

**ARTICLE 1.0**  
**TITLE, PURPOSES AND LEGAL CLAUSES**

**SECTION 1.01 - TITLE**

This ordinance shall be known and may be cited as **“The Manchester Township Zoning Ordinance.”**

**SECTION 1.02 - REPEAL OF ORDINANCE**

The Manchester Township Zoning Ordinance adopted on November 13, 1973, and all amendments thereto are hereby repealed effective coincident with the effective date of this ordinance.

**SECTION 1.03 - PURPOSES**

This ordinance has been established for the purposes of:

- A.** Promoting and protecting the public health, safety and general welfare;
- B.** Protecting the character and the stability of the agricultural, recreational, residential, commercial and industrial areas within the Manchester Township and promoting the orderly and beneficial development of such areas;
- C.** Providing adequate light, air, privacy and convenience of access to property;
- D.** Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light and air and to protect the public health;
- E.** Lessening and avoiding congestion in the public highways and streets;
- F.** Providing for the needs of agriculture, recreation, residence, commerce, and industry in future growth;
- G.** Promoting healthful surroundings for family life in residential and rural areas;
- H.** Fixing reasonable standards to which buildings and structures shall conform;
- I.** Prohibiting uses, buildings or structures which are incompatible with the character of development or the uses, buildings or structures permitted within specified zoning districts;
- J.** Preventing such additions to or alteration or remodeling of existing buildings or structures in such a way as to avoid the regulations and limitations imposed hereunder;
- K.** Protecting against fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards in the interest of the public health, safety and general welfare;
- L.** Preventing the overcrowding of land and undue concentration of buildings and structures so far as is possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them;
- M.** Conserving the taxable value of land, buildings, and structures throughout the Township;
- N.** Providing for the completion, restoration, reconstruction, extension or substitution of non conforming uses;
- O.** Creating a Board of Appeals and defining the powers and duties thereof;
- P.** Designating and defining the powers and duties of the official or officials in charge of the administration and enforcement of this ordinance;

- Q.** Providing for the payment of fees for building permits; and
- R.** Providing penalties for the violation of this ordinance.

**SECTION 1.04 - VALIDITY AND SEVERABILITY CLAUSE**

If any court of competent jurisdiction shall declare any part of this ordinance to be invalid, such ruling shall not affect any other provisions of this ordinance not specifically included in said ruling.

If any court of competent jurisdiction shall declare invalid the application of any provision of this ordinance to a particular land, parcel, lot, district, use, building or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building, or structure not specifically included in said ruling.

**SECTION 1.05 - CONFLICT WITH OTHER LAWS**

- A.** Where any condition imposed by any provision of this ordinance upon the use of any lot, building or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this ordinance or by the provision of an ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.
- B.** This ordinance is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this ordinance shall govern.

**SECTION 1.06 - EFFECTIVE DATE**

This ordinance was adopted by the Township Board of the Township of Manchester, Washtenaw County, Michigan at a Regular Meeting held on January 12, 1998, and ordered published within 10 days thereafter in the Manchester Enterprise, a newspaper having general circulation in said Township as required by Act 184 of the Public Acts of 1943, as amended. This ordinance will take effect on the 30th day following publication.

**ARTICLE 2.0  
DEFINITIONS**

**SECTION 2.01 - PURPOSE**

For the purpose of this ordinance certain terms are herewith defined.

**SECTION 2.02 - RULES OF CONSTRUCTION**

The following rules of construction apply to the text of this ordinance.

- A.** All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such, as may have acquired a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning.
- B.** The particular shall control the general.
- C.** Words used in the present tense shall include the future; and 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 “**dwelling**” includes the word “**residence**”, and the word “**lot**” includes the words “**plot**” or “**parcel**”.
- I.** The word “**person**” includes an individual, a corporation, a partnership, an incorporated association, or any similar entity.
- J.** Whenever a word or term defined hereinafter 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 and land use planning nomenclature.
- K.** Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “**and**”, “**or**”, 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 singly or in any combination.
  - 3.** “**Either/or**” indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- L.** Catch words and catch lines shall in no way by their presence or absence limit or affect the meaning of this ordinance.
- M.** Where an illustration accompanies any item within this ordinance, the written text shall have precedence over said illustrations.

- N.** In computing a period of days, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

### **SECTION 2.03 - DEFINITIONS**

**Accessory Use, Building Or Structure:** A use, building, or structure which is clearly incidental to, customarily found in connection with, subordinate to, and is located on the same zoning lot as the principal use to which it is exclusively related. An accessory structure shall not include dwellings, or be used for residential or lodging purposes or sleeping quarters for human beings.

**Agriculture:** The use of land for agricultural purposes, including farming, dairying, pasturage, nurseries, orchards, poultry farms and bona fide greenhouses operated on contiguous, neighboring or associated land as a single unit carried on by the owner-operator, manager or tenant farmer by his own labor or with assistance of members or his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a continuous parcel of five (5) acres or more in area.

**Alley:** A dedicated public vehicular way not more than thirty (30) feet in width which affords a secondary means of access to abutting property but is not intended for general traffic circulation or for parking, standing, or loading.

**Alterations:** Any change, addition or modification to a structure or type of occupancy, or any change in the structural members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the interior walls or any changes in size or location of any window or door.

**Animal Hospital:** See Clinic, Veterinary.

**Apartment:** See Dwelling, Multiple-Family.

**Automobile:** Unless specifically indicated otherwise, “**automobile**” shall mean any vehicle including, by way of example, cars, trucks, vans, motorcycles, and the like.

**Automobile Or Vehicle Service Station:** A place where gasoline or other vehicle engine fuel, kerosene, motor oil and lubricants, and grease are sold directly to the public on the premises for the purposes of operation of motor vehicles; including the sale of minor accessories (such as tires, batteries, brakes, shock absorbers, window glass) and the servicing of and minor repair of motor vehicles. Automobile filling stations may also incorporate a convenience store operation as an accessory use, and which is clearly incidental to the filling station use. Parking requirements for filling station/convenience store operations shall be computed by adding together the parking space requirements for each separate use.

**Automobile Or Vehicle Repair Garage:** An enclosed building where the following services may be carried out: general repairs, engine rebuilding, reconditioning of motor vehicles; collision services, such as frame or fender straightening and repair; painting and undercoating of automobiles; and, similar vehicle repair activities.

**Automobile Or Vehicle Dealership:** A building or premises used primarily for the sale of new and/or used automobiles and other motor vehicles.

**Automobile Wash Or Car Wash Establishment:** A building or portion thereof where automobiles are washed.

**Base Flood:** The flood having a one percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood.

**Basement:** That portion of a building which is wholly or partly below the average grade of the ground level, but is so located that the vertical distance from the average grade to the floor below is greater than the vertical distance from the average grade to the ceiling. This definition shall not apply to earth-bermed or earth-sheltered homes. A basement shall not be counted as a story.

**Bed-And-Breakfast Inn:** A dwelling in which overnight accommodations are provided or offered for transient guests for compensation, including provisions for a morning meal for overnight guests only.

**Bedroom:** A room designed or used in whole or in part for sleeping purposes.

**Berm:** A manmade formed earth mound of definite height and width used for obscuring purposes.

**Block:** The property bounded by a street or by a combination of streets and public lands, rights-of-way, rivers or streams, boundary lines of the Township, or any other barrier to the continuity of development.

**Board:** The Board of Trustees of the Township of Manchester, Washtenaw County.

**Board Of Appeals:** The Township Zoning Board of Appeals, created pursuant to the provisions of Public Act 110 of 2006, as amended.

**Boarding Or Rooming Houses:** A building, other than a hotel, where for compensation or by pre-arrangement for definite periods of time, lodging or lodging and meals are provided for three or more persons.

**Building:** Any structure, either temporary or permanent, having a roof or other covering and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. A building shall include tents, awnings, semi-trailers, or vehicles situated on a parcel and used for the purposes of a building. A building shall not include such structures as signs, or fences.

**Building, Principal:** A building or, where the context so indicates, a group of buildings which are permanently affixed to the land and which are built, used, designed, or intended for the shelter or enclosure of the principal use of the parcel.

**Building, Accessory:** See Accessory Use, Building, Or Structure.

**Building Area:** The total area taken on a horizontal plane at the largest floor level of a building and of all accessory buildings on the same lot exclusive of unroofed porches, terraces, patios and steps, and of awnings and non-permanent canopies.

**Building, Temporary:** A building which is not permanently affixed to the property and is permitted to exist for a specific reason for a specific period of time. An example of a temporary building is a trailer used on a construction site.

**Building Height:** The vertical distance measured from the established grade to:

1. the highest point of the coping of a flat roof;
2. to the deck line of mansard roofs; or,
3. to the average height between the eaves and the ridge for gable, hip, and gambrel roofs.

Where a building is located on sloping terrain, the height shall be measured from the average ground level at the building wall.

**Building Line:** The minimum distance which any building must be located from a street right-of-way or high water line. For the purposes of this Ordinance, a building line is the same as the front setback line.

**Bulk:** The term used to indicate the size and setback of a building or structure and the location of same with respect to another building or structure or to a lot line and includes the following:

1. the size and height of a building or structure;
2. the location of the exterior wall of a building in relation to a lot line, street or other building;
3. the floor area of a building in relation to the area of the lot on which it is located;

4. the open spaces allocated to and surrounding a building; and
5. the amount of lot area per dwelling unit.

**Business Center:** Two or more buildings containing stores or two or more buildings containing a combination of stores and offices usually on separate lots, and sharing a common drive or street and/or off-street parking facilities, and/or identified by a name for the center.

**Caretaker Living Quarters:** An independent residential dwelling unit designed for and occupied by one (1) person who is employed to look after goods, buildings, or property on a commercial or industrial parcel on which the living quarters are located.

**Carport:** A partially open shelter for housing of vehicles. Such structure shall comply with all yard requirements applicable to private garages.

**Cemetery:** Land used for the burial of the dead, including columbariums, crematories, and mausoleums.

**Child Care Center:** See Day Care Facilities.

**Church, Synagogue, Temple, Mosque, Or Similar Religious Facility:** Any structure wherein persons regularly assemble for religious activity.

**Clinic, Veterinary:** A place for the care, diagnosis, and treatment of sick or injured animals, and those in need of medical or minor surgical attention. A veterinary clinic may include customary pens or cages.

**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.

**Club Or Fraternal Organization:** An organization of persons for special purposes or for the promulgation of sports, arts, science, agriculture, literature, politics, or similar activities, but not operated for profit or to espouse beliefs or further activity that is not in conformance with the Constitution of the United States or any laws or ordinances. The facilities owned or used by such organization may be referred to as a "club" in this ordinance.

**Commercial Hunting Enterprise -** A business concern involving a hunting operation, located on a parcel of land or portion of a parcel of land, whose primary purpose and land use activity is to provide hunting activities for commercial gain.

**Commercial Use:** The use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or personal services, and the maintenance or operation of offices.

**Commercial Vehicle:** Commercial vehicles shall consist of the following:

1. All motor vehicles used for the transportation of passengers for hire, or
2. constructed or used for the transportation of goods, wares or merchandise, or
3. all motor vehicles designed and used for drawing other vehicles.

Vehicles licensed for farm purposes only shall not constitute a commercial vehicle.

**Commission:** See Township Planning Commission.

**Community Wastewater Utility System or Systems ("CWUS"):** A facility which is owned by a non-governmental entity and is designed, constructed, operated, and maintained to transport, collect, process, and treat sanitary sewage from more than one (1) dwelling unit. The system shall include any individual

septic tanks, pumps, lines, and appurtenances serving each dwelling unit in addition to facilities, sewers, and appurtenances that serve more than one (1) dwelling unit.

**Comprehensive Or General Development Plan:** The Manchester Township General Land Use Plan including graphics and written proposals indicating general areas for physical resource management and containing development standards and general location of streets, parks, schools, and all physical development of the Township and including any unit or part of such plan and any amendment to such plan or parts thereof.

**Conditional Or Special Land Use:** A use which is subject to conditional approval by the Planning Commission. A conditional use may be granted only when there is a specific provision in this ordinance. A conditional use is not considered to be a non-conforming use.

**Condominium Development:** See definition **Site Condominium**, herein.

**Congregate Housing:** See Housing For The Elderly.

**Controlled Uses:** An establishment which draws its customers from one or more segments of the public including but not limited to the following:

1. **Adult Book Store.** An establishment, which has a substantial or significant portion of its stock in trade sexually explicit verbal material. Sexually explicit verbal material is defined as a book, pamphlet, magazine, video, movie, printed matter reproduced in any manner, or sound recording that contains an explicit and detailed verbal description or narrative account of sexually explicit activity.
2. **Adult Cabaret.** An establishment whose principal activity is the conducting or presenting of any sexually explicit performance. Sexually explicit performance is defined as a motion picture, video, digital presentation, exhibition, show, representation, or other presentation that, in whole or in part, depicts sexually explicit activity.
3. **Adult Video/Motion Picture Theater.** An establishment, which, as its principal activity, presents or offers for sale or rents, any sexually explicit visual material. Sexually explicit visual material is defined as a picture, photograph, drawing, sculpture, motion picture film, or similar visual representation that depicts sexually explicit activity, or a book, magazine, or pamphlet that contains such a visual representation. An undeveloped photograph, mold or similar visual material may be sexually explicit material notwithstanding that processing or other acts may be required to make its sexually explicit content apparent.
4. **Adult Retail Store.** An establishment which has a substantial or significant portion of its stock in trade in items used or advertised as sexually explicit entertainment gimmicks, novelties, paraphernalia, any sexually explicit matter or any combination thereof. Sexually explicit matter is defined as any sexual explicit verbal material, sexually explicit visual material, or sexually explicit performance.
5. **Body Painting or Nude Modeling Studio.** Any building, structure, premise or part thereof used primarily as a place which offers as its principal activity the providing of models to exhibit, display or perform any sexually explicit performance for a fee, or which provides the services of body painting of the human body in conjunction with any sexually explicit activity.
6. **Sexually Explicit Activity.** Sexually explicit activity is defined as any presentation, exhibition, narrative, show, representation, depiction, or other description of any of the following:
  - a. **Erotic Fondling.** The touching of a person's clothed or unclothed genitals, pubic area, buttocks or, if the person is female, breasts, for the purpose of sexual gratification or stimulation.
  - b. **Nudity.** The showing of the male or female genitals, pubic area, vulva, anus, the showing of the female breast with less than a fully opaque covering of any part of the nipple, the showing of the covered male genitals in a discernibly turgid state or any lewd display of the human male or female genitals or pubic area.

