Standards.

1. Maximum size of the building shall be three thousand (3,000) square feet.

2. The building and site shall be designed, constructed and maintained so material such as a display, decoration, or sign depicting, describing, or relating to activities or merchandise within the structure cannot be observed by pedestrians, motorists on a public right-of-way or from an adjacent land use.

3. Adult regulated uses shall be located within a free-standing building. A shared or common wall structure or shopping center is not considered to be a free-standing building.

4. The style, shape and color of the building materials shall be subject to approval by the Planning Commission and Township Board in consideration of the similarity and compatibility of said structure with other structures within a reasonable proximity.

5. In addition to provisions of Section 5.7, a four and one-half (4-1/2) foot high brick or masonry wall shall be constructed to screen the parking lot from the adjacent public rights-of-way.

6. No person shall reside in or permit any person to reside in the premises of an adult regulated use.

7. No person operating an adult regulated use shall permit any person under the age of 18 to be on the premises of said use either as an employee or customer.

8. Adult regulated uses shall comply with all applicable federal, state, and local licensing regulations. Initial and annual proof of such compliance shall be a condition of special use approval and the continuance thereof.

F. Conditions. Prior to the granting of approval for the establishment of any adult use, the Planning Commission and Township Board may impose any such conditions or limitations upon the establishment, location, construction, maintenance, or operation of the controlled use as in its judgment may be necessary for the protection of the public interest. Any evidence bond or other performance and guarantee may be required, as proof that the conditions stipulated in connection therewith will be fulfilled.

6.4 Automobile Service Stations, Convenience Marts, and Repair Establishments. It is the intent of this Section to establish standards for automobile service stations, convenience marts and repair establishments to insure that access is managed adequately and to negate impacts on neighboring properties. Such facilities shall not include service or repair of semi's and other heavy trucks, RVs, farm equipment, construction equipment, and the like (See Section 6.16). Automobile service stations, convenience marts, and repair establishments are subject to the following conditions:

A. Such facilities shall not abut any school.

B. The minimum lot area for such facilities shall be one (1) acre, with a minimum frontage along the principal street of one hundred-fifty (150) feet. The property shall be so arranged that ample space is available for motor vehicles which are required to wait for services.

C. Access.

1. Ingress and egress points shall be no less than fifty (50) feet from a street intersection (measured from the road right-of-way) or from an adjacent residential property line.

2. The curb cuts for ingress and egress to a service station shall not be permitted at such locations that tend to create traffic hazards on the streets immediately adjacent thereto.

3. All driveways providing ingress to or egress from a filling or service station shall be not more than thirty (30) feet wide at the property line.

4. No more than one curb opening shall be permitted for every hundred (100) feet of frontage or major fraction thereof along any street.

D. Pump islands shall be a minimum of twenty-five (25) feet from any public right-of-way or lot line and shall be arranged so that motor vehicles do not park upon or overhang any public sidewalk, street or right-of-way while

waiting for or receiving fuel service. Overhead canopies shall be setback at least fifteen (15) feet from the public right-of-way.

E. Retail sale items such as soda pop, windshield solvent, landscape mulch or other merchandise shall not be displayed or sold outside.

F. Outdoor storage or parking of vehicles, except for two (2) private automobiles per indoor stall or service area of the facility, shall be prohibited between the hours of 10:00 p.m. and 8:00 a.m. Vehicles which are awaiting service shall remain on-site for not more than seventy-two (72) hours. No outside storage of tires and other parts and accessories and partly dissembled or junked vehicles shall be allowed.

G. All outdoor areas used for the storage of motor vehicles waiting for service shall be effectively screened from view from abutting properties and public streets. Such screening shall consist of a solid masonry screen, with an opaque gate. Such screening device shall not be less than six (6) feet in height. Parking areas for employees and customers shall be separate and apart from the storage area.

H. Any work including repairs, servicing, greasing and/or washing motor vehicles shall be conducted within an enclosed building.

I. Storage or parking of vehicles within the front setback shall be prohibited.

J. Storage of vehicles without current license plates shall be prohibited.

K. Tow trucks or other commercial vehicles that are on the premises for reasons other than typical customer activity shall be parked at the rear of the building in non-required parking spaces and should not be parked in such a manner to be used as an advertisement.

L. The exterior of the main building shall be harmonious with its surroundings and shall include some brick, stone, wood, or other masonry finished building materials other than glass and metal. The canopies shall be designed within a minimum height of twelve (12) feet, and a maximum height of fifteen (15) feet, and the building materials and architectural style of the canopy shall be related to or directly match that of the main building.

M. The outdoor use of any electronic or enhanced sound or public announcement system shall be prohibited.

N. The installation and use of an oil-water separator with monitoring capabilities in the facility’s stormwater management system shall be required, as well as the use of best management practices for pollution prevention for automobile filling / service operations, in order to protect surface water and groundwater quality.

O. Separation shall be made between the pedestrian sidewalk and vehicular parking and maneuvering areas with the use of curbs, greenbelts and/or traffic islands.

P. Vehicle sales shall not be permitted on the premises.

6.5 Automobile Washes. Vehicle washes facilities shall conform to the following requirements:

A. All washing facilities shall be within a substantially enclosed building.

B. Vacuuming and drying areas may be located outside the building but shall not be in the required front yard and shall not be closer than one hundred (100) feet from any residential district. Noise from vacuuming or blow drying equipment shall be controlled by appropriate enclosures or sound barrier walls. All noise from such equipment shall comply with Township noise regulations.

C. Adequate waiting spaces shall be provided for vehicle stacking, in accordance with Section 7.3(H).

D. Ingress and egress points shall be no less than fifty (50) feet from a street intersection (measured from the road right-of-way) or from an adjacent residential property line.

E. All off-street parking and waiting areas shall be paved and dust free.

F. Exit lanes shall be sloped to drain water back to the wash building to drainage gates.

G. A masonry screen wall of at least four (4) feet but no more than six (6) feet in height shall be provided where such facilities abut a residential district.

6.6 Bed and Breakfast Establishments. Bed and breakfast accommodations are subject to the following conditions:

A. Each premise must be principally occupied and operated by its owner.

B. The proposed use shall not cause a nuisance to adjoining residences due to noise, odor, lighting or traffic.

C. Bed and breakfast operations shall be architecturally compatible with other homes in the immediate area and shall not adversely impact the residential character of the area.

D. Bed and breakfast establishments shall be limited to eight (8) sleeping rooms.

E. No bed and breakfast sleeping room shall be located in the basement or above the second story of the dwelling.

F. There shall be no cooking facilities separate from the principal kitchen used for a bed and breakfast stay.

G. Bed and breakfast bedrooms shall be a minimum of one hundred and twenty (120) square feet for the first two (2) occupants and an additional thirty (30) square feet for each additional occupant. No more than four (4) occupants shall be permitted to use a sleeping room.

H. The stay of bed and breakfast occupants shall be no more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) calendar year.

I. One (1) bathroom for every three (3) sleeping rooms shall be provided, with a minimum of two (2) bathrooms.

J. Every bed and breakfast bedroom shall contain a functional smoke detector, and an approved fire extinguisher shall be located on each floor on which such sleeping room is located.

K. There shall be no external evidence of such occupations except a small announcement sign not exceeding four (4) square feet and conforming to provisions for signage contained in Article 8.

L. One (1) off street parking space shall be provided in the interior side yard or rear yard area for each bed and breakfast bedroom, plus one (1) for each employee not residing on the premises. The Planning Commission and Township Board may increase or decrease required parking in order to meet the purposes of this section and protect the public health and safety.

6.7 Campgrounds/Recreational Vehicle Park. Publicly or privately-owned and operated campgrounds and camp buildings providing temporary living quarters for campers on a daily, weekly or seasonal basis shall be subject to the following:

A. The minimum site area shall be ten (10) acres.

B. The site shall have direct access to a public road.

C. A minimum one hundred (100) foot setback shall be established around the perimeter of the property for the purpose of buffering a private campground or recreational vehicle park in relation to adjacent land currently zoned or used for residential purposes. The perimeter buffer shall be kept in its natural state or landscaped to achieve a complete visual screen from abutting properties or the public road right-of-way. Where natural vegetation or land contour are insufficient to buffer a private campground or recreational vehicle park in relation to surrounding properties, the Planning

Commission and Township Board may require additional setback, landscaping, and/or berming beyond those required elsewhere for screening between land uses.

D. Temporary campgrounds are strictly prohibited.

E. Manufactured (mobile) homes shall not be permitted to be located within a campground.

F. The use and occupancy of a campground shall be in strict compliance with the current laws and requirements of the State of Michigan governing such uses.

G. Each site on a lot designated for camping use may accommodate a travel trailer or tent or recreational vehicle and shall be provided with individual electrical outlets. Animal-proof waste containers shall be provided at each site.

H. Adequate public sanitary facilities housed in all-weather structures shall be provided uniformly throughout the campground at ratio of not less than one such station per each twenty (20) camping sites.

I. Each campground containing more than sixty (60) sites shall provide a masonry building containing machine laundry (wash and dry facilities) and showers.

J. No commercial enterprises shall be permitted to operate on the lot, except that a convenience goods shopping building may be provided on a lot containing more than eighty (80) sites.

K. Each lot shall provide a gravel or hard surfaced, dust-free vehicle parking area for site occupant and guest parking. Such parking area shall be located within four hundred (400) feet of the site it is intended to serve (except in the case of sites specifically designated only for tent camping.) Each parking space shall be two hundred (200) square feet in area and guest parking shall be provided at the ratio of not less than one (1) space per each two (2) sites. Occupant parking space for two (2) vehicles shall be provided on each site.

L. Each site shall contain a minimum of one thousand five hundred (1,500) square feet, except that the minimum size for sites specifically designated for tents shall be three thousand (3,000) square feet. Each site shall be set back from any right-of-way or property line at least seventy-five (75) feet, and from any private street at least forty (40) feet.

M. A common use area shall be provided on each lot at a ratio of not less than one thousand (1,000) square feet of such area per each site. This common area shall be developed by seeding, landscaping and provided with picnic

tables, barbecue stands and passive recreation equipment (i.e., swings, horseshoe pits, shuffleboard courts and the like) for the general use of all occupants of the entire lot.

N. Each travel trailer site shall have direct access to a hard surfaced, dust-free roadway at least twenty-four (24) feet in width for two-way traffic and twelve (12) feet in width for one-way traffic. Parking shall not be allowed on any roadway. Public streets shall be paved with gravel or asphaltic concrete. Sites specifically designated for, and only used for tent camping need not have direct vehicular access to any street or road, but shall be provided with adequately cleared and marked pedestrian pathway access which originates at a point on a street or road within two hundred (200) feet of the parking area mentioned in sub-section (K).

O. Any open drainageways must have seeded banks sloped at least three to one (3:1) and designed to properly drain all surface waters into the county drain system, subject to approval by the Washtenaw County Drain Commission.

P. All sanitary facilities shall be designed and constructed in strict conformance to all applicable Washtenaw County Health Regulations.

Q. A minimum distance of fifteen (15) feet shall be provided between all travel trailers or tents or recreational vehicles.

R. Fences and greenbelts may be required by the Planning Commission. The location of common use areas, roadways, streets and building shall be subject to approval by the Planning Commission.

6.8 Group Day Care Home. It is the intent of this section to establish standards for group day care homes that will insure compatibility with adjacent land uses and maintain the character of the neighborhood. Group Day Care Homes are subject to the following conditions:

A. Are located not closer than 1,500 feet to any of the following:

1. Another licensed group day care home;

2. Another adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400-701 to 400.737;

3. A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the public health code, 1978 PA 368, MCL 333.6101 to 333.6523;

4. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.

B. Has appropriate fencing for the safety of the children in the group day care home.

C. Maintains the property consistent with the visible characteristics of the neighborhood.

D. Does not exceed 16 hours of operation during a 24-hour period.

E. Meets all applicable sign regulations.

F. Meets all applicable off-street parking regulations for employees.

6.9 Child Day Care Center. It is the intent of this section to establish standards for day care facilities that will ensure compatibility with adjacent land uses and maintain the character of the neighborhood. Child Day Care Centers are subject to the following conditions:

A. Outdoor recreation areas shall be required as follows:

1. For each person cared for, there shall be provided and maintained a minimum of one hundred fifty (150) square feet of outdoor recreation area.

2. The required outdoor recreation area shall have a total minimum area of not less than three thousand (3,000) square feet.

3. The required outdoor recreation area shall be located in the side or rear yard.

4. The required outdoor recreation area shall be enclosed by a fence that is designed to discourage climbing, and is at least four (4) feet in height, but no higher than six (6) feet, and shall be made and kept safe by the care-givers.

B. Hours of operation shall be limited to the period between 6:00 a.m. and 10:00 p.m.

C. Direct ingress and egress shall be from a paved road.

D. Off-street parking shall be provided at a rate of one (1) space per employee plus one (1) space for every five (5) children/adults enrolled at the facility.

E. The layout and operation of the center shall protect the surrounding neighborhood from unreasonable noise impact.

F. Day care centers shall adhere to all local, County and State fire and safety requirements.

G. Appropriate licenses with the State of Michigan Department of Human Services shall be maintained.

6.10 Commercial Indoor Recreation. Indoor commercial recreational uses include, but are not limited to: bowling alleys, ice or roller blade rinks, firearm ranges, indoor soccer fields and racquet courts, and athletic clubs.

A. The site shall be located on, or shall have principal access from a major thoroughfare, or county primary road.

B. Minimum site area shall be one (1) acre.

C. No building shall be located within fifty (50) feet of a lot line of adjoining residentially planned, zoned or used property.

D. Whenever parking areas are adjacent to residentially zoned or used land, a masonry screen wall of at least four (4) feet and no more than six (6) feet in height shall be provided along the side of the parking area adjacent to the residentially zoned or used land.

E. Based on the nature of the use and nuisance potential to adjoining property owners, the Planning Commission and Township Board may stipulate noise standards beyond those stipulated otherwise in this Ordinance.

F. Operating hours for all uses shall be determined by the Planning Commission and Township Board based on the nature of the use and the nuisance potential to adjoining property owners. The maximum range of hours for all establishments is Monday through Sunday 7:00 a.m. to midnight.

6.11 Commercial Outdoor Recreation. Outdoor commercial recreation uses shall include, but not be limited to: archery, rifle ranges, miniature golf, animal racing, go-carts, automobile or motorcycle track, off-road or mud bogging, amphitheater, amusement and water park, drive-in theater, air gun or survival games, amusement park, golf driving range, fairground, batting cages, and skateboard park.

A. The site shall be located on, or shall have principal access from a major thoroughfare, or county primary road.

B. All points of entrance of exit shall be no closer than two hundred (200) feet from the intersection of any two streets or highways.

C. No drive shall be closer to another drive by less than seventy-five (75) feet and the maximum number of drives shall be two (2).

D. Minimum site area shall be based on the underlying district. However, the Planning Commission and Township Board may increase the minimum required site area depending upon the described use and anticipated extraneous impacts on adjacent properties. Such an increase will be for the purposes of buffering, screening and otherwise negating or limiting the potential nuisance to adjacent properties caused by noise, dust, odor and the like. To this end, the Planning Commission and Township Board may require additional information concerning the proposed use and the potential for nuisance.

E. No building or spectator seating area shall be located within one hundred (100) feet of a lot line of an adjoining residentially planned, zoned or used property.

F. A landscaped buffer strip of no less than one hundred (100) feet shall be provided along the property lines of all residentially planned, zoned or used land. However, the Planning Commission and Township Board may reduce such requirement by 50% if it is determined that the potential for off-site nuisance is limited, such as in the case of miniature a golf course.

G. Whenever parking areas are adjacent to residentially zoned or used land, a masonry screen wall of at least four (4) feet and no more than six (6) feet in height shall be provided along the side of the parking area adjacent to the residentially zoned or used land.

H. Race tracks of any sort shall be enclosed around the entire periphery with an obscuring wall of at least eight (8) feet in height.

I. Golf driving ranges shall provide safety screening as deemed reasonable and necessary by the Planning Commission and Township Board.

J. Not more than sixty-five (65) percent of the land area shall be covered by recreation uses.

K. Central loudspeakers/paging systems are prohibited within two hundred (200) feet of residentially planned, zoned or used property. Such systems shall not be directed toward a residential area even if outside the 200' setback, nor shall they create a nuisance to such residential areas.

L. Accessory retail or commercial facilities, such as food and beverage facilities or equipment shops, shall be designed to serve only the patrons of the outdoor recreation facility, unless otherwise listed as a permitted use in the district in which the facility is located.

M. Operating hours for all uses shall be determined by the Planning Commission and Township Board based on the nature of the use and the nuisance potential to adjoining property owners. The maximum range of

hours for all establishments is Monday through Sunday 7:00 a.m. to midnight.

6.12 Commercial Outdoor Storage. Commercial outdoor storage includes all outdoor storage of equipment and materials by a business not intended for direct sale or rental by the general public. These standards shall apply whether the equipment or materials in question belong to the owner or operator of the premises or not. All commercial outdoor storage shall conform to the following requirements:

A. All materials stored outside shall be enclosed within a solid, unpierced fence or wall at least six (6) feet in height, and not less in height than the materials or equipment. All gates, doors, and access ways through said fence or wall shall be of solid, unpierced materials. In no event shall any stored materials be in the area between the lines of said lot and the solid, unpierced fence or wall.

B. On the lot on which commercial outdoor storage will be sited, all roads, driveways, parking lots, and loading and unloading areas shall be gravel or paved, and maintained so as to limit the nuisance caused by wind-borne dust on adjoining lots and public roads.

C. Commercial outdoor storage shall not be located in the front yard.

6.13 Drive-In/Drive-Thru Businesses. The following provisions shall apply to all drive-in/drive-thru businesses:

A. Driveways serving drive-in/drive-thru establishments shall have access to paved County Primary road.

B. Adequate waiting spaces shall be provided for vehicle stacking, in accordance with Section 7.3(H).

C. The nearest edge of any ingress or egress point shall be located at least fifty (50) feet from any street or road intersection (as measured from the nearest right-of-way line).

D. A six (6) foot high obscuring wall, fence or landscaping shall be provided along any property line adjacent to residentially zoned or used land.

E. Devices for the transmission of voices shall be so directed or muffled as to prevent sound from being audible beyond the boundaries of the site.

6.14 Gravel, Sand or Mineral Extraction. The extraction and/or removal gravel, sand, topsoil and other mineral resources for the purposes of disposition away from the premises, shall adhere to the standards listed below. "Away from the premises" shall be defined as any one of the following: a different lot of legal record, across a public road right-of-way or more than 1,000 feet from the site of excavation.

A. Minimum Parcel Size: Extraction operations may only be operated on a parcel of land that is not less than forty (40) acres in area and that is not less than one thousand three hundred and twenty (1,320) feet in width.

B. Location: Each parcel of land on which an extraction operation is operated shall abut a public road designated as either a "thoroughfare", a "collector street", or a "local street" that follows a section line.

C. Access: There shall not be more than one (1) access point from a public road to a parcel utilized for an extraction operation for each thirteen hundred twenty (1320) feet of public road frontage. Said access point shall not be located less than six hundred sixty (660) feet from an intersection of two or more public roads.

D. Truck Routes: Travel routes for trucks entering and leaving the parcel shall be shown on an overall map of Augusta Township at the time of application for a special use permit. The plan for the truck travel routes and any conditions imposed upon the use of the same including, but not limited to bonding requirements shall be approved in writing by the Washtenaw County Road Commission prior to the issuance of a special use permit.

E. Hours of Operation: Extraction operations and all activities appurtenant thereto shall be permitted only between the hours of 6:00 a.m. and 6:00 p.m., Monday through Saturday. Extraction operations and all activities appurtenant thereto shall not be permitted at any other times, nor shall trucks be allowed to stand or idle on the adjacent road right-of-way awaiting entrance to the operation prior to 6:00 a.m.

F. Extraction Limits: The maximum area of the parcel permitted to be excavated as a part of an extraction operation shall be sixty (60) percent. The minimum front setback from the centerline of a public road to the edge of the extraction area shall be two hundred thirty three (233) feet. The minimum side or rear setback from the side or rear lines of the parcel shall be one hundred (100) feet to the edge of the extraction area. The maximum slope of the surface of the extraction area below the water surface shall not exceed twenty (20) percent (5 on 1 slope). The maximum slope of the surface of the extraction area above the water level shall not exceed fifteen (15) percent (6-2/3 on I slope). The maximum water surface area of the parcel upon completion of the extraction operation shall not exceed forty (40) percent of the total area of the parcel.

G. Fencing: A woven wire fence of not less than four (4) feet in height secured with steel fence posts and surmounted by a single strand barbed wire shall be erected around the entire periphery of the extraction area. The fencing shall be erected and maintained to prevent trespassing. The parcel shall be adequately posted with "no trespassing" signs. A lockable gate shall be provided at all access points from the public road to the extraction operation.

Said gates shall be closed and locked at all times except, during the permitted hours of operation.

H. Equipment: Only equipment utilized in the extraction operation that is owned, hired or leased by the extraction operator shall be stored overnight or for longer periods anywhere on the premises of the extraction operation. Storage of any other equipment on the premises of the extraction operation shall be prohibited.

I. Domestic Water Supply and Domestic Sewage Disposal Systems: Plans for domestic water supply and domestic sewage disposal systems shall be approved in writing by the Washtenaw County Health Department and/or the Michigan Department of Environmental Quality (MDEQ), as applicable, prior to the issuance of a special use permit.

J. Air Pollution Control: All roads, driveways, parking areas and loading and unloading areas within one hundred (100) feet of any lot line of a parcel on which an extraction operation occurs shall be paved, oiled, watered or chemically treated so as to limit the nuisance caused by windborn dust on adjoining parcels and public roads. All access points shall be paved for one hundred (100) feet into the parcel from the edge of the public road. The next one hundred (100) feet of the access road from the public road into the extraction operation shall consist of a mud removal strip adequately designed, constructed and maintained to remove the mud from the tires of vehicles leaving the site prior to entrance onto the public road. Each operator shall keep all on-site and public roads dust free, and clean up any and all spillage of material and dirt, rock, mud and any other debris carried onto these roads by extraction operation trucks or other equipment. Any deterioration of public roads directly caused by extraction operations shall be the responsibility of the operator to repair to a drivable condition at least equal to that which existed prior to the beginning of the extraction operation. Any odors, smoke, fumes, or dust generated on said lot by any digging, excavating, loading or processing operation and borne or able to be borne by the wind shall be confined within the lines of said lot as much as possible so as not to cause a nuisance or hazard on any adjoining parcel or public road.

K. Noise Control: All equipment and machinery utilized in the extraction operation shall be located at least one hundred (100) feet from any lot line and five hundred (500) feet from any existing residential zoning district. In the event the zoning classification of any land within five hundred (500) feet of such equipment or machinery shall be changed to a residential classification subsequent to the operation of such equipment or machinery, the operation of such equipment or machinery may continue henceforth but in no case less than one hundred (100) feet from any lot line adjacent to said residential district. In no event shall the noise generated by the extraction operation exceed a weighted sound level of sixty-five (65)

decibels at or beyond the property line, except for the noise of blasting which shall not exceed a weighted sound level of one hundred (100) decibels, measured with a sound level meter along any lines of the parcel on which an extraction operation shall be located.

L. Vibration Control: In no event shall the vibrations generated by the extraction operation exceed 0.2 inches/sec. rms velocity when measured with a vibration meter along any lines of the lot on which an extraction shall be located.

M. Water Pollution Control: The extraction operation shall be conducted so as not to cause the pollution of any surface or subsurface watercourse or body of water outside of the lines of the parcel on which the extraction operation shall be located, or the pollution of any existing body of water located within the parcel on which the extraction operation shall be located. A hydrogeological study shall be required for any extractive operation which is anticipated to have an impact on wells serving property in the Township. The scope of the study shall be sufficient to determine the nature of impacts that are likely to occur as a result of the proposed extractive operation.

N. Erosion Control: The extraction operation shall be conducted so as not to cause or threaten to cause the erosion of any land outside of said parcel or of any land on said parcel and so that the earth materials are not carried outside of the lines of said parcel. The extraction operation shall be conducted so as not to alter the drainage pattern of surface or subsurface waters on adjacent property. In the event that such extraction operation shall cease to be conducted, it shall be the continuing responsibility of the owner(s) and the operator(s) thereof to assure that no erosion or alteration of drainage patterns shall take place after the date of the cessation of the extraction operation.

O. Fill Control: Only materials extracted from the parcel may be utilized for fill required to complete the restoration plan. No imported materials may be placed on the parcel except for materials approved as a part of the extraction plan or the restoration plan for the construction of access roads, haul roads or parking areas.

P. De-Watering: The pumping or channeling of water, collected during extraction operations whereby water is permanently directed off site via surface water bodies, drains, ditches, streams etc., shall be prohibited. Temporary, on-site de-watering, which allows the recharging of the water table and retains collected groundwater on site shall be permitted. The applicant shall provide the following information:

1. Locations of temporary de-watering operations.

2. Methods used to retain all groundwater on site. This shall include temporary holding ponds.

3. Methods of temporary de-watering, including pumps, channeling, or other measures.

4. Methods of extraction including dry or wet excavation, sequence of extraction/de-watering operation, anticipated depth of groundwater, and volume of water temporarily detained.

Q. Progressive Rehabilitation: All areas within an extraction operation shall be rehabilitated progressively as they are worked out or abandoned, to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground so as to appear natural. Progressive rehabilitation shall be performed in accordance with the plans approved as a part of the special use permit process.

R. Extraction Plan: The applicant shall submit a plan for the use of the property during the extraction operation at the time of the application for the special use permit. The application will not be accepted until Augusta Township has determined that all required fees and information have been supplied. The extraction plan shall be prepared by a professional engineer. The Planning Commission shall review the plan and make recommendations thereon in its report. All extraction operations shall be performed in accordance with the extraction plan approved by the Augusta Township Planning Commission. The plan shall provide the following information:

1. Boundary lines of the property; dimensions and bearings of the property lines, correlated with the legal description.

2. A current aerial photo, showing the property and adjacent areas, location and outline of wooded areas, streams, ponds, lakes, marshes, and other natural features.

3. Existing site improvements such as buildings, drives, wells, and drainfields.

4. Existing topography at contour intervals of not more than two (2) feet and existing topographic features such as wooded areas, streams, ponds, lakes, marshes and other natural features.

5. Extent of future extraction areas and depth thereof utilizing contour intervals of not more than two (2) feet.

6. Location and nature of structures and stationary equipment to be located on the site during extraction operations.

7. Location, depth and description of soil types.

8. An estimate of the kind and amount of material to be withdrawn from the site.

9. Description of all operations to be conducted on the premises such as, but not limited to, digging, sorting and washing operations, and the type, size and nature of equipment to be used with each operation.

10. Location and width of drives, access drives, parking areas, site distances, land widenings on public roads at intersections of same with access drives.

11. Tree areas and other natural features to be retained and to be removed.

12. Method of disposal of brush, trees, stumps and debris.

13. A description of pollution and erosion control measures.

14. A progressive rehabilitation plan.

15. Certified statement by a qualified engineer, with supporting data and analysis, concerning expected impact on the water table and water supply wells in the vicinity of the site.

16. A map showing truck routes to and from the site.

17. Names, addresses and phone numbers of applicant, property owner, operator and professional engineer who prepared the extraction plan.

S. Restoration Plan: The application shall file a plan for restoring the site to a safe, attractive and usable condition at the termination of the extraction operation. The plan shall be filed at the time of application for the special use permit. The application will not be accepted until Augusta Township has determined that all required information and fees have been supplied. The restoration plan shall be prepared by a professional engineer. The Planning Commission shall review the plan and make recommendations thereon in its report. All restoration operations shall be performed in accordance with the restoration plan approved by the Augusta Township Planning Commission. The restoration plan shall be completed within one year of the termination of the extraction operation. The restoration plan shall provide the following information:

1. Boundary lines of the property and dimensions and bearings of the property lines correlated with the legal description.

2. Location and extent of all natural features to be retained during extraction operations.

3. The slope of all restored areas in conformance with Section 6.14(F).

4. Proposed completed topography at contour intervals of not more than two (2) feet.

5. A schedule integrating the areas of progressive rehabilitation with the final restoration plan.

6. The estimated date of completion of the requirements of the restoration plan.

7. Proposed ground cover and other plantings to stabilize the soil surface and to beautify the restored areas.

8. A description of the methods and materials to be utilized in restoring the site.

9. Sketch plan of the proposed use or uses of the restored site.

10. Names, addresses and phone numbers of applicant, property owner, operator and professional engineer who prepared the restoration plan.

T. Other Governmental Agency Approvals: The applicant shall secure in writing the approval of any other governmental agency having jurisdiction over the proposed extraction operation prior to the issuance by Augusta Township of a special use permit for an extraction operation.

U. Surety: Prior to the issuance of a special use permit, the applicant shall provide a surety deposit in a form and amount recommended by the Augusta Township Planning Commission and acceptable to the Augusta Township Board to guarantee the restoration of the parcel. The surety deposit shall be cash deposited with Augusta Township Treasurer or an irrevocable letter of credit issued to Augusta Township. The surety deposit shall be retained by Augusta Township for one year after the satisfactory completion of the restoration plan to assure that all ground cover and plant materials utilized to restore the site are in good condition and that no hazardous conditions exist.

V. Duration of Special Use Permit: A special use permit issued for an extraction operation by the Augusta Township Planning Commission shall be valid for a period of one year from the date of approval. The applicant shall be responsible for applying for renewal of any special land use permit for an extraction operation so issued a minimum of sixty (60) days prior to the expiration of same.

W. Extraction Operation Closure: Within sixty (60) days of the completion of the extraction operation and all of the requirements of the restoration plan, the applicant shall submit a written request to the Augusta Township Planning Commission which they acknowledge, in writing, that all conditions of the extraction operation special use permit have been met and that the extraction operation may be closed and the special use permit is terminated. No surety deposit shall be released by Augusta Township until the Augusta Township Planning Commission has provided said written acknowledgment to the applicant.

X. In the preparation of this ordinance, it is recognized that it would be impossible to foresee all of the activities which could potentially result in hazards to the public health, safety and welfare. Therefore, the Township Board shall be authorized to direct that actions of the operator be taken or ceased in order to prevent an immediate and identified harm to the public health, safety and welfare in connection with the extraction operation. The operator shall comply with such directive, however, in the event such a directive is given, the operator shall:

1. Be given a written notice identifying the reason for the directive, and specifying the action which is to be taken or ceased.

2. Be entitled to a hearing before the Township Board upon request of the operator. Such hearing shall be conducted at the next regular Township Board meeting, or at a special meeting the Supervisor may call for this purpose.

6.15 Hazardous Waste or Waste Incineration Facilities. Hazardous waste facilities or waste incineration facilities shall conform to the following requirements:

A. Fencing. A chain link fence not less than six (6) feet in height secured to steel fence posts securely anchored in the ground and surmounted by three (3) strands of barb wire shall be erected around the entire periphery of the hazardous waste site. The fence shall be located not more than one hundred feet (100') from the perimeter of any hazardous chemical facility. Fencing shall be located at least fourteen hundred feet (1400') from any exterior property line.

B. Setbacks. There shall be no storage or unloading of hazardous material, nor incineration of any kind, within fifteen hundred feet (1500') from perimeter property lines, abutting public roads or public utility easements.

C. Transition Strips and Berms. Views of containment or incineration facilities shall be screened from public right-of-way and residentially zoned districts. Screening shall be accomplished through berming and landscaping.

1. Berms shall be at least eight (8) feet in height with a minimum six (6) foot crown and back-slopes no greater than 3:1.

2. Landscape screens shall contain sufficient landscape materials to obscure obtrusive views.

3. All berms shall comply with State, County and local ordinances.

D. Signage. All hazardous waste or waste incineration facilities shall be properly signed.

1. Exterior fencing shall contain necessary notices for no trespassing hazardous disposal facility every 300 feet of fence posted of a height no lower than five feet from the ground.

2. Other facilities shall be signed in accordance with emergency response team requirements as directed by the Augusta Township Board, Fire Department, State Fire Marshall, public safety officials and the Washtenaw County Road Commission.

E. Landscaping. As part of the site plan review a landscape plan shall be submitted detailing all landscape materials including size, variety and location.

F. 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 as to not adversely affect driver visibility on adjacent public roads.

6.16 Heavy Vehicle and Equipment Repair Establishment. Heavy vehicle and equipment repair establishments include those businesses where service and repair is the primary activity and includes the servicing and repair of semi's and other heavy trucks, RVs, farm equipment, construction equipment, and the like, and shall not apply such activities performed on automobiles (See Section 6.2). In addition to other regulations set forth in this Ordinance, all heavy vehicle and equipment repair establishments shall conform to the following requirements:

A. Such facilities shall not be located within five hundred (500) feet of any school.

B. The minimum lot area for such facilities shall be one (1) acre, with a minimum frontage along the principal street of one hundred-fifty (150) feet.

C. The portion of the property used for vehicular traffic, including parking, shall be separated from landscaped areas and sidewalks by a curb.

D. The entire area used for vehicle service shall be paved.

E. Hydraulic hoist, service pits, lubricating, greasing, washing and repair equipment and operations shall be located within a completely enclosed structure.

F. Access.

1. Ingress and egress points shall be no less than fifty (50) feet from a street intersection (measured from the road right-of-way) or from an adjacent property line.

2. The curb cuts for ingress and egress to a service station shall not be permitted at such locations that tend to create traffic hazards on the streets immediately adjacent thereto.

3. All driveways providing ingress to or egress from a filling or service station shall be not more than thirty (30) feet wide at the property line.

4. No more than one curb opening shall be permitted for every hundred (100) feet of frontage or major fraction thereof along any street.

G. The distance between curb cuts shall be no less than forty (40) feet, measured between the tangent points of the drive edges and the street curb returns.

H. Outdoor storage of trash, including new or discarded vehicle parts, shall be contained within a solid, unpierced enclosure.

I. Outdoor storage or parking of vehicles, except for three (3) vehicles per stall or service area of the facility, shall be prohibited between the hours of 10:00 p.m. and 8:00 a.m. Vehicles which are awaiting service shall remain on-site for not more than seven (7) days.

J. Storage or parking of vehicles within the front setback shall be prohibited.

K. Storage of vehicles without current license plates shall be prohibited.

L. Vehicle and equipment sales, new or used, shall not be permitted on the premises.

M. The installation and use of an oil-water separator with monitoring capabilities in the facility's stormwater management system shall be required, as well as the use of best management practices for pollution prevention for vehicle service operations, in order to protect surface water and groundwater quality.

6.17 Junk Yard, Wrecking Yard and Salvage Operation. In addition to other regulations set forth in this ordinance, all automobile junk yards, wrecking yards, salvage operations and similar facilities shall conform to the following requirements:

A. Minimum lot size shall be five (5) acres.

B. Direct ingress and egress shall be from a paved road.

C. Travel routes for trucks entering and leaving the yard shall be shown on a map of the Township at the time of application for the special use permit. Such routes except arterial streets or their equivalent shall not pass through residential areas.

D. The required site plan shall also contain a description of the location and nature of any materials processing operations to be conducted within the yard, and the location and nature of equipment for such operations.

E. Yard materials shall be stored in organized rows with open intervals at least twenty (20) feet wide between rows for purposes of fire protection, emergency access and visitor safety.

F. Yard materials shall not be stored in piles higher than the top of the fence surrounding the yard. Automobiles, trucks, and other vehicles shall not be stacked to a height or in a manner that prohibits fire protection, emergency access or does not protect the safety of visitors.

G. The yard shall be maintained in such a manner as to prevent the breeding or harboring of rats, insects, or other vermin.

H. The yard, when established and located within one thousand (1,000) feet of any existing residential district or land being used for residential purposes, as measured on a straight line distance, shall not be open for business and shall not operate at any time other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays; between 7:00 a.m. and 12:00 noon on Saturdays.

I. All flammable liquids contained in automobiles and other vehicles shall be drained from the same immediately after such vehicles are brought to the yard. Such liquids shall be temporarily stored in containers approved by the local fire authority until properly disposed of according to law. The applicant shall provide a written procedure for draining, storage and disposal.

J. All drives, parking areas, and loading/unloading areas shall be paved, watered, or treated so as to limit nuisances caused by dust on neighboring properties and public roads.

K. No portion of the building, yard or other site elements shall project into the required front yard setback.

L. There shall be not more than one (1) entranceway from each public street that adjoins the yard.

M. Fencing shall be required as follows:

1. Such facilities shall be complete enclosed by a solid, screen-type fence or wall, 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. The fence or wall shall be located no closer to the road right-of-way line than the required front yard setback. Gates shall also be made of solid, opaque material. The front yard shall be landscaped and continuously maintained as a lawn.

2. Strips of metal, plastic or other materials inserted into wire fences shall not be permitted in any fence enclosing a yard.