- c. **Sadomasochistic Abuse.** Means either of the following: (1) Flagellation, or torture, for sexual stimulation or gratification, by or upon a person who is nude or clad only in undergarments or in a revealing costume, or (2) the condition of being fettered, bound, or otherwise physically restrained for sexual stimulation or gratification, of a person who is nude or clad only in undergarments or in a revealing costume.
  - d. **Sexual Excitement.** The condition of human male or female genitals when in a state of sexual stimulation or arousal.
  - e. **Sexual Intercourse.** Intercourse, real or simulated, whether genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between a human and an animal; or any intrusion, however slight, into the genital or anal openings of another's body.
7. **Escort.** A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
  8. **Escort Agency.** A person or business association that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.
  9. **Pawnbrokers and Pawnshops.** The term "pawnbroker" as used herein is defined as any person, corporation or member or members of a co-partnership or firm, who loans money on deposit, or pledge of personal property, or other valuable things, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back again at a stipulated price. The term "pawnshop" is defined as any location where a pawnbroker conducts business.
  10. **Tattoo/Body-Piercing Branding Parlor.** An establishment, which provides external body modification, through the application of a tattoo, body piercing, or branding.
  11. **Body-Piercing.** The perforation of human tissue other than an ear for a non-medical purpose.
  12. **Branding.** A permanent mark made on human tissue by burning with a hot iron or other instrument.
  13. **Tattoo.** An indelible mark made upon the body of another individual by the insertion of a pigment under the skin or an indelible design made upon the body of another by production of scars other than by branding.

**Convalescent Home:** See Nursing Home, or Rest Home.

**Convenience Store:** A one-story, retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). Convenience stores are designed to attract a large volume of stop-and-go traffic.

**Co-op (Cooperative) Housing:** A multiple dwelling owned by a corporation which leases its units to stockholders on a proprietary lease arrangement.

**Court (Open Space):** An open space on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings. A court shall be unoccupied.

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

**Day Care Facilities:** As used in this ordinance, the following definitions shall apply to day care facilities:

1. **Adult Day Care Center:** A center other than a private home where one (1) or more functionally impaired elderly persons are received for care and supervision for any part of



any day, but less than twenty-four (24) hour care. Overnight care shall not be provided. Nursing Home, Convalescent Home or Rest Homes, or facilities defined under Housing for the Elderly are not included in this definition. However, such businesses may establish adult day care centers within their own facilities if such use is permitted within the district.

2. **Child Care Center:** A center other than a private home where one (1) or more children are received for care and supervision. Pre-schools and nurseries are included in this definition.
3. **Family Day Care Home:** A private home in which one (1) to six (6) children are received for care and supervision, including those children less than seven (7) years old in the resident family.

**Development:** The construction of a new building, reconstruction of an existing building, or improvement of a structure on a parcel or lot, the relocation of an existing building to another lot, or the improvement of open land for a new use.

**Developable Envelope:** The area of a lot which is defined by the minimum setback requirements, within which building construction can occur.

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

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

**Domestic Help:** Shall mean only those persons hired by the householder for the purpose of performing domestic services and maintenance of the household.

**Drive-In:** A business establishment so developed that its retail or service character is primarily dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicles as well as within the building or structure.

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

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

1. persons related to the occupant of the principal residence by blood, marriage or legal adoption, or
2. domestic servants or gratuitous guests.

**Dwelling Area:** The dwelling area of a dwelling unit is composed of sleeping rooms, kitchen, dining room, den, studio, bathrooms, and family and living rooms. For the purposes of this ordinance, a minimum of 1,000 square feet shall be required for a dwelling intended for human occupancy.

**Dwelling, Manufactured:** A building or portion of a building designed for long-term residential use and characterized by the following:

1. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended,

2. The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities, and
3. The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.

A mobile home is a type of manufactured housing, which is defined as follows:

**Dwelling, Mobile Home:** A structure, transportable in one (1) or more sections, which is built upon a chassis and designed to be used as a dwelling without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Recreational vehicles as described and regulated herein shall not be considered “mobile homes” for the purposes of this Ordinance.

**Dwelling, Multiple-Family:** A building designed for and occupied by two (2) or more families living independently, with separate housekeeping, cooking, and bathroom facilities for each. Examples of multiple-family dwellings units include those commonly known as apartments, which are defined as follows:

**Apartment:** An apartment is an attached dwelling unit with party walls, contained in a building with other apartment units which are commonly reached off of a common stair landing or walkway. Apartments are typically rented by the occupants. Apartment buildings often may have a central heating system and other central utility connections. Apartments typically do not have their own yard space. Apartments are also commonly known as garden apartments or flats.

**Efficiency Unit:** An efficiency unit is a type of multiple-family or apartment unit consisting of one (1) principal room, plus bathroom and kitchen facilities, hallways, closets, and/or a dining alcove located directly off the principal room.

**Dwelling, One-Family Or Single-Family:** An independent, detached residential dwelling designed for and used or held ready for use by one (1) family only. Single-family dwellings are commonly the only principal use on a parcel or lot.

**Dwelling, Two-Family or Duplex:** A detached building designed exclusively for and occupied by two (2) families living independently of each other, with separate housekeeping, cooking, and bathroom facilities for each. Also known as a duplex dwelling.

**Dwelling Unit:** One or more rooms, along with bathroom and kitchen facilities, designed as a self-contained unit for occupancy by one family for living, cooking, and sleeping purposes.

**Dwelling Unit, Single-Family Attached Or Townhouse:** A townhouse is an attached single-family dwelling unit with common walls, designed as part of a series of three (3) or more dwellings, with its own front door which opens to the outdoors at ground level, its own basement, and typically, with its own utility connections and front and rear yards. Townhouses are also commonly known as row houses.

**Drive-In Theater:** An open-air theater constructed and operated at an established location, without cover or roof, displaying motion pictures for the general public who view the screen or stage while seated in a vehicle. The term “drive-in theater” as used herein shall include the entire premises upon which such theater is constructed and operated, including parking areas and all other facilities accessory to such business.

**Driveway:** A designated area designed for and providing direct access to principle uses upon a parcel of land.

**Earth-Sheltered Home:** A complete building partially below grade that is designed to conserve energy and is intended to be used as a single-family dwelling.

**Easement:** Any private or dedicated public way that provides a means of access to property. The term “easement” may also refer to utility easements which give public or private utility companies the right to use land for the construction and maintenance of utilities.

**Enforcement Official:** The Enforcement Official is the person or persons designated by the Township as being responsible for enforcing and administering requirements of this Zoning ordinance. Throughout this Ordinance the Enforcement Official may be referred to as the Building Official, Planning Official, Public Safety Official, Engineering Official, or their agents. Such titles do not necessarily refer to a specific individual, but rather, indicate generally the office or department most commonly associated with the administration of the regulation being referenced.

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

**Erected:** Any physical change on a site, including construction, reconstruction, or alteration of buildings or structures thereon. Excavation, fill, drainage, and the like shall be considered part of erection.

**Excavation Of Gravel, Sand, Topsoil, Or Earth:** Premises from which any rock, gravel, sand topsoil or earth in excess of fifty (50) cubic yards in any calendar year is excavated or removed for the purpose of disposition away from the premises except excavation in connection with the construction of a building or within public highway rights-of-way.

**Exotic/Non-Domestic Animals** - A specific animal or breed of animal that has been introduced within an area that is not common or communal to existing species in an area and can be considered alien to animals normally adapted to an area. Animals of this nature that can or may be hazardous to human health are prohibited.

**Family:** One (1) or more persons related by blood, bonds of marriage, or legal adoption, plus up to a total of three (3) additional persons not so related who are either domestic servants or gratuitous guests, occupying a single dwelling unit and living as a single nonprofit housekeeping unit, or,

A collective number of individuals living together in one dwelling unit, whose relationship is of a continuing non-transient domestic character, and who are cooking as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, or group of transitory or seasonal nature or for a limited duration of a school term or terms or other similar determinable period.

**Farm:** All of the contiguous neighboring or associated land operated as a single unit of ten (10) acres or more which is cultivated for agricultural production by the owner-operator, manager, or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; also including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms, and apiaries. For the purposes of this ordinance, farms shall not include establishments for keeping or raising fur-bearing animals, private stables, commercial dog kennels, game fish hatcheries, piggeries, stockyards, or feedlots unless such establishments are combined with other bona fide farm operations listed above which are located on the same continuous tract of land.

A farm which is operated as a business for purposes of agricultural production is distinguished from a collection of farm buildings and animals that is operated for educational, demonstration, or recreational purposes. Such quasi-farm operations may be known as "petting zoos" or "model farm" or "interpretative farm."

**Farm Buildings:** Any building or structure other than a dwelling, which is constructed, maintained, and used on a farm, and which is essential and customarily used for the agricultural operations carried out on that type of farm.

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

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

**Fence:** A permanent or temporary barrier enclosing or bordering a plot of land or portion thereof composed of suitable man-made materials for the purpose of preventing or controlling entrance or to confine within or to mark boundary.

**Floodplain:** Any land area susceptible to being inundated by floodwaters when high amounts of precipitation are experienced or natural cyclic conditions raise the water levels. Determinants of a floodplain are as follows:

1. The area which typically is adjacent to a river, stream, or other body of water, and is designated as subject to flooding from the 100-year base flood.
2. Principal estuary courses of wetland areas that are part of the river flow system.
3. Contiguous areas paralleling a river, stream, or other body of water that exhibit unstable soil conditions for development.

**Floodway:** The channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge floodwaters without cumulatively increasing the water surface elevation more than one foot.

**Floor Area:** The sum of the gross horizontal floor areas of the several stories of a building, as measured to the exterior face of the exterior walls, plus that area, similarly measured of all other stories that are accessible by a fixed stairway, ramp, escalator, or elevator; including all enclosed porches and balconies, and all stairways, breezeways, storage area, recreational rooms, boiler rooms, and other areas within or contiguous to the structure; and the measurement shall include the floor space of all accessory buildings measured similarly.

**Floor Area Ratio:** The ratio of the floor area of a building to the area of the lot on which it is located calculated by dividing the floor area by the lot area and expressing it as a percentage. For example, a floor area ratio of 80 percent is specified and the lot area is 10,000 square feet, the maximum permitted floor area on the lot is 8,000 square feet. The number of stories being optional, the building area may be 4,000 square feet for each of two (2) stories, 2,000 square feet for each of four (4) stories, or 1,000 square feet for each of eight (8) stories.

**Garage, Commercial:** Any building available to the public operated for gain and which is used for storage, rental, greasing, washing, servicing, repairing, or adjusting of automobiles or other motor vehicles.

**Garage, Community:** A structure, or a series of structures, for the storage of motor vehicles, having no public sales or repair shop or services in connection therewith, and separated into compartments or sections with separate vehicular entrances, for the use of two or more owners or occupants of property in the vicinity.

**Garage, Private:** An accessory building or structure used principally for storage of automobiles and for other incidental storage purpose only.

**Golf Course Or Country Club:** The premises upon which the game of golf is played, including clubhouses, parking lots, swimming pools, tennis courts, or other facilities or uses customarily incidental to a golf course or country club. See also Par-3 Golf course.

**Grade:** The term "grade" shall mean the ground elevation established for the purpose of regulating the number of stories or height of a building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

**Grain Elevator:** An agricultural storage facility used for the storage of grain or similar agricultural products.

**Guest House:** An accessory building intended for temporary or periodic use as an auxiliary sleeping facility, but which does not have kitchen facilities, and is not intended to be used as a permanent residence. See also definitions for Bed-And-Breakfast Inn and Boarding House.

**Hazardous Uses:** All uses which involve the storage, sale, manufacture or processing of materials which emit poisonous fumes, risk explosion, are combustible, and are likely to burn with moderate rapidity and with a considerable volume of smoke, but from which neither poisonous fumes nor explosions are to be anticipated in the event of fire, and as listed by the Basic Building Code 1965 amended edition prepared by the Building Officials Conference of America, Inc.

**Highway:** A public thoroughfare or street, except alleys, but including Federal, interstate, State, and County roads, including those appearing on plats recorded in the office of the Register of Deeds and accepted for public maintenance.

**Home Occupation:** See SECTION 3.20, herein.

**Home Office** – A designation and use of a portion of a single family residence where activities are designed to take place which are part of a defined office activity. Such home office is intended as a secondary occupation or support extension of a primary occupation conducted outside of the principal residence. Such home office shall be a permitted use and shall be used only by resident family members residing within the residential dwelling. No representation of any non residential activities shall be visible from outside the residential dwelling.

**Hospital:** An institution which is licensed by the Michigan Department of Health to provide in-patient and out-patient medical and surgical services for the sick and injured, and which may include such related facilities as laboratories, medical testing services, central service facilities, and staff offices.