3. All gates, doors, and access ways through said fence or wall shall be of solid, unpierced materials matching the required fencing.

N. Wrecking and processing operations are permitted in a yard but shall be described in the application for the site plan approval or special use permit so that the Planning Commission and Township Board can implement standards and conditions to protect the health, safety and welfare of the community.

6.18 Lake Construction. The construction of a body of water or a series of adjacent or connected bodies of water whose aggregate normal water surface area is five acres or more in size shall be subject to the following conditions:

A. Minimum Parcel Size: A lake may only be created on a parcel of land that is not less than twelve and one half (12.5) acres in area.

B. Maximum Parcel Coverage: The maximum area of a parcel that normal water surface of the lake covers shall not exceed forty (40) percent of the total area of the parcel.

C. Maximum Slopes: The maximum slope of the area beneath the water surface of a lake shall not exceed thirty-three (33) percent (3 on I slope). The maximum slope of the surface of the area surrounding the lake above the water surface shall not exceed fifteen (15) percent (6 2/3 on 1 slope).

D. Minimum Setbacks: The minimum front setback of the edge of the normal water surface of a lake from center line of the road shall be two hundred thirty three (233) feet. The minimum side or rear setback of the edge of the normal water surface of the lake from the property line shall be one hundred (100) feet.

E. Excavation: All material excavated to create a lake shall remain on the parcel on which the lake is created.

F. Equipment: Only equipment utilized in the excavation process that is owned, hired or leased by the excavation operator shall be stored overnight or for longer periods anywhere on the premises of the lake construction.

Storage of any other equipment on the premises of the lake construction shall be prohibited.

G. Water Pollution Control: The lake -construction shall be conducted so as not to cause the pollution of any surface or subsurface watercourse or body of water outside of the lines of the parcel on which the lake construction shall be located, or the pollution of any existing body of water located within the parcel of land on which the lake construction shall be located.

H. Erosion Control: The lake construction shall be conducted so as not to cause or threaten to cause the erosion by water of any land outside of said parcel or of any land on said parcel and so that the earth materials are not carried outside of the lines of said parcel and that such lake construction shall be conducted so as not to alter the drainage pattern of surface or subsurface waters on adjacent property. In the event that such lake construction shall cease to be conducted, it shall be the continuing responsibility of the owner(s) and the operator(s) thereof to assure that no erosion or alteration of drainage patterns shall take place after the date of the cessation of lake construction as specified in this paragraph.

I. Progressive Rehabilitation: All areas within a lake construction operation shall be rehabilitated progressively as the excavation is completed, to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear natural.

J. Lake Construction Plan: The applicant shall submit a plan for the use of the property during the lake construction operation at the time of the application for the special use permit. The application will not be accepted until Augusta Township has determined that all required information and fees have been supplied. The lake construction plan shall be prepared by a professional engineer. The Planning Commission shall review the plan and make recommendations thereon in its report. The plan shall provide the following information:

1. Boundary lines of the property; dimensions and bearings of the property lines, correlated with the legal description.

2. A current aerial photo, showing property and adjacent areas, location and outline of wooded areas, streams, ponds, lakes, marshes and other natural features.

3. Existing site improvements such as buildings, drives, wells and drainfields.

4. Existing topography at contour intervals of not more than two (2) feet and existing topographic features such as wooded areas, streams, ponds, lakes, marshes and other natural features.

5. Extent of future lake area or areas and depth thereof utilizing contour intervals of not more than two (2) feet.

6. Disposition of excavated materials on the parcel utilizing contour intervals of not more than two (2) feet.

7. Location, depth and description of soil types.

8. An estimate of the kind and amount of materials to be excavated and disposed of on the parcel.

9. Tree areas and other natural features to be retained and to be removed.

10. Method of disposal of brush, trees, stumps and debris.

11. A description of pollution and erosion control measures.

12. A progressive rehabilitation plan.

13. Certified statement by a qualified engineer, with supporting data and analysis, concerning expected impact on the water table and water supply wells in the vicinity of the site.

14. Proposed ground cover and other plantings to stabilize the soil surface and beautify the restored areas.

15. Names, addresses and phone numbers of the applicant, property owner, operator and the professional engineer who prepared the lake construction plan.

16. A description of the methods and materials to be utilized in restoring the disturbed areas of the parcel.

17. The estimated date of completion of the lake construction and the restoration of the parcel.

18. Sketch plan of the proposed use or uses of the completed lake construction.

K. Other Governmental Agency Approvals: The applicant shall secure in writing the approval of any other governmental agency having jurisdiction over the proposed lake construction prior to the issuance of a special use permit for lake construction.

6.19 Motel or Hotel. Motels and hotels are subject to the following conditions:

A. A site shall contain no less than two (2) acres of land.

B. No less than one thousand (1,000) square feet of lot area shall be available per guest unit.

C. Each unit shall contain not less than two hundred and fifty (250) square feet of heated/air-conditioned floor area per guest unit.

D. All buildings shall be setback no less than fifty (50) feet from all perimeter parcel lines, while one hundred (100) feet is required when adjacent to residentially zoned, planned or occupied land.

E. Accessory uses may include, but not be limited to meeting rooms, ballrooms, restaurants, bars, recreational uses, and gift shops.

F. Cooking and/or kitchen facilities may be provided in hotels/motels upon demonstration by the applicant that the provisions of all applicable fire prevention and building codes have been complied with.

G. Public access to the principal business shall be located so as not to conflict with access to adjacent uses or adversely affect traffic flow on adjacent streets.

6.20 Open Air Businesses/Outdoors Sale and Display of Products. Open air business shall include, but not be limited to, the following uses: automobile, truck, trailer, motorcycle, recreation vehicle, snowmobile, jet ski, and watercraft sales or rental, agricultural equipment sales, nurseries, landscape suppliers, lumber yards, home and garden centers, and the sale of lawn furniture and accessories, and the sale of mobile homes, storage sheds, play houses and other prefabricated buildings. Such uses shall adhere to the following standards:

A. Minimum lot area shall be one (1) acre.

B. All loading activities and parking areas shall be provided on the same premises off-street.

C. No loading activities shall be permitted within seventy-five (75) feet of any lot line abutting a residentially planned, zoned or used property.

D. Ingress and egress to the facility shall be only from a County Primary or major highway, or from an approved shared access drive to such thoroughfare.

E. Ingress and egress to the outdoor sales area shall be at least 75 feet from the intersection of any two (2) streets.

F. No more than two (2) driveways onto a County Primary or major highway shall be permitted per site.

G. Inactive storage yards shall be completely obscured from view from public streets by fences, walls or dense landscapes screen.

H. Not more than fifty (50) percent of the parcel shall be covered by buildings and outdoor storage of materials, goods or products.

I. No public address systems shall be audible from any adjacent parcel containing a residential dwelling. Moreover, there shall be no broadcast of continuous music or announcements over any loudspeaker or public address system.

J. All repair, assembly, disassembly or maintenance of vehicles shall occur within a closed building and shall be associated with an approved automobile or vehicle repair shop on the same site.

K. All areas subject to vehicular use shall be paved. For those areas utilized for display, depending on the product being displayed, the Planning Commission and Township Board may determine the surface treatment (i.e. paved, graveled, etc.).

L. All outdoor lighting shall be shielded from projecting onto or into an adjoining residential district and shall not interfere with driver visibility on a public right-of-way.

M. There shall be no strings of flags, pennants or bare light bulbs permitted.

N. No vehicles or merchandise for sale shall be displayed within the required front yard setback.

O. The storage of any soil, fertilizer, or similar loosely package materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.

P. No outside storage of discarded or salvaged materials shall be permitted on the premises.

6.21 Private Airport. Landing areas and airports for personal aircraft use may be permitted subject to the following conditions:

A. All such landing areas shall comply with applicable laws and regulations promulgated by the Federal Aviation Administration and the Michigan Bureau of Aeronautics.

B. Landing areas for personal aircraft use shall be for the sole use of the person who owns or maintains the landing area and his/her invited guests. However, up to two (2) additional users maybe permitted if the applicant demonstrates to the satisfaction of the Planning Commission and Township

Board that permitting the additional users will eliminate the need for additional landing areas in other areas within the Township.

C. No more than twelve (12) take-offs and twelve (12) landings may be permitted per day.

D. No more than one (1) accessory building (e.g. hangar, garage, storage building, etc.) related to each such landing areas shall be permitted.

E. Landing areas for personal aircraft use shall not be used by aircraft for commercial passenger or cargo operations, except for hot air balloons.

F. Landing areas for personal aircraft use shall not be used for conducting commercial flight instruction.

G. Landing areas for personal aircraft use shall not be used as a base for charters or rental of aircraft.

H. Landing areas for personal aircraft use shall not be used for commercial maintenance or overhaul of aircraft, or for the sale of fuel, except that maintenance for or by the person who owns or maintains the strip on his/her own aircraft is permitted.

6.22 Self-Storage Facility and Recreational Vehicle Storage. Self-Storage Facilities are subject to the following requirements and conditions:

A. No activity other than the rental of storage units and the rental of outside storage space for recreational vehicles, boats and watercraft shall be allowed. No commercial, wholesale, retail, industrial or other business use on, or operated from, the facility shall be allowed.

B. Only the sale of incidental supplies and similar material related to the self-storage business shall be allowed from the facilities office.

C. The storage of any toxic, explosive, corrosive, flammable or hazardous material is prohibited inside the storage units. Fuel stored in motor vehicle tanks of cars, boats or other motorized devices may be subject to separate regulation by the proprietor.

D. All batteries shall be disconnected from motor vehicles, boats, lawn mowers or similar property to be stored inside a storage unit.

E. Other than the storage of recreational vehicles, boats and watercraft, all storage shall be contained within a building. All outdoor vehicle storage shall be screened from the view of neighboring properties and public roads in accordance Section 5.7(C)(5).

F. The exterior design of the storage units is subject to Planning Commission and Township Board review and approval, and must be compatible with adjacent properties and the rural character of Augusta Charter Township. When a building is adjacent to a zoning district that permits a residential use, or the adjacent property is currently in residential use, the Planning Commission and Township Board may consider the use of a building material that is aesthetically compatible.

G. All storage units must be accessible by safe circular drives clearly marked to distinguish direction (if one-way) and separate from parking lanes. Parking lanes a minimum of ten (10) feet wide shall be provided for loading and unloading adjacent to all storage units. A combination parking lane-driveways must meet the following minimum standards:

1. When storage units open onto one (1) side only, twenty (20) feet wide for one-way traffic, and thirty (30) feet for two-way traffic.

2. When storage units open onto both sides thirty (30) feet wide for one-way traffic and forty (40) feet for two-way traffic.

H. The local fire authority or designated representative is to review the site plan for all issues related to vehicle access and fire safety.

I. A residence for a caretaker or watchman is permissible and is subject to reasonable conditions that may be imposed by the Planning Commission and Township Board as well as the following:

1. The caretaker or watchman's residence must have at least the minimum square footage of living space to meet the zoning ordinance's requirements for a unit in a multiple-family dwelling, not including the office space for the self-storage facility.

2. Exterior design of the caretaker or watchman's residence is subject to the review and approval of the Planning Commission and Township Board.

3. The caretaker or watchman's residence is subject to all area and setback requirements of the district that it is located in.

4. The maximum height of the caretaker or watchman's residence shall be twenty-four (24) feet or two (2) stories.

J. Parking Requirements: One (1) space for every one hundred fifty (150) self-storage units with a minimum of three (3) spaces to be provided adjacent to the office.

K. Direct ingress and egress shall be from a paved road.

6.23 Transient, Temporary Amusements.

A. Circuses, carnivals, music festivals, other transient amusement enterprises and similar temporary public gatherings of people shall be permitted for a limited and specific period of time in accordance with the special land use provisions of this Ordinance and the use classification pertaining to the particular district. In addition to the above required findings, the Planning Commission and Township Board shall permit such enterprises only upon the finding that the location of such activities will not adversely affect adjoining properties or the public health, safety or general welfare. Posting of a bond or other security payable to the Township in an amount determined to hold the Township free and harmless of all cost or liabilities incident to the operation of such activities may also be required.

B. Police protection or the posting of a certificate of insurance in such amounts and limitations as the Township Board may determine for the purpose of indemnifying an adjoining land owner or a person using the premises, for any damage or injury resulting from the operation of such activity may be required. The Planning Commission and Township Board shall issue the special land use permit for a specific named purpose, and for a specific period of time. The permit shall be a temporary one only for that period of time and shall not be renewable or transferable.

6.24 Wireless Communication Facilities.

A. Purpose and Intent. It is the general purpose and intent of the Township to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. It is the further purpose and intent of the Township to provide for such authorization in a manner that will retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community at large. Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is the further purpose and intent of this section to:

1. Facilitate adequate and efficient provision of sites for wireless communication facilities and ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures and buildings.

2. Establish predetermined areas considered best for the establishment of wireless communication facilities, subject to applicable standards and conditions.

3. Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within predetermined areas. In such cases, it has been determined that it

is likely that there will be greater adverse impact upon neighborhoods and areas within the community. Consequently, more stringent standards and conditions should apply to the review, approval, and use of such facilities.

4. Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.

5. Minimize the negative visual impact of wireless communication facilities on neighborhoods, community landmarks, historic sites and buildings, natural beauty areas and public rights-of-way.

6. Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.

7. Promote the public health, safety, and welfare.

8. Provide for adequate information about plans for wireless communication facilities in order to permit the community to effectively plan for the location of such facilities.

9. Consideration that the presence of numerous tower structures, particularly if located within residential or agricultural areas, would decrease the attractiveness and destroy the character and integrity of the community. This, in turn, would have an adverse impact upon property values. Therefore, it is necessary to minimize the adverse impact from the presence of numerous relatively tall tower structures having low architectural and other aesthetic appeal to most persons, recognizing that the absence of regulation would result in a material impediment to the maintenance and promotion of property values, and further recognizing that this economic component is an important part of the public health, safety and welfare.

B. Authorization.

1. As a Permitted Use. In all Zoning Districts, a proposal to establish a new wireless communication facility shall be deemed a permitted use in the following circumstances; subject to the standards set forth in Subsections C, D, and E.

   a. An existing structure which will serve as an attached wireless communication facility, where the existing structure is not proposed to be either materially altered or changed in appearance.

b. A proposed collocation upon an attached wireless communication facility which has been approved by the Township for such collocation.

c. An existing utility pole structure located within a right-of-way, which will also serve as an attached wireless communication facility where the existing pole is not proposed to be materially altered or changed in appearance.

2. As a Special Land Use.

a. Subject to the standards and conditions set forth in Subsection C., D., and E., wireless communication facilities shall be a special land use in the C, Conservation; AG, Agricultural; AR, Agricultural Residential; RR, Rural Residential; GC, General Commercial; LI, Light Industrial; and GI, General Industrial.

b. If it is demonstrated by an applicant that a wireless communication facility, in order to operate, is required to be established outside of an area identified in either Subsection B.1. or B.2.a., such wireless communication facilities may be considered elsewhere in the Township as a special land use, subject to one or more of the following:

A. At the time of the submittal, the applicant shall demonstrate that a location within the districts identified in Subsections B.1. or B.2.a. above cannot reasonably meet the coverage and/or capacity needs of the applicant.

B. Wireless communication facilities shall be of a design such as, without limitation, a steeple, bell tower, water tower, or other form which is compatible with the existing character of the proposed site, neighborhood, and general area, as approved by the Township.

C. Locations outside of the areas identified in Subsection B.1. or B.2.a. above shall be limited to the following locations, subject to application of all other standards contained in this section:

a. Municipally-owned sites.

b. Other governmentally-owned sites.

c. Religious or other institutional sites.

d. Public or private school sites.

e. Public utility sites.

f. Other locations where there is a demonstrated need for service.

D. All other criteria and standards set forth in Subsections C and D are met.

C. General Regulations Applicable to All Facilities. All applications for wireless communication facilities shall be reviewed, constructed and maintained in accordance with the following standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed, at the sole discretion of the Planning Commission and Township Board to meet the purpose and intent of this Section:

1. Conditions:

d. Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.

e. Facilities shall be located and designed to be harmonious with the surrounding areas.

f. Facilities shall comply with applicable Federal and State standards relative to the environmental effects of radio frequency emissions.

g. The applicant shall demonstrate the need for the proposed facility to be located as proposed, based upon the presence of one or more of the following factors:

i. Proximity to a major thoroughfare.

ii. Areas of population concentration.

iii. Concentrations of commercial, industrial and/or other business centers.

iv. Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.

v. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.

vi. Other specifically identified reasons creating facility need.

4. The following additional standards shall be met:

d. The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant and by other entities to co-locate on the structure. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs that might result in lower heights.

e. A proposed accessory building to enclose switching equipment shall be limited to maximum height in direct relation to the amount and type of screening being proposed to be implemented.

f. Setbacks.

i. Residential Dwellings: The setback of a proposed new support structure shall be one hundred fifty (150) feet or the height of the proposed structure, whichever is greater. The required setback shall be measured from the property line of any adjacent zoning district that permits residential dwellings, or from the property line of any adjacent property, in any non-residential district, containing a residential dwelling. The structure shall also be located a distance of one hundred fifty (150) feet or the height of the structure form any existing building or structure on the property to which the wireless communication facility is to be located.

ii. Public Right-of-Way: The setback of a proposed support structure shall be one hundred fifty (150) feet, or the height of the proposed support structure, whichever is greater.

iii. From Non-Residential Parcels: Where a proposed new support structure abuts a parcel of land planned, zoned or used for a non-residential use (commercial or industrial), and does not contain a residential dwelling, the minimum setback of the structure shall be fifty (50) percent of the height of the support structure.

g. Where an existing structure will serve as an attached wireless communication facility, setbacks of the existing structure shall not be materially changed or altered, based upon a

determination by the Planning Commission and Township Board.

h. There shall be an access drive to the support structure for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access drive shall be a minimum of fourteen (14) feet in width.

i. The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.

j. Where an attached wireless communication facility is proposed on the roof of a building, any equipment enclosure shall be designed, constructed and maintained to be architecturally compatible with or enclosed within the principal building.

k. The Planning Commission shall review and approve the color of the support structure and all accessory buildings so as to minimize distraction, reduce visibility, maximize aesthetic appearance and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.

l. The support structure system shall be constructed in accordance with federal, state and local codes, including all applicable building codes. Submission for building permit shall include the submission of a soil report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements indicating the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communications Commission and Michigan Aeronautics Commission shall be noted.

m. A maintenance plan and any applicable maintenance agreement shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonable prudent standard.

n. An open weave wire fence at least six (6) feet in height shall be constructed and set away from the base of the tower at least ten (10) feet in all directions.

o. Advertising signs are prohibited on tower structures.

p. Only the minimum lighting standards required by the FAA shall be placed on the tower structure.

q. The proposal shall be reviewed in conformity with the Collocation requirements of sub-section E.

D. Application Requirements.

1. A site plan prepared in accordance with Article 11, Site Plan Review.

2. The site plan shall also include a detailed landscaping plan illustrating screening and aesthetic enhancement for the structure base and accessory buildings in accordance with Section 5.6. In all cases, there shall be shown on the plan, fencing which is required for protection of the support structure and security from children and other persons who may otherwise access the facilities.

3. The application shall include a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall. The certification will be utilized along with other criteria, such as applicable regulations for the district in question in determining the appropriate setback to be required for the structure and other facilities, if greater than required in Section 6.24(C)(2)(c).

4. The application shall include a description of security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in Section 6.24(G), Removal. In this regard, the security shall, at the election of the applicant, be in the form of: (1) cash or (2) surety bond.

5. The application shall include a map showing existing and known proposed wireless communication facilities within the Township and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the Township which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the community, the applicant shall be required only to update as needed. Any proprietary information may be submitted with a request for confidentiality.

6. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. The owner shall update this information annually during all times the facility is on the premises.

E. Collocation.

1. Statement of Policy. It is the policy of the Township to minimize the overall number of newly established locations for wireless communication facilities and encourage the use of existing structures. It is also the policy of the Township to approve new facilities only if it is demonstrated that the new facility can and will support numerous collocations.

2. Feasibility of Collocation. Collocation shall be deemed to be "feasible" for purposes of this section where all of the following are met:

    a. The wireless communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.

    b. The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility is able to provide structural support.

    c. The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas and the like.

    d. The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the standards set forth in this section.

3. Requirements for Collocation.

    a. Approval for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.

    b. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate collocation.

    c. If a party who owns or otherwise controls a facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use and shall not be altered, expanded or extended in any respect.

F. Review Period, Fees for Wireless Communication Facilities.

1. An application for wireless facility special land use shall be governed according to the time limits and application fees as specified in PA 110 of 2006 MCL 125.3514 and as summarized below.

2. After application for a special land use approval is filed with the Township, the Zoning Administrator shall determine whether the application is administratively complete. Unless the Zoning Administrator determines that the application is deficient and notifies the applicant accordingly, the application shall be considered to be administratively complete within fourteen (14) business days after receipt of the application.

3. Fore wireless communication equipment proposed for placement or installation on an existing wireless support structure, the Planning Commission shall approve or deny the application not more than sixty (60) days after the application has been deemed administratively complete.

4. For wireless communication equipment proposed at new sites without an existing wireless communication support structure, the Planning Commission shall approve or deny the application not more than ninety (90) days after the application has been deemed administratively complete.

5. Fees required by Augusta Charter Township shall not exceed $1,000.00.

G. Removal.

1. The Township reserves the right to request evidence of ongoing operation at any time after the construction of an approved wireless communication facility.

2. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:

a. When the facility has not been used for one hundred eighty (180) days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use.

b. Six (6) months after new technology is available at reasonable cost as determined by the Township, which permits the operation of the communication system without the requirement of the support structure.

3. The situation in which removal of a facility is required may be applied and limited to portions of a facility.

4. Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had 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 an acceptable condition as reasonably determined by the Zoning Administrator.

4. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the facility.

6.25 Large Solar Energy Systems. The following requirements shall apply to all 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 within the Light Industrial and General Industrial Districts as a Special Land Use.

B. Site Plan Drawing and Supporting Materials: All applications for a Large Solar Energy Systems use must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information:

1. All requirements for a site plan contained in Article 11 of the Augusta Charter Township Zoning 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 Augusta Charter Township that is proposed to be within the Large Solar Energy

System.

4. Vicinity map showing the location of all surrounding land uses.

5. Location and height of all proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with a Large Solar Energy System.

6. Horizontal and vertical (elevation) to scale drawings with dimensions that show the location of the proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing and all above ground structures and utilities on the property.

7. 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 all exterior property lines of the Large Solar Energy System.

8. Proposed setbacks from the Solar Array(s) to all existing and proposed structures within the Large Solar Energy System.

9. 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.

10. 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 approval, and shall be planned so as to minimize the use of lands for that purpose.

11. Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance or repair of the Large Solar Energy System.

12. A written description of the maintenance program to be used for the Solar Array and other components of the Large Solar Energy System, including decommissioning and removal. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Large Solar Energy System is decommissioned.

13. Planned lightening protection measures.

14. A weed control and mosquito control plan shall be provided. No chemicals shall be used for weed or mosquito control that might have a detrimental impact on groundwater.

15. Additional detail(s) and information as required by the Special Land Use requirements of the Augusta Charter Township Zoning Ordinance, or as required by the Planning Commission.

C. Application Escrow Account: An escrow account shall be deposited with the Township by the Applicant when the Applicant applies for a Special Land Use Permit for a Large Solar Energy System. The monetary amount deposited by the Applicant in escrow with the Township shall be the amount estimated by the Township, to cover all reasonable costs and expenses associated with the Special Land Use Permit review and approval process, which costs shall include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that are reasonably related to the zoning review process for the application. The Applicant shall have thirty (30) days to refuse or approve of the amount estimated by the Township. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the Special Land Use Permit review process, the Township may require that the Applicant place additional funds into escrow with the Township if the existing escrow amount deposited by the Applicant is deemed insufficient by the Township. If the escrow account needs replenishing and the Applicant refuses to do so within thirty (30) days, the Special Land Use Permit process shall cease unless and until the Applicant makes the required additional escrow deposit. Any applicable zoning escrow Resolutions or other Ordinances adopted by the Township must also be complied with by the Applicant. The Township shall provide a summary of all account activity to the Applicant within a timely manner upon request. Any funds remaining within the escrow after approval of the Special Land Use Permit shall be returned in a timely manner to the Applicant.

D. Compliance with the County Building Code and the National Electric Safety Code: Construction of a Large Solar Energy System shall comply with the National Electric Safety Code and the County Building Code (as shown by approval by the County) as a condition of any Special Land Use Permit under this section. In the event of a conflict between the County Building Code and National Electric Safety Code (NESC), the NESC shall prevail.

E. 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 (“EIL”), or other similar certification organization if the similar certification organization is approved by the Township, which approval shall

not be unreasonably withheld.

F. Height: Maximum height of a Solar Array, other collection device, components or buildings of the Large Solar Energy System, excluding substation and electrical transmission equipment, shall not exceed fifteen (15) feet (at full-tilt) (as measured from the natural grade at the base of improvements) at any time or location on the property. Substation and electrical transmission equipment shall not exceed one hundred (100) feet in height.

G. Lot Size: A Large Solar Energy System shall be located on one or more parcels with an aggregate area of ten (10) acres or greater.

H. Setbacks: A minimum setback distance of one hundred (100) feet from all exterior property lines of the Large Solar Energy System and existing public roads and railroad rights-of-way shall be required for all buildings and Solar Arrays. Additionally, a minimum setback distance of one hundred fifty (150) feet shall be provided from solar arrays, equipment, and fencing from all participating residential property lines. A five hundred (500)-foot setback with landscape screening is a required where non-participating residential property adjoins the proposed solar use.

I. Lot Coverage: A Large Solar Energy System is exempt from maximum lot coverage limitations.

J. Screening/Security: A Large Solar Energy System shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing shall be six (6) feet in height consisting of galvanized mesh wire with wood posts (also known as deer fence or agricultural fence). The Planning Commission may consider an alternative fence-type as part of the special land use approval. Electric fencing is not permitted. The perimeter of Large Solar Energy Systems shall also be screened and buffered by installed evergreen or native vegetative plantings whenever existing natural vegetation does not otherwise reasonably obscure the Large Solar Energy System from adjacent residential structures, subject to the following requirements:

1. The Large Solar Energy Systems shall be exempt from the landscape requirements of Article 5.7.

2. No landscaping shall be placed within fifty (50) feet of any right-of-way.

3. Landscape screening shall be installed to obscure the Large Solar Energy System from adjacent uses and from passersby. The evergreen and shrub vegetative buffer shall either be composed of one (1) row of evergreen trees and two (2) offset rows of shrubs

that at planting shall be a minimum of six (6) feet in height (evergreen trees) and shrubs two (2) feet in height. Or two (2) rows of evergreen trees. One (1) row having a minimum height of four (4) feet and the other a minimum of six (6) feet. The vegetative buffer shall be continuously maintained and the applicant shall replace all unhealthy (sixty (60) percent dead or greater) and dead material shall be replaced by the Applicant within one (1) year, or the next appropriate planting period, whichever occurs first. The applicant may plant a different species than originally planted upon approval from the Planning Commission and if the originally planted species does not thrive in this location.

3. All plant materials shall be installed between March 15 and November 15. If the Applicant requests a Final Certificate of Occupancy from the Township and the Applicant is unable to plant during the installation period, the Applicant will provide the Township with a letter of credit, surety or corporate guarantee for an amount equal to one and one-half (1.5) times the cost of any planting deficiencies that the Township shall hold until the next planting season. After all plantings have occurred, the Township shall return the financial guarantee.

4. Failure to install or continuously maintain the required vegetative buffer shall constitute a violation of this Ordinance and any Special Use Permit may be subject to revocation.

K. Signage: No advertising or non-project related graphics shall be on any part of the Solar Arrays or other components of the Large Solar Energy System. This exclusion does not apply to entrance gate signage or notifications containing points of contact or any and all other information that may be required by authorities having jurisdiction for electrical operations and the safety and welfare of the public.

L. Noise: No component of any Large Solar Energy System shall emit noise exceeding fifty-five (55) dBA as measured at the exterior property boundary or the existing ROW line.

M. Lighting: All lighting for parking lots, driveways, external illumination of buildings, the illumination of signs, and any additional lighting used during construction and decommissioning of the solar use shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect driver visibility on adjacent public roads in accordance with Section 9.13.

N. Wetlands: No additional wetlands shall be created or developed by the project.

O. Drain Tiles: Drain tiles on the Large Solar Energy System site shall be protected during the life of the project and are subject to professional review. If non-functioning drain tiles are discovered during the survey, they must be repaired and made functional. Any drain tiles rendered non=-functioning directly as a result of construction, operation, maintenance or decommissioning of the Large Solar Energy System will be replaced or repaired so as note to create any drainage issues on the Large Solar Energy System site or on adjacent and surrounding properties.

P. 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, except in areas where technical or physical constraints make it preferable to install equipment above ground. This requirement excludes transmission equipment meant to connect the project substation to the local transmission system.

Q. Abandonment and Decommissioning: Following the operational life of the project, the Applicant shall perform decommissioning and removal of the Large Solar Energy System and all its components. The Applicant shall prepare a Decommissioning Plan and submit it to the Planning Commission for review and approval prior to issuance of the Special Land User Permit. The decommissioning plan shall be written to provide security to the Township for one hundred percent (100%) of the cost to remove and dispose of all panels, wiring, and restoration of the land to its original conditions. The value of decommissioning shall be determined by a third-party financial consultant or engineer selected by the Township and paid for by the developer. Once value of decommissioning is determined, it shall be updated on a periodic basis of not less than every three (3) years. Any Solar Array or combination of Photovoltaic Devices that is not operated for a continuous period of twelve (12) months shall be considered abandoned and shall be removed under the Decommissioning Plan. The ground must be restored to its original topography within three hundred sixty-five (365) days of abandonment or decommissioning.

R. Complaints: The operator of the project shall respond to complaints from the neighboring property owners arising from and related to the operation of the Large Solar Energy System within ten (10) business days and shall attempt to resolve complaints consistent with Township Ordinances and the law. Complaints and any resolution must be reported to the Zoning Administrator.

S. Indemnity/Insurance: Public liability and property damage insurance must be continuously maintained during the life of the project and the Township shall e listed as an additional insured and indemnified from all claims

arising from the construction, use, maintenance and decommissioning of the Large Solar Energy System.

T. General Standards: The Planning Commission shall not approve any Large Solar Energy System Special Land Use Permit unless it finds that all of the general standards for Special Land Uses contained in Article 4 of this Ordinance are met.

U. Approval Time Limit and Extension: Special Use and Site Plan approvals or permits under this Section shall be valid for one year but, if requested by the Applicant prior to that expiration date, shall automatically be extended for an additional one year period.

V. Conditions and Modifications: Any conditions and modifications approved by the Planning Commission shall be recorded in the Planning Commissions' meeting minutes. The Planning Commission may, in addition to other reasonable conditions, require landscaping, walls, fences and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts.

After approval, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Chairman of the Planning Commission and authorized representative of the Applicant. One copy shall be kept on file by the Township Clerk, and one copy shall be returned to the Applicant's authorized representative.

W. Inspection: The Township shall have the right at any reasonable time, to provide same-day notice to the Applicant to inspect the premises on which any Large Solar Energy System is located. The Township may hire one or more consultants, with approval from the Applicant (which shall not be unreasonably withheld), to assist with inspections at the Applicant's or project owner's expense. Inspections must be coordinated with, and escorted by, the Applicant's operations staff at the Large Solar Energy Facility to ensure compliance with the Occupational Safety and Health Administration (OSHA), NESC and all other applicable safely guidelines.

X. Maintenance and Repair: Each Large Solar Energy System must be kept and maintained in good repair and condition at all times. If the Township Zoning Administrator determines that a Large Solar Energy System fails to meet the requirements of this Ordinance and the Special Land Use Permit, or that it poses a safety hazard, the Zoning Administrator, or his or her designee, shall provide notice to the Applicant of the violation or safety hazard. If, after a reasonable cure period (not to exceed 7 days), the violations or safety hazards are not corrected, the Applicant is entitled to a hearing before the Township Board. If the Township Board determines that the violation or safety hazard requires that the Large Solar Energy System must be shut down, Applicant shall immediately shut down the

Large Solar Energy System and not operate, start or restart the Large Solar Energy System until the issues have been resolved. Applicant shall keep a maintenance log on the Solar Array(s), which shall be available for the Township's review within 48 hours of such request. Applicant shall keep all sites within the Large Solar Energy System neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.

Y. Roads: Any material damages to a public road located within the Township resulting from the construction, maintenance or operation of a Large Solar Energy System shall be repaired at the Applicant's expense. In addition, the Applicant shall submit to the appropriate County agency a description of the routes to be used by construction and delivery vehicles and shall make road improvements determined to be necessary or appropriate by the County Road Commission to accommodate construction vehicles, equipment or other deliveries. The Applicant shall abide by all County and Township requirements regarding the use and/or repair of roads in the Township.

Z. Continuing Security: If any Large Solar Energy System is approved for construction under this Section, Applicant shall post decommissioning security prior to the start of construction (in a mutually agreed upon form) for an amount necessary to accomplish the work specified in the decommissioning plan as agreed upon by the Township and Applicant. The amount shall be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the Large Solar Energy System. Such financial security shall be kept in full force and effect during the entire time that the Large Solar Energy System exists or is in place, and such financial security shall be irrevocable and non-cancelable.

1. Continuing Obligations: Failure to keep any required financial security in full force and effect at all times while a Large Solar Energy System exists or is in place shall constitute a material and significant violation of the Special Land Use Permit and this Ordinance, and will subject the Large Solar Energy System Applicant, owner and operator to all remedies available to the Township, including any enforcement action, civil action, request for injunctive relief, and revocation of the Special Land Use Permit.

AA. Other Requirements: Each Large Solar Energy System shall also comply with all applicable federal, state and county requirements, in addition to other applicable Township Ordinances.

ARTICLE 7
OFF-STREET PARKING STANDARDS

7.1 General Parking Requirements. In all zoning districts, off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees, and patrons of the buildings hereafter erected, altered, or extended after the effective date of this Ordinance, shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

A. Area for Parking Space. For the purpose of this Article, two hundred eighty (280) square feet of parking lot area shall be deemed a parking area space for one (1) vehicle, including the access aisle.

B. Fractional Requirements. When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to, and including one-half may be disregarded and fractions over one-half shall require one (1) parking space.

C. Location of Parking for One- and Two-Family Dwellings. The off-street parking facilities required for one- and two-family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, but shall not be considered a parking lot under the provisions of Section 7.3 of this Article.

D. Location of Parking for Multiple-Family Residential. The off-street parking facilities for multiple-family dwellings shall be located on the same lot or plot of ground as the dwellings they are intended to serve, and shall consist of a parking lot as set forth in Section 7.3. In no event shall any uncovered parking space be located nearer than ten (10) feet to any main building.

E. Location of Parking for Other Land Uses. The off-street parking facilities required for all other uses shall be located on the lot or within five hundred (500) feet of the permitted uses requiring such off-street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served. A fully executed parking easement agreement for all off-site parking shall be signed by all parties involved and recorded for all off-street parking intended to service the main facility.

F. Seating Capacity of Seats. As used in this Article to determine parking requirements, seats shall mean that each twenty-four (24) inches of seating facilities shall be counted as one (1) seat, except that where specifications

and plans filed with the Zoning Administrator specify a certain seating capacity for a particular building, such specified seating capacity shall be used as the basis for determining required parking spaces.

G. Similar Uses and Requirements. In the case of a use not specifically mentioned, and which is similar to another use listed, the requirements for off-street parking facilities for the similar use shall apply.

H. Floor Area. For the purpose of this Article, the floor area used to determine the required number of parking spaces shall be as defined in Article 2, Rules of Construction and Definitions.

I. Existing Off-Street Parking at Effective Date of Ordinance. Off-street parking existing at the effective date of this Ordinance which serves an existing building or use, shall not be modified in quantity, arrangement or construction to other than that required under the terms of this Ordinance.

J. Collective Provisions. Nothing in this Section shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses, subject to the Planning Commission's finding that such an arrangement is practical and satisfactory to each of the uses intended to be served, and when all requirements for location, design, and construction are met.

1. *Computing Collective Parking Requirements*: In computing requirements for any collective parking arrangement, the total space requirement is the sum of the individual requirements that will occur at the same time. If parking requirements for individual uses occur at distinctly different times, the total of such off-street parking facilities required for collective use may be reduced below the sum total of the individual parking requirements.

2. *Record of Agreement*: A copy of the agreement between the joint users of the collective parking shall be filed with the application for a building permit and recorded with the Washtenaw County Register of Deeds. The agreement shall include a guarantee for continued use of the parking facility by each party.

K. Parking Duration. Except when land is used as storage space in connection with the business of a repair or service garage, a twenty-four (24) hour time limit for parking in non-residential off-street parking areas shall prevail, it being the purpose and intention of the foregoing that the requirement of maintaining vehicle storage or parking space is to provide for the public safety in keeping parked cars off the streets. Such requirement is not designed to or intended to provide, and shall not permit, the storage or prolonged parking of wrecked or junked cars on any such parking area in any such district, or for creating a junk yard or a nuisance in such areas.

L. Restriction on Parking on Private Property. It shall be unlawful for any person, firm, or corporation to park any motor vehicle on any private property, or use said private property for vehicle storage, or use any portion of any private property as a parking space, without the express or implied consent, authorization, or ratification of the owner, holder, occupant, lessee, agent, or trustee of such property. Complaint for the violation of this Section shall be made by the owner, holder, occupant, lessee, agent, or trustee of such property.

M. Flexibility in Application. The Township recognizes that, due to the specific requirements of any given development, inflexible application of the parking standards set forth in Section 7.2 may result in development with inadequate or excessive amounts of parking in relation to that which is needed. The former situation may lead to traffic congestion or unauthorized parking on adjacent streets or neighboring sites. The latter situation may result in excess paving and stormwater runoff and the inefficient use of land which could otherwise be left as open space.

1. The Planning Commission may permit deviations from the requirements of Section 7.2 and may require more or allow less parking whenever it finds that such deviations are more likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question.

2. The Planning Commission may attach conditions to the approval of a deviation from the requirements of Section 7.2 that bind such approval to the specific use in question. Where a deviation results in a reduction in parking, the Planning Commission may further impose conditions which ensure that adequate reserve area is set aside for future parking, if needed. Where an area is set aside for reserve parking, it shall be easily developed, not devoted to a use other than open space, and shall be designed to accommodate attendant facilities such as maneuver lanes and drainage.

7.2 Off-Street Parking Requirements By Use. The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings as specified above shall be determined in accordance with the following table, no more or less parking may be approved except under the flexibility provisions found in Section 7.1(M), above. The space so required shall be stated in the application for development approval and shall be irrevocably reserved for such use and/or shall comply with the initial part of this Section.

Use	Required No. of Spaces	Per Each Unit of Measure as Follows:
A. Residential Parking Requirements.		

	1.	Single- or Two-Family Dwelling	2	Per each dwelling unit
	2.	Multiple-Family Dwelling	2 1	Per each dwelling, plus Per each ten (10) dwelling units
	3.	Senior Citizen Housing	0.5 1	Per each dwelling unit, plus Per each ten (10) dwellings units
B.	Institutional Parking Requirements.			
	1.	Churches	1	Per each four (4) seats based on maximum seating capacity in the main place of assembly therein
	2.	Private Clubs & Lodges	1	Per each four (4) individual members allowed within the maximum occupancy load as established by local county, state, fire, health, or building codes
	3.	Hospitals	1 1 1	Per each two (2) beds, plus Per staff doctor, plus Per each two (2) employees
	4.	Convalescent Homes, Homes for the Aged, Nursing Homes, Children's' Homes	1 1 1	Per each four (4) beds, plus Per each staff doctor, plus Per each two (2) employees
	5.	High Schools	1 1 1	Per each teacher, plus Per each ten (10) students, plus Per each employee or administrator. or Requirements of the auditorium or assembly hall therein (whichever is greater)
	6.	Elementary & Junior High Schools, Trade Schools	1 1	Per each teacher, plus Per each employee or administrator, or Requirements of the auditorium or assembly hall therein (whichever is greater)

	7.	Child Care Center, Day Nurseries, or Nursery Schools	1 1	Per each five (5) students, plus Per each employee
	8.	Stadiums & Sports Arenas	1	Per each four (4) seats or eight (8) ft of bench
C.	Commercial Parking Requirements.			
	1.	Retail Stores, including Pharmacies, Convenience Stores, Video Rental Establishments, and other similar uses, except as otherwise specified herein	1	Per each 200 sq ft of Gross Floor Area (GFA)
	2.	Furniture, Appliances, & Household Equipment, Repair Shops, Hardware Stores and other similar uses	1	Per each 600 sq ft of GFA
	3.	Auto Salesroom, Wholesale Stores, Machinery Sales, & other similar uses	1 1	Per each 1000 sq ft of Usable Floor Area (UFA), plus Per each employee
	4.	Medical Clinic & Dental Clinic	1	Per each 250 sq ft of GFA
	5.	Business & Professional Offices	1	Per each 350 sq ft of GFA
	6.	Motels, Hotels, Tourist Homes	1 1	Per each guest bedroom, plus Per employee, plus amount required for accessory uses
	7.	Banks (other than drive-in), Post Offices	1 1	Per each 200 sq ft of UFA, plus Per each one (1) employee
	8.	Drive-in Banks	4	Per each teller window
	9.	Barber & Beauty Shops	2	Per each operator
	10.	Bowling Alleys	5	Per bowling lane, plus Amount required for accessory uses
	11.	Drive-in Restaurants	1 1	Per each 50 sq ft of GFA, plus Per each two (2) employees, with a minimum total of 25 parking spaces

12.	Drive-Thru Restaurants	1	Per each 200 sq ft of GFA, plus
		1	Per each two (2) employees, with a minimum total of 25 parking spaces
13.	Establishments (other than drive-in or drive-thru restaurants) in which the sale and consumption of food, beverages and/or refreshments occurs on the premises	1	Per each four (4) persons allowed within the maximum occupancy load as established by local, state, or county fire, health, or building codes, plus
		1	Per each three (3) employees, or
		1	Per each 100 sq ft of UFA, plus
		1	Per each three (3) employees (whichever is greater)
14.	Private Tennis, Swim or Golf Clubs, or other similar uses	1	Per each two (2) member families or individuals, plus Amount required for accessory uses
15.	Golf Course, open to the general public	6	Per each hole, plus
		1	Per each employee, plus Amount required for accessory uses
16.	Filling Stations, Automobile Service Stations	2	Per each service stall, plus
		1	Per each employee, plus
		1	Per each service vehicle; plus
		1	Per each fuel pump
17.	Motor Vehicle Wash Establishments (self-serve)	2	Per each wash stall; plus
		1	Per each vacuum station
18.	Motor Vehicle Wash Establishments (other than self-serve)	2	Per each unit which represents the establishments maximum capacity as computed by dividing the linear dimensions of the mechanical wash/dry operation by 20 ft, plus
		1	Per each vacuum station
		1	Per each employee
19.	Service Garages, Auto Repair Shops, Collision or Bump Shops, and other similar uses	2	Per each service stall, plus
		1	Per each two (2) employees computed on the basis of the maximum number of employees on duty at any one time

20.	Open Air Business (not otherwise provide for herein)	1	Per each 800 sq ft of lot area used for said business
21.	Personal Service Establishments (not otherwise provided for herein)	1 1	Per each 300 sq ft of UFA, plus Per each two (2) employees
22.	Theaters, Auditoriums, and Assembly Halls	2 1	Per each four (4) seats based on the maximum seating capacity in the main place of assembly therein, plus Per each two (2) employees

D. Industrial Parking Requirements.

1.	Industrial or Manufacturing Establishments, Research Establishments	1	Per each 1-1/2 employees computed on the basis of the greatest number of persons employed at any one time, or Per each 800 sq ft of UFA (whichever is greater)
2.	Warehouses and Storage Buildings	1 1	Per each two (2) employees computed on the basis of the greatest number of persons employed at any one time, or Per each 2,000 sq ft of GFA (whichever is greater)
3.	Contractors Office	1 1 1	Per each employee, plus Per vehicle stored on-site, or Per 300 sp ft of GFA
4.	Auto Wrecking and Junk Yards	1 1 1	Per each employee, plus Per each operating vehicles stored on-site, plus Per each acre of land in the yard

7.3 Off-Street Parking Lot Construction and Operation. The construction of any parking lot shall be in accordance with the provisions of this Ordinance and such construction shall be completed and approved by the Zoning Administrator and the Township Engineer prior to use of the property as a parking lot and before a Certificate of Occupancy is issued. Plans for the development of any parking lot must be submitted to the Zoning Administrator, prepared at a scale of not less than fifty (50) feet equals one (1) inch and indicating existing and proposed grades, drainage, pipe sizes, dimensions of all parking, type of curbing, drive and aisle dimensions, lighting, adjacent main buildings, sidewalls, landscaping, surfacing and base materials to be used and the layout of the proposed parking lot. The plans are to be prepared in a presentable form by person(s) competent in such work and shall reflect conformance with the following provisions.

A. Paving and Drainage. All such parking lots, driveways, or loading areas required for uses other than single- or two-family residential shall be hard surfaced with a pavement having an asphalt or concrete binder, shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be completely constructed prior to a Certificate of Occupancy being issued. No surface water from such parking lot area shall be permitted to drain onto adjoining private property or regulated wetlands without first flowing into a sedimentation management facility. Under certain conditions, the Planning Commission shall have the discretion of waiving certain hard surface paving requirements if the following conditions prevail:

1. Where driveways, loading, turn-around, or storage areas receive only limited use and are not used for employee parking, customer parking, or primary access.

2. Where gravel surfacing and potential problems arising from dust or scattered gravel will not impact neighboring properties.

3. Where hard surfacing will significantly increase storm water runoff and create a potential for flooding and/or soil erosion.

B. Illumination. All illumination associated with such parking lots shall be designed, installed and maintained in accordance with Section 9.13.

C. Setbacks, Landscaping, and Screening.

1. Parking shall not permitted in the required front yard setback.

2. Parking shall not encroach upon perimeter greenbelts required pursuant to Section 5.7, unless such requirements have been modified by the Planning Commission.

3. Parking areas that adjoin a residential use or district shall be provided with a landscape screen in accordance with Section 5.7(C)(5)(a), or provided with a masonry screen wall in accordance with Section 5.7(C)(5)(b).

4. Parking areas shall be provided with internal landscaping in accordance with Section 5.7(C)(6).

D. Dimensional Requirements. Adequate ingress and egress to the parking lot, by means of limited and clearly defined drives, shall be provided for all vehicles. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum regulations.

E.

Parking Pattern	Maneuvering Lane Width		Parking Space Width	Parking Space Length
	One-Way	Two-Way		
0^o (parallel)	12 ft	20 ft	9 ft	20 ft
30^o to 53^o	12 ft	20 ft	9 ft	20 ft
54^o to 74^o	15 ft	24 ft	9 ft	20 ft
75^o to 90^o	15 ft	24 ft	9 ft 6 in	18 ft

F. Curbing, wheel chocks or the like shall be provided to prevent any vehicle from projecting over the lot or setback lines, provide separation between vehicular and pedestrian circulation, and to protect adjacent buildings and landscaped areas.

G. Backing onto a public or private roadway from an off-street parking space (other than a driveway associated with a single-family dwelling) shall be prohibited.

H. Truck Parking. 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. Such truck space shall not be less than ten (10) feet in width and fifty-five (55) feet in length.

I. Off-Street Stacking Space for Drive-Through Facilities. All businesses, which provide drive-through facilities for serving customers within their automobile, shall provide adequate off-street stacking space and lanes, which meets the following requirements:

1. Each stacking space shall be computed on the basis of ten (10) feet in width and twenty (20) in length. Each stacking lane shall be a minimum of twelve (12) feet in width.

2. Clear identification and delineation between the drive-through facility and parking lot shall be provided. Drive-through facilities shall be designated in a manner, which promotes pedestrian and vehicular safety.

3. For all drive-through facilities which have one or more stacking lanes, an escape lane shall be provided which allows other vehicles to pass those waiting to be serviced.

4. The number of stacking spaces per service lane shall be provided for according to the following table, however the Planning Commission may permit deviations from the requirements of this Section and may require more or allow fewer stacking spaces whenever it finds that such deviations are more likely to provide a

sufficient number of stacking spaces to accommodate the specific characteristics of the use in question.

5. When a use is not specifically mentioned, the requirements for off-street stacking space for the most similar use shall apply.

Use	Minimum Stacking Spaces Per Service Lane
Banks	4
Photo Service	4
Dry-Cleaning	4
Quick Lube	4
Fast-Food Restaurants	6
Car Washes (Self Service)	
Entry	3
Exit	1
Car Washes (Automatic)	
Entry	6
Exit	2

J. Barrier-Free Parking Facilities. All parking facilities shall conform to all state and federal regulation particularly, the Americans with Disabilities Act.

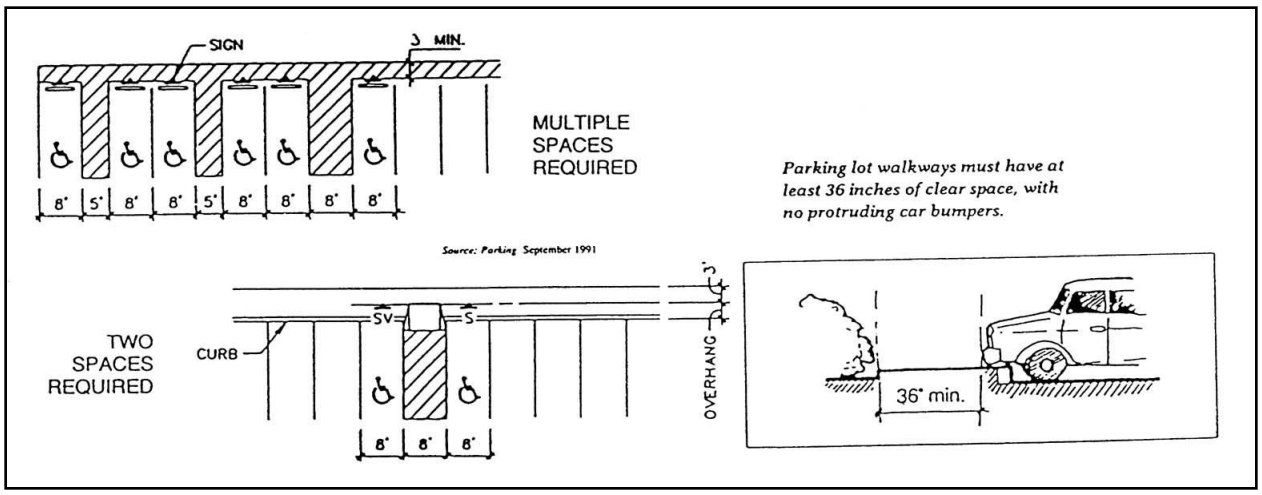
1. Barrier-free parking shall be clearly designated and provided according to the following schedule.

Total Parking Spaces in Lot			Barrier-Free Spaces
1	to	25	1
26	to	50	2
51	to	75	3
76	to	100	4
101	to	150	5
151	to	200	6
201	to	300	7
301	to	400	8
401	to	500	9
501	to	1,000	2*
1,001	and	over	20**

* Percent of total.

** Plus one (1) space for each 100 over 1,000.

2. All barrier-free parking spaces shall be accessed by an aisle no less than five (5) feet in width. One in eight (8) barrier-free spaces shall be accessed by an aisle no less than eight (8) feet in width and shall be signed as "van accessible."



7.4 Parking and Storage of Commercial and Recreational Vehicles.

A. Parking and Storage of Commercial Vehicles and Equipment.

1. Commercial vehicles and equipment shall include, but shall not be limited to, tractors (excluding lawn tractors), bulldozers, earth carriers, drag lines, cranes, back hoes, dump trucks, stake trucks, flatbed trucks, panel trucks, cube vans, wreckers, septic tank pumpers, semi-tractors, tanker trucks, well-drilling rigs, welding trucks, semi-trailers, and any other type of commercial or construction equipment, as well as any other motor vehicles not customarily used for passenger transport.

2. The open storage or outdoor parking of commercial vehicles or equipment in residentially zoned or used areas of the Township shall be prohibited, with the following exceptions:

   a. The open storage and outdoor parking of panel trucks, cube vans and/or enclosed trailers is permitted provided that they have no more than two (2) axles (one steering, one drive), and do not exceed twenty-eight (28) feet in length. All such vehicles shall adhere to the standards set forth in Section 7.4.B (2) for recreational vehicles.

   b. For the purposes of this Section, motor vehicles customarily used and manifestly designed for passenger transport (i.e. sedans, coupes, hatchbacks, station wagons, minivans, vans, pick-up trucks, sport utility vehicles, etc.) shall not be considered commercial vehicles, even when used for a commercial purpose.

c. The open storage or outdoor parking of commercial vehicles and/or equipment shall be allowed in any zoning district where such parking or storage is limited to vehicles or equipment engaged in the performance of a service on the adjacent or underlying property, for the period of time reasonably necessary to complete the service. Utility service vehicles, emergency service vehicles and vehicles engaged in agricultural activities are also exempt from these provisions.

B. Parking and Storage of Recreational Vehicles on Residentially Zoned or Used Property

1. Recreational vehicles shall include, but shall not be limited to, campers, motor homes, travel trailers, boats, jet skis and other personal watercraft, snowmobiles, all-terrain vehicles (ATVs) and associated trailers.

2. The outdoor parking or open storage of recreational vehicles shall be allowed on residentially zoned or used property, subject to the following provisions:

a. Such parking shall be prohibited within any public road right-of-way or private road easement.

b. In no case shall a recreational vehicle be parked less than five (5) feet from the principal building on a residential lot or parcel.

c. Recreational vehicles parked consistently on a residential lot or parcel for longer than thirty (30) days shall comply with Section 7.4(B)(3), below.

3. The storage of recreational vehicles consistently for lengths exceeding thirty (30) days shall be allowed on residentially zoned or used property, subject to the following provisions:

a. The recreational vehicle(s) being stored shall be owned by the owner or lessee of the residential property.

b. Such storage shall be prohibited within the a required front yard setback as well as any public road right-of-way or private road easement.

c. In no case shall a recreational vehicle be stored less than five (5) feet from the principal building on a residential lot or parcel.

d. Recreational vehicles parked or stored on a residential lot or parcel for greater than thirty (30) days shall not be used for living, sleeping or housekeeping purposes.

4. The repair, refurbishing or reconstruction of licensed and operable recreational vehicles on residential property shall be subject to the following:

   a. Recreational vehicles being worked on shall be on an improved driveway surface.

   b. Procedures exceeding forty-eight (48) hours in duration or which require the vehicle to be inoperable in excess of forty-eight (48) hours shall be conducted within an enclosed building.

   c. Inoperable and/or unlicensed vehicles and vehicle parts shall be stored inside an enclosed building.

7.5 Off-Street Loading Requirements. On the same premises with every building or part thereof, erected, and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale, market, hotel, hospital, laundry, dry cleaning or other uses similarly involving the receipt or distribution of vehicles, material or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with streets, fire lanes, or parking areas.

A. Such loading and unloading space, unless completely and adequately provided for within a building, shall be an area ten (10) feet by fifty (50) feet, with fourteen (14) foot height clearance, and shall be provided according to the following schedule.

Gross Floor Area (sq. ft.)	Loading & Unloading Spaces Required in Terms of Square Footage of Gross Floor Area
0 - 2,000	None
2,000 - 20,000	One (1) space
20,000 - 100,000	One (1) space plus one (1) space for each 20,000 sq ft in excess of 20,000 sq ft
100,000 - 500,000	Five (5) spaces plus one (1) space for each 40,000 sq ft in excess of 100,000 sq ft
over 500,000	Fifteen (15) spaces plus one (1) space for each 80,000 sq ft in excess of 500,000 sq ft

B. Double Count. Off-street loading space areas shall not be construed as, or counted toward, the supply of required off-street parking space area.

C. Backing into a site from a public or private road right-of-way shall be prohibited.

ARTICLE 8
SIGNAGE

8.1 Purpose. The purposes of this Article shall be to preserve the residential character and rural atmosphere of the community; to prevent the marring of the appearance of the Township by an excessive number of signs; to provide for the safety of drivers and pedestrians by controlling distractions and impairments to visibility; to render the area attractive to travelers; to protect residents from annoyances; and to protect the public health, safety, welfare, and property values by: establishing standards for the design, size and location of signs; establishing permit review and approval procedures for signs; regulating the construction and maintenance of signs; and providing for the removal of any unauthorized signs placed on public property. All signs within the Township shall conform to the provisions of this Article, and shall not, by reason of their size, location, construction, or manner of display, endanger life and limb, confuse or mislead traffic, obstruct vision necessary for vehicular and pedestrian traffic safety, or otherwise endanger public welfare.

8.2 Definitions. The following terms, phrases, words and their derivatives shall have the meaning given in Article 2 of this Ordinance, unless the context otherwise requires:

Animated Sign	Awning Sign	Balloon Sign
Banner Sign	Billboard	Canopy Sign
Changeable Copy Sign	Commercial	Construction Sign
Development Entranceway	Flag	Flashing Sign
Freestanding or Ground Sign	Illuminated Sign	Incidental Sign
Integral Sign	Marquee	Marquee Sign
Monolith Sign	Neon Sign	Non-Conforming
Obsolete Sign	Off-Premises Sign	Pennant Sign
Political Sign	Portable Sign	Principal Building
Projecting Sign	Real Estate Sign	Roof Sign
Sandwich Sign	Sign	Street Furniture Sign
Street Frontage	Suspended Sign	Temporary Sign
Wall Sign	Window Sign	

8.3 Signs Prohibited in All Districts. Unless otherwise permitted by this Ordinance, by variance or by legal non-conforming status as provided in this Ordinance, the following signs shall not be permitted:

A. Signs which imitate, or may be confused with or construed as, an official traffic sign, signal or device, or which contain the words “stop,” “go,” “yield,” “slow,” “caution,” “danger,” “warning,” or similar words.

B. Signs which are located or placed on any property or building or illuminated in a manner that interferes with motorists’ proper visibility of pedestrians, traffic or traffic signs, signals or devices.

C. Signs that are located in, project into, or overhang any public right-of-way or dedicated public easement, except as allowed by the Township, County, State or Federal government.

D. Any sign or sign structure which, in terms of applicable building or electrical codes, is structurally or electrically unsafe, or which blocks a fire escape or a door, window or other opening that could be used for fire escape.

E. All portable or non-structural signs except those used for Township-sponsored events when posted three (3) days or less or as allowed under other sections of this Ordinance. For purposes of this Ordinance, a sign shall be considered non-structural if it has no permanently mounted, self-supporting structure or is not an integral part of a building to which it is accessory.

F. Any sign which has any visible moving parts, visible revolving parts, visible mechanical movement of any description, or other apparent visible movement achieved by electrical, electronic, or mechanical means, including intermittent electrical pulsations, or by action of normal wind current, except for flags and time, temperature and stock market signs as provided in this Ordinance, but including animated signs.

G. Exterior banners, pennants, strings of flags, spinners and streamers. Temporary banners for Augusta Township-sponsored events are exempt from this requirement when posted forty-five (45) days or less.

H. String of lights used for commercial purposes, other than seasonal or holiday decorations.

I. Flashing signs with moving or blinking lights, or signs with exposed incandescent light bulbs.

J. A rotating search light or similar device which emits beams of light.

K. Signs which incorporate any open spark or flame unless specifically approved by the Building Department.

L. Roof signs or any sign which projects more than one foot above the roof line.

M. Pylon or pole-mounted signs. In instances where the applicant demonstrates to the satisfaction of the Planning Commission or Zoning Zoning Administrator, as applicable, that visibility would be seriously impacted by a ground or monument sign, a pylon sign may be permitted. Visibility is related only to ingress/egress of pedestrians and vehicles - not visibility of buildings or advertisements.

N. Any sign displayed on an automobile, truck, or other motorized vehicle, parked in view of a public road right-of-way or private road easement for greater than three (3) consecutive days.

O. Street furniture signs with the exception of signage on table umbrellas used for outdoor cafe-style dining.

P. Signs which are attached to utility poles, trees, fences, rocks or in an unauthorized manner to walls or other signs. This shall not include "no trespassing" signs, which shall be regulated as "incidental signs" pursuant to Section 8.4(H).

Q. Signs on public or private towers. Any type of signage including logos shall not be permitted on a public or private radio, television, cellular phone, or water towers with the exception of the name of the municipality.

R. Off-premises signs, or billboards, except way-finding and off-site real estate signs pursuant to Section 8.4.

S. Obsolete signs which advertise an activity, business product, or service no longer produced or conducted on the premises upon which the sign is located. Where the owner or lessor of the premises is seeking a new tenant, such signs may remain in place for not more than ninety (90) days from the date of vacancy.

T. Signs erected on either public or private property without the consent of the owner or occupant thereof.

U. Any sign unlawfully installed, erected, or maintained.

V. Signs advertising activities which are illegal under federal, state or Township laws or regulations.

8.4 Signs Allowed without a Permit. The following signs are allowed to be erected or maintained without a permit, provided they comply with the following regulations and all applicable ordinances, laws, and regulations, including the construction standards of this article.

A. Address Signs: A sign having an area of not more than two (2) square feet, to convey only the street number and address.

B. Business Affiliation Signs: Signs not exceeding a total of two (2) square feet per business indicating acceptance of credit cards or describing business affiliations and are attached to a permitted sign, exterior wall, building entrance or window.

C. Directional Signs: Signs located immediately adjacent to each exit, entrance or change in direction of vehicular or pedestrian travel that are installed to provide for the safe flow of persons and/or vehicles.

D. Flags: Insignia of any nation, state, government, community organization, corporation, college or university, respectfully displayed, provided that no more than five (5) flags representing the same entity exist on a property, and further that no flag be located in or fly over a public right-of-way.

E. Garage Sale Signs: Signs for garage sales, yard sales, basement sales, rummage sales, moving sales, estate sales or other similar sales, when conducted at a residence: may be erected on private property only; are limited to two (2) signs per sale location; may not exceed six (6) square feet or four (4) feet in height per sign; may not be erected for more than six (6) days in any calendar year per sale location; and may not occupy a public right-of-way.

F. Gas Station Pump Island Signs: Signs located immediately adjacent to gas pumps which provide identification to "self-serve" and "full-serve" operations, provided that there are no more than two (2) such signs per pump island and that such signs do not exceed four (4) square feet in area.

G. Historical Marker: Plaques or signs describing state or national designation as an historic site or structure and/or containing narrative, not exceeding twelve (12) square feet in area.

H. Incidental Signs: Signs bearing non-commercial messages that have a purpose secondary to the use of the lot on which they are located, such as those designating the location of public telephones, restrooms, restrictions on smoking and restrictions on building entrances, provided that no such signs exceed two (2) square feet in area.

I. Integral Signs: Signs that display the name of the building, date of erection, or take the form of a monumental citation or commemorative tablet, when carved into stone, concrete or similar material or made of bronze, aluminum or other non combustible material and made an integral part of the structure and not exceeding six (6) square feet in area.

J. Miscellaneous Signs: On vending machines, gas pumps, and ice containers indicating the contents or announcing on-premise sales, provided that the sign on each device does not exceed two (2) square feet in area.

K. Model Signs: Temporary signs directing the public to a model home or unit, which do not exceed six (6) square feet in area.

L. Open House Signs: Portable real estate "open house" signs with an area not greater than six (6) square feet and a maximum height of five (5) feet, provided only one such sign may be located on the premises being sold. Such signs may not be erected for more than eight (8) consecutive days and may not occupy a public right-of-way.

M. Owner/Tenant Signs: Address or occupant name and other signs of up to two (2) square feet in area mounted on the wall of a commercial building.

N. Parking Lot Signs: Signs indicating restrictions on parking, when placed within a permitted parking lot, which do not exceed six (6) feet in height and four (4) square feet in area.

O. Public Signs: Signs posted by duly constituted public authorities in the performance of their public duties.

P. Public Notice Signs: Temporary signs announcing any public, charitable, educational, religious or other non-commercial event or function, limited to one (1) sign located entirely upon the property on which such event or function is held, set back no less than fifteen (15) feet from the property line, and having a maximum sign area of thirty-two (32) square feet. If building-mounted, such signs shall be flat wall signs and shall not project above the roof line. If free-standing, the height of any such sign shall be no more than six (6) feet above normal grade. Such signs shall be allowed no more than thirty (30) days prior to the event or function and must be removed within seven (7) days after the event or function. Such signs may be illuminated in accordance with the restrictions set forth in Section 8.9 hereof.

Q. Real Estate Signs: Portable real estate signs of six (6) square feet or less and a maximum height of four (4) feet, limited to one (1) per road frontage, and advertising the sale, lease or rental of the premises on which erected. Such signs may not occupy a public right-of-way.

R. Real Estate Signs, Off-Site: Portable real estate signs of six (6) square feet or less and a maximum height of four (4) feet and advertising the sale, lease or rental of a property or building other than the premises on which it is erected. No more than two (2) such signs advertising the same property or building shall be located within the Township. Such signs may not occupy a public right-of-way.

S. Regulatory, Directional and Street Signs: Erected by a public agency in compliance with Michigan Manual of Uniform Traffic Control Devices Manual. Tourist Oriented Directional Signs, or “TODS,” shall be included under this provision. Regulatory, directional and street signs may be located within the road right-of-way.

T. Rental Office Directional Signs: Up to two (2) signs identifying or directing motorists to a rental or management office in a multiple family development, provided that such signs are a maximum of four (4) feet in height, are setback a minimum of fifteen (15) feet from any property line or public right-of-way, and do not exceed three (3) square feet in area.

U. Political Signs: Signs for the purposes of general expression (limited to one per residence) and temporary political signs advocating or opposing candidates for public office or a position on an issue to be decided at an election. Such signs shall not exceed ten (10) square feet in area and four (4) feet in height. Temporary political signs shall be removed within 10 days after the election.

V. Vehicle Signage: Signs located on motor vehicles or trailers bearing current license plates which are traveling or lawfully parked upon public highways, or parked upon any premises where the sign is not visible from the street.

W. Warning Signs: Signs such as no trespassing or warning of electrical currents or animals, provided that such signs do not exceed six (6) square feet.

X. Way-Finding Signs: Temporary, off-premise way-finding signs may be permitted that direct travelers to a public or quasi-public seasonal or special event. Temporary, off-premise way-finding signs are to be used for directional purposes only and shall be limited to four (4) per event; may be erected on private property only; may not exceed six (6) square feet or four (4) feet in height per sign; and may not be erected for more than twelve (12) days in any calendar year per event; and may not occupy a public right-of-way.

8.5 Schedule of Sign Regulations. The schedule provided below summarizes the quantity, maximum area, maximum height, and minimum setback from existing road rights-of-way permitted for signage requiring a permit under this Section. Detailed requirements for the signs listed below are provided under sub-sections 8.6 and 8.7. Wherever conflict exists between the following schedule and the standards of those sub-sections, those sub-sections shall prevail.

Sign	Number	Max. Area	Max. Height	Min. Setback
Signs in Residential Districts (Section 8.6)				
Agricultural Product Signs	1	16 s.f.	4 ft.	15 ft.
Farm or Estate Signs	1	9 s.f.	6 ft.	15 ft.
Home Occupation Signs	1	2 s.f.	4 ft.[1]	15 ft.
Non-Profit Organization Signs	1	32 s.f.	6 ft.	15 ft.
Residential Development Entranceway Signs	1/entrance	20 s.f.	6 ft.	15 ft.

Sign	Number	Max. Area	Max. Height	Min. Setback
Temporary Construction Signs	1/frontage	32 s.f.	6 ft.	15 ft.
Signs in Non-Residential Districts (Section 8.7)				
Awning and Canopy Signs	N/A	25% of surface[2]	N/A	Per district
Free-Standing Signs	1/frontage	½ s.f. per foot of frontage[3]	6 ft.	15 ft.
Gasoline Price Signs	1	20 s.f.	6 ft.	15 ft.
Marquee Signs	1/frontage	1½ s.f. per foot of building frontage	Per district	Per district
Menu Board Signs	2	16 s.f.	6 ft.	15 ft.
Office or Industrial Development Entranceway Signs	1/entrance	36 s.f.	6 ft.	15 ft.
Temporary Construction Signs	1/frontage	32 s.f.	6 ft.	15 ft.
Time/Temperature/Stock Market Signs	1/frontage	N/A[4]	6 ft.[1]	15 ft.[1]
Wall Signs	1/frontage [5]	1 s.f. per foot of building frontage[6]	See below	N/A
Window Signs	N/A	25% of window area	N/A	N/A

1 If sign is free-standing.

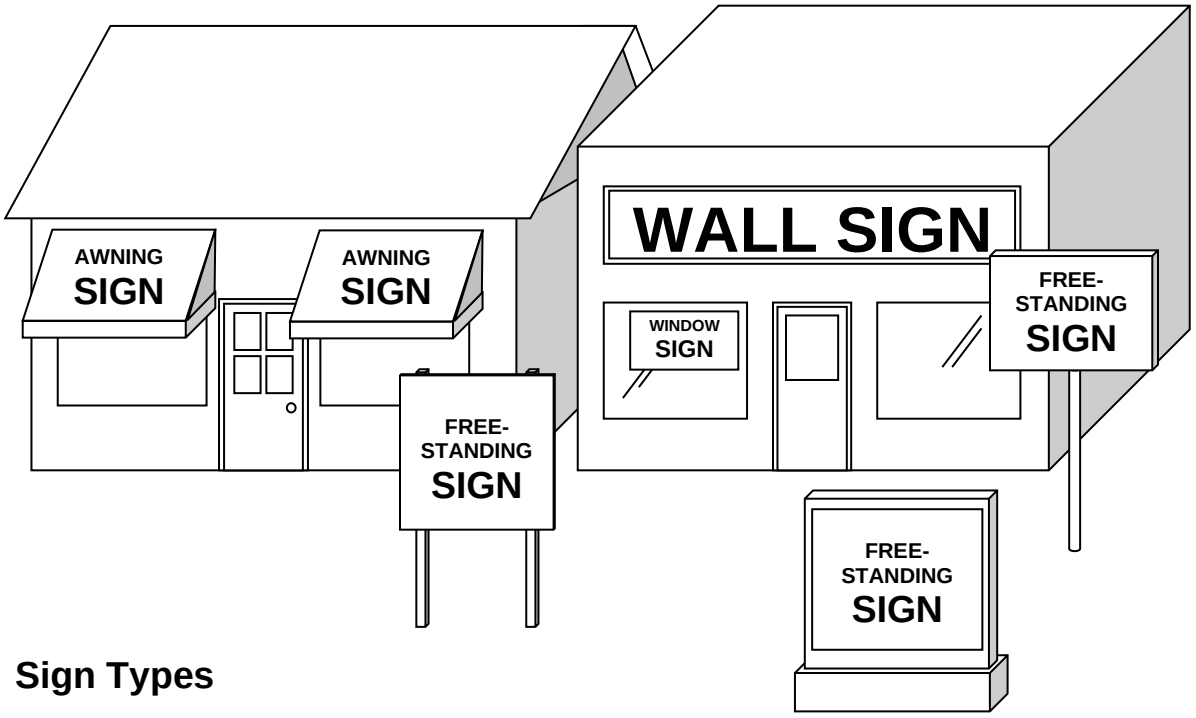
2 Such signs shall be counted in determining compliance with maximum permitted area of wall signage.

3 Not to exceed 32 s.f., unless premises contains multiple tenants, in which case 4 s.f. may be added per additional tenant, up to a maximum of 64 s.f.

4 Such signs shall not be counted in determining compliance with wall or free-standing sign area requirements.

5 Or one per tenant having individual public access.

6 Not to exceed 60 s.f., unless such signs are set back at least 150 ft., in which case such signs shall not exceed 200 s.f.



Sign Types

8.6 Signs in Residential Districts. The following signs shall be allowed in the C, AG, AR, RR, SR-1, SR-2, SR-3, VR, MHP, and VMU zoning districts, subject to permit approval in accordance with Section 8.10 and the following standards. Such signs shall only pertain to permitted or special land uses, and shall be located upon the same property to which the sign relates, unless otherwise provided herein.

A. Agricultural Product Signs: In the C, AG, AR, and RR districts, one sign advertising agricultural and/or horticultural products grown on the premises shall be permitted in conjunction with a temporary roadside stand. The sign shall not exceed sixteen (16) square feet in area, four (4) feet in height nor be located closer than fifteen (15) feet to any property line. The sign shall be erected not more than two weeks prior to opening of sales and removed within on (1) week of the end of sales.

B. Farm or Estate Signs: Signs in the C, AG, AR, and RR districts displaying the name of one permitted business, farm or estate, not to exceed nine (9) square feet in area and six (6) feet in height. One (1) such sign shall be permitted per farm or estate, in addition to the home occupation sign permitted under item 3, below. Such a sign may be indirectly illuminated, provided that all lighting equipment for these signs shall be designed to illuminate the sign only and shall not interfere with driver visibility or cause glare on adjoining properties.

C. Home Occupation Signs: Either one (1) wall or one (1) freestanding sign per parcel containing a permitted home occupation, with a minimum setback from the street right-of-way of fifteen (15) feet, and not exceeding two (2) square feet in area and four (4) feet in height. Such signs may not be illuminated, and must be consistent with the residential character of the neighborhood in which they are to be located.