**Hotel:** A building occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms consisting of a minimum of one (1) bedroom and a bath, occupied for hire, in which access to at least fifty percent (50%) of the lodging units is through a common entrance, in which provision is not made for cooking in the individual units, which shall provide customary hotel services such as maid service, the furnishing and laundering of linens, telephone and secretarial or desk service, the use of furniture, a dining room accommodating at least twenty (20) guests which provides dining service for a minimum of two meals during the day, a general kitchen, and a minimum of one (1) meeting room accommodating at least fifty (50) persons.

**Housing For The Elderly:** An institution other than a hospital, hotel, or nursing home, which provides room and board to non-transient persons primarily sixty (60) years of age or older. Housing for the elderly may include the following designations such as “Senior Apartments”, “Elderly Housing Complex”, “Congregate Housing”, or “Dependent Housing Facilities”.

**Ice Cream Parlor:** A retail establishment whose business is limited to the sale of ice cream, frozen desserts, dessert items, candies and confections, and beverages in a ready-to-eat state. Businesses serving hot dogs, hamburgers, salads, pizza, hot or cold sandwiches, or similar entree items are not considered ice cream parlors for the purposes of this ordinance.

**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 this ordinance, a bowling establishment shall be considered a type of indoor recreation center.

**Industrial Park:** A group of two or more buildings, usually on separate lots, for industrial, research, or warehousing uses, with a common street or driveway system, developed according to an overall plan for the park, and identified by a name for the park.

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

**Interstate Highway:** A highway officially designated as a part of the national system of interstate and defense highways by the Department of Transportation and approved by the appropriate authority of the Federal government. (Act #106 of Public Acts of 1972.)

**Junk:** Any motor vehicles, machinery, appliances, products or merchandise with parts missing, or other scrap materials that are damaged, deteriorated, or are in a condition which prevents their use for the purpose for which the product was manufactured.

**Junk Yard:** A place, structure, parcel or use of land where junk, waste, discard, salvage, or similar materials such as old iron or other metal, wood, lumber, glass, paper, rags, cloth, leather, rubber, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto wrecking yards, inoperative machines, used lumber yards, house wrecking, and structural steel materials and equipment and including establishments for the sale, purchase, or storage of salvaged machinery and the processing of used, discarded, or salvaged materials, for any thirty (30) consecutive days.

**Kennel:** Any lot or premises on which four (4) or more adult dogs of more than six (6) months in age are confined either permanently or temporarily.

**Landscaping:** The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other live plant material. In addition, a landscape design may include other decorative man-made materials, such as wood chips, crushed stone, boulders, or mulch. Structural features such as fountains, pools, statues, and benches shall also be considered a part of landscaping, but only if provided in combination with live plant material. Artificial plant materials shall not be counted toward meeting the requirements for landscaping. Various landscaping-related terms are defined as follows:

**Berm:** A continuous, raised earthen mound with a flattened top and sloped sides, capable of supporting live landscaping materials, and with a height and width that complies with the requirements of this ordinance.

**Grass:** Any of a family of plants with narrow leaves normally grown as permanent lawns in Washtenaw County, Michigan.

**Greenbelt:** A strip of land of definite width and location reserved for the planting of a combination of shrubs, trees and ground cover to serve as an obscuring screen or buffer for noise or visual enhancement, in accordance with the requirements of this ordinance.

**Ground Cover:** Low-growing plants that form a dense, extensive growth after one complete growing season, and tend to prevent weeds and soil erosion.

**Hedge:** A row of closely planted shrubs or low-growing trees which commonly form a continuous visual screen, boundary, or fence.

**Interior Landscaping Area:** A landscaped area located in the interior of a parking lot in such a manner as to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area.

**Nurse Grass:** Any of a variety of rapidly-growing annual or perennial rye grasses used to quickly establish ground cover to prevent dust or soil erosion.

**Screen or Screening:** A wall, wood fencing, or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the screen is composed of non living material, such materials shall be compatible with materials used in construction of the main building, but in no case shall include wire fencing.

**Shrub:** A self-supporting, deciduous, or evergreen woody plant normally branched near the base, bushy, and less than fifteen (15) feet in height.

**Sod:** An area of grass-covered surface soil held together by matted roots. Types of sod are defined as follows:

**Mineral Sod:** A piece from the surface of grassland containing the grass, support soil, and the healthy roots, extracted with the intention of replanting in another area for the purpose of establishing lawn areas. The sod is grown on mineral soil, commonly referred

to as “topsoil”, and must be a minimum of two (2) years old. The grasses permitted for use in sod for landscaped lawns should be a blend that reflects the current standards in the industry and has been demonstrated to prosper under local conditions.

**Peat Sod:** A piece from the surface of grassland containing the grass, support soil, and the healthy roots, extracted with the intention of replanting in another area for the purpose of establishing lawn areas. The sod is grown on peat and must be a minimum of two (2) years old. The grasses permitted for use in sod for landscaping lawns should be a blend that reflects current standards in the industry and has been demonstrated to prosper under local conditions.

**Tree:** A self-supporting woody, deciduous or evergreen plant with a well-defined central stem which normally grows to a mature height of fifteen (15) feet or more in Washtenaw County, Michigan. Types of trees are defined as follows:

**Deciduous Tree:** A variety of tree that has foliage that is shed at the end of the growing season.

**Evergreen Tree:** A variety of tree that has foliage that persists and remains green throughout the year.

**Ornamental Tree:** A deciduous tree which is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of about twenty-five (25) feet or less.

**Shade Tree:** For the purposes of this ordinance, a shade tree is a deciduous tree which has a mature crown spread of fifteen (15) feet or greater in Washtenaw County, Michigan, having a trunk with at least five (5) feet of clear stem at maturity.

**Vine:** A plant with a flexible stem supported by climbing, twining, or creeping along the surface, and which may require physical support to reach maturity.

**Livestock:** Horses, cattle, sheep, goats, pigs, and other domestic animals normally kept or raised on a farm.

**Loading Space, Off-Street:** Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

**Lot:** A lot is a parcel of land, excluding any public or private street or other right-of-way and any other easement area, with at least sufficient size to meet the minimum requirements for use, coverage, and lot area and to provide such yards and open spaces as herein required. Parcels two (2) acres or greater in area shall include rights-of-way or easements in determining lot area. Such lot shall have frontage on a public street or on a private street approved by the Township Board and may consist of:

- A.** A single lot of record;
- B.** A portion of a lot of record;
- C.** Any combination of complete and/or portion of lots of record if contiguous; and
- D.** A parcel of land described by metes and bounds; provided that in no case of division or combination shall the area of any lot or parcel created, including residuals, be less than that required by this ordinance.

In addition to the land required to meet the regulations herein, the lot shall include all other land shown in a request for a building permit or a certificate of occupancy, occupied by a principal building or use, and any accessory building or use.

**Lot Area:** The lot area used to satisfy the minimum lot area requirement and lot coverage, and floor area ratio requirements.

**Lot, Corner:** A corner lot is a lot of which at least two adjacent sides abut for their full length upon a street.

**Lot Coverage:** That part or percentage of the lot occupied by buildings or structures, including accessory building or structures.

**Lot, Double Frontage:** Any interior lot having frontage on two streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

**Lot, Interior:** Any lot other than a corner lot with only one (1) lot line fronting on a street.

**Lot Lines:**

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

**Lot Measurements:**

- A. Depth:** The horizontal distance between the front lot line fronting on a public or private road and rear lot line, measured along the median between the side lot lines.
- B. Width:** The straight line distance between the side lot lines, measured at the two points where the front yard setback line intersects the side lot line (see illustration).

**Lot Of Record:** A parcel of land, the dimensions and configuration of which are shown on a subdivision plat recorded in the offices of the Washtenaw County Register of Deeds or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a land surveyor (registered and licensed in the State of Michigan) and likewise so recorded with the Washtenaw County Register of Deeds.

**Lot Split And Consolidation:** The dividing or uniting of Lots of Record by virtue of changes in deeds in the office of the Washtenaw County Register of Deeds.

**Main Access Drive:** Any private street designed to provide access from a public street or road to a mobile home park, apartment or condominium complex, or other private property development.

**Main Use:** The principal use to which the premises are devoted and the principal purpose for which the premises exist.

**Major Thoroughfare:** An arterial street which is intended to serve as a large volume traffic-way for both the immediate area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway or equivalent term to identify those streets comprising the basic structure of the street plan. Any street with a width, existing or proposed, of one hundred twenty (120) feet shall be considered a major thoroughfare.



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

**Marginal Access Road:** A service roadway parallel to a feeder road which provides access to abutting properties and protection from through traffic.

**Mezzanine:** An intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than one-third (1/3) of the floor area of the story in which the level or levels are located.

**Mini-Warehouse:** A building or group of buildings within, each of which consists of several individual storage units, each with a separate door and lock and which can be leased on an individual basis. Mini-warehouses are typically contained within a fenced, controlled-access compound.

**Mobile Home:** See **Dwelling, Mobile Home**.

**Mobile Home Park:** Any parcel of land intended and designed to accommodate more than one mobile home on a continual non-recreational basis and which is offered to the public for that purpose, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and subject to conditions set forth in the Mobile Home Commission Rules and Michigan public Act 96 of 1987, as amended.

**Mobile Home Site:** A plot of ground within a mobile home park designed for accommodation of a mobile home.

**Mobile Home Stand:** That part of a mobile home site designed for the placement of a mobile home, appurtenant structures, or additions, including expandable rooms, enclosed patios, garages or structural additions.

**Motel:** Any establishment in which individual cabins, courts, or similar structures or units, are let or rented to transients for periods of less than thirty (30) days. The term "motel" shall include tourist cabins and homes and motor courts. A motor court or motel shall not be considered or construed to be either a multiple dwelling, a hotel, or a trailer coach park.

**Natural Features:** Natural features shall include soils, wetlands, floodplains, water bodies and channels, topography, trees and other types of vegetative cover, and geologic formations.

**Non-Conforming Building, Structure:** A structure, building, or portion thereof that was lawfully in existence at the effective date of this ordinance, or amendments thereto, and which does not now conform to the provisions of the ordinance in the zoning district in which it is located.

**Non-Conforming Lot:** A lot which was lawfully in existence at the effective date of this ordinance, or amendments thereto, and which does not now conform to the lot size, lot width, or other regulations pertaining to lots in the zoning district in which it is located.

**Non-Conforming Use:** A use which was lawfully in existence at the effective date of this ordinance, or amendments thereto, and which does not now conform to the use regulations of the zoning district in which it is now located.

**Non-Domestic Animal Farm** - A farm or land use activity involving a single or multiple species of animals which normally has not been brought under control by man and designated as common or domestic for farming purposes. Such animals may not have been improved by selection and/or breeding so that its products and services are of common use.

**Nuisance:** Any offensive, annoying, or disturbing practice or object, which prevents the free use of one's property, or which renders its ordinary use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts which give offense to the senses, violates the laws of decency, obstructs reasonable and comfortable use of property, or endangers life and health.

**Nursery, Day Nursery, Nursery School:** See **Day Care Facility**.

**Nursery, Plant Material:** A space, building, and/or structure, or 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.

**Nursing Home, Convalescent Home, Or Rest Home:** A home for the care of the aged, infirmed, or those suffering from bodily disorders, wherein two or more persons are housed or lodged and furnished with nursing care. Such facilities are licensed in accordance with Michigan Public Acts 139 of 1920, as amended.

**Occupied:** Used in any way at the time in question.

**Office Park:** A group of two or more buildings, on individual lots or one undivided parcel, with a common street or driveway system, developed according to an overall plan for the park, and identified by a name for the park.

**Off-Street Parking Area:** A land surface or facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) automobiles.

**Open Air Business:** Any business that is conducted primarily out-of-doors. Unless otherwise specified herein, open air business shall include:

- A. Retail sales of garden supplies and equipment, including but not limited to: trees, shrubbery, plants, flowers, seed, topsoil, trellises, and lawn furniture.
- B. Roadside stands for the sale of agricultural products, including fruits, vegetables, and Christmas trees.
- C. Various outdoor recreation uses, including but not limited to: tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, and children's amusement parks.
- D. Outdoor display and sale of garages, swimming pools, playground equipment, and similar uses.

**Open Space, Common:** Shall mean open space or recreational use set aside for the use of the owners of lots participating in a unit development of residential lots. Such space may include private recreational facilities such as golf courses or swimming pools, historic building sites, parks, parkway areas, ornamental parks, extensive areas with tree cover, low land along streams or areas of rough terrain which have natural features worthy of scenic preservation.

**Outlot:** A parcel of land which is designated as an "outlot" on the recorded plat, and which is usually not intended to be used for the same purposes as other lots in the plat.

**Par-3 Golf Course:** A golf course consisting of shortened fairways, typically no longer than two hundred (200) yards. Par-3, eighteen hole golf courses typically occupy fifty (50) to sixty (60) acres.

**Parcel:** See **Lot**.

**Parking Lot, Off-Street:** An area on private property which provides vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide safe and convenient access for entrance and exit and for parking of more than four (4) vehicles.

**Parking Space:** One unit of a parking area provided for the parking of one automobile. This space shall have an area of not less than two hundred (200) square feet, and shall be exclusive of curves, driveways, aisles or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.

**Person:** An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

**Personal Fitness Center:** A facility which provides indoor exercise facilities, such as exercise machines and weight-lifting equipment, usually in a structured physical activity program supervised by professional physical fitness instructors. As defined herein, “personal fitness center” shall not include court sports facilities or spectator seating for sports events. A personal fitness center may or may not be enclosed within a gym.

**Pet:** A domesticated dog, cat, bird, gerbil, hamster, guinea pig, turtle, fish, rabbit, or other animal that is commonly available and is kept for pleasure or companionship.

**Planned Development:** A planned development may include such concepts as, planned unit development, community unit development, planned community, planned residential development, and other terminology denoting special zoning requirement and review procedures. These requirements and procedures are intended to provide design and regulatory flexibility, so as to accomplish the objectives of this ordinance using innovative and effective planning approaches.

**Planning Commission:** See Township Planning Commission.

**Planting Strip:** A combination of “natural” plant materials such as ground cover, deciduous and/or evergreen shrubs, deciduous and/or evergreen trees, and/or deciduous small ornamental trees.

**Pool or Billiard Hall:** An establishment wherein the substantial or significant portion of all usable area is devoted to the use of pool or billiard tables.

**Primary Highway:** A highway, other than an Interstate Highway or freeway, officially designated as a part of the federal aid primary system as defined in Section 103 of title 23 of the United States Code, as amended by the Department of Transportation approved by the appropriate authority of the Federal government. (Act #106 of Public Acts of 1972.)

**Principal Use:** See **Use, Principal.**

**Private Road:** A street or road under private ownership which has been constructed to Township specifications and received Township Board approval for the purposes of providing access to adjoining property, and which is normally open to the public so that persons other than the occupants of adjoining property may travel thereon.

**Property Line:** The line separating a piece of property from the street right-of-way and the lines separating a parcel of property from the parcels next to it. See also **Lot Line.**

**Public Services:** The term “public services” shall mean public or quasi-public utilities or municipal departments or Township-certified companies providing underground, surface or overhead services, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, and welfare of the public. Public services shall not include storage yards, sales or business offices, or commercial buildings or activities.

**Public Utility:** Any person, firm, corporation, municipal department or board duly authorized to furnish under federal, state or municipal regulations, to the public; electricity, gas, steam, communications, telegraph, transportation, water, or sanitary sewage and storm water facilities.

**Public Use:** A use operated by a public body, said use having the purpose of serving the public health, safety, or general welfare and including uses such as public schools, parks, playgrounds, hospitals and administrative and service facilities.

**Quarry:** The term “Quarry shall mean any pit, excavation, or mining operation for the purpose of searching for or removing, for commercial use, any earth, sand, gravel, clay, stone, slate, marble, or other non-metallic mineral in excess of five hundred (500) cubic yards in any calendar year, but shall not include an oil well or excavation preparatory to the construction of a building or structure.

**Recreational Land:** Any public or privately owned lot or land that is utilized for recreation activities such as, but not limited to, camping, swimming, picnicking, hiking, nature trails, boating, and fishing.

**Recreational Vehicle:** “Recreational Vehicles: shall include the following:

- A. 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.
- B. 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.
- C. 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.
- D. Folding Tent Trailer:** A canvas folding structure mounted on wheels and designed for travel and vacation use.
- E. Boats and Boat Trailers:** “Boats” and “boat trailers” shall include boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.
- F. Other Recreational Equipment:** Other recreational equipment includes snowmobiles, all-terrain or special terrain vehicles, utility trailers, plus the normal equipment to transport them on the highway.

**Riding Academy:** Any establishment where horses are kept for riding, driving or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.

**Roadside Stand:** A temporary building or structure operated for the purpose of selling only produce raised or produced on the premises where situated, and its use shall not make a commercial district, nor shall its use be deemed a commercial activity.

**Rooming House:** A dwelling in which more than three (3) persons either individually or as families are housed or lodged for hire without meals.

**Screen:** A structure providing enclosure, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be a non-structure consisting of shrubs, or other growing materials.

**Secondary Access Drive:** Any private street that is generally parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.

**Semi-Trailer:** A trailer, which may be enclosed or not enclosed, exceeding eighteen (18) feet in length, having wheels generally only at the rear, and supported in front by a truck tractor or towing vehicle.

**Service Truck:** A pick-up truck or van that is used in conjunction with a repair or maintenance business, such as a plumbing, electrical, or carpentry business.

**Setback:** The distance between a front, side or rear lot line and the nearest supporting member of a permanent structure on the lot. The Minimum Required Setback is the minimum distance between a front, side, or rear lot line and the nearest supporting member of a structure in order to conform to the required yard setback provisions of this ordinance (see definition of **Yard**).

**Shopping Center:** A group of commercial establishments, primarily retail uses, that are compatible with each other and are mutually supportive, in one or more buildings, on a site that is planned, developed, and managed as one operating unit, with common driveways, parking areas, identification signs and other common facilities and services.

**Sign:** Any device designed to inform, or attract the attention of persons not on the premises on which the sign is located, provided however, that the following shall not be included in the application of the regulations herein:

- A.** Signs not exceeding one (1) square foot in area bearing only property numbers, post box numbers, names of occupants or premises, or other identification of premises not having commercial connotations.
- B.** Flags and insignias of any government except when displayed in connection with commercial connotations.
- C.** Legal notices; identification, information, or directional signs erected, or required by governmental bodies.
- D.** Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
- E.** Signs directing and guiding traffic and parking to private property, but bearing no advertising matter.

**Site Condominium:** A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed. Following are definitions pertaining to site condominiums:

- A. Condominium Act:** Act 59 of 1978, as amended.
- B. Condominium Documents:** The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.
- C. Condominium Lot:** The land in a condominium unit, together with the land in the adjacent and appurtenant limited common element, if there is such a limited common element.
- D. Condominium Subdivision Plan -** The drawings and information prepared in accordance with Section 66 of the Condominium Act.
- E. Condominium Unit:** The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
- F. Consolidating Master Deed:** The final amended master deed for a contractible or expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.
- G. Contractible Condominium:** A condominium project from which any portion of the submitted land or buildings may be withdrawn in accordance with this Ordinance and the Condominium Act.
- H. Conversion Condominium:** A condominium project containing condominium units some or all of which were occupied before the filing of a notice of taking reservations under Section 71 of the Condominium Act.
- I. Expandable Condominium:** A condominium project to which additional land may be added in accordance with this Ordinance and the Condominium Act.
- J. 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.

- K. Notice Of Proposed Action:** The notice required by Section 71 of the Condominium Act, to be filed with Manchester Township and other agencies.

**Site Plan:** A plan showing all salient features of a proposed development, as required in ARTICLE 15.0, so that it may be evaluated to determine whether it meets the provisions of this ordinance.

**Special Event:** An occurrence or noteworthy happening of seasonal, civic, or church importance, which is organized and sponsored by a non-profit Manchester Township community group, organization, club or society, and which offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment. Special events typically run for a short period of time (less than two weeks) and are unlike the customary or usual activities generally associated with the property where the special event is to be located. All such special events shall be open to the public.

**Special Land Use:** See **Conditional Land Use**.

**Stable, Private:** An enclosed building intended for the keeping of horses or other large domestic animals, for the noncommercial use of the residents of the principal residential use on the site.

**Stable, Public:** An enclosed building for housing for the keeping of horses or other large domestic animals, in which any such animals are kept for remuneration, hire, or sale.

**State Licensed Residential Facility:** Any structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 287 of 1972, Public Act 116 of 1973, or Public Act 218 of 1979. These acts provide for the following types of residential structures:

- A. Adult Foster Care Facility:** A residential structure that is licensed to provide room, board and supervised care, but not continuous nursing care, for unrelated adults over the age of 17, in accordance with Public Act 218 of 1979, as amended, and the Adult Foster Care Administrative Rules as administered by the Michigan Department of Social Services. The following four (4) types of Adult Foster Care homes are provided for by these rules:
1. **Family Home:** Residence for six (6) or fewer adults. Licensee must live in the home, and local zoning approval is not required prior to issuance of a license.
  2. **Adult Foster Care Small Group Home:** Residence for twelve (12) or fewer adults. Licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license only if seven (7) or more residents will live in the house.
  3. **Adult Foster Care Large Group Home:** Residence for thirteen (13) to twenty (20) adults. Licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license.
  4. **Congregate Facility:** Residence for more than twenty (20) adults.
  5. **Foster Family Home:** A private residence that houses four (4) or fewer foster children, up to age 19, under constant care and supervision. Under public Act 116 of 1973, a Foster Family Home does not require local zoning approval before being licensed by the Department of Social Services.
  6. **Foster Family Group Home:** A private residence that houses five (5) or six (6) foster children, up to age 19, under constant care and supervision. Under Public Act 116 of 1973, a Foster Family Group Home requires local zoning approval before being licensed by the Department of Social Services.

**Story:** That portion of a building, other than a basement or mezzanine as defined herein, included between the upper surface of any floor and the upper surface of the floor or roof next above it.

A mezzanine shall be deemed a full story when it covers more than one-third (1/3) of the area of the story underneath said mezzanine, or if the vertical distance from the floor directly below the mezzanine to the floor next above it is twenty-four (24) feet or more.

A basement shall be deemed a full story when the vertical distance from the average grade at the lot where the structure is located, to the floor below is less than the vertical distance from the average grade to the ceiling (see illustration for Basement). However, in the event that a basement does qualify as a story, only fifty percent (50%) of the floor area of this story may qualify in computing minimum floor area for a zoning district.

**Story, Half:** The uppermost story lying under a pitched roof, the usable floor area of which does not exceed two-thirds of the floor area of the uppermost full story. The usable floor area of a half story shall be at least 160 square feet with a minimum clear height of seven (7) feet six (6) inches.

**Street:** A public thoroughfare which affords the principal means of access to abutting property having a right-of-way not less than sixty-six (66) feet in width. Various types of streets are defined as follows:

- A. Arterial Street:** A major street that carries high volumes of traffic and serves as an avenue for circulation of traffic onto, out of, or around the Township.
- B. Collector Street:** A street whose principal function is to carry traffic between minor, local, and sub-collector streets and arterial streets but may also provide direct access to abutting properties.
- C. Cul-De-Sac:** A street that terminates in a vehicular turnaround.
- D. Local or Minor Street:** A street whose sole function is to provide access to abutting properties.
- E. Private Street or Road:** A street or road under private ownership which has been constructed to Township specifications and received Township Board approval for the purposes of providing access to adjoining property, and which is normally open to the public so that persons other than the occupants of adjoining property may travel thereon.
- F. Service Drive:** A roadway, normally adjacent to an existing primary roadway, designed to access principle land uses.

**Street Line:** The dividing line between the street right-of-way and the lot. When such right-of-way is not definable, a line shall be defined as thirty-three (33) feet on either side of the center of the street.

**Structure:** Anything constructed, erected or placed with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground.

**Subdivision Plat:** The division of a tract of land into two or more lots, building sites, or other divisions for the purpose of sale or building development, in accordance with the Subdivision Control Act, Michigan Public Act 288 of 1967, as amended, and the Manchester Township Subdivision Control Ordinance, as amended.

**Temporary Building or Use:** A building or use permitted to exist during periods of construction of the principal building or use, or for special events.

**Theater:** A building, room, or outdoor structure for the presentation of performances or motion pictures. For the purposes of this ordinance, the following distinctions between various types of theaters shall apply:

- A. Motion Picture Theater:** An enclosed building used for presenting motion pictures which are observed by paying patrons from seats situated within the building.

- B. Outdoor Theater:** A site on which a motion picture screen is constructed for presenting motion pictures which are observed by paying patrons from their own cars situated on the site.
- C. Live Theater:** The performance of dramatic literature by live actors or performers.

**Tourist Homes:** A dwelling in which overnight accommodations are provided or offered to transient guests for compensation. A tourist home shall not be considered or construed to be a multiple dwelling, motel, hotel, boarding or rooming house.

**Township:** The Township of Manchester, Washtenaw County, Michigan.

**Township Board:** The Board of Trustees of the Township of Manchester, Washtenaw County, Michigan.

**Township Planning Commission:** The Planning Commission of the Township of Manchester, Washtenaw County, Michigan, as established under Act 168 of the Public Acts of 1959, as amended.

**Toxic or Hazardous Waste:** Waste or a combination of waste and other discarded material including solid, liquid, semisolid, or contained gaseous material which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to the following if improperly treated, stored, transported, disposed of, or otherwise managed:

- A.** Increase in mortality, or
- B.** Increase in serious irreversible illness, or
- C.** Serious incapacitating, but reversible illness, or
- D.** Substantial present or potential hazard to human health or the environment.

**Truck Terminal:** A structure to which goods, except raw or unprocessed agricultural products, natural minerals, or other resources, are delivered for immediate distribution or to be amalgamated or divided for delivery in larger or smaller units to other points, or for distribution, amalgamation, or division involving transfer to other modes of transportation.

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

- A. Use, Permitted:** A use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and standards of such district.
- B. Use, Principal:** The main use of land and buildings and the main purpose for which land and buildings exist.
- C. Use, Accessory:** See **Accessory Use, Building, or Structure.**
- D. Use, Special Land:** See **Conditional Land Use.**

**Utility Trailer:** A small trailer that is designed to be pulled by an automobile, van, or pick-up truck.

**Variance:** A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area and size of yards and open spaces and parking space; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning division or district or adjoining zoning division or districts.



**Vehicle repair, Minor:** Engine tune-ups electrical systems, suspension systems, brakes, exhaust systems, cooling systems and heating and air conditioning systems repair; rust proofing; tire replacement; wheel balancing and alignment and diagnostic services.

**Vehicle Repair, Major:** Engine overhauling or rebuilding, valve and piston repair, transmission repair, axle and universal joint repair, body repair, painting and refinishing.

**Veterinary Hospital:** See **Clinic, Veterinary.**

**Warehouse:** A building used for short and/or long term storage in connection with production and marketing or in connection with manufacturing, freight handling, and retailing. See also **Distribution Center.**

**Yard:** An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise permitted in this ordinance. (See definition for Setback and illustration).

- A. Yard, Front:** An open space extending the full width of the lot, the depth of which is the minimum distance between the front lot line fronting on a public or private road and the nearest line of the permanent structure. Unless otherwise specified, on corner lots there shall be maintained a front yard along each street frontage.
- B. Yard, Rear:** An open space extending the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and the nearest line on the permanent structure. On corner lots, the rear yard may be opposite either street frontage, but there shall only be one rear yard.
- C. Yard, Side:** An open space between a permanent structure and the side lot line, extending from the front yard to the rear yard, the width of which shall be the horizontal distance from the nearest point of the side lot line to the nearest point of the permanent structure.