D. Non-Profit Organization Signs: Permanent, free-standing signs identifying churches, schools, museums, libraries or other non-profit institutions, at a rate of one (1) sign per parcel, with a minimum setback from the street right-of-way of fifteen (15) feet, which does not exceed thirty-two (32) square feet in area and six (6) feet in height.

E. Residential Development Entranceway Signs: Permanent freestanding signs or signs affixed to decorative walls or fences identifying the entrances of residential developments such as subdivisions, apartment complexes, condominium communities, senior housing complexes, mobile home parks and similar uses, at a rate of one (1) per entranceway, not to exceed a total of two (2), with a minimum setback from the street right-of-way of fifteen (15) feet, and not exceeding twenty (20) square feet in area and six (6) feet in height. Where such sign is placed upon a decorative wall or fence, the area of the sign shall be computed by measuring the area of the envelope required to enclose the lettering, graphics and border, if any, not the entire decorative wall or fence. Such decorative walls and fences shall be governed as provided under Section 5.8.

F. Temporary Construction Signs: Temporary signs which advertise the construction of new residential subdivisions or similar permitted development, not to exceed thirty-two (32) square feet in area and six (6) feet in height. Such signs shall be removed immediately after the last available lot, homesite or parcel is sold.

8.7 Signs in Non-Residential Districts. The following signs shall be allowed in the VMU, LC, GC, O, LI, and GI zoning districts, subject to permit approval in accordance with Section 8.10 and the following standards. Such signs shall only pertain to permitted or special land uses, and shall be located upon the same property to which the sign relates, unless otherwise provided herein.

A. Signs for Residential District Uses in a Nonresidential District: Signs for non-conforming residential district uses in a nonresidential district shall be governed by the sign regulations for residential district uses.

B. Signs for Non-conforming Non-Residential Uses. Signs for non-conforming nonresidential uses in an office, commercial or industrial district (for example, a non-conforming commercial use in an industrial district) shall be governed by the sign regulations which are appropriate for the type of use, as specified in this Section.

C. Awning and Canopy Signs: Permanent signs on awnings and canopies shall be permitted, subject to the following standards:

1. *Coverage*. The total area of the lettering and logo shall not exceed twenty-five (25) percent of the total area of the awning or canopy that is visible from the street.

2. *Compliance with Size Requirements for Wall Signs*. The area of signs on awnings or canopies shall be counted in determining compliance with the standards for total area of wall signs permitted on the parcel.

3. *Projection*. Limitations imposed by this Ordinance concerning projection of signs from the face of a wall or building shall not apply to awning and canopy signs, provided that such signs shall comply with the setback requirements for the district in which they are located.

D. Free-Standing Signs: Freestanding signs shall be permitted, subject to the following regulations:

1. *Number*. One (1) permanent freestanding sign shall be permitted per street or highway frontage on each parcel. In multi-tenant buildings or shopping centers the sign area may be used to identify the name of the shopping center or multi-tenant building.

2. *Size*. The total area of the freestanding sign shall not exceed one-half (½) of a square foot per lineal foot of lot frontage, but in no case shall the freestanding sign exceed thirty-two (32) square feet in area. Premises having multiple tenants may add an additional four (4) square feet to the permitted sign area for each tenant beyond the first one, but not to exceed a total of sixty-four (64) square feet.

3. *Height*. The height of a freestanding sign shall not exceed six (6) feet.

4. *Setback from the Right-of-Way*. Freestanding signs may be located in the required front yard, provided that no portion of any such sign shall be located closer than fifteen (15) feet to the existing right-of-way line. If a parcel is served by a private road or service road, no portion of a freestanding sign shall be closer than fifteen (15) feet to the edge of the road or private road easement/right-of-way.

5. *Setback from Residential Districts*. Freestanding signs shall be located no closer than fifty (50) feet to any residential district.

E. Gasoline Price Signs: Gasoline price signs shall be permitted, subject to the following standards:

1. *Number*. One (1) gasoline price sign shall be permitted for each gas station.

2. *Size*. Gasoline price signs shall not exceed twenty (20) square feet in area. Gasoline price signs shall not be counted in determining compliance with the standards for total area of wall or freestanding signs permitted on the parcel.

3. *Height*. The height of a gasoline price sign shall not exceed six (6) feet.

4. *Setback*. Gasoline price signs shall comply with the setback and height requirements specified for freestanding signs in the district in which the signs are located.

F. Marquee Signs: Marquee signs shall be permitted for theaters located in commercial districts, subject to the following requirements:

1. *Number*. One (1) marquee shall be permitted per street frontage.

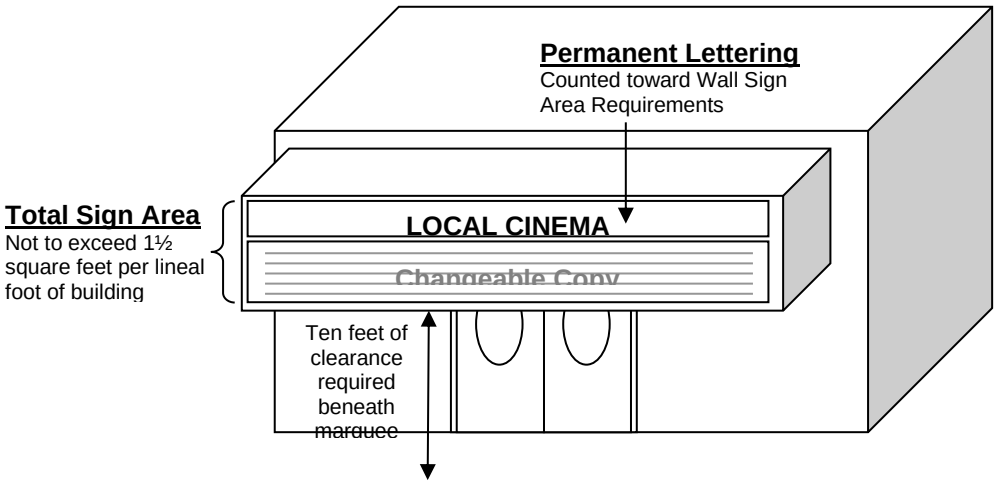
2. *Size*. The total size of a marquee sign shall not exceed one and one-half (1 1/2) square feet per lineal foot of building frontage.

3. *Compliance with Size Requirements for Wall Signs*. The area of permanent lettering on a marquee sign shall be counted in determining compliance with the standards for total area of wall signs permitted on the parcel.

4. *Construction*. Marquee signs shall consist of hard incombustible materials. The written message to be affixed flat to the vertical face of the marquee.

5. *Vertical Clearance*. A minimum vertical clearance of ten (10) feet shall be provided beneath any marquee.

6. *Projection*. Limitations imposed by this Ordinance concerning projection of signs from the face of a wall or building shall not apply to marquee signs, provided that marquee signs shall comply with the setback requirements for principal buildings for the district in which they are located.



Marquee

G. Menu Board: Up to two (2) signs each no greater than sixteen (16) square feet in area and six (6) feet in height which display menu items and contain a communication system for placing food orders at an approved drive through restaurant, provided such sign(s) is not in the front yard.

H. Office or Industrial Development Entranceway Signs: Permanent freestanding signs or signs affixed to decorative walls or fences identifying the entrances of office, research or industrial developments, condominiums, or subdivisions composed of multiple businesses on individual lots or units and served by its own public or private road. Such signs shall be provided at a rate of one (1) per entranceway, not to exceed a total of two (2), with a minimum setback from the street right-of-way of fifteen (15) feet, and not exceeding thirty-six (36) square feet in area and six (6) feet in height. Where such a sign is placed upon a decorative wall or fence, the area of the sign shall be computed by measuring the area of the envelope required to enclose the lettering, graphics and border, if any, not the entire decorative wall or fence. Such decorative walls and fences shall be governed as provided under Section 5.8.

I. Temporary Construction Signs: Temporary signs which advertise the construction of new non-residential development, not to exceed thirty-two (32) square feet in area and six (6) feet in height. Such signs shall be removed immediately after the last available lot, unit or parcel is sold or leased.

J. Time/Temperature/Stock Market Signs: Time, temperature, and stock market signs shall be permitted, subject to the following conditions:

1. *Frequency of Message Change*. The message change shall not be more frequent than once every ten (10) seconds.

2. *Size*. The area of these types of signs shall not be included within the maximum sign area permitted on the site.

3. *Number*. One (1) such sign shall be permitted per street frontage.

K. Wall Signs: Wall signs shall be permitted, subject to the following standards:

1. *Number*. One (1) permanent wall sign shall be permitted per street or highway frontage on each parcel. In the case of a multi-tenant building or shopping center, one (1) wall sign shall be permitted for each tenant having an individual means of public access. Tenants who occupy a corner space in a multi-tenant structure shall be permitted to have one (1) sign on each side of the building. Where several tenants use a common entrance in a multi-tenant structure, only one (1) wall sign shall be permitted, but the total sign area should be allocated on an equal basis to all tenants.

2. *Size*. The total area of a wall sign shall not exceed one (1) square foot per lineal foot of building frontage, but in no case shall the wall sign exceed sixty (60) square feet in area. Buildings which are setback more than one hundred fifty (150) feet back from the road right-of-way may be allowed to have a maximum square footage, (based upon the preceding lineal foot formula) not to exceed two hundred (200) square feet.

3. *Location*. One wall sign may be located on each side of a building that faces a street or highway.

4. *Vertical Dimensions*. The maximum vertical dimension of any wall sign shall not exceed one fourth (1/4) of the building height.

5. *Horizontal Dimensions*. The maximum horizontal dimension of any wall-mounted sign shall not exceed one-half (1/2) of the width of the building.

6. *Height*. The top of a wall sign shall not be higher than whichever is lowest:

a. The maximum building height specified for the district in which the sign is located.

b. The top of the sills at the first level on windows above the first story.

c. The height of the building facing the street on which the sign is located.

7. In addition to the wall signage described above, one (1) wall sign measuring no greater than fifteen (15) square feet in area shall be permitted at the rear of buildings which have a parking lot or alley located there. In the case of a multi-tenant building or shopping center, one (1) wall sign shall be permitted for each tenant having an individual means of public access facing the rear of the building.

L. Window Signs: Temporary and permanent window signs shall be permitted on the inside in commercial and office districts provided that the total combined area of such signs (including incidental signs) shall not exceed one-quarter (1/4) or twenty-five (25) percent of the total window area. Temporary window signs shall not be displayed longer than fourteen (14) days.

8.8 Billboards. Billboards, or off-premises signs, shall be prohibited in Augusta Charter Township, except as provided for off-site real estate and way-finding signage pursuant to Section 8.4.

8.9 Sign Design Standards

A. Construction Standards.

1. *General Requirements*. All signs shall be designed and constructed in a safe and stable manner in accordance with the Township's adopted building code and electrical code. All electrical wiring associated with a freestanding sign shall be installed underground.

2. *Architectural Compatibility*. Signs shall be designed and constructed to be consistent with the architectural design of the building they identify, as determined by the Zoning Administrator or Planning Commission.

3. *Building Code*. All signs shall be designed to comply with minimum wind pressure and other requirements set forth in the adopted Building Code.

4. *Framework*. All signs shall be designed so that the supporting framework, other than the supporting poles on a freestanding sign, is contained within or behind the face of the sign or within the building to which it is attached so as to be totally screened from view.

B. Illumination.

1. *General Requirements*. If illumination is proposed, signs shall be illuminated only by steady, stationary, shielded light sources directed solely at the sign, or internal to it. Indirect lighting of signage shall be encouraged over internal illumination.

2. *Non-Glare, Shielded Lighting*. Use of glaring undiffused lights or bulbs shall be prohibited. Lights shall be shielded so as not to project onto adjoining properties or thoroughfares, and shall not exceed fifteen (15) footcandles, measured perpendicular to the sign face, at a distance of four (4) feet.

3. *Traffic Hazards*. Sign illumination that could distract motorists or otherwise create a traffic hazard shall be prohibited.

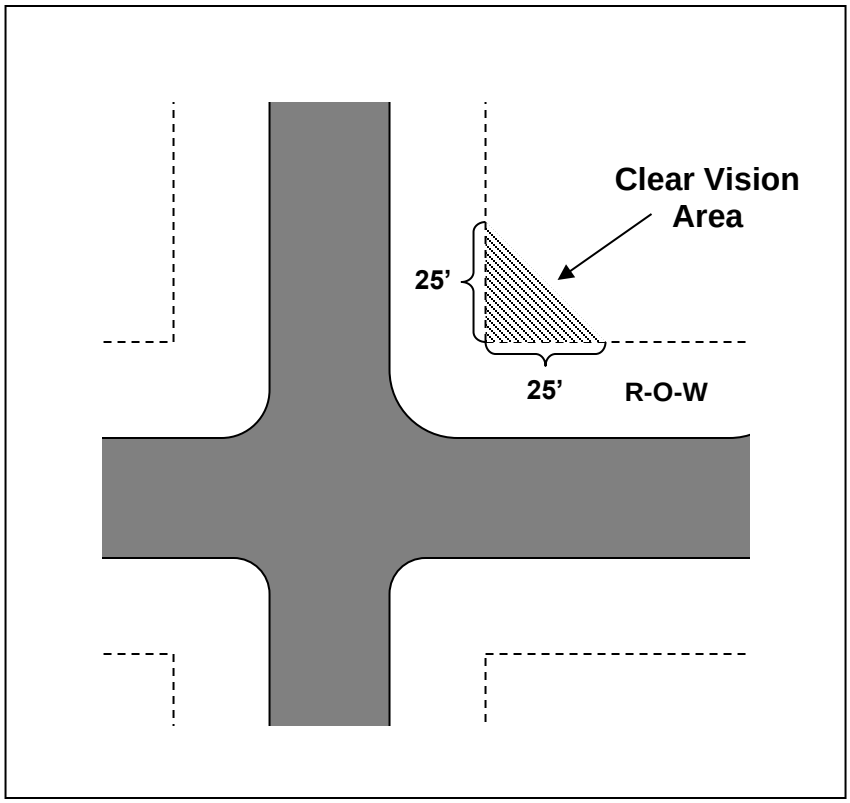
4. *Bare Bulb Illumination*. Illumination by bare bulbs or flames is prohibited.

C. Location.

1. *Within a Public Right-of-Way*. No sign shall be located within, project into or overhang a public right-of-way, except as permitted by the Washtenaw County Road Commission.

2. *Setback Requirements*. All signs shall comply with the setback requirements for this district they are located in, except as otherwise permitted herein, and provided that no freestanding sign is located closer than 15 feet from any lot line.

3. *Clear Vision Area for Motorists*. No sign shall be erected within the clear vision area at the intersection of any two streets or other public ways. The clear vision area is formed by two lines each twenty-five feet long measured along the right-of-way for both streets from the point of intersection and connected by a third line to form a triangle. Signage must also comply with the requirements of the Washtenaw County Road Commission.



D. Height. No freestanding sign shall be greater than six (6) feet in height, unless otherwise provided in this Section.

E. Measurement.

1. *Sign Area Measurement*. Sign area shall be computed as follows:

a. *General Requirements*. Where a sign consists of a generally flat surface or sign face on which lettering and other information is affixed, the sign area shall be computed by measuring the entire face of the sign including any framing or borders, but not including the base, pedestal, or other supports upon which the sign may be mounted.

b. *Individual Letters*. Where a sign consists of individual letters and/or logo affixed directly to a wall or building, the area of the sign shall be computed by measuring the area of the envelope required to enclose the lettering and/or logo.

c. *Free-Standing Signs*. The area of a double-faced freestanding sign shall be computed using only one (1) face of the sign provided that: 1) the outline and dimensions of both faces are identical, and 2) the faces are back-to-back so

that only one face is visible from any given direction. In the case of a multi-faced free-standing sign having more than two sides, or those having two sides not back-to-back as described above, the area of the sign shall be computed using the total of all faces of the sign.

d. *Cylindrical Sign*. The area of a cylindrical ground sign shall be computed by multiplying the circumference of the cylinder by its height.

2. *Height Measurement*. The height of a sign shall be measured along a straight vertical line from the average grade beneath the sign to the highest point of the sign or supporting structure.

3. *Setback and Distance Measurements*. The following guidelines shall be used to determine compliance with setback and distance measurements:

a. The distance between two signs shall be measured along a straight horizontal line that represents the shortest distance between the two signs.

b. The distance between a sign and a parking lot or building shall be measured along a straight horizontal line that represents the shortest distance between the outer edge of the parking lot or building.

c. The distance between a sign and a building or property line shall be measured along a straight horizontal line that represents the shortest distance between the sign and the building.

8.10 Sign Permit Review Process

A. Permit Required. It shall be unlawful for any person to erect, alter, relocate, or structurally change a sign or other advertising structure, unless specifically exempted under Section 8.4, without first obtaining a permit in accordance with the provisions set forth herein. A permit shall require payment of a fee, which shall be established by resolution of the Township Board.

B. Permit Application Contents. Application for a sign permit shall be made upon forms provided by the Zoning Administrator, or his or her designee. The following information shall be required:

1. Name, address and telephone number of the applicant, as well as that of the property owner, if the applicant is not the property owner.

2. A sketch plan indicating the following:

   a. Current zoning classification;

   b. Location of the building, structure, or lot on which the sign is to be attached or erected;

   c. Position of the sign in relation to nearby buildings, structures, and property lines.

3. A scale drawing of each sign, indicating the size, shape, message, lettering style, color and materials of the finished sign. All required copies must also be in color.

4. Plans, specifications and method of construction and attachment to the building or the ground;

5. Building elevation sketches showing the position and size of each sign on the building and the location and size of any existing sign(s) on the same structure.

6. Copies of stress sheets and calculations, if deemed necessary by the Zoning Administrator, or his or her designee, showing the structure as designed for dead load and wind pressure.

7. Information concerning required electrical connections.

8. If the sign will be illuminated, plans shall include all details regarding the location, type of fixture, and color of the illumination, as well as the method of shielding.

9. Written consent of the owner or lessee of the premises upon which the sign is to be erected.

10. Other information deemed necessary by the Zoning Administrator (or designee) or Planning Commission, on a case by case basis, to establish compliance with applicable laws and regulations.

C. Review by Zoning Administrator. Upon receipt of a completed sign permit application, the Zoning Administrator (or designee) shall review the sign permit application, and take one of the following actions:

1. *Approval*. Upon finding that the proposed signage conforms to all applicable standards found in this section and elsewhere in the Zoning Ordinance, they shall approve the sign permit application, with or without conditions, and issue the sign permit. Should the approval be conditional, said conditions shall be satisfied within the

time set by the Zoning Administrator, or his or her designee, or the permit will be considered to be denied.

2. *Postpone*. Upon finding that the proposed signage does not conform to all applicable standards found in this section and elsewhere in the Zoning Ordinance, but could if revised or supplemented, the Zoning Administrator, or his or her designee, may postpone action on the sign permit application, until a revised application is submitted. If the Zoning Administrator, or his or her designee, chooses to postpone action on the sign permit application, the deficiencies of the application shall be explained to the proprietor in writing.

3. *Denial*. Upon finding that the proposed signage does not conform to all applicable standards found in this section and elsewhere in the Zoning Ordinance, the Zoning Administrator, or his or her designee, may deny the sign permit application. Should the sign permit application be denied, the reason(s) for rejection of the application shall be explained to the proprietor in writing.

D. Review by Planning Commission Concurrent with Site Plan. Sign permit applications submitted in conjunction with proposed site improvements that require site plan review and approval may be reviewed by the Planning Commission concurrent with site plan review. If approval of a proposed sign is desired by the applicant at the time of site plan review, the sign must be shown on the site plan, including all information required for a sign permit application listed above under sub-section B. The applicant shall have the option of submitting sign permit applications to the Zoning Administrator, or his or her designee, separate from site plan review, as provided above under item 3, above.

8.11 Inspection and Maintenance. In accordance with Section 14.2 of this Ordinance, the Zoning Administrator (or designee) shall be charged with the administration and enforcement of the provisions of this Section.

A. Inspection of New Signs. All signs for which a permit has been issued shall be inspected by the Zoning Administrator, or his or her designee, when erected. Approval shall be granted only if the sign has been constructed in compliance with the approved plans and applicable Zoning Ordinance and Building Code standards. Failure to receive the Zoning Administrator's approval for a completed sign shall constitute a determination that the sign is in violation of this Ordinance, in which case the owner and/or erector of such sign may be subject to legal action.

In cases where fastenings or anchorages are to be eventually bricked in or otherwise enclosed, the sign erector shall advise the Zoning Administrator, or his or her designee, when such fastenings are to be installed so that inspection may be completed before enclosure.

B. Sign Maintenance. All signs shall be maintained in a condition similar to that which existed at the time of their erection. At minimum, all signs and all awnings with sign components shall be kept clean, free of missing or loose parts, free of blistering or peeling paint, and without missing or obsolete sign panels.

C. Correction of Defects. If a sign falls out of compliance with the provisions of this Section, it shall be the responsibility of the sign owner to bring the sign back into compliance or remove the sign entirely.

8.12 Non-Conforming Signs. No non-conforming signs shall be altered or reconstructed, unless the alteration or reconstruction is in compliance with this ordinance, except that non-conforming signs shall comply with the following regulations:

A. Repairs and Maintenance. Normal maintenance shall be permitted, provided that any non-conforming sign that is destroyed by any means to an extent greater than fifty (50) percent of the sign's pre-catastrophe fair market value, exclusive of the foundation, shall not be reconstructed. Normal maintenance shall include painting of chipped or faded signs; replacement of faded or damaged surface panels, name changes, repair or replacement of electrical wiring or electrical devices.

B. Change of Copy. A non-conforming sign may undergo a “change of copy” or the replacement of names, logos, symbols, numbers or other graphic items of information as long as the structural characteristics, including size, shape, and frame, are not modified.

C. Non-conforming Changeable Copy Signs. The message on a non-conforming changeable copy sign or non-conforming bulletin board sign may be changed provided that the change does not create any greater nonconformity.

D. Substitution. No non-conforming sign shall be replaced with another non-conforming sign.

E. Modifications to the Principal Building. Whenever the principal building on a site on which a non-conforming sign is located is modified to the extent that site plan review and approval is required, the non-conforming sign shall be removed. However, a change of use or occupant, when not accompanied by a change in the principal building, shall not necessitate the removal of non-conforming signs.

8.13 Removal of Prohibited Signs in Public Places. The Augusta Township Zoning Administrator, or his or her designee, shall have the authority to remove any sign determined to be in violation of the preceding section that is located upon public

property. Notification of the sign owner shall not be required. Such signs shall be held at the Township offices for five (5) days upon removal. A ten dollar ($10.00) service fee shall be required prior to the release of any sign removed by the Township.

8.14 Placement of Signage within Public Rights-of-Way. The placement of signage within public road rights-of-way shall be regulated by the Washtenaw County Road Commission. No sign shall be installed within such rights-of-way except in accordance with Washtenaw County Road Commission regulations.

8.15 Appeals. Any party who has been refused a sign permit for a proposed sign may file an appeal with the Zoning Board of Appeals, in accordance with Article 15 of this Ordinance.

ARTICLE 9
ENVIRONMENTAL PROVISIONS

9.1 Purpose. Environmental performance regulations are established in order to preserve the short and long-term environmental health, safety, and quality of the Township. No parcel, lot, building or structure in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises. Any use permitted by this Ordinance may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance standards. No use, otherwise allowed, shall be permitted within any district which does not conform to the following regulations of use, occupancy, and operation. These regulations are established as minimum requirements to be maintained. Nothing contained herein is intended to restrict farming operations in accordance with the Michigan Right to Farm Act, PA 93 of 1981.

9.2 Airborne Emissions.

A. Smoke and Air Contaminants. It shall be unlawful for any person, firm, or corporation to permit the emission of any smoke or air contaminant from any source whatsoever to a density greater than that permitted by Federal Clean Air Standards and those standards promulgated by the Michigan Department of Environmental Quality according to Act 348 of 1965, either of which act may be amended or superseded from time to time. There shall not be discharged from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment or nuisance to the public or which endanger comfort, repose, health, or safety of persons or which cause injury or damage to business or property.

B. Odors. Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor. Certain agricultural operations may be regulated under the State of Michigan, Department of Agriculture's Generally Accepted Agricultural Management Practices (GAAMPS).

C. Gases. The escape or emission of any gas that is injurious or destructive, harmful to person or property, or explosive shall be unlawful and shall be abated.

9.3 Noise.

A. Noise which is objectionable as determined by the Township due to volume, frequency, or beat shall be muffled, attenuated, or otherwise controlled, subject to the following schedule of maximum noise levels permitted.

	Maximum Permitted Sound Level in Decibels	
Octave Band (Cycles per Second)	**Along Residential District Boundaries**	**Along All Non-Residential District Boundaries**
0 to 150	70	70
150 to 300	60	66
300 to 600	52	60
600 to 1,200	46	53
1,200 to 2,400	40	47
Above 2,400	34	41

B. In addition, objectionable sounds of an intermittent nature, or sounds characterized by high frequencies, even if falling below the aforementioned decibel readings, shall be so controlled so as not to become a nuisance to adjacent uses.

C. Air-raid sirens and related apparatus used solely for public purposes are exempt from this requirement. Noise resulting from temporary construction activity shall also be exempt from this requirement.

9.4 Vibration. No operation or activity shall cause or create vibration that exceeds the vibration levels prescribed below when measured at the lot line or any adjoining use* based upon the following maximum allowable levels:

Daytime 7:00 a.m. – 10:00 p.m.		
Frequency Range:	Vibration Metric:	Vibration Limit: (Level Shall Not Exceed)
6 Hz. And below	Acceleration	8000 μ meters/sec^2
Above 6 Hz.	Velocity	200 μ meters/sec
Nighttime 10:00 p.m. – 7:00 a.m.		
Frequency Range:	Vibration Metric:	Vibration Limit: (Level Shall Not Exceed)
6 Hz. And below	Acceleration	4000 μ meters/sec^2
Above 6 Hz.	Velocity	100 μ meters/sec

*For the purposes of this Section, the term "adjoining use" shall include properties directly across any private or public road from the use whose vibration is being measured (in addition to those which actually abut the property line of the use).

9.5 Glare or Heat.

A. Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines.

B. The design and/or screening of the development or use shall insure that glare from automobile and commercial or industrial vehicle headlights shall not be directed into any adjacent property, particularly residential property.

C. Any operation, which produces intense glare or heat, shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view form any point along the lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.

D. 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.

E. Exterior lighting shall be installed, maintained and operated in accordance with the requirements of Section 9.13.

9.6 Open Storage. The open storage of any commercial or industrial equipment, vehicles and materials, shall be screened from public view, from a public street

and from adjoining properties in accordance with Section 5.7(C)(5) or within a completely enclosed building, except as provided under Section 6.20 for Open Air Businesses/Outdoors Sale and Display of Products.

9.7 Open Dumping.

A. No garbage, sewage, filth, refuse, waste, trash, debris, or rubbish, including cans, bottles, waste paper, cartons, boxes, and crates, or other offensive or obnoxious matter shall be piled, placed, stored or dumped on any land within the Township until the operator has obtained a solid waste disposal area permit from the Michigan Department of Environmental Quality and Township Board approval.

B. All uses in every zoning district shall place waste materials in an appropriate covered container and properly dispose of same at least once each month in accordance with all applicable laws and ordinances.

C. Nothing contained herein shall prevent the reasonable use of fertilizers, manures, and similar materials for the improvement of land utilized for agricultural purposes, provided that such is done in accordance with the Generally Accepted Agricultural Management Practices (GAAMPs), as set forth by the Michigan Department of Agriculture pursuant to the Right to Farm Act.

9.8 Sewage Treatment and Disposal. In addition to the requirements established by the State of Michigan and the Washtenaw County Health Department, the following site development and use requirements shall apply to all private community wastewater systems proposed in the Township:

A. The central treatment facility and all active drainfields shall be completely enclosed by a fence not less than six (6) feet high.

B. The central treatment facility and all active drainfields shall be surrounded on all sides by a buffer strip of at least two hundred (200) feet in width within which grass, vegetation, and structural screens shall be placed to minimize the appearance of the installation and to help confine odors therein. The Township Planning Commission shall have the authority to review the design and treatment of all buffer strips.

C. No device for the collection, treatment and/or disposal of sewer wastes shall be installed or used without approval of the Michigan Department of Environmental Quality or Washtenaw County Health Department, as appropriate.

D. The establishment of a private community wastewater system shall not in itself entitle a development to a greater density or intensity of use that what is permitted under Article 3.

9.9 Use, Storage and Handling of Hazardous Substances.

A. It shall be unlawful for any person, firm, corporation or other legal entity to pollute, impair or destroy the air, water, soils or other natural resources within the Township through the use, storage and handling of hazardous substances and/or wastes or the storage and disposal of solid, liquid, gaseous and/or sanitary wastes.

B. Any person, firm, corporation or other legal entity operating a business or conducting an activity which uses stores or generates hazardous substances shall obtain the appropriate permits or approval from the State of Michigan, the Augusta Charter Township Fire Department and/or other designated enforcing agencies.

C. Any person, firm, corporation or other legal entity operating a business or conducting an activity which uses stores or generates hazardous substances or petroleum products shall complete a Hazardous Substances Reporting Form provided by the Township and prepare a Pollution Incidence Protection Plan (PIPP) in conjunction with the following:

1. Upon submission of a site plan.

2. Upon any change of use or occupancy of a structure or premise.

3. Upon any change of the manner in which such substances are handled, and/or in the event of a change in the type of substances to be handled.

D. A Pollution Incidence Prevention Plan (PIPP), when required above under item C., above, shall set forth the following:

1. Procedures for the prevention of surface and groundwater pollution from all hazardous materials used, stored or handled on-site.

2. The emergency clean-up procedures to be used in case of a spill, discharge, seepage, runoff or leakage of all hazardous materials used, stored or handled on-site into the groundwater or surface waters.

3. Surveillance methods to be used by the applicant to detect spills, discharges, seepage, runoff or leakages.

4. Inventory methods for all hazardous materials used, stored or handled on-site, from the time they enter the site until such time as they are removed.

E. All business and facilities which use, store, or generate hazardous substances in quantities greater than one hundred (100) kilograms per month (equal to or greater than twenty-five (25) gallons or two hundred-twenty (220 pounds) shall comply with the following standards:

1. Above Ground Storage and Use Areas for Hazardous Substances.

   a. Secondary containment of hazardous substances and polluting materials shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.

   b. Outdoor storage of hazardous substances and polluting materials shall be prohibited except in product-tight containers which are protected from weather, leakage, accidental damage and vandalism.

   c. Secondary containment structures such as out buildings, storage rooms, sheds and pole barns shall not have floor drains which outlet to soils, groundwater, or nearby drains or rivers.

   d. Areas and facilities for loading/unloading of hazardous substances, as well as areas where such materials are handled and used, shall be designated and constructed to prevent discharge or runoff to floor drains, rivers, lakes, wetlands, groundwater, or soils.

2. Underground Storage Tanks.

   a. Existing and new underground storage tanks shall be registered with the authorized state agency in accordance with requirements of the U.S. Environmental Protection Agency and the State Police Fire Marshal Division.

   b. Installation, operation, maintenance, closure, and removal of underground storage tanks shall be in accordance with requirements of the State Police Fire Marshall and Augusta Charter Township. Leak detection, corrosion protection, spill prevention and overfill protection requirements shall be met.

Records of monthly monitoring or inventory control must be retained and available for review by state or local officials.

c. Out-of-service abandoned underground tanks shall be emptied and removed from the ground in accordance with the requirements of the State Police Fire Marshall Division, the Michigan Department of Environmental Quality, and Augusta Charter Township.

3. Loading and Unloading Areas.

Areas used for the loading and unloading of hazardous substances shall be designed and constructed to prevent the harmful release to the environment of hazardous materials which may be spilled or leaked.

F. All site plans for business or facilities which use, store or generate hazardous substances shall be reviewed by the Township Fire Department, Township Engineer and any other appropriate experts determined necessary by the Planning Commission prior to approval by the Planning Commission.

9.10 Fire Hazard. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

9.11 Safety. Existing hazards or potential hazards and nuisances, such as construction sites, junk yards, landfills, sanitary landfills, demolition sites, unused basements, abandoned wells or cisterns and sand, gravel, and stone pits or piles are to be enclosed by suitable fencing or barriers so as not to endanger public health, safety and welfare.

9.12 Electrical Disturbance, Electromagnetic, or Radio Frequency Interference. No use shall:

A. Create any electrical disturbance that adversely affects any operation or equipment other than those of the creator of such disturbance.

B. Cause, create, or contribute to the interference with electronic signals (including television and radio broadcasting transmission) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

9.13 Lighting.

A. Purpose. This section provides standards for various forms of outdoor lighting so as to properly illuminate buildings and sites for safety and security without contributing to light pollution.

B. Applicability. The standards in this Section shall apply to any light source that is visible from any property line, or beyond, for the site from which the light is emanating. Whenever a person is required to obtain a building permit, electrical permit for outdoor lighting or signage, a special land use permit, subdivision approval or site plan approval from the Township, the applicant shall submit sufficient information to assure the Zoning Administrator and/or Planning Commission that the proposed lighting can comply with this Section. Applicant shall bear responsibility for the actual performance of lighting in compliance with these requirements.

C. Definitions. The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this section:

1. *Canopy Structure.* Any overhead protective structure which is either extended from a building or free-standing, including an awning.

2. *Foot-candle.* A standard unit, established as a reference, and used when measuring the quantity of light. A foot-candle equals the total intensity of light that falls upon a one square foot surface that is placed one (1) foot away from one (1) lit candle.

3. *Glare.* Light that is misdirected into the eye of potential observers or passer-by, potentially impairing their ability to see clearly and compromising public safety and welfare.

4. *Lamp.* The component of the luminaire that produces the actual light, including luminous tube lighting.

5. *Light Fixture.* The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.

6. *Light Pollution.* Electric light which may impact the safety and welfare of travelers by impairing their ability to see potential hazards effectively, reduces the enjoyment of the night sky, causes undesirable glare, unnecessary illumination of adjacent properties or causes a detrimental effect on the environment.

7. *Light Trespass.* The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

8. *Luminaire.* The complete lighting system including the lamp and light fixture.

9. *Luminous Tube Lighting.* Gas-filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g., neon, argon, etc.

10. *Shielded Fixture.* An outdoor light fixture shielded or constructed in a manner such that its light does not project beyond a certain limit. 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. Shielded fixtures shall be specified and installed properly to restrict light spillage past the property line.

11. *Spill Light.* Light that is misdirected and illuminates an object or area that is not intended to be illuminated.

12. *Useful Light.* Light that is directed to illuminate an object or area for a useful purpose.

D. Lighting Plan Submittal Requirements. The following information must be included on all site plan submissions:

1. Provide locations of all freestanding, building-mounted and canopy light fixtures on the site plan and/or building elevations. Include a legend that identifies the fixtures and their intended accessories by manufacturer and model numbers.

2. Provide a photometric grid overlaid on the proposed site plan indicating the light intensity throughout the site (in foot-candles). The Planning Commission is authorized to waive the requirement of a photometric grid when it is determined that such information is not necessary for site plan review.

3. Provide all manufacturers' published specifications and cut sheets for the type of fixture being proposed including the total luminance output, type of lamp and voltage, method of shielding and all applicable accessories.

5. Any other information deemed necessary to determine the appropriateness of illumination by the Zoning Administrator and/or Planning Commission.

E. Non-Residential Lighting Standards. Unless exempted under this Section, all lighting must comply with the following standards:

1. Freestanding Pole Lighting. Exterior lighting shall be fully shielded and directed downward to prevent off-site glare.

a. Light Trespass. Properties adjacent to residential properties shall be designed and maintained such that illumination levels shall not exceed 0.3 foot-candles at or beyond property lines. Lighting for uses adjacent to non-residential properties shall be designed and maintained such that illumination levels do not exceed 1.0 foot-candles at or beyond property lines.

b. Maximum Illumination Levels. The average horizontal illumination level of parking lot areas (including access and circulation drives and loading areas) shall not exceed three (3) foot-candles, and in no case shall illumination levels at any point exceed 20 foot-candles measured five (5) feet above the surface.

c. Metal halide, incandescent, fluorescent or mercury vapor fixtures shall be used in an effort to maintain a unified lighting standard throughout the Township and reduce light pollution. The use of high pressure sodium and low pressure sodium fixtures shall be prohibited.

d. The Planning Commission may approve decorative or historic light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures will be more consistent with the character of the site.

e. The maximum height of pole fixtures shall be twenty (20) feet, or the height of the building, whichever is less, measured from the ground level to the centerline of the light source. Fixtures should provide an overlapping pattern of light at a height of seven (7) feet above ground level. The Planning Commission may permit a maximum height of thirty (30) feet in an industrial district where fixtures are no closer than three hundred (300) feet to any residential property.

f. All outdoor lighting fixtures, existing or hereafter installed and maintained upon private property within commercial, industrial and office zoning districts shall be automatically turned off or reduced by no less than 50% in in average horizontal illumination (in foot-candles) between 11:00 p.m. and sunrise,

except where active use continues after 11:00 p.m., but only for so long as such use continues.

g. No exposed luminous tube lighting shall be used.