**Zero Lot Line Development:** A development approach in which a building is sited on one or more lot lines with no yard.

#### **SECTION 2.04 Undefined Terms**

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

**ARTICLE 3.0  
GENERAL PROVISIONS**

**SECTION 3.01 - ESTABLISHMENT OF DISTRICTS**

The Township of Manchester, Washtenaw County, Michigan, is hereby divided into the following zoning districts as shown on the official zoning map, which together with all explanatory matter shown thereon, is hereby adopted by reference and declared to be a part of this ordinance.

- AR** - Rural Agricultural District
- LR** - Low Density Residential District
- UR** - Urban Residential District
- MHP** - Mobile Home Park District
- CC** - Community Commercial Center District
- CM** - Community Manufacturing
- PUD** - Planned Unit Development District

**SECTION 3.02 - PROVISION FOR OFFICIAL ZONING MAP**

For the purpose of this ordinance the zoning districts as provided in SECTION 3.01 of the ordinance are bounded and defined as shown on a map entitled "Official Zoning Map of Manchester Township," a copy of which accompanies this ordinance and which, with all explanatory matter thereon, is hereby made a part of this ordinance.

**SECTION 3.03 - IDENTIFICATION OF OFFICIAL ZONING MAP**

The official zoning map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bear the seal of the Township under the following words: ***"This is to certify that this is the Manchester Township Official Zoning Map"***, a copy of which accompanies this Ordinance and which, with all explanatory matter thereon, is hereby made a part of this Ordinance.

**SECTION 3.04 - CHANGES TO OFFICIAL ZONING MAP**

If in accordance with the procedures of this ordinance and of Public Act 110 of 2006, as amended, a change is made in a zoning district boundary, such change shall be made by the Township Supervisor promptly after the ordinance authorizing such change shall have been adopted and published, with an entry on the official zoning map as follows: On (date) by official action of the Township Board, the following (change) changes were made in the official zoning map: "(brief description of change)" which entry shall be signed by the Township Supervisor and certified by the Township Clerk. No change of any other nature shall be made unless authorized by the Zoning Board of Appeals and then entered only by the Township Supervisor. No change of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided in SECTION 18.09. Any changes in corporate boundaries within the Township shall be recorded on the official zoning map by the Township Supervisor.

**SECTION 3.05 - AUTHORITY OF OFFICIAL ZONING MAP**

Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map shall be located in the Township Offices located in the Township Hall and shall be open to public inspection. Such map shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the Township.

**SECTION 3.06 - REPLACEMENT OF OFFICIAL ZONING MAP**

In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes made thereto, the Township Board may adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions on the prior official zoning map, but no such corrections shall have the effect of amending the zoning ordinance or the prior Official Zoning Map. The new official zoning map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bear

the seal of the Township under the following words: ***“This is to certify that this is the official Zoning Map referred to in the Zoning Ordinance of Manchester Township adopted on (date) which replaces and supersedes the Official Zoning Map which was adopted on (date).”***

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

### **SECTION 3.07 - MINIMUM REQUIREMENTS**

The regulations established by this ordinance shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare in Manchester Township.

### **SECTION 3.08 - RELATIONSHIP TO OTHER ORDINANCES 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 than other such ordinances, rules, regulations, permits, easements, covenants, or other private agreements, the requirements of this ordinance shall govern.

### **SECTION 3.09 - RULES FOR INTERPRETATION**

Where, due to scale, lack of detail, or illegibility of the official zoning map, there is any uncertainty, contradiction, or conflict as to the intended location of any zoning district boundary as shown thereon, the Zoning Administrator shall interpret the map upon inquiries of any person. Any person aggrieved by such interpretation may appeal it to the Zoning Board of Appeals. The Zoning Administrator and the Zoning Board of Appeals, in interpreting the zoning map or deciding an appeal, shall apply the following standards.

- A.** A boundary indicated as approximately following the centerline of a highway, street, alley or easement shall be construed as following such centerline.
- B.** A boundary indicated as approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.
- C.** A boundary indicated as approximately following the corporate boundary line of a municipality shall be construed as following such line.
- D.** A boundary indicated as following a railroad line shall be construed as being midway between the main tracks.
- E.** A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.
- F.** A boundary indicated as following the centerline of a stream, river, canal, lake or other body of water shall be construed as following such centerline.
- G.** A boundary indicated as a parallel to or an extension of a feature indicated in paragraphs A through F above shall be so construed.
- H.** A distance not specifically indicated on the official zoning map shall be determined by the scale of the map.
- I.** Where a physical or cultural feature existing on the ground is at variance with that shown on the official zoning map, or in any other circumstances not covered by paragraphs A through H above, the Board of Appeals shall interpret the zoning district boundary.

- J. Where a district boundary line divides a lot which is in single ownership at the time of adoption of this ordinance, the Board of Appeals may permit as a conditional use, the extension of the regulations for either portion of the lot to the nearest lot line, but not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

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

**SECTION 3.10 - APPLICATION OF REGULATIONS**

No structure shall be constructed, erected, placed or maintained and no use shall be commended or continued within Manchester Township except as specifically, or by necessary implication, authorized by this ordinance, in the zoning district in which said structure or use is to be located.

Conditional uses shall be allowed only if listed as a conditional use specifically, or by necessary implication, in the zoning district in which the use is to be located, and only after a conditional use permit has been approved by the Planning Commission, as provided in this ordinance. Any use lawfully existing at the effective date of adoption or amendment of this Ordinance and which is permitted as a conditional use in a district under the terms of this Ordinance shall be deemed a conforming use and shall, without further action, application, or review be considered a conforming use. Expansion of a conditional use or change of one conditional use to another conditional use shall be permitted in accordance with SECTION 12.10, herein.

Where a lot is devoted to a principal use, either permitted by right or as a conditional use, accessory uses and structures are authorized except as prohibited specifically or by necessary implication, provided such use or structure meets the definition of accessory use, building or structure in this ordinance.

**SECTION 3.11 - ADMINISTRATIVE STANDARDS**

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

**SECTION 3.12 - SCOPE OF PROVISIONS**

Except as may otherwise be provided in ARTICLE 17.0 of this ordinance, every building and structure erected, every use of any lot, building or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of or addition to an existing use, building and structure occurring after the effective date of this ordinance shall be subject to all regulations of this ordinance which are applicable in the zoning district in which such use, building or structure shall be located. However, where a building permit for a building or structure, use of building or structure, or use of lot or parcel, has been issued in accordance with the law prior to 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, use of building or structure, or use of lot or parcel, may be completed in accordance with the approved plans on the basis of which the building permit has been used, and further, may upon completion be occupied by the use for which originally designated, subject thereafter to the provisions of ARTICLE 17.0 of this ordinance.

No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

No yard or lot existing at the time of adoption of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

### **SECTION 3.13 - 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 become or be made lawful solely by reason of the adoption of this ordinance. In case any building, or part thereof, is used, erected, occupied or altered contrary to law or the provisions of this ordinance, such building shall be deemed as unlawful structure and a 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 been made to conform to the provisions of this ordinance. Public expenditures toward abating any such nuisance shall become a lien upon the land.

### **SECTION 3.14 - CONTINUED CONFORMITY WITH YARD AND BULK REGULATIONS**

The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, for as long as the building is in existence.

No portion of a lot used in complying with the provisions of this ordinance for yards, courts, lot area, lot coverage, in connection with an existing or planned building or structure, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.

### **SECTION 3.15 DIVISION AND CONSOLIDATION OF LAND**

The division and consolidation of land shall be in accordance with the Subdivision Control Ordinance of Manchester Township. No zoning lot shall hereafter be divided into two or more lots and no portion of any lot shall be sold, unless all lots resulting from each such division or sale conform with all applicable regulations of the zoning district in which the property is located.

### **SECTION 3.16 - VOTING PLACE**

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

### **SECTION 3.17 - NUMBER OF BUILDINGS ON A LOT**

Not more than one principal detached single-family dwelling unit shall be located on a lot, nor shall a principal detached single family dwelling unit be located on the same lot with any other principal building or structure, except as permitted under ARTICLE 11.0, Planned Unit Development District and SECTION 16.14 Residential Cluster Option of this Ordinance or on bonified farming operations for agricultural employees.

### **SECTION 3.18 - ACCESSORY BUILDINGS**

Except for agricultural purposes, no accessory building shall be used prior to the principal building or use, except as a construction facility for the principal building.

### **SECTION 3.19 - TEMPORARY DWELLING STRUCTURES**

#### **A. Temporary Residential Dwelling:**

1. A mobile home may be used as a temporary dwelling by a family while repairing, replacing or building a legal dwelling. Such temporary dwelling shall be permitted only in the AR, LR, and UR zoning districts. Only a mobile home may be used as a temporary dwelling; a camper, travel trailer, motor home, recreation vehicle, cabin, tent, basement, garage or similar unit shall not be used as a temporary dwelling in any zoning district.
2. A mobile home may be used as a temporary dwelling for a period of one (1) year when the construction of a permanent dwelling is being constructed on the premises.

- 3. On a parcel of land not less than forty (40) acres, the use of one (1) mobile home as an accessory dwelling to a permanent dwelling, provided the occupants of the accessory dwelling are immediate relatives of the occupants of the permanent dwelling. Immediate relatives shall be defined so as to include father, mother, son, daughter, brother, or sister, and/or their family.
- 4. On a parcel of land not less than sixty (60) acres in area, the use of one (1) mobile home as an accessory dwelling to a permanent dwelling for the purpose of housing an agricultural worker and his family, provided the occupants of the permanent dwelling operate a bonafide agricultural enterprise. An agricultural worker shall be defined as a person who earns fifty percent (50%) or more of his income from such an agricultural enterprise.

**B. Non-Residential Temporary Structure:** A non-residential temporary structure designed as a general sales office, a sales/rental office or financial institution may be used exclusively for such purposes during construction of a permanent structure designed for any such purpose. Such temporary structure shall be permitted only in a commercial or industrial zoning district, and only if such permanent structure and use is permitted in said zoning district.

A non-residential temporary structure, designed as a sales/rental office, may be used in a residential development exclusively for the purpose of selling, leasing or renting new dwelling units within said residential development.

**C. Required Approval:** A temporary structure shall not be occupied until a certificate of occupancy has been issued by the Township Building Inspector. The building inspector shall not issue a certificate of occupancy until all provisions of this Ordinance have been met, and a performance guarantee has been deposited as may be required herein.

**D. Application:** An application for such a permit shall be filed with the Township Clerk. The application shall include the following information:

- 1. Name and address of the applicant and property owner.
- 2. Accurate legal description of the lot which the temporary structure is to be located.
- 3. A preliminary site plan, including the location of all proposed permanent improvements on the site and the relationship of temporary improvements to said permanent improvement.
- 4. Information showing the necessity of use of the temporary structure in meeting the construction schedule of the permanent structure(s) on the lot.
- 5. Copies of all permits and certificates required in SECTION 3. F herein.
- 6. An estimate, with supporting information, of the reasonable cost of removal of the temporary structure and temporary site improvements, and of site cleanup, upon expiration of the permit.

**E. Planning Commission Action:** Upon determining that an application conforms to all regulations of this ordinance, and the requirements for a conditional use permit, the Planning Commission shall approve the conditional use permit. The Planning Commission may attach conditions to its approval which it deems necessary to protect the public health, safety and welfare and to insure compliance with this ordinance. The approved use shall be specifically stated on the conditional use permit.

**F. Regulations**

1. A temporary structure shall comply with all use, yard, and parking requirements of the zoning district in which located. A certificate of zoning compliance shall be obtained from the Zoning Administrator.
2. A temporary structure shall be connected to public water and sanitary sewer lines, where available. If public water and sanitary lines are not available to the lot, the temporary structure shall be connected to a well and septic tank, in which case the applicant shall obtain a permit therefor from the Washtenaw County Health Department.
3. A temporary structure shall be permitted only on the same lot as the permanent structure, except that a temporary sales/rental office in a residential development may be located within the boundary lines of said residential development.
4. The term of the permit shall not exceed one (1) year, provided that, in the discretion of the Planning Commission, the term may be extended for one (1) period not exceeding six (6) months. Extension shall only be made on written application filed twenty (20) days or more prior to such expiration, setting forth facts showing due diligence in construction of the permanent structure. An extension shall not be approved unless construction of the permanent building has commenced within one hundred eighty days (180) days of the date of approval of the conditional use permit, and diligently pursued.
5. The use of a temporary structure shall be a conditional use in the district in which said structure is to be located, provided that the use of a non-residential temporary structure shall not be other than a general sales office, a sales/rental office, or a financial institution.
6. An erosion control permit shall be obtained from the Washtenaw County Erosion Officer.
7. A driveway permit shall be obtained from the Washtenaw County Road Commission or the Michigan Department of State Highways and Transportation, whichever is applicable.
8. Driveway and parking areas shall be paved or constructed of compacted gravel or crushed limestone.
9. A performance guarantee in the form of cash or an irrevocable bank letter of credit shall be deposited with the Township Treasurer in the amount estimated by the Township Planning Commission to be sufficient to assure that, upon expiration of the term of the permit, the temporary structure and all temporary site improvements will be removed, and the site restored to a stable, safe and nuisance-free condition. The guarantee shall provide that, in breach thereof, the Township shall be entitled to enter upon the site and complete such removal and restoration, and defray the cost thereof out of said deposit.
10. The permittee shall cause the temporary structure to be removed within thirty (30) days of the date of issuance of a certificate of occupancy for the permanent structure, or of the date of expiration of the temporary structure permit, whichever is the earlier.
11. A temporary structure permit and the certificate of occupancy issued thereon shall not be transferable to any other person, company, use, structure or lot.

### **SECTION 3.20 - HOME OCCUPATION:**

An occupation or profession carried on in the home by resident members of the family that are related by blood, marriage or adoption only, where such use is clearly incidental and secondary to the principal use of the dwelling as a residence.

The Planning Commission shall have the authority to determine whether or not a proposed use complies with the zoning ordinance and is within the spirit of the same to insure the compatibility of any use with the character of the zoning classification in which the same is located and that the health, safety, and general welfare of the neighborhood will not thereby be impaired. The following regulations apply to home occupations:

- A.** That such home occupation shall be carried on within the dwelling or within a building accessory thereto.
- B.** The total floor area used by the home occupation shall not exceed twenty (20) percent of the total floor area of the dwelling unit. The floor area of all accessory buildings used in the home occupation shall be included in the maximum floor area permitted for the home occupation.
- C.** That the character or appearance of the residence shall not change and that the home occupation shall not generate excessive traffic from cars or trucks than normally associated with a residential dwelling.
- D.** The home occupation shall not display or create outside the building any external evidence of the operation of the home occupation.
- E.** No separate entrance from the outside of the building shall be added to the residence for the sole use of the home occupation.
- F.** That no article shall be sold or offered for sale on the premises except such as is produced within the dwelling or accessory building or is provided incidental to the service or profession conducted within the dwelling or accessory building.
- G.** That there shall be no exterior storage of materials or equipment.
- H.** That no nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases, chemicals or matter at any time; and that no mechanical, electrical, or similar machinery or equipment, other than that used for normal domestic purpose, will be utilized in the home occupation.
- I.** That no hazard of fire, explosion or radioactivity shall exist at any time.
- J.** That there may be a sign, not to exceed two (2) square feet in area, as approved by the Zoning Administrator.
- K.** That parking for the home occupation shall not exceed two spaces. The spaces shall be provided on the premises, off street subject to ARTICLE 13.0, herein. Parking spaces shall not be located in the required front yard.
- L.** That the home occupation be conducted by the person or persons occupying the premises as their principal residence.
- M.** That not more than two (2) persons other than the family occupying the dwelling shall be employed in the home occupation.

### **SECTION 3.21 - PUBLIC SERVICES**

It is the intent of this zoning ordinance to place essential services and property owned, leased or operated by public agencies, including local, State, Federal or any other public or governmental body or agency, under the provision of this ordinance, as follows:

- A.** Where such uses are specifically listed they shall be governed as indicated.
- B.** Where such uses are not specifically listed, they shall be permitted only in districts permitting private uses of a similar nature.



- C. Property owned, leased, or operated by the State of Michigan or the United States, shall be exempted from the provisions of this ordinance only to the extent that said property may not be constitutionally regulated by Manchester Township.
- D. Notwithstanding other provisions of this SECTION 3.27, mobile homes and vehicles (whether mounted or not on wheels and used for the purpose of a building) reasonably necessary for the furnishing of adequate service by Manchester Township and its departments and commissions for public health, or safety or general welfare shall be permitted in any use district, it being the intention hereof to exempt such use, maintenance, parking and occupancy or the same from the application of this ordinance.
- E. Although exempt from certain regulations, proposals for construction of public services shall still be subject to site plan review, it being the intention of the Township to achieve efficient use of the land and alleviate adverse impact on nearby uses or lands. Essential services shall comply with all applicable regulations that do not affect the basic design or nature of operation of said services.

**SECTION 3.22 - PUBLIC UTILITIES**

Lines, poles, and appurtenances for electricity, telephone, and cable television, and natural gas lines and appurtenances, for service to one principal building on a single lot, shall be exempt from the provisions of this ordinance. All other lines, structures, buildings, and uses or public utilities shall be permitted only as set forth in this ordinance.

**SECTION 3.23 - WATER AND SEWAGE FACILITIES**

Every building intended for human occupancy shall be connected to a water supply well and a sewage disposal system approved by the Washtenaw County Health Department and any other applicable entities, or a municipal sanitary sewer system, where available. The Health Department's approval shall be obtained before a building permit or a certificate of occupancy, whichever is applicable, may be issued. Community wastewater utility systems, as defined in Section 2.03 of this Ordinance, are permitted as a conditional use in the following zoning districts: AR, Rural Agriculture and LR, Low Density Residential.

**SECTION 3.24 - MINIMUM WIDTH OF DWELLING UNITS**

Each single-family dwelling unit shall have a minimum exterior width, as distinguished from length, prior to any additions or expansions, of twenty-four (24) feet for at least one side, as distinguished from front or rear.

**SECTION 3.25 - MINIMUM RESIDENTIAL FLOOR AREA**

No single family dwelling or any dwelling unit in a two family structure shall hereafter be erected or altered which shall have a total floor area of less than 1,000 square feet for dwelling units with two or less bedrooms, plus 200 square feet for each additional bedroom

**SECTION 3.26 - ACCESS TO STREETS**

**A Streets**

- 1. In any zoning district every use, building or structure established after February 21, 1998, shall be on a lot or parcel that adjoins a public road, private road, or multiple residence driveway that complies with Manchester Township Board standards for multiple residence driveways and residential private roads except as provided in Section 3.26 A. 3. below.
- 2. When a proposed building structure is not serviced by an approved driveway, multiple residence driveway, private road, or is not serviced by a dedicated public road, the Township Zoning Administrator shall not issue a Zoning Compliance Permit for the proposed structure.

3. Two (2) or more contiguous parcels of commercially zoned land that are developed as a shopping center, may share a driveway easement, said easement being a minimum of twenty-four (24) feet wide and paved with asphalt or cement concrete. When such driveway easements are shared, such easement shall be included in determining and computing lot width as such is defined herein.
4. Every building and structure constructed or relocated after the effective date of adoption of this Ordinance shall be so located on lots as to provide safe and convenient access for fire protection vehicles and required off street parking and loading zones.

**B. Driveways**

1. Any building constructed or relocated more than 60 feet from a public or private street shall first provide a driveway for vehicle access. Such driveway shall be constructed or installed prior to inspection of foundation footings and shall meet the following standards:
  - a. The entrance to the driveway shall be designated during construction or relocation of any building by two (2) white inch and one-quarter (1 ¼) wooden stakes driven into the ground not less than fifteen (15) feet or more than thirty (30) feet apart three (3) feet above ground level and located at or near the public road or access easement line as to be clearly visible therefrom.
  - b. The driveway shall be not less than fifteen (15) feet in width and shall have a vertical clearance of not less than twelve (12) feet and shall terminate not more than fifty (50) feet from the building or buildings served by the driveway.
  - c. The driveway shall be installed or constructed as to be well drained and free from standing surface water.
  - d. The driveway shall have a natural gravel or equivalent material base of not less than six (6) inches deep or constructed with gravel or equivalent material to provide a base not less than six (6) inches deep and shall be of sufficient depth to support vehicles of not less than fifteen (15) tons gross weight.
  - e. If the driveway shall be 200 feet or more in length an open space of sufficient size shall be provided at its terminus at the building site as to permit motor vehicles not less than thirty (30) feet in length to turn around and exit.
2. After construction or installation of a driveway as required hereunder it shall be unlawful for any person, firm or corporation in possession of the premises served by such driveway to permit the same to be obstructed as not to provide motor vehicle access over a width of not less than fifteen (15) feet with a vertical clearance of not less than twelve (12) feet.
3. Prior to inspection of foundation, the Manchester Township Zoning Administrator at the request of a person, firm or corporation requesting said inspection shall examine the driveway to determine if it has been constructed or installed to meet the requirements of this Ordinance and upon so determining shall issue to such person, firm or corporation a compliance certificate to be signed by said Inspector.

**SECTION 3.27 - MOBILE HOMES**

- A. Purpose:** This SECTION of the zoning ordinance is designed to establish regulations under which mobile homes may be used as single family dwellings on lots outside mobile home parks. It is hereby recognized that other forms of manufactured housing, commonly referred to as prefabricated, modular or sectional housing among other names, are and have been permitted in Manchester Township, on individual lots, in any zoning district in which single family dwellings are permitted, provided such units comply with the Township's codes and zoning requirements. This section intends to treat mobile homes in a similar fashion, while recognizing the unique feature of their construction. The regulations contained in this section are specifically designed to:

1. Insure compliance of mobile homes on individual lots with all zoning regulations applicable to all other single family dwellings permitted in Manchester Township.
2. Insure compliance with all Township codes, in addition to the zoning ordinance, for the protection of the public health, safety and welfare.
3. Be aesthetically compatible with other single family dwellings in the community.

**B. Standards and Requirements:** A mobile home may be used as a single family dwelling on a lot outside a mobile home park, if the following standards and requirements are met. These standards and requirements shall not apply to a mobile home located in a licensed mobile home park.

1. The lot shall be located in a zoning district which permits single family dwellings.
2. The lot and the mobile home shall comply with all regulations of the zoning district in which located.
3. The mobile home shall meet all requirements of the United States Department of housing and Urban Development Mobile Home Construction and Safety Standards (24CFR3280), as amended.
4. The mobile home shall be placed on a permanent foundation wall. The wall shall meet all requirements of the Township building code and shall completely enclose the area under the mobile home. The area so enclosed shall not be less than the ground floor area of the mobile home. The mobile home shall be secured to the premises by an anchoring system which meets all State of Michigan requirements.
5. The wheels, tongue and hitch, or other towing appurtenances shall be removed before anchoring the mobile home to the premises.
6. The mobile home shall be connected to public water and sanitary sewer lines, where applicable, according to Manchester Township standards and specifications, or to a well and septic tank approved by the County Health Department.
7. The mobile home shall be aesthetically compatible in design and appearance with conventional on-site constructed housing. Compatibility shall be determined by the following standards:
  - a. The roof shall be finished with shingles or similar materials and shall have a minimum pitch of 3 on 12.
  - b. Exterior walls shall be finished with natural or simulated natural materials, common to single family dwellings such as, but not limited to, beveled siding, vertical siding, board and batten siding, or brick.
  - c. Front and rear or front and side exterior doors.
  - d. A roof drainage system which will collect, and concentrate the discharge of, roof drainage, and will avoid drainage along the sides of the dwelling.
8. A building permit shall be required for construction of the foundation wall, for placement of the mobile home on the lot, and for any addition to the mobile home. A building permit shall not be issued until a health permit has been issued by the County Health Department, where applicable, and until a certificate of zoning compliance has been issued in accordance with ARTICLE 18.0, herein and is in effect. The mobile home shall not be occupied until a certificate of occupancy has been issued as provided in ARTICLE 18.0, herein and is in effect. Any addition to a mobile home shall meet all requirements of the Manchester Township building code.

9. The mobile home, prior to any additions, shall have a minimum floor area of 1,000 square feet, a minimum exterior width of 24 feet for at least one side elevation, and a minimum floor-to-ceiling height of 7.5 feet.
10. Not more than one mobile home shall be used as a single family dwelling on a lot, nor shall a mobile home be placed on any lot which another single family dwelling is located. A mobile home shall not be used as an accessory building in any residential district.
11. A mobile home shall not be removed from a foundation until a permit therefore has been issued by the building official, in accordance with the Manchester Township building code.

### **SECTION 3.28 - ENTRANCE STRUCTURES**

- A. Entrance structures may be provided for residential areas, shopping centers, industrial parks, and similar developments. The structure(s) may consist of wall, columns, gates, and may be located within required yards. The location and design of an entrance structure shall not interfere with pedestrian, bicycle or vehicular traffic movement and shall not create a safety hazard.
- B. An entrance structure shall not be constructed until a building permit has been issued. The Planning Commission shall have approved the location, design, and maintenance provisions for an entrance structure before the building permit may be issued.
- C. All entrance structures shall be regularly maintained in good and safe condition. A mechanism shall be established for assuring the required maintenance.
- D. The application for approval shall provide the following information:
  1. Precise location of the structure.
  2. Plan and elevation drawings of the structure, including dimensions.
  3. Location of electrical wiring and fixtures, if applicable.
  4. Provisions to maintain the structure.
- E. An identification sign permitted in the district in which the entrance structure is to be located may be mounted on an entrance structure, or made a structural part thereof. Such signs shall conform to all sign regulations, except yard requirements. No sign containing advertising material shall be mounted on or made a structural part of an entrance structure.

### **SECTION 3.29 - PERFORMANCE GUARANTEE**

- A. **Intent:** To incur compliance with the provisions of this ordinance and any conditions imposed thereunder, the Planning Commission or Township Board may require that a performance guarantee be deposited with the Township to insure faithful completion of improvements, in accordance with Public Act 110 of 2006, as amended.
- B. **General Requirements:** The performance guarantee shall meet the following requirements:
  1. The performance guarantee shall be in the form of a cash bond, irrevocable letter of credit, certified check, or similar instrument acceptable to the Building Inspector, which names the property owner as the obligor and the Township as the obligee.
  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 or portion thereof associated with a project for which site plan approval is being sought or has been obtained. In accordance with these guidelines, the exact amount of the performance guarantee shall be determined by the Building Inspector.
4. The entire performance guarantee, including interest accrued, shall be returned to the applicant upon satisfactory completion of the required improvements.
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 Building Inspector that all landscape materials are being maintained in good condition.

**SECTION 3.30 - 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 bond or other surety, including any interest accrued on said bond or surety. Prior to completing said improvements, the Township shall notify the owner, site plan review applicant, or other firm or individual responsible for completion of the required improvements.

**ARTICLE 4.0**  
**SCHEDULE OF DISTRICT REGULATIONS**

**SECTION 4.01 - ADOPTED**

District regulations shall be as set forth in this Schedule of District Regulations.

**SECTION 4.02 - APPLICATION OF DISTRICT REGULATIONS**

The regulations set forth in this schedule shall apply to every lot, use, building, and structure.