2. Building-Mounted Lighting.

a. Building-mounted lighting shall be fully shielded and directed downward to prevent off-site glare. The intensity of light shall not exceed twenty (20) foot-candles. Light shall not exceed 0.3 foot-candles beyond new and existing residential property lines and 1.0 foot-candles beyond non-residential property lines.

b. Metal halide, incandescent, fluorescent or mercury vapor fixtures shall be used in an effort to maintain a unified lighting standard throughout the Township and prevent light pollution. The use of sodium vapor fixtures shall be prohibited.

c. Lighting fixtures mounted to the underside of gas station canopies or other such shelters shall adhere to the requirements of Section 9.13(E)(2)(a), and be recessed into the canopy, such that the lens of the lighting fixture is flush with, or recessed into, the underside of the canopy.

d. The Planning Commission may approve decorative or historic light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures will be more consistent with the character of the site.

e. Luminous tube and exposed bulb fluorescent lighting is prohibited as an architectural detail on all buildings, e.g. along the roof line and eaves, around windows, etc. The Planning Commission may approve internally illuminated architectural bands or external lighting directed on buildings where it can be shown that the treatment will serve a legitimate function and will not adversely impact neighboring properties or create glare offsite.

3. Sign/Canopy Lighting.

a. Sign lighting may be directed upward, downward or may be internal to the sign.

b. Downward and upward directed sign lighting shall illuminate the sign only, and light spill over shall not exceed 1.0 foot-candles along non-residential property lines, and 0.3 foot-candles along residential property lines.

c. Upward sign lighting shall illuminate the sign only, and any point source or glare of light shall not be visible from adjacent properties, adjacent roadways or safety paths. Light shall not spill past the sign to the extent that it is visible from beyond the property.

d. All internal sign lighting shall illuminate the sign only. Internal lighting shall be evenly distributed over the sign so as not to cause glare. Internal light sources shall not be directly visible from any location. Projected sign illumination intensity shall not exceed one and five-tenths (1.5) foot-candles as measured four (4) feet above the ground and ten (10) feet from the base of the sign.

e. All internally lit translucent or fabric awnings shall be prohibited within any zoning district, unless the Planning Commission determines that the following conditions are met:

i. Internal light sources are not directly visible from the road rights-of-way.

ii. Light levels comply with other ordinance provisions and are not offensive to the adjoining neighbors.

iii. Any proposed signage on a translucent or fabric awning, whether illuminated or not, shall comply with Section 8.7(C).

F. Residential Lighting Standards. Unless exempted under this Section, all residential lighting must comply with the following standards:

1. Site Lighting. All outdoor lighting in residential use districts shall be shielded or directed in a manner which reduces glare and shall be so arranged as to prevent objectionable lighting from intruding upon any adjacent residential district or adjacent residence.

G. Non Residential Uses in Residential Use Districts. For non-residential uses allowed in residential zoning districts such as churches, schools and municipal facilities, etc., all illumination shall be subject to Section 9.13(E).

H. Prohibited Lighting Types. The following lighting types are prohibited within Augusta Charter Township:

1. The use of search lights or any similar high intensity light for outdoor advertisement or entertainment.

2. Flashing, moving or intermittent type lighting.

3. Building or roof mounted lighting intended to attract attention to a building and/or use, which is not strictly designed for security purposes or architectural accent, or which projects light beyond the property.

4. Exterior exposed luminous tube lighting.

I. Exemptions. The following are exempt from the lighting requirements of this Section, except that the Zoning Administrator may take steps to eliminate the impact of the following exempted items when deemed necessary to protect the health, safety and welfare of the public.

1. Sports fields, when properly designed to minimize light trespass and control glare.

2. Swimming pools.

3. Shielded pedestrian walkway lighting.

9.14 Stormwater Management.

A. Purpose. It is the intent of this Ordinance to encourage the use of structural, vegetative, or managerial practices, commonly referred to as best management practices (BMP), designed to treat, prevent, or reduce degradation of water quality due to stormwater runoff. All development projects subject to review under the requirements of this Ordinance shall be designed, constructed, and maintained using best management practices (BMP) to prevent flooding, protect water quality, reduce soil erosion, maintain and improve wildlife habitat, and contribute to the aesthetic values of the project. The particular facilities and measures required on-site shall reflect and incorporate existing grades, natural features, wetlands, and watercourses on the site to the maximum extent feasible.

B. Stormwater Drainage/Erosion Control. All stormwater drainage and erosion control plans shall meet the standards of the Washtenaw County Drain Commissioner and shall, to the maximum extent feasible, utilize nonstructural control techniques, including but not limited to:

1. Limitation of land disturbance and grading;

2. Maintenance of vegetated buffers and natural vegetation;

3. Minimization of impervious surfaces;

4. Use of terraces, contoured landscapes, runoff spreaders, grass or rock-lined swales; and

5. Use of infiltration devices.

C. General Standards.

1. Stormwater management systems shall be designed to prevent flooding and the degradation of water quality related to stormwater runoff and soil erosion from proposed development.

2. All properties which are subject to this ordinance shall provide for on-site storage of stormwater. Facilities shall be designed to provide a volume of storage and discharge rate which meets or exceeds the standards of the Washtenaw County Drain Commissioner.

3. Priority shall be placed on site design which maintains natural drainage patterns and watercourses. Alterations to natural drainage patterns shall not create flooding or degradation in water quality for adjacent or downstream property owners.

4. The use of swales and buffer strips vegetated with desirable native materials, in accordance with the standards of the Washtenaw County Drain Commissioner is encouraged as a method of stormwater conveyance so as to decrease runoff velocity, allow for bio-filtration, allow suspended sediment particles to settle, and to remove pollutants. Tolerance for water saturation, sunlight, pesticides, metals, and salts shall be required in determining appropriate plantings in these areas.

5. Drainage systems shall be designed to have a naturalized appearance. The integration of stormwater conveyance systems and retention and detention ponds in the overall landscape concept is recommended. Ponds with a naturally-contoured design and appearance shall be required.

6. Where large amounts of grease and oil may accumulate, as in the case of commercial/industrial developments and large areas of impervious surfaces for parking, oil separators shall be required.

7. For sites that store or use chemicals, a spill response plan shall be submitted and approved by the Township.

D. Use of Wetlands. Wetlands may be used for stormwater management only if all applicable permits from the Michigan Department of Environmental Quality are obtained.

E. Impervious Surface Reduction/Infiltration Enhancement. The Township recognizes that, due to the specific requirements of any given development, inflexible application of the design standards may result in development with excessive paving and stormwater runoff and a waste of space which could be left as open space.

Either through procedures prescribed by Ordinance or creative land development techniques permitted by Ordinance, the Township may permit deviations from requirements allowing for reduction in impervious surfaces whenever it finds that such deviations are more likely to meet the intent and standards of this Ordinance and accommodate the specific characteristics of the use in question.

The Township may attach conditions to the approval of a deviation that bind such approval to the specific use in question. Measures that reduce impervious surface and increase infiltration may include, but are not limited to, the following:

1. Streets and Access.

    a. Design residential streets with the minimum required pavement width needed to support travel lanes, on-street parking, and emergency, maintenance, and service vehicle access and function based on traffic volumes.

    b. Decrease the total length of residential streets by examining alternative street layouts to determine the best option for increasing the number of homes per unit length.

    c. Minimize the number of street cul-de-sacs and where cul-de-sacs do exist, provide landscape center islands.

    d. Use vegetated open channels in the street right-of-way/private road easements to convey and treat stormwater runoff.

    e. Use alternative driveway surfaces and shared driveways that connect two or more sites.

2. Parking.

   a. Base parking requirements on the specific characteristics of the use, land-banking in open space parking required to satisfy Ordinance requirements.

   b. Reduce the overall imperviousness associated with parking lots by providing compact car spaces, minimizing stall dimensions, incorporating efficient parking lanes, and using pervious materials in the spillover parking areas where possible.

   c. Encourage shared parking between compatible users.

3. Site Design.

   a. Direct rooftop runoff and/or sump pump discharges to pervious areas such as yards, open channels, or vegetated areas and avoid routing rooftop runoff to the roadway and the stormwater conveyance system.

   b. Create a naturally vegetated buffer system which may vary in width as determined by the Township along all drainage ways. Critical environmental features such as the one hundred (100) year floodplain, steep slopes, and wetlands shall be considered.

   c. Minimize clearing and grading of woodlands and native vegetation to the minimum amount needed to build lots, allow access, and provide fire protection.

   d. Conserve trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native plants.

F. Maintenance. Whenever a landowner is required to provide on-site storm water retention and/or surface drainage to wetlands, or whenever other protective environmental measures including monitoring devices are required, such measures or facilities shall be provided and maintained at the landowner's expense. The landowner shall provide assurance to the Township that the land owner will bear the responsibility and cost of providing and maintaining such methods or facilities, by written agreement, suitable for recording at the office of the Washtenaw County Register of Deeds, that will act as a perpetual restriction on the land, the form and content of which shall be approved by the Township Board, with input from

the Township Attorney. A maintenance plan shall be provided, including notation and description of maintenance requirements and timelines.

9.15 Natural Feature Setback.

A. Intent. All developments subject to review under the requirements of this Ordinance shall be designed, constructed and maintained to protect Township wetlands and watercourses in accordance with the applicable laws of the State of Michigan and any other applicable law, ordinance or regulation.

It is the intent of this section to require a minimum setback from natural features and to regulate property within such setback, in order to prevent physical harm, impairment and/or destruction of or to a natural feature. It is also the intent of this section to establish and preserve a minimum setback from natural features in order to recognize the relationship between the natural features and the setback area in terms of plant species, animal species, surface and subsurface hydrology, water table, and water quality.

If a greater setback or prohibition is required by other ordinances, or other provision of this ordinance, such a greater setback or prohibition shall apply.

B. Applicability. A natural feature setback shall be maintained in relation to all wetlands, as defined and regulated by the State of Michigan, and watercourses, including natural lakes, ponds, rivers, streams, creeks, or managed County drains, to the extent it is determined to be in the public interest not to maintain such setback.

C. Authorization and Prohibition.

1. In conjunction with the review of plans submitted for authorization to develop or use property within or adjacent to a natural feature, a setback area as set forth in sub-section 9.15(E) shall be required.

2. Within an established natural feature setback, unless and only to the extent determined to be in the public interest by the body undertaking plan review, there shall be no construction, removal, or deposit of any structures or soils, including dredging, filling or land balancing. This prohibition shall not apply to exempted activities set forth in Section 9.15(D).

3. In determining whether proposed construction or operations are in the public interest, the benefit which would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the construction or other operation. The following general criteria shall be applied in making a determination:

a. The relative extent of the public and private need for the proposed activity;

b. The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity;

c. The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public and private use to which the area is suited, including the benefits the natural feature and/or natural feature setback provides;

d. The probable impact of the proposed construction and/or operation in relation to the cumulative effect created by other existing and anticipated activities in the natural features to be protected;

e. The probable impact on recognized historic, cultural, scenic, ecological, or recreational values, and on fish, wildlife and the public health;

f. The size and quantity of the natural feature setback being considered;

g. The amount and quantity of the remaining natural feature setback;

h. Proximity of the proposed construction or operation to the natural feature, taking into consideration the degree of slope, general topography in the area, soil type and the nature of the natural feature to be protected;

i. Economic value of the proposed construction or operation;

j. The necessity for the proposed construction and/or operation;

D. Exemptions**.** The following activities shall be exempted.

1. Installation of a fence within a setback area.

2. Maintenance of previously established lawn areas.

3. Grading and filling necessary in order to conform to express requirements imposed by the Township Board.

4. Installation of seasonal recreational structures for watercourse use.

5. Planting of trees and other vegetation.

E. Setback Standards. Unless otherwise determined by the body undertaking the plan review, the following setbacks shall apply:

1. A twenty-five (25) foot setback from the boundary or edge of a wetland, as defined and regulated by the State of Michigan, and,

2. A twenty-five (25) foot setback from the ordinary high water mark of a watercourse.

9.16 Floodplain Management.

A. Purpose.

1. The floodplains of the Township are subject to periodic inundation of floodwaters that can result in loss of property, pose hazards to health and safety, disrupt commerce and governmental services, and impair the Township's tax base.

2. It is the purpose of this Section to comply with the provisions and requirements of the National Flood Insurance Program, as constituted in accordance with the National Flood Insurance Act of 1968, and subsequent enactments, rules, and regulations promulgated in furtherance of this program by the Federal Emergency Management Agency (FEMA), as published in the Federal Register, Vol. 41, No. 207, October 26, 1976, and re-designated at 44FR 31177, May 31, 1979.

3. The provisions of this Section are intended to:

a. Help protect human life, prevent or minimize material losses, and reduce the cost to the public for rescue and relief efforts;

b. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause excessive increases in flood heights or velocities;

c. Require that uses vulnerable to floods, including public facilities that serve such uses, shall be protected against flood damage at the time of initial construction;

d. Protect individuals from buying lands that are designated to be unsuited for intended purposes because of flooding; and

e. Permit reasonable economic use of property located within a designated floodplain area.

B. Delineation of Floodplain Areas.

(1) The boundaries of the floodplain areas are identified within the limits of the one hundred (100) year flood on the Federal Flood Insurance Rate Maps currently in effect for Augusta Charter Township. These maps are adopted by reference, appended, and declared to be part of this ordinance.

(2) The standard applied to establishing the floodplain area is the base floodplain delineated by the base flood. In areas associated with flooding, a floodway is designated within the floodplain area.

C. Application of Regulations.

1. In addition to other requirements of this Ordinance applicable to development within a floodplain, compliance with the requirements of this Section shall be necessary for all development occurring within designated floodplain areas. Conflicts between the requirements of this Section and other requirements of this Ordinance or any other Ordinance shall be resolved in favor of this Section, except where the conflicting requirement is more stringent and would further the objectives of this Section. In such cases, the more stringent requirement shall be applied.

2. The issuance of a land use approval within the floodplain area shall comply with the following standards:

a. The requirements of this Section shall be met;

b. The requirement of the underlying districts and all other applicable provisions of this Ordinance shall be met; and

c. All necessary development permits shall have been issued by appropriate local, State, and Federal authorities, including a floodplain permit, approval, or letter of authority from the Michigan Department of Environmental Quality under authority of Part 31, Water Resources Protection Floodplain Regulatory Authority and the Natural Resources and Environmental Protection Act of 1994, PA 451, as amended. Where a development permit cannot be issued prior to the

issuance of a zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.

3. Floodplain Management Administrative Duties*.* All records and maps pertaining to the National Flood Insurance Program shall be maintained in the Township Hall and shall be open for public inspection.

D. Floodplain Standards and Requirements.

1. Construction activities within floodplain areas are highly discouraged. The following general standards and requirements shall be applied to all uses proposed to be located within the floodplain area:

a. All new construction and substantial improvements within a floodplain, including the placement of prefabricated buildings and mobile homes, shall:

i. Be designed and anchored to prevent flotation, collapse, or lateral movement of the structure;

ii. Be constructed with materials and utility equipment resistant to flood damage; and

iii. Be constructed by methods and practices that minimize flood damage.

b. All new and replacement water supply systems shall minimize or eliminate infiltration of flood waters into the systems.

c. All new and replacement sanitary sewage systems shall minimize or eliminate infiltration of flood waters into the systems and discharges from systems into flood waters.

d. All public utilities and facilities shall be designed, constructed, and located to minimize or eliminate flood damage.

e. Adequate drainage shall be provided to reduce exposure to flood hazards.

f. The Township Engineer or their representative shall review development proposals to determine compliance with the standards in this Section, and shall transmit their determination to the Zoning Administrator.

g. Land shall not be divided in a manner creating parcels or lots that cannot be used in conformance with the requirements of this Article.

h. The flood carrying capacity of any altered or relocated watercourse not subject to state and Federal regulations designed to insure flood carrying capacity shall be maintained.

i. Available flood hazard data from Federal, state, or other sources shall be reasonably utilized in meeting the standards of this Section. Data furnished by FEMA shall take precedence over data from other sources.

j. New residential structures in a flood risk area shall be elevated so that the lowest portion of all horizontal structural members which support floors, excluding footings, pile caps, piling, nonstructural slabs, girders, and grade beams, is located at or above the 100-year flood elevation. All basement floor surfaces shall be located at or above the 100-year flood elevation. New and replacement electrical wiring and equipment and heating, ventilating, air conditioning, and other service facilities shall be either placed above the 100-year flood elevation or be protected so as to prevent water from entering or accumulating within the system components during floods up to the 100-year elevation. Duct insulation subject to water damage shall not be installed below the 100-year elevation.

2. The following specific standards shall be applied to all uses proposed to be located within the floodplain area but not within the floodway portion of the floodplain area.

a. All new construction and substantial improvements of non-residential structures shall either;

i. Meet the requirements of new residential structures as provided for in Section 3.7(A).

ii. Together with attendant utility and sanitary facilities, be certified by a professional engineer or architect to have been designed so that, below the elevation defining the flood risk area, the structure is watertight and able to withstand hydrostatic pressure from a water level equal to the elevation defining the flood risk area. All floor

and wall penetrations for plumbing, mechanical, and electrical systems shall be made watertight to prevent flood water seepage or shall be provided with shutoff valves or closure devices to prevent backwater flow during flooding.

3. Mobile Home Standards: The following general standards and requirements shall be applied to mobile homes located within floodplain areas:

   a. Anchoring must meet HUD specifications, per rule 605.

   b. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the Washtenaw County Sheriff's Department for mobile home parks and mobile home subdivisions.

   c. Mobile homes within the 100-year floodplain as designated on the Flood Insurance Rate Map shall be located in accordance with the following standards:

      i. All mobile homes shall be placed on stands or lots which are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level.

      ii. Adequate surface drainage away from all structures and access for a mobile home hauler shall be provided.

      iii. In the instance of elevation on pilings, lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten (10) feet apart; and reinforcement shall be provided for piers more than six (6) feet above ground level.

      iv. In mobile home parks and mobile home subdivisions which exist at the time this Section is adopted, where repair, reconstruction or improvement of streets, utilities, and pads equals or exceeds fifty (50) percent of the value of the streets, utilities, and pads before the repair, the standards in the subparagraphs above shall be complied with.

4. The following standards shall be applied to all uses proposed to be located within the floodway portion of the floodplain area.

a. Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited. Exception to this prohibition shall only be made upon certification by a registered professional engineer or the Michigan Department of Environmental Quality that the development proposed will not result in any increases in flood levels during a base flood discharge, and compliance with Act 245, Public Acts of 1929, as amended by Act 167, Public Acts of 1968.

b. The placement of mobile homes shall be prohibited.

c. The uses of land permitted in an underlying zoning district shall not be construed as being permitted within the regulatory floodway, except upon compliance with the provisions of this Section.

E. Warning and Disclaimer of Liability.

1. The degree of flood protection required by provisions of this Section is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions.

2. These provisions do not imply that areas outside the floodplain or land uses permitted within such districts will be free from flooding or flood damages nor shall the Township or any officer or employee thereof be liable for any flood damages that result from reliance on the provisions of this Section or any administrative decision lawfully made thereunder.

9.17 Paint Creek Overlay Zone. The purpose of the Paint Creek Overlay Zone is to preserve and enhance the agricultural, recreational, ecological, and aesthetic values of the Paint Creek area. Paint Creek is as a unique natural feature within Augusta Township and is recognized by the Michigan Department of Environmental Quality and the United States Soil Conservation Service as one of the few trout streams within Southeastern Michigan. In order to protect this unique resource, the overlay zone is established. The zone overlays existing zoning for an area one hundred (100) feet from the ordinary high water mark on each side of and parallel to Paint Creek. Within the overlay zone, the following regulations are enacted:

A. Pursuant to the Right to Farm Act (P.A. 93 of 1981), farm operations maintained in accordance with all applicable Generally Accepted Agricultural Management Practices (GAAMPs) shall be exempt from the provisions of this Section.

B. Building Setbacks. New buildings on all reaches of the Paint Creek overlay zone shall be set back a minimum of one hundred (100) feet from the water's edge.

C. Excavation. All excavation, including dredging, cutting, filling, and grading, within the Paint Creek overlay zone shall be done in accordance with the requirements of a permit issued by the Washtenaw County Soil Erosion and Sedimentation Control Department for soil erosion/sedimentation control, pursuant to Act 347, Public Acts of 1972, as amended, and other applicable state and local laws. In addition, commercial mining and extraction of topsoil or subsurface sand, gravel, or minerals is prohibited within the Paint Creek overlay zone. Activities within regulated floodplains, wetlands or within five hundred (500) feet of lakes and streams are subject to additional regulations and permitting as stated in P.A. 451 of 1994 as amended.

D. Use of Pesticides, Herbicides, and Fertilizers. Because of the adverse effects on vegetation, fish, wildlife, and water quality from improper use of even small amounts of pesticides, herbicides, and fertilizers, their use on lands within the Paint Creek overlay zone is strongly discouraged.

E. Stormwater management systems, including detention, retention and/or sedimentation basins shall be designed and constructed in accordance with the Rules of the Washtenaw County Drain Commissioner, "Design Criteria for Stormwater Management Systems", pursuant to P.A. 591 of 1996, as amended and P.A. 40 of 1956, as amended, to reduce the impacts of flooding.

Where possible, dry detention, extended dry detention and wet retention basins, or combination thereof shall reduce pollutants and the impacts of thermal pollution through the use of Best Management Practices (BMP) and creative design.

Where a site plan is required, final site plan approval will be withheld until a Drain Commissioner's Certificate, signed by the Washtenaw County Drain Commissioner has been received by the office of the Township Clerk.

F. Natural Vegetation Strip. To minimize erosion, stabilize the creek bank, protect water quality, keep nutrients out of the water, maintain water temperature at natural levels, preserve fish and wildlife habitat, to screen man-made structures, and also to preserve aesthetic values of the Paint Creek area, a natural vegetation strip shall be maintained on each parcel or lot between the water's edge and a line, each point of which is twenty-five (25) feet horizontal from and perpendicular to the water's edge. This minimum restricted cutting strip shall apply on each side of the creek. Within the natural vegetation strip, trees, and shrubs may be selectively

pruned or removed to achieve a filtered view of the creek from the main dwelling. Said pruning and removal activities shall:

1. Ensure a live root system stays intact to provide for creek bank stabilization and erosion control;

2. Ensure that any path to the creek is no greater than five (5) feet in width, 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 creek view;

3. Dead, diseased, unsafe or fallen trees and noxious plants and shrubs, including poison ivy, poison sumac, and poison oak, and other plants regarded as a common nuisance in Section 2, Act 359 of the Public Acts of 1941, as amended, may be removed;

4. The removal of other landscape materials, not stated in subsection 3 above is prohibited; and

5. Planting of perennial native species in the natural vegetation strip is encouraged, especially where exposed soil and steep slopes exist, and in reforestation efforts.

G. Sewage treatment facilities including lagoons, sequence batch reactors or package treatment facilities shall be prohibited within the Paint Creek Overlay District.

ARTICLE 10
PRIVATE ROADS

10.1 Purpose. This Article is intended to protect and promote the public health, safety, comfort, convenience and general welfare of the Township by regulating the location and design of private roads and establishing minimum standards and specifications for the construction of private roads. Such regulations and minimum standards are necessary to ensure that private roads remain passable in all weather conditions and are adequate to provide safe, year-round access by fire, police and other pubic and emergency vehicles. Such regulations and minimum standards are also necessary to ensure property layout and design of roads in order to form a functional street transportation network; promote and coordinate effective and energy efficient development; and prevent duplication of roads.

10.2 Definitions. The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

A. *Acreage tract* and *acreage land* mean land which is not located in, or a part of, a recorded plat.

B. *Applicant* means the person who holds a legal interest in land and submits an application seeking approval for a private road on the land.

C. *Application* means the form provided by the Charter Township of Augusta to the Applicant detailing the information necessary to submit a Private Road Plan to the Charter Township of Augusta Planning Commission.

D. *Divide, partition* and *assembly* mean the splitting or separating of a parcel of land into parts, or the assembly of land into new parcels, by changing the boundaries and/or legal description, where such splitting, separating or assembly of land is not accomplished pursuant to platting procedures under the land division act, Public Act No. 288 of 1967, as amended.

E. *Front lot line* means, in the case of a lot located on a private road, the line which separates the lot from the private road easement.

F. *Land* means the surface area known as real estate.

G. *Lot* means a piece of land, the dimensions and configuration of which are shown on a subdivision plat recorded in the offices of the county register of deeds.

H. *Parcel* means a measured portion of land which is described by virtue of a request to divide or partition such land. A parcel may be a subdivision lot, an acreage tract or acreage land.

I. *Plat* means a map or chart of a subdivision of land which has been approved in accordance with the land division act, Public Act No. 288 of 1967, as amended.

J. *Proper frontage* means a lot which is in compliance with the minimum lot width requirements for the zoning district in which the lot is located as measured at the building setback line.

K. *Road* means any public or private thoroughfare or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel, whether designated as a road, avenue, highway, boulevard, lane, court or any similar designation. As used in this Article, the term "road" shall not include driveways which are intended to provide access to a single parcel or single dwelling unit.

1. *Private road* means any road that is to be privately maintained and has not been accepted for maintenance by the Washtenaw County Road Commission, but which meets the requirements of this Article or has been approved as a private road by the Township under any prior ordinance.

2. *Public road* means any road, or portion thereof, which has been dedicated to and accepted for maintenance by the Washtenaw County Road Commission.

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

M. *Township Engineer* means an engineer appointed by the Township Board to the position of Township Engineer, or any other person authorized by the Township Board to perform the duties of Township Engineer as set forth in this Section.

N. *Township Planner* means a planner appointed by the Township Board to the position of Township Planner, or any other person authorized by the Township Board to perform the duties of Township Planner as set forth in this Section.

10.3 General Requirements.

A. Every lot in the Township shall:

1. Abut either a public road or a private road which meets the requirements of this Article; and,

2. Have access for ingress and egress for all vehicular traffic including fire, police, and emergency medical services and vehicles by means of such public or private road.

B. Subsequent to the adoption of this Article, no person shall construct, alter, relocate, widen or maintain a private road in the Township, except in accordance with the provisions herein.

C. Subsequent to the adoption of this Article, no person shall divide, partition or assemble any land in the Township, nor shall any person sell any land in the Township unless such land, parcel or lot has proper frontage on a public road or an approved and completed private road meeting the standards of this Article, and is in compliance with all other minimum lot requirements for the zoning district in which the property is located.

D. Subsequent to the adoption of this Article, no building permit shall be issued by Washtenaw County or the Township unless the structure, building or improvement for which such building permit is required is on a lot or parcel of land which has proper frontage on a public road or an approved and completed private road meeting the standards of this Article.

E. An application for private road approval shall not be approved if non-conformities would thereby be created or increased on any lot.

F. All lots which have been improved with a building prior to the adoption of this Article shall comply with the provisions of this Article if the Township Board, by resolution, and after a public hearing, determines that such compliance is necessary to protect and promote the public health, safety, and welfare in accordance with the purposes set forth in Section 10.1.

10.4 Application and Approval Procedures.

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.

B. Submittal Requirements. All private road applications shall include the following plans and documents, and shall comply with the following application requirements:

1. Completed and signed application form. The application for approval of a private road shall be accompanied by a completed and signed application form. The application shall be signed by the applicant or agent thereof (in which case, it shall be accompanied by a duly executed and notarized power of attorney), and shall represent that

the applicant is making the application on behalf of all persons having an interest in the proposed private road area. The application shall be signed by all persons with legal or equitable title to any lot to be served by the private road.

2. Private road plan. The private road plan shall be drawn and sealed by a professional engineer or land surveyor registered in the State of Michigan. The scale shall be not less than one inch equals 50 feet, except, if the road is longer than 1,500 feet the scale shall not be less than one inch equals 100 feet. The following information shall be provided on the plan:

   a. A legal description of each lot to be served by the private road, a legal description of the private road easement, and the names and addresses of all persons or parties owning an interest in the title to the lots and the private road easement.

   b. A survey drawing describing the outline of the proposed private road easement with the dimensions and bearings thereof.

   c. A topographical survey, shown in one-foot contour intervals, of the proposed private road easement and all adjacent land within one hundred (100) feet of the proposed private road easement; or within such greater area as may be necessary, in the judgment of the Township Engineer, to determine what construction methods will be adequate to ensure proper drainage, detention or retention of storm water.

   d. A description of the natural features, including soils, wetlands, trees in excess of eight (8) inches in diameter, streams, watercourses, lakes, ponds and existing drains within the proposed private road easement, and within one hundred (100) feet of the proposed private road easement, or within such greater area as may be necessary, in the judgment of the Township Engineer, to determine what drainage and construction methods will be adequate.

   e. The location of existing structures on properties within 100 feet of the proposed private road easement.

   f. Plan and profile drawings and cross-sections clearly detailing all materials, grades, and dimensions of improvements proposed within the private road easement, prepared by a civil engineer registered in the State of Michigan, and bearing the seal of the same. These plans and drawings shall include the finish floor elevations of any existing or proposed buildings, as

well as the dimensions of proposed driveway culverts, if necessary.

g. Proposed topography shown in one-foot contour intervals.

h. Details of proposed road drainage, and if necessary, proposed stormwater detention or retention systems.

i. Location of existing and anticipated utility lines, including, where applicable, electric, telephone, gas, cable television, water and sewer lines.

j. A minimum of two (2) benchmarks. The benchmarks must be referenced to the North American Vertical Datum of 1988 (NAVD '88). All benchmark locations shall be clearly indicated on the plans.

k. Other information deemed necessary by the Township to make the determination required by this Article.

3. Road easement agreement. A private road easement agreement shall be submitted in a recordable form which meets the minimum design standards set forth in Section 10.5(L) of this Article.

4. Private road maintenance agreement. A private road maintenance agreement shall be submitted in a recordable form which meets the minimum design standards set forth in Section 10.5(M) of this Article.

5. Washtenaw County Road Commission approval. Evidence of private road approval from the Washtenaw County Road Commission. This shall not be construed to mean approval of construction permits from the Road Commission, however.

6. Road name. Private roads shall be named and, upon construction of the road, appropriate signage shall be erected to identify the road name. Road names shall not be permitted which might cause confusion with existing roads in or near the Township. Road names shall be approved by the Washtenaw County Road Commission and Township Board.

7. Engineer's Opinion of Probable Construction Cost. The applicant's engineer shall submit to the Township their opinion of probable construction costs for all site improvements.

8. Fee. The application shall be accompanied by an application fee as established by resolution of the Township Board.

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.

3. Notice to Adjacent Property Owners. The Township shall notify all owners of record of property which abuts or is within 300 feet of the edge of the private road easement. The notice shall describe the proposed private road, the time and place where a Planning Commission meeting will be held so that public comment shall be heard and an invitation for the property owners to participate in the process. The notice shall also indicate that all comments, whether written or verbal, shall be directed to the Township Hall.

4. Planning Commission Review and Recommendation. The Planning Commission shall review all private road applications, plans and other required materials, along with all consultant reviews and recommendations, at a public meeting. The Planning Commission shall consider compliance with this Article, sound planning and engineering principles and any other applicable ordinances. The Planning Commission may table any application which does not contain all of the information required by this Article. If the required information is included, the Planning Commission shall make a recommendation to the Township Board to deny, approve or approve subject to conditions the private road application.

5. Resubmittal of Additional Materials for Township Board Review. Following the Planning Commission's recommendation under Section 10.4(C)(4), the applicant shall be responsible for submitting additional copies of those materials required under Section 10.4(B), items 1-7, for placement on the next available Township Board agenda.

6. Township Board Review and Final Determination. After receiving the recommendation of the Planning Commission, the Township Board shall review the private road application, including the private road easement and maintenance agreement, at a public meeting. The Township Board shall consider the consultant reviews and recommendations and the Planning Commission recommendation, and shall make a determination, based on the provisions of this Article, any other applicable ordinances and sound planning and engineering principles. The Township Board shall deny, approve or approve with conditions the proposed private road application.

7. Recording of Easement and Maintenance Agreement. Upon approval by the Township Board, all private road easement agreements and maintenance agreements shall be recorded by the applicant at the office of the Washtenaw County Register of Deeds, and proof of such recording shall be submitted to the Township prior to issuance of a Construction Permit.

8. Performance Guarantee. The Township Board shall require that the applicant deposit with the Township Treasurer a performance guarantee in an amount and of a kind acceptable to the Township sufficient to guarantee and warrant that the Applicant will construct the private road within the terms and conditions of the private road approval, including the payment of any required inspection and testing fees.

9. Construction Administration Escrow. The Applicant shall deposit with the Township Treasurer an escrow deposit fee to defray the costs of construction inspection, administration, and enforcement of this section. The escrow deposit shall be 7% seven percent of the Township Engineer's estimated cost of construction. The Applicant shall have a right to a copy of the costs incurred for inspection and testing. In the event the escrow deposit is depleted, the Applicant shall deposit an additional three percent (3%) of the cost of construction. This escrow deposit procedure shall be repeated until all components of the private road have been inspected and tested in accordance with the standards and specifications as set forth in this Section. Upon issuance of a Certificate of Completion under Section 10.4(C)(12)(b)(iv), any unused portion of the deposit shall be refunded to the applicant and releases shall be provided as required.

10. Pre-Construction Meeting. Prior to issuance of a Construction Permit, a pre-construction meeting shall be held between the applicant, their contractor(s), the Township Supervisor, and the Township Engineer, to review anticipated construction and inspection schedules, and to ensure that all necessary permits, performance guarantees and escrows are in place.

11. Issuance of Construction Permit. Upon deposit of the required Performance Guarantee and Construction Administration Escrow, and completion of the Pre-Construction Meeting, the Township Supervisor shall issue a Construction Permit. Such Construction Permit shall include all conditions placed on the private road approval by the Township Board, and shall allow the applicant to commence with construction of the private road.

12. Inspection.

    a. The applicant shall notify the Township 48 hours prior to commencement of construction to facilitate inspection by the Township Engineer at various stages of such construction. Inspections conducted by the Township Engineer are intended to ensure that the private road is being constructed in accordance with the standards set forth in this Article and the approved plans. Inspections by the Township Engineer shall not relieve the applicant, his engineer or contractor from their obligations under this Article.

    b. Spot inspections and final inspections. Inspections may be conducted by the Township engineer during construction and upon completion of a private road as follows:

        i. Spot inspections during construction. Spot inspections during construction may be conducted to ensure proper completion of the following work, where applicable:

            - Compaction of subsoils.
            - Finished subgrade.
            - Grade and alignment.
            - Preliminary drainage and utility structures.
            - Stormwater management system facilities.
            - Public water and sewer utilities.
            - Base and paving materials.
            - Bituminous or concrete parking.
            - Curb and gutter.

ii. Effect of approval of a construction phase. Approval of any private road construction phase by the Township Engineer does not guarantee approval of subsequent phases or final approval of the constructed road.

iii. Once construction is complete, the Township Engineer shall submit a letter detailing the results of all spot inspections made of the project.

iv. Final inspection. Upon completion of the private road, the applicant or his engineer shall submit a complete set of as-built drawings to the Township. The Township engineer shall review the as-built drawings and conduct a final inspection to ensure that all visible construction, including cleanup, has been satisfactorily completed. The Township Engineer will then issue a Certificate of Completion, in a form determined by the Township, upon finding that all activities on-site have been completed to their satisfaction.

D. Expiration of Approval. If construction has not commenced within 12 months of private road approval, or if construction has not been completed within 12 months after issuance of a Construction Permit, the private road approval shall become null and void, and a new application shall be required. However, the applicant may apply in writing to the Planning Commission for a 12-month extension of a private road approval. The Planning Commission may grant an extension if it finds that the approved site plan adequately represents current conditions and conforms to current ordinance standards. The Township Board may levy upon the surety as set forth in Section 10.4(C)(8) and complete the private road at the Applicant's complete and sole expense. Any outstanding costs over and above the amount of surety to complete construction of a private road due to the Applicant's actions shall become a lien on the land of all the lots served by the private road. Upon payment of the outstanding costs, the Township shall discharge all liens.

E. Variances and Appeals.

1. Where there are practical difficulties preventing a property owner from conforming with the strict letter of this Article, the Zoning Board of Appeals shall have the power to authorize variances from the standards in this Article, with such conditions and safeguards as it may determine to be necessary so that the spirit of this Article is observed, public safety secured and substantial justice done.

2. The decision of the Township Board shall be final, but a person having an interest affected by such decision may appeal such decision to the Zoning Board of Appeals.

F. Fee Schedule. The Township Board shall determine a fee schedule for private road applications. The amount of such fee shall take into account the cost of the review, including any consultant reviews, required in this Article.

10.5 Design Standards. Private roads proposed in Augusta Charter Township shall meet the following standards.

A. An application for private road approval shall not be approved that serves less than five (5) lots, except as proved below under Section 10.5(C). When necessary, approval of a private road shall be made conditional upon the approval of a land division, subdivision or condominium application, if said application is necessary to provide the required number of lots.

B. All private roads proposed in Augusta Charter Township shall adhere to the design and construction standards of the Washtenaw County Road Commission for asphalt-paved public roads, as well as the other provisions of this Section, except as provided below under Section 10.5(C).

C. Rural Road Option. Notwithstanding Sections 10.5(A) and 10.5(B), above, gravel private roads may be proposed to serve two (2) to four (4) lots, provided that the following standards are met:

1. Regardless of the zoning district in which the property is located, all lots served by the private road shall be at least two and one-half (2.5) acres in size, and shall have at least two hundred (200) feet of frontage on the private road or an adjacent public road.

2. Gravel private roads shall meet the following design and construction standards:

a. Right-of-Way Width: 66 feet wide for road, 50 foot radius for cul-de-sac.

b. Road Surface Width: 20 feet.

c. Sub-Base: Six (6) inches of class II sand, compacted to 95%.

d. Base: Eight (8) inches of crushed limestone of processed road gravel (MDOT 22A or 23A) in two equal courses, each compacted 20 feet wide.

e. Turnarounds:

i. Cul-de-sac: Thirty-five (35) foot radius, 2% minimum cross-slope.

ii. "T" type: Many be substituted for turning circle if applicant can show that it will function as well as the required cul-de-sac.

f. Ditches.

i. Minimum Grade: 0.5%.

ii. 0.5% to 4.0% Grades: Sod or otherwise stabilize.

iii. Grades Steeper Than 4.0%: Rip rap.

iv. Front/Back Slopes: One on four (1:4).

g. Roadway Grades:

i. Minimum: 0.5%.

ii. Maximum: 6.0%

h. Roadway Curves:

i. Minimum Horizontal: 230 foot radius.

ii. Minimum Vertical: 100 feet long for changes in gradient of 2% or more.

D. The Private Road shall provide for ingress, egress, drainage, and installation and maintenance of public and private utilities.

E. The roadway surface and turnaround area shall be centered in the private road easement.

F. The connection between the private road and the public road shall conform to the standards and specifications of the Washtenaw County Road Commission for private roads. The applicant shall obtain all necessary permits and inspections of the Road Commission prior to the issuance of Certificate of Completion under Section 10.4(C)(11)(b)(iv).

G. Underground crossroad drainage shall be provided where the proposed right-of-way crosses a stream or other drainage course. Necessary culverts and soil erosion controls shall be provided in accordance with the specifications of the Washtenaw County Road Commission and the Washtenaw County Department of Soil Erosion and Sedimentation Control. The applicant shall obtain all necessary permits and inspections of the Washtenaw County Department of Environmental Health, if

applicable, prior to the issuance of Certificate of Completion under Section 10.4(C)(12)(b)(iv).

H. The private road easement and roadway shall be adequately drained so as to prevent flooding or erosion of the roadway. Ditches shall be located within the private road easement. Roadway drainage shall be constructed so that the runoff water shall be conveyed to existing watercourses or water bodies or on-site stormwater retention basins. The discharged water shall not be cast upon the land of another property owner unless the water is following an established watercourse. The new drainage system shall be designed and constructed utilizing the Washtenaw County Drain Commissioner standards. Any connection to county drains shall be approved by the Washtenaw County Drain Commissioner. Connection to roadside ditches within public road rights-of-way shall be approved by the WCRC. Permits and inspection by the WCRC and the WCDC shall be provided to the Township prior to the issuance of Certificate of Completion under Section 10.4(C)(12)(b)(iv).

I. Permanent Traffic Control Devices.

1. All traffic control signage, including stop signs, must meet the requirements of the current Michigan Manual of Uniform Traffic Control Devices. As a minimum, all private roads must have a stop sign installed at the intersection with any public or private road.

2. All private roads must have a private road name sign that is consistent with the Washtenaw County Road Commission's requirements for the sign installation location, sign height, size and color. As a minimum, a name sign shall be installed at the intersection of all private roads with any public or private road.

J. Unless the proposed private road is designed to serve parcels on both sides of the proposed road, the private road easement shall be setback at least twenty-five (25) feet from the property line. The setback shall be planted with a landscape screen of at least one (1) six (6) foot tall evergreen tree for each twenty (20) lineal feet or a continuous hedgerow. Existing vegetation may be used to satisfy these requirements, if the Planning Commission and the Township Board determine that the existing vegetation will provide reasonable and adequate screening. This setback, and associated landscape screen, may be waived if a written, signed and notarized waiver is submitted by all adjoining owners of property sharing a common boundary with the proposed private road easement.

K. Private roads serving more than 20 lots or dwelling units shall have at least two points of access to a public road.

L. Private Road Easement Agreements. A private road easement agreement in recordable form shall be required. Such agreement shall meet the following minimum requirements:

1. Legal description. A detailed legal description of the private road easement shall be submitted with the private road permit application.

2. Emergency and public vehicle access. The easement shall provide for unrestricted access for emergency and public vehicles used in performance of necessary public services.

3. Noninterference. The terms of the easement agreement shall prohibit any property owner served by the road from restricting or interfering with the normal ingress and egress of other property owners, their families, guests, invitees, tradespeople and other persons traveling to or leaving any of the properties served by the private road.

4. Future connections. The terms of the easement agreement shall provide that the Township Board may require that future abutting private roads or public roads shall be connected to the existing private road.

5. Setback from existing structures. New private road easements shall be located to provide a sufficient distance from all existing conforming structures and legally nonconforming structures so that such structures comply with the front yard setback requirements for the zoning district in which they are located.

M. Private Road Maintenance Agreements. Continued maintenance of private roads and road drainage facilities shall be the responsibility of the property owners served by such roads. Prior to issuance of construction permits, such property owners shall enter into a legally binding private road maintenance agreement, which shall be subject to review and approval by the Township attorney. At a minimum, the easement maintenance agreement shall contain the following:

1. Maintenance costs. The private road maintenance agreement shall acknowledge that the road surface and easement area are privately owned, and therefore, all construction and improvements within the easement will be contracted and paid for by the signatories to the agreement.

2. Method of apportioning maintenance costs.

   a. Original users. The agreement shall describe the method by which maintenance costs and costs of improvements will be apportioned among the original users of the private road.

b. Subsequent users.

i. The agreement shall describe the method for apportioning new users for a proportionate share of the maintenance costs and costs of improvements of the private road.

ii. The agreement shall indicate that the method of apportioning costs applies whether the new users are a result of:

- Extension of the private road beyond its initial length;
- Connection to another private road; or
- Division of property which is served by the private road.

c. The apportionment formula shall be designed to apportion costs in relation to the benefit to be derived from the private road, and therefore, shall include two variables: the number of parcels to be served, and the amount of frontage that each parcel has along the private road. For example, the formula could apportion 50 percent of the costs on the basis of the number of parcels being served, and apportion the remaining 50 percent of cost on the basis of frontage for each parcel.

d. The apportionment formula may include provisions to reduce the cost for parcels that have existing access to another public or private road, and therefore, would not derive full benefit from the private road.

3. Township not responsible. The provisions of the private road maintenance agreement shall in no way be construed to obligate the Township to perform regular inspections of the easement area, or to provide necessary repairs or maintenance. The Township may intercede in maintenance of a private road only if a potential health or safety hazard is brought to the attention of Township officials, or if the road is not being maintained in accordance with Township standards.

4. Special assessment provision. The private road maintenance agreement shall contain a provision to permit the Township Board to authorize the repair of any private road which is not being maintained adequately to permit safe access by users and emergency vehicles, and to assess the cost of such repair, including the costs of

engineering and administration, to the signatories to the private road maintenance agreement on an equitable basis. The decision to authorize repair of a private road shall be at the Township Board's sole discretion in accordance with its legislative powers.

5. Maintenance needs. The private road maintenance agreement shall acknowledge the responsibility of the signatories to such agreement to maintain the surface grading and resurfacing at regular intervals; snow and ice removal; repair of potholes; maintenance of road drainage systems; maintenance of unobstructed vision at any intersection with another private road or a public road; annual dust control; and regular cutting of weeds and grass within the easement.

6. Continuing obligation. The private road maintenance agreement shall specify that the obligation to maintain the easement shall be an obligation running with the land to be served by the private road, and shall be binding upon the owners of such land and their heirs, successors and assigns.

10.6 Prior Non-Conforming Private Roads. Upon adoption of these regulations, the Township Supervisor shall compile a list of all existing non-conforming private roads. This compilation shall set forth the non-conforming private road by name, location and a brief description of the road, and the nature of the non-conformity that existed under the repealed Private Road Ordinance. This list shall be set forth in recordable form and recorded with the Washtenaw County Register of Deeds.

10.7 Violations. Any person who violates any provision of this Article shall be subject to the penalties provided in Section 14.10 of this ordinance.

ARTICLE 11
SITE PLAN REVIEW

11.1 Purpose. It is the purpose of this Article to require site plan approval for certain buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and land uses, and on the character of future development. It is further the purpose of this Article to achieve, through site plan review, safe and convenient traffic movement, both within a site and in relation to access streets; harmonious relationships of buildings, structures, and uses, both within a site and with adjacent sites; and to conserve natural features and resources. It is further the intent of this Article to delegate certain aspects of site plan review authority to the Township Planning Commission, within the standards and requirements set forth in this Article.

11.2 Site Plan Approval Required. Site Plan Review and approval is required for all proposed uses and structures within the Township except for single-family dwellings (and accessory buildings thereto) and farm buildings.

A. Site Plan Review and approval is required for existing uses or structures, except single-family detached dwellings and farm buildings, where an alteration to the existing use or structure would result in one of the following:

1. Constitutes an increase or reduction of the floor area of a structure or land area occupied by the use.

2. Constitutes a change of use, even if the change of use is permitted in the subject Zoning District.

3. Requires a variance from the provisions of this Ordinance, regardless of its size.

B. The Zoning Administrator shall not issue a Zoning Compliance Permit for construction of, addition to, or reduction of any of the above listed buildings or developments, until the Final Site Plan has been reviewed and approved by the Township Planning Commission.

C. No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence for any development which requires site plan approval, until a Final Site Plan is approved and is in effect.

11.3 Review and Approval Procedures. The procedure for processing site plans includes three (3) phases: a Pre-Application Conference, Preliminary Site Plan review and Final Site Plan approval.

A. Pre-application Conference. Prior to the submission of an application for Site Plan approval, a pre-application conference shall be held at a regularly-

scheduled or special meeting of the Planning Commission. The purpose of this conference shall focus on the Site Plan process and required information, as outlined in this Section, and shall not constitute any form of official review and approval of the Site Plan project. Nor shall this conference in any way circumvent, replace, or supersede the review and approval powers of the Planning Commission regarding the Site Plan application. The applicant shall present at such conference, or conferences, at least a sketch plan of the proposed Site Plan, as well as the following information:

1. Total size of the project.

2. A statement of the number of residential units, if any.

3. The number and type of non-residential uses.

4. The size of the area to be occupied by each type of use.

5. The known deviations from ordinance regulations to be sought.

6. The number of acres to be preserved as open or recreational space.

7. All known natural or historic features to be preserved or removed.

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.

2. Information Required. Every Preliminary Site Plan submitted for Planning Commission review shall include the following information, unless specifically waived by the Planning Commission:

   a. General Information.

i. Proprietors', applicants', and owners' names, addresses and telephone numbers.

ii. Date (month, day, year), including revisions.

iii. Title block.

iv. Scale.

v. Northpoint.

vi. Legal description and certified survey.

vii. Location map drawn at a scale of 1" = 2,000' with north point and indicating the proximity of the site to major roads and intersections.

viii. Architect, Engineer, Surveyor, Landscape Architect, or Planner's seal.

b. The shape, size and location of existing and proposed lot lines, buildings, parking areas and service drives, loading zones, location of existing and proposed public streets serving the property, and natural features such as topography, soils, woodlands, wetlands, floodplain, and drainage courses which affect the property.

c. The location of all existing and proposed water and sewage treatment systems that are or will be serving the property.

d. Zoning classification and land use of the petitioner's property as well as all adjacent properties.

e. Preliminary review comments from the Washtenaw County Road Commission, Drain Commissioner and Health Department, as applicable.

f. Any other information deemed necessary to properly illustrate the development concept to the Planning Commission.

3. Planning Commission Action. The Planning Commission shall review the Preliminary Site Plan and shall take one of the following actions:

a. Approval. Upon finding that the Criteria for Site Plan Review set forth in Section 11.4 are satisfied by the Preliminary Site Plan, the Planning Commission shall approve the Preliminary Site Plan.

b. Approval with Changes or Conditions. The Planning Commission may grant conditional approval of the Preliminary Site Plan, subject to modifications to be performed by the applicant.

c. Postponement. Upon finding that the Criteria for Site Plan Review set forth in Section 11.4 are not satisfied by the Preliminary Site Plan, but could be if the plans were revised, the Planning Commission may postpone action on the proposal until a revised Preliminary Site Plan is submitted.

d. Denial. Upon finding that the Preliminary Site Plan will not meet the Site Plan Approval Criteria set forth in Section 11.4, the Planning Commission shall deny the Preliminary Site Plan.

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 forwarded 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.

   If a Final Site Plan is not submitted by the applicant for approval within twelve (12) months of Preliminary Site Plan approval by the Planning Commission, the Preliminary Site Plan approval becomes null and void. The Planning Commission may, however, issue a waiver for greater periods of time if it is determined to be appropriate. Such extension and request of waiver shall be made in writing to the Planning Commission prior to the expiration date.

2. Information Required. Every Final Site Plan submitted for review under this Article shall contain all of the following data prior to its submission to the Planning Commission for review and approval. Final Site Plans shall consist of an overall plan for the entire development. Sheet size shall be at least 24" x 36" with plan view drawn to a maximum scale of 1" = 50' for property less than five (5) acres or a maximum scale of 1" = 100' for property) five (5) or more acres. Included on the Site Plan shall be all dimensions and the following, except where specifically waived by the Planning Commission:

   a. General Information.

i. Proprietors', applicants', and owners' names, addresses and telephone numbers.

ii. Date (month, day, year), including revisions.

iii. Title block.

iv. Scale.

v. Northpoint.

vi. Legal description and certified survey.

vii. Location map drawn at a scale of 1" = 2,000' with north point and indicating the proximity of the site to major roads and intersections.

viii. Seal of an Architect, Engineer, Surveyor, Landscape Architect, or Planner registered in the State of Michigan.

b. Existing lot lines, building lines, structures, parking areas, etc., on the parcel, and within one hundred (100) feet of the site.

c. Proposed lot lines, property lines and all structures, parking areas, etc. within the site, and within one hundred (100) feet of the site.

d. Centerline and existing and proposed right-of-way lines of any street.

e. Zoning classification and land use of petitioner's parcel and all abutting parcels.

f. Gross and net acreage figures.

g. Proximity to major thoroughfares and section corners.

h. A minimum of two (2) benchmarks. The benchmarks must be referenced to the North American Vertical Datum of 1988 (NAVD '88). All benchmark locations shall be clearly indicated on the plans.

i. Physical Features.

i. Acceleration, deceleration and passing lanes and approaches.

ii. Proposed locations of access drives, street intersections, driveway locations, sidewalks, bike paths, curbing and areas for public use.

iii. Traffic study, where required pursuant to Section 5.21.

iv. Location of existing and proposed service facilities above and below ground, including:

- Well sites.
- Septic systems and other wastewater treatment systems. The location of the septic tank and the drain field (soil absorption system) should be clearly distinguished.
- Chemical and fuel storage tanks and containers.
- Storage, loading, and disposal areas for chemicals, hazardous substances, salt and fuels.
- Water mains, hydrants, pump houses, standpipes and other water utility housings.
- Sanitary sewers and pumping stations.
- Storm water control facilities and structures including storm sewers, swales, retention and detention basins, drainage ways and other facilities, including calculations for sizes.
- Location of all easements.

v. All structures with dimensioned floor plans, setback and yard dimensions and typical elevation views.

vi. Dimensioned parking spaces and calculations, drives and method of surfacing.

vii. Exterior lighting locations, fixture details, and illumination patterns.

viii. Location and description of all existing and proposed landscaping berms, fencing and walls.

ix. Trash receptacle pad location and method of screening.

x. Transformer pad location and method of screening.

xi. Dedicated road or service drive locations.

xii. Entrance details including sign locations and size.

xiii. Designation of fire lanes.

xiv. Historic structures as identified by the State of Michigan and/or national registry of historic places pursuant to U.S. Department of the Interior.

xv. Any other pertinent physical features.

j. Natural Features.

i. Soil characteristics of the parcel to at least the detail provided by the U.S. Soil Conservation Service "Soil Survey of Washtenaw County Michigan".

ii. Existing topography with a maximum contour interval of one (1) foot. Topography on the site and beyond the site for a distance of one hundred (100) feet in all directions should be indicated.

iii. Grading plan, showing finished contours at a maximum interval of one (1) foot, correlated with existing contours so as to clearly indicate required cutting, filing and grading.

iv. Location of existing drainage courses and associated bodies of water, on and off site, and their elevations.

v. Location of all existing wetlands, regardless of whether state regulated or not.

vi. The extent of trees and wooded areas found on the property, including an inventory of all trees measuring six (6) inches diameter breast height (DBH) or greater.

vii. Listing of rare or endangered species of flora or fauna, as identified by the State of Michigan and/or the Michigan Natural Feature Inventory (MNFI).

viii. Location of floodplain information pursuant to Township FEMA maps.

k. Additional Requirements for Single-Family and Multiple-Family Developments.

i. Density calculations by type of unit by bedroom counts.

ii. Designation of units by type and number of units in each building.

iii. Carport locations and details where proposed.

iv. Specific amount and location of recreation spaces.

v. Type of recreation facilities to be provided in recreation space.

vi. Details of Community Building and fencing of swimming pool if proposed.

l. Additional Requirements for Commercial and Industrial Developments.

i. Loading/unloading areas.

ii. Total and usable floor area.

iii. Number of employees in peak usage.

m. Evidence of preliminary approval from the Washtenaw County Road Commission, Drain Commissioner and Health Department, as applicable.

n. Engineer's Opinion of Probable Construction Cost. The applicant's engineer shall submit to the Township their opinion of probable construction costs for all site improvements.

3. Planning Commission Action. The Planning Commission shall review the Final Site Plan and shall take one of the following actions:

a. Approval. Upon finding that the Application and Site Plan meet the Criteria of Site Plan Review in Section 11.4, the Planning Commission shall approve the site plan.

b. Approval with Changes or Conditions. Upon finding that the Application and Site Plan meet the Criteria of Site Plan Review in Section 11.4, except for minor revisions, the Planning Commission may approve the site plan conditioned upon said revisions being made by the applicant and reviewed by appropriate Township staff and/or consultants.

c. Postponement. Upon finding that the Application and Site Plan do not meet the Criteria of Site a Plan Review in Section 11.4, but could upon the making of revisions, the Planning Commission may postpone action until the revised Plan is resubmitted.

d. Denial. Upon finding that the Application and Site Plan do not meet one (1) or more of the Criteria of Site Plan Review in Section 11.4, and that revisions necessary to meet said Criteria are so extensive as to require the preparation of a new Site Plan, the Planning Commission shall deny the site plan.

4. Filing of Approved Site Plan. Upon approval of the Final Site Plan, the applicant and/or owner(s) of record, and the Planning Commission Chair or his/her designee, shall sign five (5) copies of the approved plan, and shall transmit one (1) such signed copy of the approved Final Site Plan each to the Zoning Administrator, Building Inspector, Township Clerk, and to the applicant. One (1) such copy shall be retained in the Planning Commission files.

5. Effect of Approval. Approval of a Final Site Plan authorizes issuance of a building permit or, in the case of uses without buildings or structures, issuance of a certificate of zoning compliance. Approval shall expire and be of no effect after three hundred sixty-five (365) days following approval by the Planning Commission, unless a building permit, when required, is applied for and granted within that time period, and construction has begun and is being diligently pursued to completion. The Planning Commission may extend the time limits upon a showing of good cause.

D. Concurrent Preliminary and Final Site Plan Review. Projects of limited scope may pursue Preliminary and Final Site Plan approval concurrently, provided at least one of the following criteria are satisfied:

1. The subject site is less than one (1) acre in size;

2. Proposed building construction or expansion is less than two thousand (2,000) square feet in gross floor area;

3. The proposal is intended to accommodate a single user or tenant.

11.4 Criteria for Site Plan Review. Site Plans shall be reviewed and approved upon a finding that the following criteria are met:

A. The proposed use will not be injurious to the general health, safety and welfare of the Township and surrounding neighborhood.

B. The location of buildings, outside storage receptacles, parking areas, screen walls and utility areas is such that the adverse effects of such uses will be minimized for the occupants of that use and surrounding areas.

C. The design of storm sewers, stormwater facilities, roads, parking lots driveways, water mains, sanitary sewers and other site improvements meets the design and construction standards of the Township and other appropriate agencies.

D. Proper access to all portions of the site and all sides of any structure is provided. All structures or groups of structures shall be so arranged as to permit emergency vehicle access by some practical means to all sides. Site features such as, but not limited to, trees and other plant materials, fences, retaining walls, berms, outdoor furniture, outdoor structures, and natural and artificial water bodies shall be arranged to permit adequate emergency vehicle access.

E. Site planning and design of specific improvements will accomplish, the preservation and protection of existing natural resources and features such as lakes, ponds, streams, wetlands, floodplains, steep slopes, groundwater, trees, and wooded areas, including understory trees.

F. The proposed development respects the natural topography to the maximum extent possible by minimizing the amount of cutting, filling and grading required.

G. The proposed development will not cause soil erosion or sedimentation. The drainage plan is adequate to handle anticipated stormwater runoff.

H. A stormwater management system and facility will preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible, and will not substantially reduce or increase the natural retention or storage capacity of any wetland, water body or water course, or cause alterations which could increase flooding or water pollution on or off site. The Washtenaw County Drain Commission Standards shall be used for the review and approval of all stormwater management systems.

   The Washtenaw County Drain Commissioners office shall provide review comments on the stormwater management system of all site plans for the consideration of the Planning Commission. Comments shall be provided for all Preliminary and Final Site Plans. Final Site Plan approval shall not be granted until approval is granted by the Drain Commissioners Office with regard to the stormwater management plan.

I. Wastewater treatment systems, including on-site septic systems will be located to minimize any potential degradation of surface water or ground water quality.

J. Sites which include storage of hazardous materials waste, fuels, salt, or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the air or to the ground, groundwater or nearby water bodies, with a specific plan to achieve such objectives being incorporated as part of the site plan.

K. The location of buildings, parking, drives, landscaping and other improvements on the site is appropriate and consistent with good design standards for the lot size, shape and general location.

L. Landscaping, including grass, trees, shrubs and other vegetation is provided to maintain and improve the aesthetic quality of the site and area.

M. The means of ingress and egress to and from the site shall be 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.

N. The site plan complies with all Township Ordinances and design standards, and any other applicable laws.

11.5 Amendment of Approved Site Plans.

A. A site plan may be amended upon application and in accordance with provisions and the procedures provided in Section 11.3(C) for a Final Site Plan. Site plans amended in order to be brought into compliance with the requirements of governmental agencies of authority, other than Augusta Charter Township, are subject to the provisions of this ordinance. The Township Zoning Inspector shall have the authority to determine if a proposed change is substantive and therefore requires an amendment to the approved site plan.

B. Minor changes of an approved Final Site Plan may be incorporated without amendment to the approved site plan at the discretion of the Planning Commission.

11.6 Modifications During Construction. All improvements shall conform to the approved Final Site Plan. If the applicant chooses to make any changes in the development in relation to the approved Final Site Plan, he shall do so at his own risk, without any assurance that the Township will approve the changes. It shall be the responsibility of the applicant to notify the Zoning Administrator of any such

changes. The Zoning Administrator may require the applicant to correct the changes so as to conform to the approved Final Site Plan.

11.7 Phasing of Development. An applicant may divide a proposed development into two (2) or more phases with the approval of the Planning Commission. Such phasing shall be in conformance with Section 11.3(C)(5). Future development beyond approved phases shall not appear on the approved Final Site Plan.

11.8 Condominium Projects.

A. **Intent.** The intent of this Section is to regulate condominium projects to ensure compliance with this Ordinance and other applicable standards of the township, to provide procedures and standards for review and approval or disapproval of such developments, and to ensure that each project will be consistent and compatible with other developments in the community.

B. **Approval Required.** Pursuant to authority conferred by Section 141 of the Condominium Act, preliminary and final site plans for all condominium projects shall be approved by the Augusta Charter Township Planning Commission, in accordance with the provisions set forth in Article 11.

C. **General Requirements.**

1. Where a site condominium is proposed, each site condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which it is located, and the provisions of any other statutes, laws, ordinances, and/or regulations applicable to lots in subdivisions.

2. Relocation of boundaries between adjoining site condominium 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 Official. These requirements shall be made a part of the bylaws and recorded as part of the Master Deed.

3. Each site 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, shall comply with all regulations of the zoning district in which located, and shall be approved by the Zoning Official. These requirements shall be made a part of the condominium bylaws and recorded as part of the master deed.

4. No permit for construction shall be issued until final engineering plans have been approved and all applicable permits and approvals have been secured from other governmental entities.

D. **Site Plan Approval.** Approval of the site plan and condominium documents by the Township shall e required as a condition to the right to construct, expand, or convert a condominium project. The following information shall be submitted for site plan approval.

1. A site plan in accordance with the standards and procedures set forth in Article 11.

2. Master deed and bylaws, which shall be reviewed with respect to all matters subject to regulation by the Township, including without limitation: on-going preservation and maintenance of drainage, retention, wetland and other natural and/or common area; maintenance of private roads; and maintenance of stormwater, sanitary, and water facilities and utilities.

3. Engineering plans and information in sufficient detail to determine compliance with all applicable laws, codes ordinances, rules and regulations for the construction of the project.

4. The applicant shall provide proof of approvals by all county and state agencies having jurisdiction over improvements in the condominium development. The Township shall not approve a site plan until each county and state agency having such jurisdiction has approved that portion of the final site plan that is subject to its jurisdiction.

E. **Revision of Condominium Subdivision Plan.** If the condominium subdivision plan is revised, the site plan shall be revised accordingly and submitted for review and approval or denial by the Township before any building permit can be issued, where such permit is required.

F. A**mendment of Master Deed or Bylaws.** Any amendment to a master deed or bylaws that affects the approved preliminary or final site plan, or any conditions of approval of a preliminary or final site plan, shall be reviewed and approved by the Township before any building permit may be issued, where such permit is required. The Township may require its review of an amended site plan if, in its opinion such changes in the master deed or bylaws required corresponding changes in the site plan.

G. **Monuments.** Monuments shall be established in the manner required by the Condominium Act.

ARTICLE 12
PLANNED UNIT DEVELOPMENT (PUD)

12.1 Intent. A Planned Unit Development (PUD) may be applied for in any zoning district. The granting of a PUD application shall require a rezoning by way of amendment to this Ordinance upon the recommendation of the Planning Commission and approval of the Township Board. The procedure for rezoning is that which is authorized by the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended), as contained in Article 16.

It is the intent of this Section to authorize the use of Planned Unit Development (PUD) regulations as an alternative to traditional development for the purposes of encouraging the use of land in accordance with its character and adaptability; conserving natural resources, natural features and energy; encouraging innovation and greater flexibility in land use planning and design; providing enhanced housing, employment, shopping, traffic circulation, farmland preservation, and recreational opportunities for the people of this Township; encouraging a less sprawling form of development; and ensuring compatibility of design and use between neighboring properties. The PUD is designed to give the Township and applicant more flexibility than would be allowed under the existing zoning, encouraging development of the property according to its unique characteristics.

The provisions of this Section are not intended as a device for ignoring the Zoning Ordinance and specific standards set forth therein, or the planning upon which it has been based. To that end, provisions of this Section are intended to result in land use development substantially consistent with the existing zoning and existing Augusta Charter Township Master Plan, with modifications and departures from generally applicable requirements made in accordance with standards provided in this Section to ensure appropriate, fair, and consistent decision-making. Requirements stated in this Section are development guidelines that the Planning Commission, Township Board and Township staff will use to determine the merits of a particular application. The Planning Commission may recommend variations from these guidelines when an applicant has demonstrated that doing so will result in a corresponding benefit to the community.

12.2 Eligibility Criteria. To be eligible for Planned Unit Development (PUD) approval, the applicant shall demonstrate that the following criteria will be met:

A. Recognizable Benefit. The PUD will result in a recognizable and substantial benefit, both to the end users of the development and the overall quality of life in the Township. These benefits can be provided through site design elements in excess of the requirements of this Ordinance, such as one or more of the following:

1. Preservation of natural features, specifically, but not limited to, woodlands, specimen trees, riparian systems, wetlands, open spaces and the connectivity thereof.

2. Improvements in traffic patterns, such as the provision of unified access or improvement of the adjacent road system.

3. Improvements in the aesthetic qualities of the development itself, such as unique site design features and extensive landscaping.

4. Provision of pedestrian connectivity, via internal sidewalks, perimeter safety paths and other greenway corridors.

5. Improvements in public safety or welfare through better water supply, sewage disposal, stormwater management, or control of air and water pollution.

6. High quality architectural and landscape design.

7. Provision of transitional areas between adjacent residential land uses.

8. Preservation of farmland.

9. Preservation of historic buildings.

Economic benefit to the community shall not, by itself, be deemed sufficient to allow eligibility, but may be considered in conjunction with the benefits listed above.

B. Density Impact. The proposed type, intensity or density of use shall not result in an unreasonable increase in the need for or impact to public services, facilities, roads, and utilities in relation to the use or uses otherwise permitted by this Ordinance, and shall not pose an unreasonable impact to the subject site; surrounding land, property owners and occupants; and/or the natural environment. The Planning Commission may require that the applicant prepare an impact statement documenting the significance of any environmental, traffic or socio-economic impacts resulting from the PUD. The potential impact of the proposed PUD project shall be evaluated in relation to the impacts associated with conventional development. To this end, the Planning Commission may require that the applicant prepare a quantitative comparison of the impacts of a conventional development and the PUD plan to assist in making this determination (such as an overlay of the conceptual development plans on a natural features map, illustrating other site development options to demonstrate that the impacts have been minimized to the extent practical). If the cumulative impact creates or contributes to a significant problem relative to the provision of public

services or environmental degradation, mitigation shall be provided to alleviate the impacts associated with the PUD.

C. Master Plan. The proposed development shall be consistent with the intent and spirit of the Augusta Charter Township Master Plan, and further its implementation. If the proposed development is not consistent with the Master Plan but there has been a change in conditions in the area that will explain why the proposed PUD is a reasonable use of land, the Planning Commission can consider an amendment to the Master Plan concurrent with the review and approval of the proposed PUD.

D. Guaranteed Open Space. The proposed PUD shall include the perpetual preservation of usable open space in accordance with the provision of Section 12.3(I).

E. Economic Impact. In relation to the existing zoning, the proposed development shall not result in a material negative economic impact upon surrounding properties, as determined by the Planning Commission.

F. Unified Control. The proposed development shall be under single ownership and/or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. 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.

12.3 Project Design Standards.

A. Location. A PUD may be applied for within any zoning district.

B. Permitted Uses or Combination of Uses. A PUD is permitted for the following types of uses: single-family detached, attached residential dwellings, commercial uses, industrial uses and mixed-use projects of the above stated land uses. Single-family residential projects that propose to include a commercial or multiple-family residential component may be allowed by the Planning Commission provided they qualify under the standards of Section 12.4.

C. Special Uses. For all special uses, regulations applicable to each respective use shall apply. The Township Board, in its discretion, shall resolve all ambiguities as to applicable special land use regulations. Notwithstanding the immediately preceding provision of this Paragraph, deviations with respect to regulations applicable to such special land uses may be granted as part of the overall approval of the PUD, provided there are features or elements deemed adequate by the Township Board designed into the project plan for the purpose of achieving the objectives of this Section.

D. Base Zoning Regulations. Unless specifically waived or modified by the Planning Commission and Township Board, all Zoning Ordinance requirements for the underlying zoning district in existence upon application for PUD consideration, and other Township regulations, shall remain in full force.

E. Regulatory Flexibility. To encourage flexibility and creativity consistent with the PUD concept, the Planning Commission may recommend, and the Township Board may grant, specific departures from the requirements of the Zoning Ordinance as a part of the approval process for the following:

1. Yard, lot width, minimum lot size, height, density and bulk standards may be modified, provided that such modifications result in enhanced buffering from adjacent land uses or public rights-of-way, or preservation of natural features.

2. Parking, loading, landscaping, and similar requirements may also be modified providing the design of the project shall compensate so than any such departures result in no greater adverse impact than if the project had been developed without the departures.

Any regulatory modifications shall be approved through findings by the Planning Commission and Township Board that the deviations shall result in a higher quality of development than would be possible using conventional zoning standards. Regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. No part of a PUD plan may be appealed to the Zoning Board of Appeals. This provision shall not preclude an individual lot owner from seeking a dimensional variance following final approval of the PUD, provided such variance does not involve alterations to the common elements as shown on the approved PUD site plan.

A table shall be provided on the site plan which specifically details all deviations from the established zoning area, height, and setback regulations, off-street parking regulations, general provisions, or subdivision regulations that would otherwise be applicable to the uses and development proposed in the absence of this PUD Article. This specification should include ordinance provisions from which deviations are sought, and the reason 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 this Ordinance shall be considered.

F. Minimum Lot Size without Centralized Sewer. The minimum single-family residential lot size of any PUD that is not served by centralized sanitary sewer and water is one (1) acre.

G. Density. Any application for a PUD shall be accompanied by three (3) plans: (1) a plan based on the property's existing zoning at the time of application, (2) a density plan prepared in accordance with this Section, and (3) a PUD plan. The density allowable within a PUD shall be determined through preparation of the density plan, which shall have the following requirements:

1. The applicant shall prepare, and present to the Planning Commission for review, a density plan for the project that is consistent with State, County, and Township requirements and design criteria for a tentative preliminary plat or site condo, whichever is appropriate. The density plan shall meet all standards for lot size, lot width and setbacks as normally required under Section 3.6, public roadway improvements and private parks, and contain an area which conceptually would provide sufficient area for stormwater detention. Lots in the density plan shall provide sufficient building envelope size without impacting wetlands regulated by the Michigan Department of Environmental Quality.

   The density plan shall contain the following elements:

   a. Layout of roads and rights-of-way.

   b. Lot lines.

   c. Wetland boundaries, submerged lands.

   d. Floodplains.

   e. Lot numbers and a schedule of lot areas.

   f. Areas proposed for stormwater management.

   The density plan shall be drawn at a scale not greater than 1"=100'.

2. The Planning Commission shall review the design and determine the number of lots that could be feasibly constructed under the density plan. This number, as determined by the Planning Commission, shall provide a guideline for the maximum number of dwelling units allowable for the PUD project. The Planning Commission may, however, recommend approval for a density credit for exemplary projects that meet the conditions outlined in Section 12.4(A).

3. The overall density of the project shall be determined by use of the density plan using the existing zoning designation of the property. The applicant may propose other underlying zoning categories for the consideration of density, subject to the Planning Commission's acceptance. In considering whether an alternate underlying zoning

category proposed by an applicant is acceptable, the Planning Commission shall take into consideration the following factors:

a. Consistency with the Township's adopted Master Plan;

b. The condition of the adjacent road network;

c. The condition and extent of the Township's utility system;

d. Preservation of significant open space, farmland or natural features.

The ultimate density shall be recommended by the Planning Commission and determined by the Township Board and shall be based upon the existing zoning category of the subject property, or the alternate zoning category as accepted by the Planning Commission, as well as any density credit (if applicable, per Section 12. 4(A)).

4. If open space is proposed to be preserved on property that is not contiguous to the remainder of the development, pursuant to Section 12.3(I)(15), such property may be included in the density plan for purposes of calculating maximum allowable density for the overall project. Density contributed by such non-contiguous open space shall be determined in accordance with the provisions of Sections 12. 3(G)(1), (2) and (3), above.

H. Natural Features. To the maximum extent feasible, the development shall be designed so as to preserve natural resources and natural features. In the interpretation of this provision, natural resources and natural features may be impaired or destroyed only if it is clearly in the public interest to do so. In determining whether an action is in the public interest, the benefit, which would reasonably be expected to accrue from the proposal, shall be balanced against the reasonably foreseeable detriments of the activity, taking into consideration the local, state, and national concern for the protection and preservation of the natural resources or features. To accomplish the desired balance, the following criteria shall be applied:

1. The availability of feasible and prudent alternative methods of completing the development;

2. The extent and permanence of the beneficial or detrimental effects of the proposed activity; and

3. The size, quality, and rarity of the natural resources or natural features that would be impaired or destroyed.

If animal or plant habitats of significant value exist on the site, the Planning Commission and Township Board may require that the PUD plan preserve these areas in a natural state and adequately protect them within conservation easements having limited access. The Planning Commission and Township Board shall require a minimum twenty-five (25) foot wide undisturbed open space setback from the edge of any lake, pond, river, stream or wetland; provided, however, that the Planning Commission and Township Board may permit trails, boardwalks, observation platforms, or other similar structures that enhance the passive enjoyment of the site's natural amenities within the setback.