**SECTION 4.03 - USE REGULATIONS**

- A.** Uses shall be permitted only if they are specifically listed herein, or are similar in nature to uses which are listed. Other uses shall not be permitted.
- B.** Accessory uses are permitted as listed in the various zoning districts or if similar to such listed uses, and only if such uses are clearly incidental and subordinate to the permitted principal uses or to permitted conditional uses.
- C.** Conditional uses shall be permitted as listed in each district, or if similar in nature to such listed uses, and if the requirements and procedures of ARTICLE 7.0, herein, are met.

**SECTION 4.04 - DENSITY AND HEIGHT REGULATIONS**

- A.** **Lot Area** - The lot area used to satisfy the minimum lot area requirement and lot coverage, and floor area ratio requirements.
- B.** **Transition Strip** - Where such a strip is required, it shall not be included as part of the required yards, and shall not be included in the area used in calculating lot coverage or floor area ratio.
- C.** **Yard Exemptions** - Notwithstanding yard regulations set forth in this Ordinance, the following plant materials and structures may be located anywhere on any lot: open and unroofed terraces, patios, steps, awnings, flag poles, hydrants; laundry-drying equipment, arbors, trellises, recreation equipment, outdoor cooking equipment; sidewalks; trees, plants, shrubs, and hedges; fences, screens or walls; and light poles. Anything to be constructed, placed, planted or allowed to grow shall conform to the provisions of SECTION 3.14, herein. Satellite dish antennae are not exempt by this section.
- D.** **Height Exemptions** - The height requirements established herein shall apply uniformly in each zoning district to every building and structure except that the following structures and appurtenances shall be exempt from the height requirements of this Ordinance: spires, belfries, penthouses and domes not used for human occupancy; chimneys, ventilators; skylights; water tanks, bulkheads, public utility transmission and distribution lines and related structures; radio, and television broadcasting and receiving antennae; silos; parapets; and other necessary mechanical appurtenances; provided their location shall conform where applicable to the requirements of Manchester Township; the Federal Communications Commission, Civil Aeronautics Administration, and other public authorities having jurisdiction.
- E.** **Accessory Buildings** - Portable storage sheds (small - 150 square feet or less) shall be limited to one, can be located three (3) feet from property line of side and rear of lot.
- F.** **Yard Measurements** - Yards shall be measured from the exterior faces of a structure to lot lines. Roof overhangs and cornices which project one (1) foot or less from the exterior face shall not be included in the yard measurements. Yards shall be measured from the outer edge of a roof overhang or cornice, if the roof overhang or cornice extends more than one (1) foot from the exterior face of the structure. Front and side yards on corner lots shall be measured from existing street right-of-way or easement lines. All required yards shall be located parallel and adjacent to property lines.

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

- 1. Lots with Parallel Side Lot Lines.** The required lot width shall be measured on a straight line, which is perpendicular to the side lot lines where the side lot lines intersect the right-of-way line of a public road, private road, or multiple residence driveway. See Diagram 1.
- 2. Lots with Non-Parallel Side Lot Lines.** The required lot width shall be measured on a straight line between the side lot lines, measured at the two (2) points where the side lot lines intersect the right-of-way line of a public road, private road, or multiple residence driveway. See Diagram 2.
- 3. Depth.** The horizontal distance between the front lot line fronting on a public road, private road, or multiple residence driveway and rear lot line, measure along the median between the side lot lines.

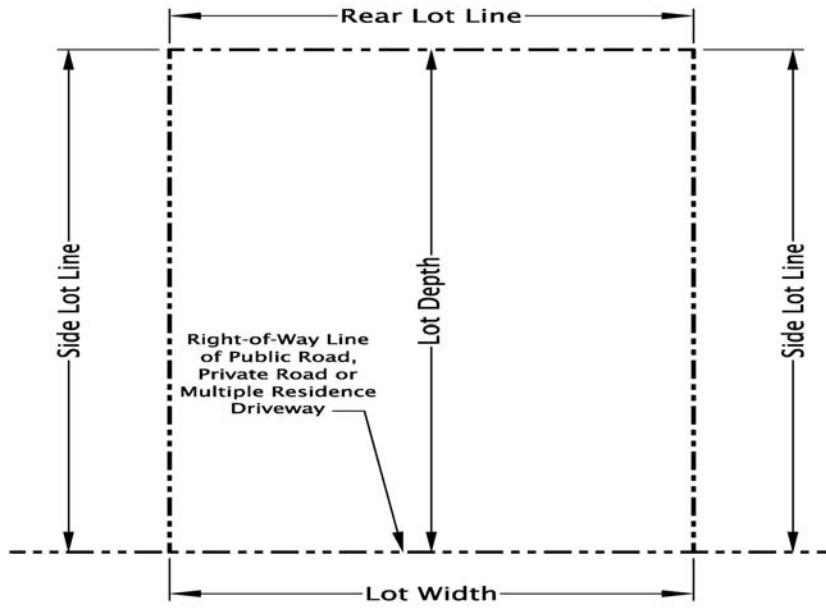
**H. Land Division - Width to Depth Ratios**

Any land partition or lot created less than 20 acres shall be at a width to depth ratio of no greater than one (1) to four (4).

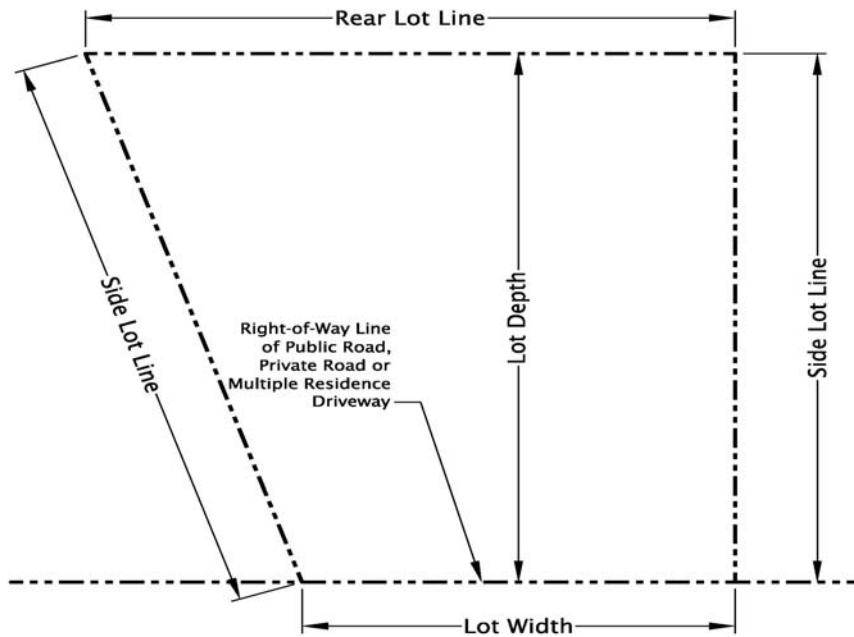
**I. Flag Lots** - A flag lot is defined as a parcel of land that is situate generally behind a lot or lots fronting on the road or drive; has limited road or drive frontage, but does maintain road or drive frontage along the width of the access strip; and is accessible from the road or drive only over an access strip that is owned in fee simple. Flag lots situate behind flag lots are only permitted if access by a single multiple residence driveway.

- 1.** Flag lots contain a lot area at least equal to the minimum required lot area of the district in which the lot is located.
- 2.** No more than four (4) contiguous flag lot access strips shall be formed and are only permitted if accessed by a single multiple residence driveway.
- 3.** The front yard setback is to be measured from the point where the access strip or easement meets the bulk of the lot.
- 4.** Flag lot access strips shall meet Section 3.26 A., Streets and Section 4.04 G., Lot Width Measurements and applicable district regulations.

**Diagram 1 – Lot Width and Depth**

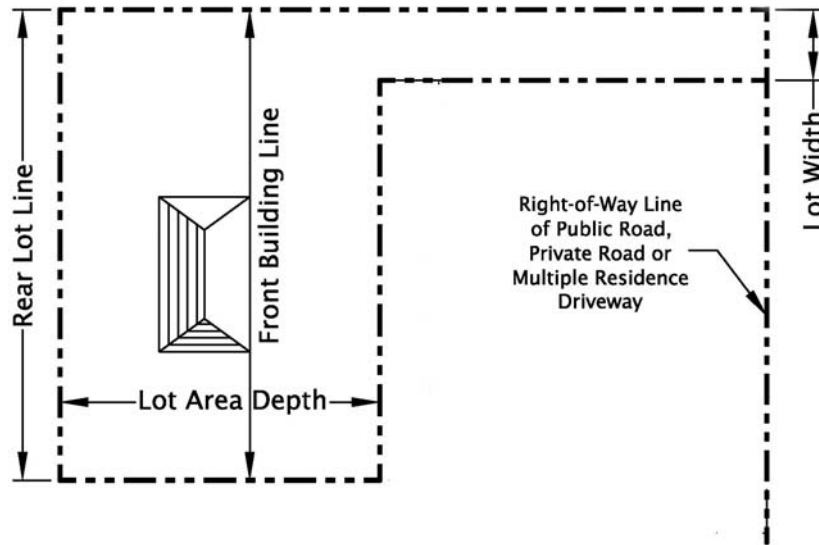


**Diagram 2 – Lot Width and Depth**





### FLAG LOT DIAGRAM



$$\text{Lot Area} = \text{Front Building Line Width} \times \text{Lot Area Depth}$$

#### **SECTION 4.05 - SCOPE OF REGULATIONS**

- A.** Except as otherwise may be provided in ARTICLE 20.0, herein, Zoning Board of Appeals, every building or structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure occurring, and every addition to an existing use, building or structure occurring after the effective date of this Ordinance shall comply with all regulations which are applicable in the zoning district on which such use, building, or structure shall be located.
- B.** No part of a yard or other open space, off-street parking or loading space required about or connected with any use, building, or structure for the purpose of complying with this Ordinance shall be included in the yard, open space, off-street parking or loading space similarly required for any other use, building, or structure.
- C.** No yard or lot existing on the date of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet the minimum requirements established herein. No off-street parking or loading areas shall be reduced below the required size or number of spaces.
- D.** Non-conforming lots of record may be utilized as set forth in SECTION 17.08, herein.

#### **SECTION 4.06 THROUGH 4.09 - OPEN FOR FUTURE USE**

**ARTICLE 5.0**  
**AR - RURAL AGRICULTURAL DISTRICT**

**SECTION 5.01 - PURPOSE**

This district is composed of a mixture of prime agricultural land, other tilled land, woodland, wetland, pasture land, and scrubland with farmsteads and low density single family residences occurring along predominantly gravel roads. Its value to the community lies in its varied natural resources and the many options they afford our future. Care should be taken to develop ecological and historical perspectives and to minimize conflicting land uses. The primary goals of this district are the conservation of agricultural lands and operating farmsteads as well as the protection of natural resource areas and fragile lands. Our use and development of rural lands should follow a pattern that if sustained will preserve its essential elements and protect our future options.

**SECTION 5.02 - PERMITTED USES**

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district:

- A.** A single family dwelling.
- B.** A parcel may be used for general and specialized farming and agricultural activities including the raising or growing of crops, livestock, poultry and other farm animals, products and foodstuffs. Any building or structure may be located thereon and used for the day-to-day operation of such activities, as the quartering, storage or preservation of said crops, livestock, poultry, animals, products and foodstuffs until consumed on the premises or until moved to a place of collection, distribution or processing. The incidental sale of the crops, products and foodstuffs raised or grown on said lot or in said building or structure may be allowed. Any lot that is kept as idle cropland shall be so treated as to prevent soil erosion by wind or water and so treated as to prevent excessive growth of obnoxious weeds and shrubs.
- C.** A parcel may be used for the raising or growing of plants, trees, shrubs and nursery stock. Any building or structure located on a parcel used for such purpose shall be secondary and incidental for such raising or growing of such products and may be used only for the storage of equipment and materials necessary for such raising or growing on such site or on parcels under the same ownership used for the same purpose. No retail sales of products shall take place on the site. Landscape supply yards and/or contracting facilities, and storage yards shall not be allowed as part of such operation. Trucks, trailers or other equipment, not used for such on site operation shall not be allowed.
- D.** A parcel may be used, and a building or structure located thereon, for the raising or keeping of non-domestic farm animals whether for profit or pleasure. Such non-exotic/domestic animals refers to a single or multiple species of animals which normally have not been brought under control by man, may not have been improved by selection and/or breeding so that its products and services are of common use, or not normally used for domestic farming purposes. Such animals include llamas, deer, ostrich, elk, buffalo and similar non-domestic animals.
- E.** A parcel may be used and a building or structure located thereon for the raising or keeping of rabbits and other similar fur-bearing animals whether for profit or pleasure.
- F.** Private stable for the noncommercial use of the principal residential and/or agricultural use on the site.
- G.** Roadside stand, provided it is incidental to a permitted use and provided all of the nursery stock or other agricultural products are raised on the premises where situated. A roadside stand may be defined as a temporary building or structure operated for the purpose of selling only produce raised or produced on the premises where situated, and its use shall not make a commercial district, nor shall its use be deemed a commercial activity.