I. Open Space. Open space shall be preserved within PUD projects as follows:

1. Residential Planned Unit Developments, or portions thereof, shall maintain at least twenty-five percent (25%) of the gross buildable area of the subject property (prior to development) as permanently protected, usable open space. Gross buildable area is defined as that portion of the gross site area not containing open bodies of water, streams, floodplains and wetlands (as defined by the MDEQ). The Planning Commission and Township Board may consider waiving this requirement where it would support the redevelopment of property in the Village of Willis, however.

2. Non-residential Planned Unit Developments, or portions thereof, shall maintain at least ten percent (10%) of the gross buildable area of the subject property (prior to development) as permanently protected, usable open space. The Planning Commission and Township Board may consider waiving this requirement where it would support the redevelopment of property in the Village of Willis, however.

3. Usable open space preserved pursuant to this Section shall include both active and passive areas, and may consist of natural features, recreational areas, landscaped greenbelts or farmland. However, the following are not considered usable open space:

    a. The area of any street right-of-way proposed to be dedicated to the public. This provision shall not preclude the future dedication of a private road easement to a public road agency.

    b. Wetlands, lakes or other submerged lands.

    c. The required setbacks surrounding any structure, residential or otherwise, that is not located on an individual lot or site condominium unit.

d. Stormwater management facilities, including detention, retention and sedimentation basins.

4. Open space shall be centrally located, located along the road frontage of the development, located to preserve significant natural features, or located to connect open spaces throughout the development.

5. Open space must be left in its natural condition, provided with recreational amenities, provided for active farming, or landscaped. Preserved open space shall not be left primarily as lawn.

6. Open space provided along exterior public roads shall generally have a depth of at least one hundred (100) feet, measured from the road right-of-way, and be either landscaped or left in a natural wooded condition. In either case, open space along exterior public roads shall be provided with a minimum of one (1) evergreen or canopy tree for each twenty (20) feet of road frontage. Such plantings shall be planted in staggered rows or clustered into natural groupings to provide a natural appearance. Preservation of existing trees may be credited towards meeting this frontage landscaping requirement.

7. Open space must be accessible. Access can be provided via sidewalks and pathways throughout the development or where open space abuts road rights-of-way within the development.

8. Connections with adjacent open space, public land or existing or planned pedestrian/bike paths may be required by the Planning Commission.

9. Views of open spaces from lots (or units) and roads within the development are encouraged.

10. Where lakes, ponds or streams are located within or abut a development, the Planning Commission shall require open space to provide waterfront access.

11. Preservation of Open Space. Open space shall be set aside by the developer through an irrevocable recorded document that is found acceptable to the Planning Commission and Township Board, such as:

    a. Recorded deed restrictions;

    b. Covenants that run perpetually with the land;

c. Dedication to a land conservancy approved by the Planning Commission; or,

d. A conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (MCL 324.2140).

12. Preservation of open space as described above under Section 12.3(I)(11) shall assure that open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. The recorded document utilized shall:

a. Indicate the proposed allowable use(s) of the preserved open space. The Planning Commission and Township Board may require the inclusion of open space restrictions that prohibit the following:

i. Dumping or storing of any material or refuse;

ii. Activity that may cause risk of soil erosion or threaten any living plant material;

iii. Cutting or removal of live plant material except for removal of dying or diseased vegetation;

iv. Use of motorized off-road vehicles;

v. Cutting, filling or removal of vegetation from wetland areas;

vi. Use of pesticides, herbicides or fertilizers within or adjacent to wetlands.

b. Require that the preserved open space be maintained by parties who have an ownership interest in the open space.

c. Provide standards for scheduled maintenance of the open space.

d. Provide for maintenance to be undertaken by Augusta Township, at the Township's option, in the event that the preserved open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.

13. Continuing Obligation. The preserved open space shall forever remain open space, subject only to uses approved by the Township

on the approved site plan or plat. Further subdivision of open space land or its use for other than recreation, conservation or agricultural purposes, except for easements for utilities and septic systems, shall be strictly prohibited.

14. Allowable Structures. Any structure(s) or building(s) accessory to a recreation, conservation or agriculture use may be erected within the preserved open space, subject to the approved site plan. Accessory structures may include:

    a. Recreation structures (gazebos, boardwalks, docks, etc.);

    b. Other structures as approved by the Planning Commission.

15. Off-Site Provision of Required Open Space. At the option of the applicant, and subject to the acceptance of the Planning Commission, open space required pursuant to this Section may be satisfied through the acquisition and permanent preservation of open space or agricultural lands that are not contiguous to the proposed project area. Such non-contiguous open space must still adhere to the standards of Section 12.3(I)(3), (4) and (5), and should further the objectives of preserving natural features, preserving agriculture, or providing recreational opportunities addressed in the Augusta Charter Township Master Plan.

    In the event that a proposal entails the preservation of such non-contiguous open space, the property upon which the non-contiguous open space is proposed shall be included in the calculation of required open space described above under Sections 12.3(I)(1) and (2). For example, if a property to be developed consisted of 80 acres of gross buildable area, and a property proposed to be preserved as non-contiguous open space consisted of 20 acres of gross buildable area, the percentage of open space required under Sections 12.3(I)(1) and (2) would be based upon 100 acres of gross buildable areas (i.e. the aggregate of all property involved in the proposal). Thus, for a residential PUD, a minimum of 25 acres of buildable land would be required, while a non-residential PUD would require a minimum of 10 acres.

    The preservation of non-contiguous open space as part of a residential PUD shall not result in neighborhood(s) devoid of recreational facilities. At minimum, access to a park designed for active recreation of at least two (2) acres in size shall be provided within one-quarter (¼) of a mile from all proposed residences.

J. Infrastructure and Public Services. The proposed PUD shall not exceed the capacity of existing and available public services, including utilities, public

roads, police and fire protection services, unless the project proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the PUD is completed. Thoroughfare, drainage, and utility design shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served. Where feasible, there shall be underground installation of utilities, including electricity, telephone and cable for television, internet or other telecommunication purposes.

K. Traffic Impact. The PUD shall be designed to minimize the impact of traffic generated by the proposed development on surrounding uses. In determining whether this requirement has been met, a traffic study (prepared to the standard of the Washtenaw County Road Commission and Section 5.21) shall be submitted as part of the PUD, and consideration shall be given to:

1. The access to major thoroughfares.

2. Estimated traffic to be generated by the proposed development.

3. Proximity and relation to intersections.

4. Adequacy of driver sight distances.

5. Location of and access to off-street parking.

6. Required vehicular turning movements.

7. Provisions for pedestrian traffic.

L. Access. Direct access onto a public road right-of-way shall be required of a PUD. The nearest edge of any entrance or exit drive shall be located no closer than two hundred (200) feet from any existing street or road intersection (as measured from the nearest intersection right-of-way line).

M. Internal Roads. Internal roads within a PUD may be public or private.

1. Public roadways within a PUD shall meet the design requirements of the Washtenaw County Road Commission.

2. Private roadways within a PUD shall meet the design requirements of the Township's Private Road Ordinance. The Planning Commission and Township Board may permit a lesser requirement, if all of the following findings are made:

   a. There is no potential for the road to connect with abutting land or to be extended to serve additional land in the future.

b. Significant natural features such as mature trees, natural slopes, wetlands or other water bodies would be preserved through allowing a modification to the private road standards.

Private roads serving non-residential development shall be paved. Paving of private roads serving residential development shall be required as determined necessary in accordance with the Township's Private Road Ordinance.

3. Where private roads are developed, a maintenance plan, including a means of guaranteeing maintenance assessments from the affected property owners, shall be reviewed and approved by the Planning Commission and Township Board, and recorded with the Washtenaw County Register of Deeds.

4. It shall be indicated on the plans whether on-street parking is proposed for internal roads within the PUD. Road widths shall be coordinated to insure that adequate road width is provided to allow safe and efficient circulation of vehicles through the development.

5. Both sides of all internal roads shall be landscaped with street trees. For road frontages of individual lots or condominium sites, a minimum of two (2) canopy trees shall be provided per residential dwelling. For sections of road that do not abut lots or condominium sites, a minimum of one (1) canopy tree shall be provided per side for every fifty (50) feet of road frontage. Existing trees to be preserved within five (5) feet of the road right-of-way or easement may be credited towards meeting this requirement.

N. Pedestrian Circulation. The PUD plan shall provide pedestrian access to all open space areas from all residential/development areas, connections between open space areas, public thoroughfares and connections between appropriate on-site and off-site uses. Trails within the PUD may be constructed of gravel, wood chips or other similar materials, but the Planning Commission and Township Board may require construction of an eight (8) foot wide asphalt safety path through portions of the development. Eight (8) foot wide asphalt safety paths shall be provided along all public roads, as denoted in the Augusta Charter Township Master Plan. In all cases, where separation can be accomplished without significantly reducing the kind and density of uses, the pedestrian circulation system, and its related walkways and safety paths, shall be separated from vehicular thoroughfares and roadways.

O. Compatibility with Adjacent Uses. The proposed PUD shall set forth specifications with respect to height, setbacks, density, parking, circulation, landscaping, views, and other design and layout features which demonstrate due regard for the relationship of the development to

surrounding properties and the uses thereon, as well as the relationship between residential and non-residential uses within the PUD project itself. In determining whether this requirement has been met, consideration shall be given to:

1. The bulk, placement, and materials of construction of proposed structures.

2. The location and screening of vehicular circulation and parking areas in relation to surrounding development.

3. The location and screening of outdoor storage, outdoor activity or work areas, loading areas, and mechanical equipment in relation to surrounding development.

4. The hours of operation of the proposed uses.

5. The provision of landscaping and other site amenities.

P. Buffering and Transition Areas. Where the PUD abuts a single-family residential district, the Planning Commission and Township Board may require a transition area. The Planning Commission may review the proposed transition area to ensure compatibility. The Planning Commission and Township Board may require that the transition area consisting of one (1) or more of the following:

1. A row of single-family lots or condominium sites similar to the adjacent single-family developments in terms of density, lot area, lot width, setbacks and building spacing.

2. Woodlands, natural features and/or a landscaped greenbelt sufficient to provide an obscuring effect.

3. Open or recreational space.

4. Berming or other significant changes in topography, which provide an effective buffer.

5. If the PUD project includes non-residential uses adjacent to a district authorizing residential uses, a perimeter setback shall be established with a dimension from the property line of up to one hundred (100) feet, at the discretion of the Planning Commission and Township Board, taking into consideration the use or uses in and adjacent to the development. The setback distance need not be uniform at all points on the perimeter of the development.

In order to evaluate whether the proposed transition area is suitable, the Planning Commission and Township Board may require the submission of

cross-section illustrations at points along the property line(s) in question, illustrating existing and proposed buildings, grades, lighting, landscaping, parking and loading, mechanical units, and the like. Perspective renderings from adjacent residential units are encouraged.

In all cases where non-residential uses abut residentially-zoned or used property, noise reduction and visual screening mechanisms such as earthen berms, landscape screens and/or decorative walls shall be employed. The Planning Commission and Township Board, at their discretion, shall review and approve the design and location of such mechanisms in an effort to maximize, to a reasonable extent, the screening and buffering of existing or proposed residential property.

Q. Architectural and Site Element Design. Residential facades shall not be dominated by garages; at least fifty (50) percent of residential units shall have side-entry garages or recessed garages where the front of the garage is at least five (5) feet behind the front line of the living portion of the principal dwelling. The intent of encouraging recessed or side entry garages is to enhance the aesthetic appearance of the development and minimize the visual impact resulting from the close clustering of units allowed under these regulations. Building elevations shall be required for all structures other than single-family dwellings.

Signage, lighting, entryway features, landscaping, building materials for the exterior of all structures, and other features of the project, shall be designed and completed with the objective of achieving an integrated and cohesive development, consistent with the character of the community, surrounding development, and natural features of the area. The Planning Commission and Township Board may require street or site lighting where appropriate.

R. Existing Structures. When a tract or parcel of land proposed for PUD consideration contains structures or buildings deemed to be of historic, cultural, agricultural, or architectural significance, as determined by the Planning Commission and Township Board, and are suitable for rehabilitation, the structures shall be retained. Adaptive reuse of existing structures for residential or non-residential use or permitted accessory uses shall be encouraged.

S. Additional Considerations. The Planning Commission shall take into account, in considering approval or denial of a particular project, the following considerations, as the same may be relevant to a particular project: drainage and utility design; underground installation of utilities; insulating the pedestrian circulation system from vehicular thoroughfares and ways; achievement of an integrated development with respect to signage, lighting, landscaping and building materials; and noise reduction and visual screening of mechanical equipment.

12.4 Optional Provisions for Exemplary Projects. The Planning Commission and Township Board may allow an exemplary Planned Unit Development (PUD) to include one (1) or more of the following optional provisions. In order to qualify for an optional provision, the applicant shall demonstrate to the satisfaction of the Planning Commission and Township Board, that the proposed project exceeds the minimum standards for PUD eligibility under Section 12.2.

In order to qualify for development under the optional provisions of this Section, architectural standards shall be subject to review by the Planning Commission and Township Board. Buildings shall be harmonious with adjacent uses in terms of texture, materials, roof lines and mass, 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. Density Credit. A variable density credit of up to fifteen (15) percent may be allowed at the discretion of the Planning Commission and Township Board, based upon a demonstration by the applicant of design excellence in the PUD. Projects qualifying for a density credit shall include no less than two (2) of the following elements:

1. A high level of clustered development, where at least forty (40) percent of the gross buildable area of the site is preserved as common open space.

2. Providing perimeter transition areas or greenbelts around all sides of the development that are at least one hundred (100) feet in depth.

3. The proposed plan is designed to enhance surface water quality and ground water quality.

4. Provisions and design that preserve and enhance natural features.

5. Donation or contribution of land or amenities that represent significant community benefit.

6. Other similar elements as determined by the Planning Commission and Township Board.

B. Multiple-Family Component. Up to twenty (20) percent of the housing units within an exemplary PUD project with a gross area of twenty (20) acres of more located in an area of the Township planned for single-family residential development may be of an attached or multiple-family nature. Such multiple-family units shall meet the following design standards:

1. Off-Street Parking Lots. All off-street parking lots serving three (3) or more dwelling units shall provide a ten (10) foot wide greenbelt around the perimeter of the parking lot.

2. The building setback and separation requirements of Section 3.6 and Section 3.7(B) may be varied provided they are specifically indicated on the PUD 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 thirty-five (35) feet.

C. Commercial Component. Exemplary PUD projects with a gross area of ten (10) acres or more located in an area of the Township planned for single-family residential development may incorporate a commercial land use component, provided that all of the following are met:

1. The commercial component shall be located on a lot of sufficient size to contain all commercial structures, parking, and landscape buffering. The total area occupied by the commercial land uses may not exceed five (5) percent of the gross area of the development, or five (5) acres, whichever is less.

2. All commercial uses shall be compatible with the residential area.

3. The Planning Commission finds that the architectural design of the structures is compatible with the balance of the development.

4. All commercial structures are connected to a pedestrian access system servicing the project.

5. All parking and loading areas serving the commercial uses shall be to the rear or side of the structure and fully screened from view of any public roadway, except that the Planning Commission may allow up to twenty five (25) percent of the minimum number of required parking spaces in the front yard. Where the parking lot is visible from residential units or open space, it shall be planted with a landscape buffer consisting of evergreen trees spaced no more than ten (10) feet on center.

12.5 Project Approval Criteria. In considering any application for approval of a Planned Unit Development (PUD) plan, the Planning Commission and Township Board shall make their determinations on the basis of the standards for site plan approval set forth in Article 11, Site Plan Review, as well as the following standards and requirements:

A. Consistency with PUD Concept. The overall design and land uses proposed in connection with a PUD plan shall be consistent with the intent of the PUD concept, as well as with specific design standards set forth herein.

B. Compatibility with Adjacent Uses. The proposed PUD plan shall set forth in detail, all specifications with respect to height, setbacks, density, parking, circulation, landscaping, views, and other design features that exhibit due regard for the relationship of the development to surrounding properties, the character of the site, and the land uses. In determining whether this requirement has been met, consideration shall be given to:

1. The bulk, placement, and materials of construction for the proposed structures.

2. Pedestrian and vehicular circulation.

3. The location and screening of vehicular use or parking areas.

4. The provision of landscaping and other site amenities.

C. Impact of Traffic. The proposed PUD shall be designed to minimize the impact of traffic generated by the PUD on surrounding uses.

D. Protection of Natural Environment. The proposed PUD shall be protective of the natural environment. It shall comply with all applicable environmental protection laws and regulations.

E. Compliance with Applicable Regulations. The proposed PUD shall comply with all applicable federal, state, and local regulations.

F. Township Master Plan. The proposed PUD shall be consistent with, and further the implementation of, the Township Master Plan. If the proposed PUD is not consistent with the Master Plan, the Planning Commission and Township Board may consider reasons for deviating from the Master Plan. This could include one or more of the following:

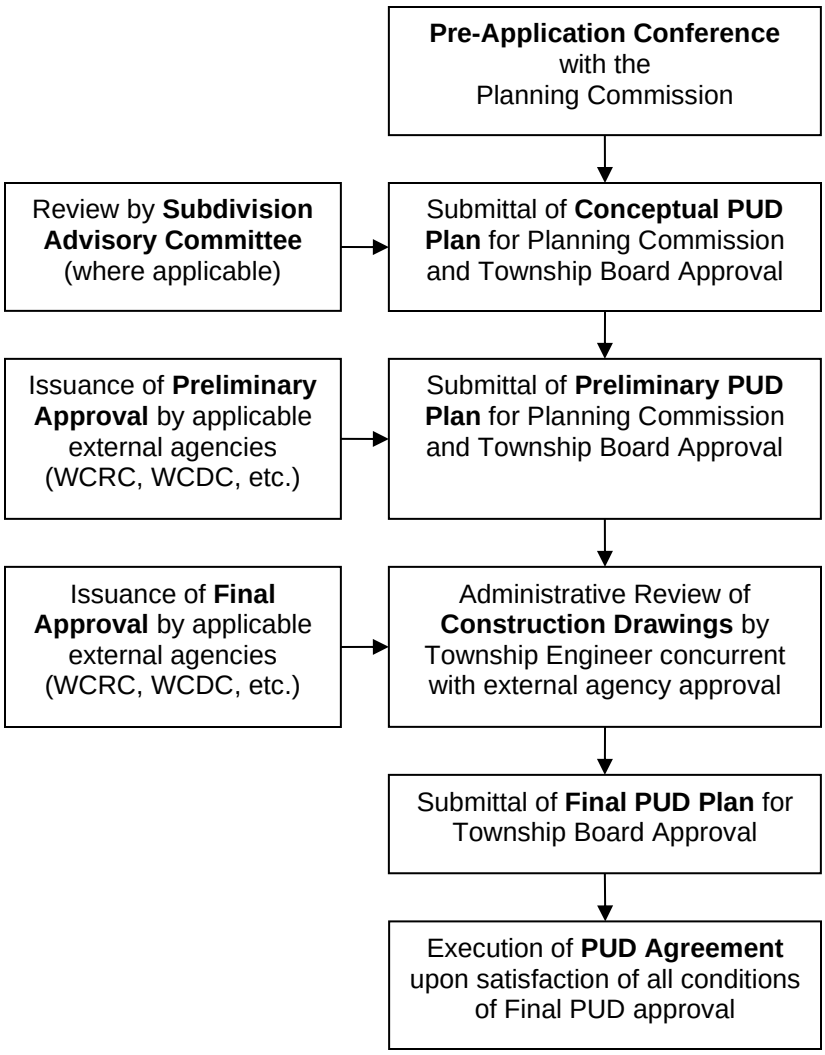
1. Changes in surrounding land use or zoning.

2. Changes in infrastructure, such as roads, sewers, etc.

3. Community benefit.

4. Design excellence.

12.6 Procedures for Review and Approval. Planned unit development proposals shall adhere to the following procedures for review and approval, which are summarized in the following flowchart:



A. Pre-Application Conference. Prior to the submission of an application for Planned Unit Development (PUD) approval, a pre-application conference shall be held at a regularly-scheduled or special meeting of the Planning Commission. The purpose of this conference shall focus on the PUD process and required information, as outlined in this Section, and shall not constitute any form of official review and approval of the PUD project. Nor shall this conference in any way circumvent, replace, or supersede the review and approval powers of the Planning Commission and Township Board regarding the PUD application. The applicant shall present at such conference, or conferences, at least a sketch plan of the proposed PUD, as well as the following information:

1. Total size of the project.

2. A statement of the number of residential units, if any.

3. The number and type of non-residential uses.

4. The size of the area to be occupied by each type of use.

5. The known deviations from ordinance regulations to be sought.

6. The number of acres to be preserved as open or recreational space.

7. All known natural or historic features to be preserved.

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.

2. Information Required. The Conceptual PUD Plan shall contain, at a minimum, the following information set forth below. Any of the following requirements may be waived by the Planning Commission when determined to be unnecessary, not applicable, or premature at this stage of review, given the nature, size, and scope of the development.

a. A narrative description of the project, discussing the market concept of the project, and explaining the manner in which the criteria set forth for eligibility and design have been met.

b. Provide evidence of compatibility with the Master Plan and the adjacent uses.

c. An explanation of why the submitted PUD plan is superior to a plan that could have been prepared under strict adherence to related sections of this Ordinance.

d. Applicant’s name, address, and telephone number.

e. The name of the proposed development.

f. Common description of the property and complete legal description.

g. Dimensions of land, including width, length, acreage, and frontage.

h. Existing zoning and current land use of the property under consideration and zoning and current land use of all adjacent properties.

i. General location of all existing structures, roadways, and natural features including, but not limited to, contours at two (2) foot intervals, lakes, streams, wetlands and/or other watercourses, specimen trees and/or stands of trees on and within one hundred (100) feet of the subject site.

j. Locations of existing culturally, historically, and architecturally significant structures.

k. Name, address, city and phone number of the firm or individual who prepared the plan; and the owner of the property.

l. The density plan as set forth in Section 12.3(G).

m. Superimposed on the existing conditions drawing or by transparent overlay on such drawing or on a recent aerial photograph of the site, the general location of all proposed buildings, roadways, parking areas, and any other changes proposed to be made on the subject property. The drawing shall also indicate proposed preliminary spot grades in sufficient number to show the general intent of proposed grading, with emphasis on grading to be done in areas of existing natural features such as existing vegetation, trees, slopes or wetlands.

n. A traffic study, pursuant to Section 12.3(K).

o. “Certificate of Outlet,” prepared in accordance with the Rules of the Washtenaw County Drain Commissioner, accompanied by technical studies and evaluations sufficient to document the validity of the Certificate of Outlet.

p. Evidence that the Certificate of Outlet, required above, has been reviewed and approved by the Washtenaw County Drain Commissioner.

q. Layout of proposed structures, parking lots, drives and other site improvements.

r. Comments received from the Subdivision Advisory Committee, where applicable.

3. Public Hearing. The Conceptual PUD Plan shall be noticed for a public hearing before the Planning Commission, in accordance with the procedures, public notice, and hearing requirements for rezoning approval as set forth in Article 16. If any Planning Commissioner is unable to attend the public hearing, they may submit written comments to the Township Clerk, who will forward them to the Planning Commission for inclusion into the record of the hearing.

4. Planning Commission Action. Following the public hearing, or at a subsequent Planning Commission meeting, the Planning Commission shall review the Conceptual PUD Plan and shall take one of the following actions:

a. Approval. Upon finding that the Conceptual PUD Plan meets the criteria set forth in the intent and this Section, the Planning Commission shall recommend approval of the Conceptual PUD Plan to the Township Board. Such recommendation shall be accompanied by findings of fact articulating, at minimum, those zoning deviations and community benefits recognized and accepted by the Planning Commission.

Approval by the Township Board shall constitute approval of the uses, density, and design concept as shown on the Conceptual PUD Plan and shall confer upon the applicant the right to proceed to preparation of the Preliminary PUD Plan. A recommendation for approval of the Conceptual PUD Plan by the Planning Commission shall not bind the Township Board to accept the Conceptual PUD Plan submittal.

b. Approval with Changes or Conditions. The Planning Commission may recommend conditional approval to the Township Board, subject to modifications as performed by the applicant. Such recommendation shall be accompanied by findings of fact articulating, at minimum, those zoning deviations and community benefits recognized and accepted by the Planning Commission.

c. Postponement. Upon finding that the Conceptual PUD Plan does not meet the criteria set forth in the intent of this Section, but could meet such criteria if revised, the Planning

Commission may postpone action on the proposal until a revised Conceptual PUD Plan is submitted.

d. Denial. Upon finding that the Conceptual PUD Plan does not meet the criteria set forth in the intent of this Section, the Planning Commission shall recommend denial of the Conceptual PUD Plan to the Township Board. Such recommendation shall be accompanied by findings of fact articulating those eligibility criteria, design standards and/or approval criteria that the Planning Commission believes are contradicted by the PUD proposal.

e. Request Changes. If the Planning Commission request changes, the applicant shall have sixty (60) days in which to submit the revised drawings and/or information. One (1) sixty (60) day extension may be granted by the Planning Commission upon request of the applicant, upon good cause shown. Failure to submit the revised plans and/or information within the requisite time frame shall void the request.

Upon the Planning Commission's recommendation of approval, approval with conditions, or denial of the Conceptual PUD to the Township Board, the Planning Commission Secretary shall convey the Planning Commission's motion, including all findings of fact, to the Township Board in writing.

5. Township Board Action. Upon finding that the Planning Commission has issued a recommendation on the Conceptual PUD Plan, the Township Board may approve, approve with conditions, or deny said Conceptual PUD Plan. Once the Township Board approves, approves with conditions, or denies the Conceptual PUD, the Clerk shall notify both the applicant and Planning Commission, in writing, of the Township Board's action.

6. Concurrent Conceptual and Preliminary PUD Review. At the discretion of the Planning Commission, projects which are limited in scope or simple in nature may pursue Conceptual and Preliminary PUD approval concurrently. In determining whether a project is acceptable for concurrent Conceptual/Preliminary PUD consideration, the Planning Commission shall take into account the follow factors:

   a. Acreage of subject property;

   b. Number of housing units, number and square footage of buildings, and number of end users;

c. Significance of proposed deviations from conventional zoning standards.

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.

2. Information Required. The Preliminary PUD Plan shall contain, at a minimum, the following information set forth below. Any of the following requirements may be waived by the Planning Commission when determined to be unnecessary, not applicable, or premature at this stage of review, given the nature, size, and scope of the development.

   a. All information required for Conceptual PUD plan submittal.

   b. All submittal requirements for final site plan review as specified in Section 11.3(C)(2) of this Ordinance.

   c. Layout and typical dimensions of proposed lots, footprints, and dimensions of proposed buildings and structures, and uses, with the acreage allotted to each use.

d. Proposed grades shown using contours of no greater than one (1) foot intervals.

e. Detailed depiction of those natural features which are to be preserved, modified or disturbed, or destroyed, shown in relation to the limits of proposed grading and land disturbance.

f. Location, acreage and dimensions of areas to be preserved as open space, distinguishing between that open space which meets the standards of Section 12.3(I)(3), and that which does not.

g. A landscape plan, indicating the type, location, quantity, size and species of all plan materials proposed, along with details of non-plant landscape treatment. The landscape plan shall also note existing trees and landscaping to be retained.

h. Site improvements and amenities including, but not limited to, lighting, signage, play equipment, landscape features, pedestrian amenities, and the like, as well as those mechanisms designed to reduce audible and/or visual impacts.

i. A utility master plan for the entire PUD site, including the location and size of all public and private utilities, utility services, storm sewers, basins, and necessary easements.

j. Number, location and dimensions of proposed parking areas and individual spaces.

k. Cross-sections of proposed roads, paths, sidewalks and other paved areas, illustrating proposed construction materials and thicknesses thereof.

l. Proposed street names as approved by the Township Fire Chief and the Washtenaw County Road Commission.

m. Proposed off-site road improvements, including, but not limited to, acceleration, deceleration, and passing lanes.

n. “Certificate of Outlet,” prepared in accordance with the Rules of the Washtenaw County Drain Commissioner.

o. Building materials proposed for the exterior of buildings and structures proposed within the development.

p. Draft Master Deed, Bylaws, and Exhibit B drawings, or similar restrictions and covenants, as applicable.

q. The anticipated schedule of development and construction for the project, including proposed phasing.

r. Letters of preliminary approval from all outside agencies having jurisdiction over the project, such as, but not limited to, the Washtenaw County Road Commission, Washtenaw County Drain Commissioner, Washtenaw County Health Department, and Michigan Department of Environmental Quality. For those agencies that require final permit approval prior to construction, this shall not be construed to require evidence of such approval.

s. A delineation of all deviations from this Ordinance that would otherwise be applicable to the uses and development proposed in the absence of this PUD Article.

t. Evidence demonstrating that the conditions placed on the Conceptual PUD approval have been addressed.

u. Any additional graphics or written materials requested by the Planning Commission or Township Board, to assist the Township in determining the appropriateness of the PUD.

v. Signatures of all parties having an interest in the property.

3. Planning Commission Action. The Planning Commission shall review the Preliminary PUD Plan and shall take one of the following actions:

a. Approval. Upon finding that the Preliminary PUD Plan meets the criteria set forth in the intent and this Section, the Planning Commission shall recommend Preliminary PUD Plan approval to the Township Board. Such recommendation shall be accompanied by findings of fact articulating, at minimum, those zoning deviations and community benefits recognized and accepted by the Planning Commission.

Approval by the Township Board shall constitute approval of the specific layout and arrangement of units, buildings, structures, land uses, roads and other site improvements, as shown on the Preliminary PUD Plan, subject to engineering review and Final PUD approval. Preliminary PUD approval shall confer upon the applicant the right to proceed with preparation and submittal of detailed construction drawings. A recommendation for approval of the Preliminary PUD Plan

by the Planning Commission shall not bind the Township Board to approval of the Preliminary PUD Plan submittal.

b. Approval with Changes or Conditions. The Planning Commission may recommend conditional approval to the Township Board, subject to modifications as performed by the applicant. Such recommendation shall be accompanied by findings of fact articulating, at minimum, those zoning deviations and community benefits recognized and accepted by the Planning Commission.

c. Postponement. Upon finding that the Preliminary PUD Plan does not meet the criteria set forth in the intent of this Section, but could meet such criteria if revised, the Planning Commission may postpone action until a revised Preliminary PUD Plan is submitted.

d. Denial. Upon finding that the Preliminary PUD Plan does not meet the criteria set forth in the intent of this Section, the Planning Commission shall recommend denial of the Preliminary PUD Plan to the Township Board. Such recommendation shall be accompanied by findings of fact articulating those eligibility criteria, design standards and/or approval criteria that the Planning Commission believes are contradicted by the PUD proposal.

e. Request Changes. If the Planning Commission request changes, the applicant shall have sixty (60) days in which to submit the revised drawings and/or information. One sixty (60) day extension may be granted by the Planning Commission upon request of the applicant, upon good cause shown. Failure to submit the revised plans and/or information within the requisite time frame shall void the request.

Upon the Planning Commission's recommendation of approval, approval with conditions, or denial of the Preliminary PUD to the Township Board, the Planning Commission Secretary shall convey the Planning Commission's motion to the Township Board in writing.

4. Township Board Action. Upon finding that the Planning Commission has issued a recommendation on the Preliminary PUD Plan, the Township Board may approve, approve with conditions, or deny said Preliminary PUD Plan. Once the Township Board approves, approves with conditions, or denies the Preliminary PUD, the Clerk shall notify both the applicant and Planning Commission, in writing, of the Township Board's action.

D. Engineering Review. Following Township Board action on the Preliminary PUD Plan, the applicant shall prepare and submit detailed construction drawings to the Township for administrative review and approval by the Township Engineer, simultaneous with the submittal of the same to all applicable external agencies, including, but not limited to, the Washtenaw County Road Commission, Drain Commissioner, and Health Department.

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.

2. Information Required. A Final PUD Plan and application shall contain the following information:

   a. Final Site Plan, illustrating the final arrangement of roads, units, buildings, structures, land uses, roads, parking and loading areas, open space and recreational areas, as approved by the Township Engineer and external agencies pursuant to Section 12.6(D).

   b. Final Grading Plan, illustrating the grades proposed throughout the development, as approved by the Township Engineer and external agencies pursuant to Section 12.6(D).

   c. Final Utility Plan, illustrating the final arrangement of water, sanitary and stormwater management systems, and associated easements, as approved by the Township Engineer and external agencies pursuant to Section 12.6(D).

d. Final Landscape Plan, illustrating the final arrangement of plant materials and landscape features, including lighting, signage, and other monumentation, as well as those natural features to be preserved.

e. Architectural plans, illustrating the proposed elevations and floor plans for all buildings throughout the development.

f. Evidence of "Road and Drainage Plan" approval by the Washtenaw County Road Commission, along with executed road improvement agreements entered into with the Road Commission for all applicable off-site road improvements to be considered as part of the proposal.

g. Evidence of final approval by the Washtenaw County Drain Commissioner, along with details of all drainage districts created in conjunction with the proposal.

h. Evidence of final approval by the Washtenaw County Health Department, if applicable.

i. Evidence of final wetland, floodplain and/or inland lakes and streams approval, as applicable, by the Michigan Department of Environmental Quality.

j. Evidence demonstrating that the conditions placed on the Preliminary PUD approval have been addressed.

k. Draft PUD Agreement, prepared by the Township's Attorney and Planner, encompassing all conditions, benefits, zoning deviations, etc., negotiated as part of the proposal.

l. Final Draft Master Deed, Bylaws, and Exhibit B drawings, or similar restrictions and covenants, as applicable, including all necessary provisions for the maintenance of proposed stormwater facilities, private roads and other comment elements and/or facilities.

m. The anticipated schedule of development and construction for the project, including proposed phasing.

n. Engineer's Opinion of Probable Construction Cost. The applicant's engineer shall submit to the Township their opinion of probable construction costs for all site improvements.

o. A delineation of all deviations from this Ordinance that would otherwise be applicable to the uses and development proposed in the absence of this PUD Article.

p. Evidence demonstrating that the conditions placed on the Conceptual PUD approval have been addressed.

q. Any additional graphics or written materials requested by the Planning Commission or Township Board, to assist the Township in determining the appropriateness of the PUD.

r. Signatures of all parties having an interest in the property.

3. Township Board Action. The Township Board shall review the Final PUD Plan and shall take one of the following actions:

a. Approval. Upon finding that the Final PUD Plan meets the criteria set forth in the intent of this Section, the Township Board may approve the Final PUD.

b. Approval with Changes or Conditions. The Township Board may conditionally approve the Final PUD, subject to modifications as performed by the applicant.

c. Postponement. Upon finding that the Final PUD Plan does not meet the criteria set forth in this intent of this Section, but could meet such criteria if revised, the Township Board may postpone action until a revised Final PUD Plan is submitted.

d. Denial. Upon finding that the Final PUD Plan does not meet the criteria set forth in the intent of this Section, the Township Board shall deny the Final PUD.

Once the Township Board approves, approves with conditions, or denies the Final PUD, the Clerk shall notify both the applicant and Planning Commission, in writing, of the Township Board's action.

4. All actions on the Conceptual PUD Plan, Preliminary PUD Plan or Final PUD Plan by the Planning Commission and the Township Board shall state the reasons for approval, conditional approval, postponement, or denial within the body of the motion.

5. Upon approval of the Final PUD Plan, with any related conditions having been reviewed and approved, the Township Supervisor and Clerk may sign the final copy of the PUD Agreement and initial the final copy of the plans, and direct the applicant to record the Master Deed with the County. Subsequent to filing the Master Deed with the County, the applicant may request release of the site's sidwell numbers from the Assessor, providing that all taxes and special assessments have been paid on the parent parcel. Upon release of the sidwell numbers, the Township will assign addresses and allow the applicant to pursue building permits from the County.

6. Following approval by the Township Board, and the signing of the plans, the Clerk shall direct the planning consultant to amend the Township Zoning Map to reflect the PUD approval by amending the zoning designation of the subject project.

7. If construction has not commenced within one (1) year of Final PUD Plan approval by the Township Board, the applicant may request one (1), one (1)-year extension of it is determined to be appropriate as a condition of the Final PUD Plan approval. Additional periods of time may be considered; however, appropriateness of extension requests shall be determined by proof that commencement of construction of the development is progressing, and all Township accounts are current. Such extension and request of waiver shall be made prior to the expiration date. Resubmission of plans shall be required if effect of approval has expired and/or an extension has not been granted. If the Final PUD Plan becomes null and void, the Township Board, Planning Commission, or applicant may initiate a rezoning of the properties in question for PUD to an appropriate zoning classification based upon the Master Plan and Future Land Use Map.

F. PUD Conditions.

1. Reasonable conditions may be required by the Township Board before the approval of a PUD, to the extent authorized by law, for the purpose of ensuring 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, protecting the natural environment and conserving natural resources and energy, ensuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. The conditions of approval shall be drafted in writing, specifying conditions of approval and use.

2. Conditions may stipulate that the PUD may only be used for selective land uses, provided the restraints 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, benefits the public interest; and/or possess a reasonable relationship to the promotion of the public health, safety, and welfare.

3. 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; be reasonably related to the purposes affected by the PUD; and, necessary to meet the intent and purpose of this Ordinance, and be

related to the objective of ensuring compliance with the standards of this Ordinance. All conditions imposed shall be made a part of the written record of the Final PUD Plan that shall include a site plan and written development agreement signed by the Township Supervisor, the Township Clerk and the applicant.

4. In the event that conditions set forth herein are not complied with, then the Supervisor shall have the right to compel a show cause hearing by the Planning Commission or issue a violation pursuant to Section 14.10 of this Ordinance. At the show cause hearing, additional conditions may be imposed by the Township and/or a new PUD application required.

12.7 Phasing and Commencement of Construction.

A. 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 Planned Unit Development (PUD) and the residents of the surrounding area. In addition, in developments which 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. Similarly, the schedule upon which any and all community benefits proposed in association with the development will be installed or otherwise become available shall be disclosed and determined to be reasonable at the discretion of the Township Board.

B. Commencement and Completion of Construction. Construction shall be commenced within one (1) year following the date of Final PUD Plan approval and shall proceed substantially in conformance with the schedule set forth by the applicant and in accordance with this Ordinance. If construction is not commenced within such time, any previous PUD plan approval shall expire and become null and void unless an extension is granted. An extension for up to one (1) year may be granted by the Planning Commission, upon good cause shown, if such request is made to the Planning Commission prior to the expiration of the initial period. Moreover, in the event the PUD plan approval has expired, a new application shall be required, and shall be reviewed according to existing and applicable law and ordinance provisions at the time of any subsequent submission.

12.8 Effect of Approval.

A. If and when approved, the Final PUD Plan for the Planned Unit Development (PUD), with any conditions imposed, shall constitute the land use authorization for the property, and all improvements and uses shall be in conformity with the approved plan. Subsequent to approval of the Final PUD Plan, the Building Official shall not issue building permits or Certificates of Occupancy unless the Building Official determines that all subsequent working drawings and plans comply with the approved Final PUD Plan and the Planning Commission's resolution of approval. However, once a PUD receives final approval, the Township shall not refuse to issue the necessary permits if the development proceeds in conformance with the approved plan, even though the PUD regulations and procedures may be changed or amended.

B. It shall be the responsibility of the applicant to obtain all other applicable Township, County, and State permits for all phases of the project prior to commencing any clearing, earthwork, or other site development related work.

C. Since eligibility for a PUD rests entirely upon proof of specific substantial benefits to the community, as well as to the applicant, these benefits shall be considered part of the contract between the Township and the applicant. The benefits agreed upon by the Township and the applicant shall be listed on the plans.

D. Any breach, such as modification, disturbance, or destruction of natural features designated to remain untouched, shall cause approval of the PUD to be held null and void and shall result in suspension of all permits issued until the breach has been remediated to a condition as close as possible to that designated in the PUD plan.

E. Alternatively, the applicant may, at his discretion, commence the approval process again from the beginning. In this event, however, the Township shall be under no obligation whatsoever to approve the new project. Approval shall be entirely at the discretion of the Township, which may impose additional conditions on the applicant.

12.9 Modifications to Approved Final PUD Plans.

A. Deviations shall be reviewed by a Planned Unit Development Committee comprised of the Township Supervisor and one additional representative of the Township Board, the Planning Commission Chairperson and one additional representative of the Planning Commission, the Township Planner, the Township Engineer, and the Township Building Official or Zoning Administrator, or his/her designee. Meetings of the PUD Committee

shall be noticed and conducted in accordance with the Open Meetings Act, P.A. 267 or 1976.

B. An applicant or property owner who has been granted Final PUD approval shall notify the Planned Unit Development Committee of any proposed amendment to such approved site plan or Planned Unit Development conditions.

C. Minor Modifications. Minor modifications may be approved by the Planned Unit Development Committee upon certification in writing to the Planning Commission and Township Board that the proposed revision does not alter the basic design nor any conditions of the plan imposed upon the original approval by the Planning Commission and Township Board. In considering such a determination, the Planned Unit Development Committee shall consider the following to be a minor change:

1. Such changes will not adversely or substantially affect the initial basis for granting approval.

2. Such minor changes will not adversely or substantially affect the overall PUD, in light of intent and purpose of such development as set forth in Section 12.1.

3. For residential buildings, the size of structures may be decreased, or increased by five (5) percent provided that the overall density of units does not increase.

4. Square footage of non-residential buildings may be decreased, or increased by up to five (5) percent or 10,000 square feet, whichever is smaller.

5. Horizontal and/or vertical elevations may be altered by up to five (5) percent.

6. Movement of a building or buildings by no more than ten (10) feet.

7. Areas of disturbance may be decreased.

8. Plantings approved in the final PUD landscape plan may be replaced by similar types of landscaping on a one-to-one or greater basis.

9. Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.

10. Changes of building materials to another of higher quality.

11. Changes in floor plans which do not alter the character of the use.

12. Slight modification of sign placement or reduction of size.

13. Relocation of sidewalks and/or refuse storage stations.

14. Internal rearrangement of parking lots that does not affect the number of parking spaces or alter access locations or design.

15. Changes required or requested by the Township for safety reasons shall be considered a minor change, provided that they do not result in substantive changes in the approved PUD design.

D. Major Modifications. Modifications other than those noted above are considered major changes and will require a resubmittal to the Township and a new public hearing held. The procedures outlined in this Article shall apply in all such cases.

12.10 Recording of Planning Commission and Township Board Actions.

A. Each action taken with reference to a Planned Unit Development (PUD) shall be duly recorded in the minutes of the Planning Commission and Township Board. The reasons for the action taken shall also be recorded in the minutes.

B. A notice of adoption of the PUD shall be filed with the Washtenaw County Register of Deeds.

ARTICLE 13
NON-CONFORMITIES

13.1 Intent. It is the intent of this Ordinance to permit legal non-conforming lots, structures, or uses to continue until they are removed.

A. It is recognized that there exists within the districts established by this Ordinance uses which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments. Such uses are declared by this Ordinance to be incompatible permitted uses in the districts involved. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded, or extended, or be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

B. A non-conforming use of a structure, a non-conforming use of land or a non-conforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises or by the addition of other uses or structures of a nature which would be prohibited generally in the district involved.

C. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adopting or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

13.2 Non-Conforming Lots.

A. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lots shall conform to the regulations for the district in which such lot is located. Variance to

yard requirements may be obtained through approval of the Board of Appeals.

B. If two (2) or more lots or combinations of lots and portions of lots with continuous frontage and single ownership are of record at the date of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

C. Provided, however, the Administrator may permit single-family dwellings to be built on lots having a width less than the minimum established by this Ordinance upon determining and making findings that the resultant lot width would be consistent with the character of the existing single family residential neighborhood or where, because of existing development or ownership or other existing conditions, it would not be possible to meet the minimum lot width requirements of this Ordinance, provided that the resultant lots are not less than sixty (60) feet in width. Requirements for yard dimensions and other requirements not involving area or width or both for the building lot shall conform to the regulations for the district in which such building lot is located.

13.3 Non-Conforming Uses of Land. Where, at the effective date of adoption or amendment of this Ordinance a lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions.

A. No such non-conforming uses shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.

B. No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.

C. If such non-conforming use of land ceases operation with the intent of abandonment for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

13.4 Non-Conforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance which could not be built under the

terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions.

A. No such structure may be enlarged or altered in a way which increases its non-conformity. For example, existing residences on lots of a width less than required herein may add a rear porch provided that other requirements relative to yard space and land coverage are met.

B. Should a residential dwelling unit be damaged or destroyed by fire, flood, or any other means, it shall not be reconstructed in a manner which increases the non-conformity, or in a manner by which the structure extends beyond the original, pre-catastrophe footprint. Such reconstruction may occur without a variance from the Zoning Board of Appeals, provided that a building permit for the reconstruction is applied for within one (1) year of the damage or destruction.

C. Should a non-residential structure be destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

D. Should such a structure be moved for any reason, for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

13.5 Non-Conforming Uses of Structures and Land. If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

B. Any lawfully non-conforming use may be extended throughout any part of a building which was originally arranged, designed and intended for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.

C. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations pertaining to the uses permitted in the district in which such structure is located, and the non-conforming use may not thereafter be resumed. Sub-section 13.5(D) of this section shall apply to any non-conformity relating to the structure(s).

D. If such non-conforming use of land and structures ceases operation with the intent of abandonment for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance pertaining to the uses permitted in the district in which such land is located. Structures occupied by seasonal uses shall be excepted from this provision only so long as seasonal uses shall continue.

E. Where non-conforming use status applies to a structure and premises in combination, removal, or destruction of the structure shall eliminate the non-conforming status of the land.

F. If no structural alterations are made, any non-conforming use of structure, or structure and premises, may be changed to another non-conforming use of the same or a more restricted classification provided that the Zoning Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Zoning Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a non-conforming use of a structure, land, or structure and land in combination is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restricted classification.

13.6 Repairs and Maintenance. On any building devoted in whole or in part to any non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing to an extent not exceeding fifty (50) percent of the replacement value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

13.7 Uses Allowed as Special Uses, Not Non-Conforming Uses. Any use for which a general exception, conditional approval, or special approval is permitted as provided in this Ordinance shall not be deemed a non-conforming use, but shall without further action be deemed a conforming use in such district.

13.8 Change of Tenancy or Ownership. There may be a change of tenancy, ownership, or management of any existing non-conforming uses of land, structures, and premises provided there is no change in the nature or character of such non-conforming uses except in conformity with the provisions of this Ordinance.

ARTICLE 14
ADMINISTRATION AND ENFORCEMENT

14.1 Zoning Administrator. The office of Zoning Administrator is hereby created. The Zoning Administrator shall be appointed by the Augusta Charter Township Board.

14.2 Duties And Powers of the Zoning Administrator. The Zoning Administrator, or authorized designees, shall have the following duties and powers:

A. The Zoning Administrator shall interpret, administer, and enforce all provisions of this Zoning Ordinance and shall issue all necessary notices or orders to insure compliance with said provisions, except as otherwise provided elsewhere in this Ordinance.

B. The Zoning Administrator shall receive applications for and issue Certificates of Zoning Compliance in accordance with this Ordinance and shall authorize issuance of Certificates of Occupancy by the Building Official as required herein.

C. The Zoning Administrator shall make all inspections required by this Ordinance, and all inspections necessary to enforce the provisions of this Ordinance and may engage the assistance of the Township Fire Chief, Building Official, Planner and Engineer as deemed necessary in making such inspections. The Zoning Administrator may engage other expert opinion to assist in making such inspections, subject to approval of the Augusta Charter Township Board.

D. The Zoning Administrator shall identify and process all violations of the Zoning Ordinance. The Zoning Administrator shall be responsible for making inspections of the Township or parts thereof for the purpose of identifying violations of this Ordinance.

E. The Zoning Administrator shall keep official records of applications received, certificates issued, fees collected, reports of inspections, and notices and orders issued.

F. The Zoning Administrator shall submit to the Township Board and Planning Commission an annual report in which a summary of the activities of the office is presented.

14.3 Certificates of Zoning Compliance.

A. Where Building Permits Are Required. All plans to be submitted to the Building Official for a building permit shall first be submitted for review and approval to the Zoning Administrator to determine compliance with the requirements of the Zoning Ordinance. No building permit shall be issued

unless a Preliminary Certificate of Zoning Compliance has been issued by the Zoning Administrator.

B. Where Occupancy Permits are Required. Where an occupancy permit from the Building Official is required, the occupancy permit shall not be issued unless a Final Certificate of Zoning Compliance has been issued by the Zoning Administrator.

C. Use of Lot without Structure. Any lot vacant at the effective date of this Ordinance shall not be used, nor may any use of a lot without a structure existing at the effective date of this Ordinance be changed to any other use, unless a Certificate of Zoning Compliance shall have first been issued for the new or different use. A Certificate of Zoning Compliance shall not be required for farm operations exempt from local zoning pursuant to the Right to Farm Act (P.A. 93 of 1981).

D. Change in Use of Structure. A structure, or part thereof, shall not be changed to or occupied by a use different from the use that is existing at the effective date of this Ordinance unless a Certificate of Zoning Compliance is first issued for the different use.

E. New or Altered Structure. A structure, or part thereof, which was erected or altered after the effective date of this Ordinance, shall not be occupied by, or devoted to a use different from the use that is existing at the effective date of this Ordinance, unless a Final Certificate of Zoning Compliance is issued for the different use, or unless the Zoning Administrator shall have established a reasonable time schedule for corrections.

F. Non-Conforming Uses, Lots or Structures. A Certificate of Zoning Compliance shall be issued for a legally non-conforming use or structure. A Certificate of Zoning Compliance shall not be issued for any illegal non-conforming use or structure.

G. Application Requirements. Applications for Certificates of Zoning Compliance shall be made to the Zoning Administrator. Each application shall include a plan if required in Section 14.3(I), herein, and all information necessary to determine Zoning Compliance.

H. Applicants. Application for a Certificate of Zoning Compliance may be made by the owner, or authorized agent of the owner, of the use or structure. 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 authorized agent of the owner that the proposed work or operation is authorized by the owner and that the applicant is authorized to make such application. The full names and addresses of the owner, authorized agent of the owner, shall be stated in the application.

I. Plan Requirements. An application for a Certificate of Zoning Compliance shall be accompanied either by a plot plan as required in this Section, or by a site plan as required under Article 11, whichever applies. If a site plan is not required under Article 11 herein, a plot plan shall be submitted, with the following information:

1. Scale, date, and north directional arrow.

2. Location map showing major intersections, and dimensioned diagram of the parcel.

3. Dimensioned location, outline, and dimensions of all existing and proposed structures, and the location and extent of all uses not involving structures.

4. A clear description of existing and intended uses of all structures, including documentation of any legal non-conforming uses and structures.

5. Additional information as required by the Zoning Administrator for the purposes of determining compliance with the provisions of this Ordinance, including such details as existing and/or proposed topography, proposed method of stormwater management, etc.

J. Plan Amendments. Subject to the limitations of Section 14.3(N), herein, approved amendments to a plan, application, or other records accompanying the same may be filed at any time with the Zoning Administrator before completion of the work for which the certificate was approved and before a Certificate of Occupancy is issued; and such amendments, when approved, shall be deemed part of the original application and shall be filed therewith.

K. Review. The Zoning Administrator shall examine all applications for a Certificate of Zoning Compliance and amendments thereto within a reasonable time after filing. If the application or the plans do not conform to all requirements of this Ordinance, the Zoning Administrator shall reject such application in writing, stating the reasons therefore. If the application or plans conform, the Zoning Administrator shall issue a Certificate of Zoning Compliance. Zoning Administrator shall attach his/her signature to every certificate. The Zoning Administrator shall stamp and endorse all sets of corrected and approved plans submitted with such application as "Approved".

L. Abandonment and Extensions. An application for a Certificate of Zoning Compliance shall be deemed to have been abandoned six (6) months after the date of filing unless such application has been diligently pursued or a building permit shall have been issued, or a Certificate of Occupancy shall have been issued for a use not requiring a building permit. The Zoning

Administrator may, for reasonable cause, grant one or more extensions of time for additional periods not exceeding ninety (90) days each. Any certificate issued shall become invalid if the authorized work is suspended or abandoned for a period of six (6) months after time of commencing the work.

M. False Statements or Misrepresentation. In case of any false statement or misrepresentation of fact in the application or on the plans on which the certificate was based, any Zoning Compliance Certificate issued thereto shall be deemed null and void.

N. Conditions for Issuance. Issuance of a Certificate of Zoning Compliance shall be subject to the following conditions:

1. No certificate shall be issued until the required fees have been paid.

2. All work or use shall conform to the approved application and plans for which the certificate has been issued and any approved amendments thereto.

3. All work or use shall conform to the approved final site plan, if required.

14.4 Building Permits.

A. No building permit shall be issued by the Building Official for the erection, structural alteration, moving or repair of any structure or part thereof which does not comply with all provisions of this Ordinance and unless a Preliminary Certificate of Zoning Compliance has been issued by the Zoning Administrator. No structure shall be erected, moved, added to, or structurally altered unless a building permit shall have been issued therefore by the Building Official, where required.

B. Where repairs to a single-family dwelling and/or residential accessory building are exclusive of structural, mechanical or electrical modifications, the Zoning Administrator shall not require a Preliminary Certificate of Zoning Compliance.

14.5 Certificates of Occupancy.

A. It shall be unlawful to use or occupy all or a portion of a building, structure and/or premises, or both, or part thereof hereafter created, erected, changed, converted, or enlarged until a Certificate of Occupancy shall have been issued by the Building Official, where required. A Certificate of Occupancy shall not be issued for any building, structure and/or premises which does not comply with all provisions of this Ordinance. The certificate shall state that the building, structure, and/or premises conform to the

requirements of this Ordinance, and shall list each legal non-conformity existing on the premises.

B. The applicant for a Certificate of Occupancy shall notify the Zoning Administrator and the Building Official when a final inspection is desired. The Zoning Administrator shall sign a Final Certificate of Zoning Compliance within five (5) days after inspection if the Zoning Administrator finds that the building, structure, or other site improvements and/or the use of the premises, comply with the provisions of this Ordinance and with all approved site plans.

14.6 Records. The Zoning Administrator shall maintain records of all certificates and permits issued under this Ordinance and said records shall be open for public inspection.

14.7 Fees. The Township Board shall establish a schedule of fees for administering this Ordinance. The schedule of fees shall be on public display in the office and may be changed only by the Township Board. No certificate or permit shall be issued unless required fees have been paid in full.

14.8 Compliance with Plans. Building permits and certificates of occupancy issued by the Building Official on the basis of plans and applications approved by the Zoning Administrator, Planning Commission and/or Township Board authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance.

14.9 Performance Guarantees.

A. Intent and Scope of Requirements. To insure compliance with the provisions of this Ordinance or any conditions imposed thereunder, the Planning Commission or Township Board shall require that a performance guarantee be deposited with the Township to insure faithful completion of improvements, in accordance with Section 505 of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended. Improvements for which the Township may require a performance guarantee include, but are not limited to, landscaping, berms, walls, lighting, driveways and parking, acceleration/deceleration lanes, traffic control devices, sidewalks, and land reclamation activities.

B. General Requirements. The performance guarantee shall meet the following requirements:

1. The performance guarantee shall be in the form of an irrevocable bank letter of credit or cash escrow. If the applicant posts a letter of credit, the credit shall require only that the Township present the credit with a sight draft and an affidavit signed by the Township

Supervisor attesting to the Township's right to draw funds under the credit. If the applicant posts a cash escrow, the escrow instructions shall provide that the escrow agent shall have a legal duty to deliver the funds to the Township whenever the Township Supervisor presents an affidavit to the agent attesting to the Township's right to received funds whether or not the applicant protests that right.

2. The performance guarantee shall be submitted at the time of issuance of the permit authorizing the activity or project. If appropriate based on the type of performance guarantee submitted, the Township shall deposit the funds in an interest-bearing account in a financial institution with which the Township regularly conducts business.

3. The amount of the performance guarantee shall be sufficient to cover the estimated cost of the improvements for which the performance guarantee is required. The applicant shall provide an itemized schedule of estimated costs to complete all such improvements. The exact amount of the performance guarantee shall be determined by the Zoning Administrator.

4. The entire performance guarantee shall be returned to the applicant following inspection by the Zoning Administrator and a determination that the required improvements have been completed satisfactorily. The performance guarantee may be released to the applicant in proportion to the work completed on various elements, provided that a minimum of ten percent (10%) shall be held back on each element until satisfactory completion of the entire project.

5. An amount not less than ten percent (10%) of the total performance guarantee may be retained for a period of at least one (1) year after installation of landscape materials to insure proper maintenance and replacement, if necessary. This amount shall be released to the applicant upon certification by the Zoning Administrator that all landscape materials are being maintained in good condition.

C. Unsatisfactory Completion of Improvements. Whenever required improvements are not installed or maintained within the time stipulated or in accordance with the standards set forth in this Ordinance, the Township may complete the necessary improvements itself or by contract to an independent developer, and assess all costs of completing said improvements against the performance guarantee. Prior to initiating completion of said improvements, the Township shall notify the owner, site plan review applicant, or other firm or individual responsible for completion of the required improvements.

14.10 Violations and Penalties.

A. Violation of the provisions of this Ordinance shall constitute a municipal civil infraction. A person found responsible for a violation of this Ordinance shall be subject to a civil fine to be determined by the Michigan District Court with jurisdiction of this Township. The person responsible shall also be subject to costs, including all expenses, direct and indirect, to which the Township has been put to enforce this Ordinance, as provided by law. In the event a person responsible has been issued a civil fine and costs as set forth under court order, the Township may obtain a lien against the land, building(s) and/or structure(s) involved in the violation and such lien may be enforced and discharged subject to the procedures and limitations cited at MCL 600.8731(3). The penalties set forth in this section are otherwise controlled by the requirements of Public Acts 12 and 13 of 1994. The Township may further pursue injunctive remedies permitted by law to enforce this Ordinance.

B. The Zoning Administrator or his designee, including the Zoning Enforcement Officer, is authorized to issue notices of violation and appearance tickets for alleged violations of this Ordinance.

C. Stop-work Order. Upon notice from the Zoning Administrator or his designee that work on any structure or premises is being pursued contrary to the provisions of this Ordinance, such work shall be immediately stopped (or stopped in accordance with the Stille-Derossett-Hale Single State Construction Code Act (P.A. 230 of 1972), as applicable). The stop-work order shall be in writing and shall be given to the owner of the property involved, or to the person doing the work, or shall be posted conspicuously at the premises, 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 he is directed by the Zoning Administrator to perform to remove a violation or unsafe conditions, shall be in violation of this Ordinance.

D. Each day that any person, premises, or location is in violation of this Ordinance shall constitute a separate violation of the Ordinance.

14.11 Completion of Construction.

A. Nothing in this Ordinance shall require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or

demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

B. Where a building permit has been issued in accordance with the law prior to the effective date of this Ordinance and provided that construction is begun within three hundred sixty-five (365) days of such effective date and diligently pursued to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit was issued, and further, may upon completion, be occupied by the use for which it was originally designated, subject thereafter to the provisions of Article 13 of this Ordinance, if applicable. No basement, cellar, garage, or any incompletely constructed structure in use as a dwelling at the effective date of this Ordinance shall be used as a dwelling for more than twelve (12) months following said date, unless such structure has been completed in conformance with the regulations of the district in which it is located.

14.12 Notice of Public Hearing. All applications requiring notice of a public hearing (including zoning ordinance text and map amendments, planned unit developments, special land use permits and ZBA hearings) shall comply with the Michigan Zoning Enabling Act (P.A. 110 of 2006), and the provisions of this Section with regard to public notification.

A. Responsibility. When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Augusta Charter Township and mailed or delivered as provided in this Section.

B. Content. All mail, personal and newspaper notices for public hearings shall include the following:

1. Nature of the Request. The notice shall identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.

2. Location. The notice shall indicate the property that is the subject of the request, hereinafter referred to as the “subject property.” The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the subject property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the subject property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for a zoning

amendment, or rezoning, or when the request is for an ordinance interpretation not involving a specific property.

3. Time and Place of Hearing. The notice shall indicate the date, time and place of the public hearing(s).

4. Written Comments. The notice shall include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.

5. Handicap Access. The notice shall information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.

C. Publication of Notice in Newspaper. When notice of a public hearing is required pursuant to the Michigan Zoning Enabling Act (P.A. 110 of 2006) or the provisions of this Ordinance, the Zoning Administrator shall cause such notice to be published in a newspaper of general circulation in the Augusta Charter Township not less than fifteen (15) days before the scheduled date of the public hearing.

D. Personal and Mailed Notice.

1. General. When the provisions of this Ordinance or state law require that personal or mailed notice be provided, such notice shall be provided to:

a. The owners of the subject property, and the applicant, if different than the owner(s) of the property.

b. To all persons to whom real property is assessed within three hundred (300) feet of the subject property, and to all occupants of structures within three hundred (300) feet of the subject property, regardless of whether the property or occupant is located within the boundaries of Augusta Charter Township. Where the subject property is zoned C, AG, AR or RR, the notification radius shall be increased to five hundred (500) feet. Notification of owners and occupants as provided herein shall not be required for zoning amendment requests involving eleven (11) or more adjacent properties or ordinance interpretation requests that do not involve a specific property.

i. If the name of the occupant is not known, the term "occupant" may be used in making notification.

ii. Notification need not be given to more than one (1) occupant of a structure, except that if a structure

contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

c. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to Section 14.12(E).

2. Notice by Mail, Affidavit. Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.

3. Timing. Unless otherwise provided in the Michigan Zoning Enabling Act (P.A. 110 of 2006) or this Ordinance where applicable, notice of a public hearing shall be provided, whether via mail or in person, not less than fifteen (15) days before the scheduled date of the public hearing.

E. Registration to Receive Notice by Mail.

1. General. Any neighborhood organization, public utility company, railroad or any other person may register with the Zoning Administrator to receive written notice of all applications for development approval, or written notice of all applications for development approval within the zoning district in which they are located. The Zoning Administrator shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the Township Board.

2. Requirements. The requesting party must provide the Zoning Administrator information on an official form to ensure notification can be made. All registered persons must re-register annually to continue to receive notification pursuant to this Section.

ARTICLE 15
ZONING BOARD OF APPEALS

15.1 Establishment. The Augusta Charter Township Zoning Board of Appeals is hereby established, hereinafter called the ZBA. The ZBA shall perform its duties and exercise its powers in accordance with this Article and Article VI of the Michigan Zoning Enabling Act (P.A. 110 of 2006), as amended, and in such a way that the objectives of this Zoning Ordinance shall be observed, public health, safety and welfare secured, and substantial justice done.

15.2 Membership.

A. Composition. The ZBA shall consist of five (5) members, appointed by the Township Board. The first regular member of the ZBA shall be a member of the Township Planning Commission. The remaining members, and any alternate members, shall be representative of the population distribution and of the various interests in the Township. One regular member may be a member of the Township Board, however a member of the Township Board shall not serve as Chairperson of the ZBA. An employee or contractor of the Township Board may not serve as a member of the ZBA.

B. Alternate Members. The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the ZBA. An alternate member may be called as specified to serve as a member of the ZBA in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the ZBA.

C. Removal. A member of the ZBA 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.

D. Terms of Office. The terms of office for members appointed to the ZBA shall be for 3 years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of those bodies. A successor shall be appointed not more than 1 month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the

remainder of the term. Appointments of regular and alternate members shall be made so as to achieve a staggered arrangement of terms. This shall be accomplished by the first two (2) regular members and first alternate member being appointed for a period of one (1) year, the next two (2) regular members being appointed for a period of two (2) years, and the fifth regular member and the second alternate member being appointed for a period of three (3) years. After these initial terms, all regular and appointed members shall hold office for a full three-year term.

15.3 Meetings. Meetings of the ZBA shall be held at the call of the chairperson and at other times as the ZBA in its rules of procedure may specify. The chairperson or, in his or her absence, the acting chairperson may administer oaths and compel the attendance of witnesses. The ZBA shall not conduct business unless a majority of its regular members are present.

15.4 Voting. The concurring vote of a majority of the members of the ZBA is necessary to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on a matter upon which the ZBA is required to pass under the Zoning Ordinance, or to grant a variance of Zoning Ordinance requirements.

15.5 Minutes. The ZBA shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Township Clerk.

15.6 Jurisdiction. The ZBA shall hear and decide questions that arise in the administration of the Zoning Ordinance, including the interpretation of the Official Zoning Map, and may adopt rules to govern its procedures. The ZBA shall also hear and decide on matters referred to it or upon which it 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. The ZBA shall not have the power or authority to hear an appeal relative to any decision rendered on a planned unit development, or relative to any decision rendered on a special land use permit pursuant to the discretionary standards of Section 4.4. Decisions rendered on a special land use permit pursuant to any non-discretionary standard or requirement of this Ordinance may be appealed to the ZBA.

15.7 Appeals. The ZBA shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official or body in the enforcement of this Ordinance. An appeal to the ZBA may be taken by a person aggrieved, or by an officer, department, board, or bureau of the Township. The ZBA shall not hear appeals of special land use or planned unit development decisions.

A. Filing of Appeal. An appeal under this section shall be taken within twenty-one (21) days, by the filing with the administrative body or official from whom the appeal is taken and with the ZBA of a notice of appeal specifying the grounds for the appeal. The body or officer from whom the appeal is taken shall immediately transmit to the ZBA all of the papers constituting the record upon which the action appealed from was taken.

B. Stay of Proceedings. An appeal to the ZBA stays all proceedings in furtherance of the action appealed from unless the body or officer from whom the appeal is taken certifies to the ZBA after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property, in which case proceedings may be stayed by a restraining order issued by the ZBA or a circuit court.

C. Hearing. Upon receipt of a written request for an appeal of an administrative decision, the ZBA shall fix a reasonable time for the hearing of the request, not to exceed 30 days from the filing of the notice of appeal, and give notice as provided in Section 14.12. At the hearing, a party may appear in person or by agent or attorney.

D. The ZBA shall overturn, wholly or in part, an order, requirement, decision or determination only if it finds that the appealed action was inconsistent with this Ordinance. To implement such action, the ZBA shall make such order, decision, or determination as ought to be made, consistent with the terms of this Ordinance, and to that end shall have the powers of the administrative body or official from whom the appeal is taken under appellate jurisdiction.

15.8 Variances. The ZBA may, on a case-by-case basis, authorize such nonuse variances from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in practical difficulties.

A. Variances Permitted. The ZBA shall have the authority to grant nonuse variances relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of the Zoning Ordinance or to any other nonuse-related standard in this Ordinance. Under no circumstances shall the ZBA grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

B. Procedures. A variance from the terms of this Ordinance shall not be granted by the ZBA except in accordance with the following procedures:

1. Submittal of Application. A written application for a variance shall be submitted, demonstrating conformance with the standards outlined in Section 15.8(C).

2. Hearing. Upon receipt of the written application for a variance, the ZBA shall fix a reasonable time for the hearing of the request, not to exceed 30 days from the filing of the application, and give notice as provided in Section 14.12. At the hearing, a party may appear in person or by agent or attorney.

3. ZBA Findings.

   a. The ZBA shall make findings of fact based upon competent evidence that practical difficulty has been demonstration in accordance with the standards of Section 15.8(C).

   b. The ZBA shall further make a finding that the reasons set forth in the application justify the granting of a variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

   c. The ZBA shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

C. Standards. Neither the nonconforming use of neighboring lands, structures, or buildings in the same district, nor either the permitted or nonconforming use of lands, structures, or buildings in any other district(s) shall be considered grounds for the issuance of a variance. In reviewing a request for variance, the following standards for determining practical difficulty shall be considered, with no single factor being determinative:

1. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.

2. The variance will do substantial justice to the applicant, as well as to other property owners.

3. A lesser variance than requested will not give substantial relief to the applicant and will not be more consistent with justice to other property owners.

4. The need for the variance is due to the unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.

5. The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessors.

D. Conditions and Safeguards. In granting any variance, the ZBA may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 14.10 of this Ordinance. Conditions imposed shall meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety and welfare, and the social and economic well being of those who will use the building, land or activity under consideration, residents and landowners immediately adjacent to the proposed building, land use or activity, and the community as a whole.

2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed building, use or activity.

3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the building, land use or activity under consideration, and be necessary to insure compliance with those standards.

15.9 Appeals from the Zoning Board of Appeals. The decision of the ZBA shall be final. Any person or persons, or any taxpayer, department, board, or bureau of the municipality aggrieved by any decision of the ZBA may seek review by a court of record of such decision, in the manner provided by the laws of the State of Michigan.

ARTICLE 16
AMENDMENT

16.1 Initiating Amendments. The Township Board may, from time to time, amend, modify, supplement, or revise the district boundaries or the provisions and regulations of this Ordinance. Amendments may be initiated by the Township Board, the Township Planning Commission, by petition of one or more property owners of Augusta Charter Township, or by one (1) or more persons acting on behalf of a property owner(s) of Augusta Charter Township. All proposed amendments shall be referred to the Township Planning Commission for review, public hearing, and recommendation before action may be taken thereon by the Township Board.

16.2 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.

16.3 Information Required.

A. If a petition involves an amendment to the official zoning map, the petitioner shall submit the following information:

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

2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.

3. The name and address of the petitioner, the record owner, and all other parties claiming an interest in said property.

4. The petitioners interest in the property. If the petitioner is not the record owner, the name and address of the record owner(s), and the record owner(s) and other interested parties signed consent to the petition. The consent of mortgagees, lienors, and similar such parties shall not be required.

5. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the information.

6. Identification of the zoning district requested and the existing zoning classification of property.

7. A vicinity map showing the location of the property, and adjacent land uses and zoning districts.

B. If a petition involves a change in the text of the zoning ordinance, the petitioner shall submit the following information:

1. A detailed statement of the proposed amendment, clearly and completely setting forth all proposed provisions and regulations, including all changes in the zoning ordinance necessary to accommodate the proposed amendment.

2. Name and address of the petitioner.

3. Reasons for the proposed amendment.

16.4 Review.

A. In reviewing any petition for a zoning amendment, the Planning Commission shall evaluate all factors relevant to the petition and shall make its recommendations for disposition of the petition, to the Township Board.

B. The factors to be considered by the Planning Commission may include, but shall not be limited to, the following:

1. Whether the rezoning is consistent with the policies and uses proposed for that area in the Township's Master Land Use Plan;

2. Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area;

3. Whether any public services and facilities would be significantly adversely impacted by a development or use allowed under the requested rezoning;

4. Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land;

5. Whether the condition and/or value of property in the Township or in adjacent civil divisions would be significantly adversely impacted by a development or use allowed under the requested rezoning;

6. Whether or not the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance; and,

7. Whether precedents might result from approval or denial of the petition, and the possible effects of such precedents.

C. All findings shall be made a part of the public records of the meetings of the Planning Commission and the Township Board.

16.5 Conformance to Court Decree. Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the Township Board and the amendment published.

16.6 Publication. Following Township Board approval of a petition to amend the zoning ordinance, notice of the amendment shall be published within fifteen (15) days after adoption in a newspaper of general circulation within Augusta Charter Township. The notice of adoption shall include the following information:

A. Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.

B. The effective date of the amendment.

C. The place and time where a copy of the ordinance may be purchased or inspected.

16.7 Conditional Rezoning.

A. Intent. It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act (P.A. 110 of 2006) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

B. Application and Offer of Conditions.

1. 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.

2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.

3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.

4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.

5. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.

6. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.

7. 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.

8. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. 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 appropriate notice and a new recommendation.

C. Planning Commission Review. The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in Section 16.4(B) of this Ordinance, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

D. Township Board Review. After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in Section 16.4(B) of this Ordinance.

E. Approval.

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.

2. The Statement of Conditions shall:

   a. Be in a form recordable with the Register of Deeds of the County in which the subject land is located 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.

   b. Contain a legal description of the land to which it pertains.

   c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.

   d. Incorporate by attachment or reference any diagram, plans 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.

   e. 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 Register of Deeds of the County in which the land referenced in the Statement of Conditions is located.

   f. 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.

3. 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.

4. 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.

5. Upon the 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.

F. Compliance with Conditions.

1. 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 Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

G. Time Period for Establishing Development or Use. The approved development and/or use of the land must be commenced upon the land within 18 months after the rezoning under this Section took effect, and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if:

1. It is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion, and,

2. The Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

H. Reversion of Zoning. If approved development and/or use of the rezoned land does not occur within the time frame specified under sub-section G.

above, then the land shall revert to its former zoning classification as set forth in Section 405(2) of the Michigan Zoning Enabling Act (P.A. 110 of 2006). 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.

I. Subsequent Rezoning of Land. 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 H 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.

J. Amendment of Conditions.

1. During the time period for commencement of an approved development or use specified pursuant to sub-section G above 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.

2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

K. Township Right to Rezone. Nothing in the Statement of Conditions nor in the provisions of this Section 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. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act (P.A. 110 of 2006).

L. Failure to Offer Conditions. 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.