The following regulations shall apply to all Roadside Stands:

- 1) **Building Size** - Any building containing a roadside stand shall not be greater than two hundred fifty (250) square feet in size.
  - 2) **Trash Containers** - Suitable trash containers shall be placed on the premises for public use.
  - 3) **Building Setbacks** - Any building containing a roadside stand shall be located no closer than twenty-five (25) feet to the nearest edge of the paved surface of any paved public road, and no closer than twenty-five (25) feet to the improved gravel surface of any unpaved public road.
  - 4) **Parking** - Off-street parking may be provided in the required front yard setback area. Parking shall conform to the regulations in ARTICLE 13.0, herein, except that hard-surfacing shall not be required.
  - 5) **Sign** - Two signs not to exceed eight (8) square feet in total may announce such sales. Such signage shall not be located closer than twenty-five (25) feet to the nearest edge of the roadway adjacent to the roadside stand. Such sign shall be temporary in nature, non-illuminated and approved as to safety and stability by the building inspector.
- H.** Public and private recreation areas such as a forest preserve, wildlife sanctuary or similar low intensity use.
- I.** Public and private conservation area and structure for the development protection and conservation of open space watersheds, water, soil, forest, and wildlife resources.
- J.** A sign only in accordance with the regulations specified in ARTICLE 14.0, herein.
- K.** All buildings and structures accessory and incidental to permitted uses in this district.
- L.** Distribution lines and structures, not including buildings, of essential services, when located within an existing public or utility right-of-way, and repeater buildings of a telephone utility company when location is approved by the Township Planning Commission.
- M.** Single family residential cluster development.
- N.** Home Office

### **SECTION 5.03 - CONDITIONAL USES**

- A.** The removal of soil, sand, gravel and other materials. (See also Manchester Township Mineral Extraction Ordinance.)
- B.** Public and private park, playground, camp ground, golf course, golf driving range, country club, archery and gun range, commercial hayrides, and, public botanical garden.
- C.** Exotic/non-domestic animals not covered in 5.02 D herein. Such animals may constitute a specific animal or breed of animal that has been introduced within an area that is not common or communal to existing species in an area and can be considered alien to animals normally adapted to an area. A determination shall be made by the Planning Commission as to the appropriateness of such animals within the Township and the manner in which they shall be kept. Animals that are deemed hazardous to human health are prohibited.
- D.** Commercial hunting enterprise which comprises the principal land use activity of the parcel where the primary purpose of the land use activity is to provide hunting activities for commercial gain.
- E.** Public Stable defined as a stable for the keeping, breeding, boarding, selling, training, or renting of domestic animals other than cats and dogs. Activities comprising a public stable are designed as commercial and are directed toward remuneration, hire, or sale.

- F.** Riding Academy which normally rents saddle horses, teaches the art of riding, and holds activities generally within an arena. Such facility may or may not incorporate buildings in its normal operation. A riding academy, which is designed as a commercial enterprise, constitutes a principal activity on a site, and whose nature is for commercial gain shall constitute a conditional use under the regulations of this ordinance.
- G.** Community and governmental buildings.
- H.** Country-club house, swimming pool, bath house and the sale of food, beverages and recreation equipment which is incidental and accessory to a recreation use.
- I.** Airport and private landing strip
- J.** Roadside stand, provided at least fifty (50) percent of the nursery stock or other agricultural products are raised on the premises where situated. A roadside stand shall meet the requirements of SECTION 5.02 H, 1-5 herein.
- K.** Landscape nurseries, greenhouses and landscaping businesses with retail facilities may be permitted where the business has direct access to paved roads, where the nature of the business will not negatively impact adjacent residential uses, and provided the business is in conformance with ARTICLE 16.0, Supplementary Regulations and Standards, SECTION 16.02, Performance Standards. Landscaping businesses may include operations necessary to install and maintain plant materials off-site, including storage of trucks for transportation of plants, soils, and other landscaping materials; equipment such as trucks not exceeding twelve (12) yards capacity, flatbed trailer only for hauling small equipment and necessary landscape products, and other necessary equipment such as tractors, skid loaders and small front end loaders; and tree moving equipment.

In addition, a landscaping/nursery operation may include other decorative man-made materials, such as wood chips, crushed stone, boulders, or mulch. Structural features such as fountains, garden pools, statues, and benches shall also be considered part of a landscaping operation, but only if provided in combination with live plant material. Artificial plant materials shall not be counted toward meeting the requirements for landscaping.

- 1)** The following setback requirements shall apply to any landscape nurseries and landscaping businesses in an AR District
  - a)** **Lot Area** - Not less than ten (10) acres in area.
  - b)** **Lot Width** - Not less than three hundred (300) feet in width.
  - c)** **Front Yard Setback** - Eighty-five (85) feet.
  - d)** **Side Yard Setback** - Least width of either yards shall not be less than fifty (50) feet, except in the case of a corner lot, where the side yard on the road or street side shall not be less than sixty (60) feet.
  - e)** **Rear Yard Setback** - Not less than fifty (50) feet.
- 2)** A permanent vegetative buffer, minimum width of twenty (20) feet, shall be established around the periphery of the landscaping operation. Such vegetative buffer shall be completed before the date of issuance of a certificate of occupancy and shall thereafter be maintained with permanent plant materials. See SECTION 16.07 - Greenbelt Buffer for planting materials.

- L.** Sanitary land fill site.
- M.** Public and private nursery schools, family day care.
- N.** A foster care group home.

- O.** A church, synagogue, cathedral mosque, temple or other building used for public worship, or a cemetery.
- P.** Veterinarian animal clinic, boarding kennel and breeding kennel.
- Q.** A public utility structure, radio and TV broadcast and receiving towers, commercial communication towers.
- R.** Temporary occupancy of a mobile home, subject to the regulations specified in SECTION 3.19, herein.
- S.** Sawmills.
- T.** Bed and Breakfast operation.
- U.** Home occupation.
- V.** Agricultural supplier and implement dealer.
- W.** Transmission lines and structures, not including buildings, of essential services, where located in right-of-ways not a part of public or utility right-of-ways existing at the time of adoption of this ordinance.
- X.** Public or quasi-public utilities or municipal departments or Township-certified companies providing underground, surface or overhead services, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, and welfare of the public. Public services shall not include storage yards, sales or business offices, or commercial buildings or activities. No storage of materials, equipment, vehicles, or supplies shall be located on the premises and no personnel shall be quartered or employed on the premises. Any structure(s) shall be designed, erected, and landscaped in such manner as to conform to the character of the surrounding area and this district.
- Y.** Housing for agricultural workers.
- Z.** Reserved.
- AA.** Concrete and asphalt plants subject to Section 16.21 herein.
- BB.** Community wastewater utility systems subject to the provisions of Section 16.22 herein.

**SECTION 5.04 - REGULATIONS AND STANDARDS**

The following regulations shall apply in all AR - Rural Agricultural Districts.

- A. LOT AREA** - The minimum lot area shall not be less than two (2) acres.  
  
Up to two (2) animals on the first two (2) acres are allowed and an additional one (1) acre is required for each additional non-domestic animal. There shall be no limit on the number of animals on a lot having eleven (11) or more acres in area.
- B. LOT WIDTH** - The minimum lot width shall not be less than thirty-three (33) feet as measured at the two (2) points where the side lot lines intersection the right-of-way of a public road, private road, or multiple residence driveway. Such lot shall have a minimum of two hundred (200) feet in width as measured along the front building line. See Sections 3.26 A., and 4.04 G., herein.
- C. LOT COVERAGE** - The maximum lot coverage shall not exceed twenty (20) percent.
- D. FLOOR AREA RATIO** - The maximum floor area ratio shall not exceed 20 percent.
- E. SETBACK** - The following setback requirements shall apply in this district.

1. **Front Yard:** The minimum setback shall not be less than sixty (60) feet from the right-of-way line.
  2. **Side Yards:** The minimum width of either yard shall not be less than thirty (30) feet; except in the case of a corner lot where the side yard on the road or street side shall not be less than sixty (60) feet.
  3. **Rear Yard:** The minimum setback shall not be less than fifty (50) feet.
- F. HEIGHT** - The following height requirements shall apply in this district:
1. **Dwelling and Non-farm Buildings and Structures:** The maximum height shall not exceed three (3) stories or forty (40) feet.
  2. **General and Specialized Farm Buildings and Structures:** The maximum height shall not exceed one hundred (100) feet.
- G. REQUIRED OFF-STREET PARKING** - As required in ARTICLE 13.0.
- H. PERFORMANCE STANDARDS** As required in ARTICLE 16.0, SECTION 16.02.
- I. PRESERVATION OF ENVIRONMENTAL QUALITY** - As specified in ARTICLE 16.0, SECTION 16.07.

**ARTICLE 6.0**  
**LR - LOW DENSITY RESIDENTIAL DISTRICT**

**SECTION 6.01 - PURPOSE**

This district is principally intended to provide for reasonably compact residential neighborhoods on one acre minimum lot size, in areas adjacent to the Village with approved on site water and septic systems. Its value to the community is in providing for residential growth while reducing the need for travel and the cost of residential services. In addition to the dwellings permitted in this zoning district certain residential and public uses which have been regulated to make them compatible with the principal use of this district are permitted.

**SECTION 6.02 - PERMITTED USES**

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district:

- A.** A single-family dwelling and any use, building or structure accessory thereto.
- B.** A sign, only in accordance with the regulations specified in ARTICLE 14.0.
- C.** Transmission and distribution lines and structures, other than cellular facilities, not including buildings, of essential services, when located within an existing public or utility right-of-way, and repeater buildings of a telephone utility company when location is approved by the Township Planning Commission.
- D.** A planned unit residential development, only in accordance with the procedure and regulations specified in ARTICLE 11.0.
- E.** Single family residential cluster development.
- F.** Home Office.

**SECTION 6.03 - CONDITIONAL USES**

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted subject to obtaining a conditional use permit as provided in ARTICLE 12.0.

- A.** Golf course, but not including golf driving range.
- B.** Country club, public swimming pool, and recreation club, public and private park, and playground.
- C.** Church and public building.
- D.** Public and private nursery school; family day care; primary and secondary school.
- E.** Public utility structure.
- F.** Home occupations.
- G.** Temporary occupancy of a mobile home. (See SECTION 3.19, herein).
- H.** Transmission lines and structures, not including buildings, of essential services, where located in right-of-ways not a part of public or utility right-of-ways existing at the time of adoption of this ordinance.
- I.** Commercial communications apparatus, if located on existing commercial communications or electrical towers, and subject to the provisions of Section 16.20 herein, in addition to the requirements of Article 12, ("Conditional Uses") herein.

- J.** Public or quasi-public utilities or municipal departments or Township-certified companies providing underground, surface or overhead services, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, and welfare of the public. Public services shall not include storage yards, sales or business offices, or commercial buildings or activities. No storage of materials, equipment, vehicles, or supplies shall be located on the premises and no personnel shall be quartered or employed on the premises. Any structure(s) shall be designed, erected, and landscaped in such manner as to conform to the character of the surrounding area and this district.
- K.** Community wastewater utility systems subject to the provisions of Section 16.22 herein.

**SECTION 6.04 - REGULATIONS AND STANDARDS**

The following regulations shall apply in all LR - Low-Density Residential Districts.

- A. LOT AREA** - The minimum lot area in this district shall not be less than one (1) acre for single-family dwellings and accessory structures thereto. The minimum lot area for all other buildings and structures shall not be less than three (3) acres.
- B. LOT WIDTH** - The minimum lot width shall not be less than thirty-three (33) feet as measured at the two (2) points where the side lot lines intersection the right-of-way of a public road, private road, or multiple residence driveway. Such lot shall have a minimum of one hundred fifty (150) feet in width as measured along the front building line. See Sections 3.26 A. 3.3 1., and 4.04 G., herein.
- C. LOT COVERAGE** - The maximum lot coverage shall not exceed twenty 20 percent.
- D. FLOOR AREA RATIO** - The maximum floor area ratio shall not exceed 20 percent.
- E. SETBACK** - The following setback requirements shall apply to every lot, building or structure in this district:
  - 1. Front Yard:** The minimum setback shall not be less than fifty (50) feet.
  - 2. Side Yards:** The minimum width of either yard shall not be less than twenty (20) feet, except in the case of a corner lot where the side yard on the road or street side shall not be less than fifty (50) feet.
  - 3. Rear Yard:** The minimum setback shall not be less than thirty-five (35) feet.
- F. HEIGHT** - The following height requirements shall apply in this district:
  - 1. Buildings and Structures:** The maximum height shall not exceed three (3) stories or forty (40) feet.
  - 2. Detached Accessory Buildings:** The maximum height shall not exceed twenty-five (25) feet.
- G. REQUIRED OFF-STREET PARKING** - As required in ARTICLE 13.0.
- H. PERFORMANCE STANDARDS** - As required in 16.0, SECTION 16.02.
- I. PRESERVATION OF ENVIRONMENTAL QUALITY** - As specified in ARTICLE 16.0, SECTION 16.07.



**ARTICLE 7.0**  
**UR - URBAN RESIDENTIAL DISTRICT**

**SECTION 7.01 - PURPOSE**

This district is principally intended to provide for compact residential neighborhoods, on a 1/4 acre minimum lot size, in areas adjacent to the Village. Its value to the community is in providing for residential growth while reducing the need for travel and the cost of residential services. Greater densities are allowed in this zoning district because it is served by a central sewer and an approved water supply. In addition to the dwellings permitted in this zoning district, certain residential and public uses are permitted which are regulated to insure their compatibility with its principal use.

**SECTION 7.02 - PERMITTED USES**

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district:

- A.** Single-family dwelling and any use, building or structure accessory thereto.
- B.** Two-family dwelling and any use, building or structure accessory thereto.
- C.** A sign, only in accordance with the regulations specified in ARTICLE 14.0.
- D.** A planned unit residential development, only in accordance with the procedures and regulations specified in ARTICLE 11.0.
- E.** Single family residential cluster development.
- F.** Home Office.

**SECTION 7.03 - CONDITIONAL USES**

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted subject to obtaining a conditional use permit as provided in ARTICLE 12.0.

- A.** Golf course, but not including golf driving range.
- B.** Country club, public swimming pool, and recreation club, public and private parks and playgrounds.
- C.** Church and public buildings.
- D.** Public and private nursery schools; family day care; primary and secondary school.
- E.** Hospitals, nursing homes, and sanitariums.
- F.** Temporary occupancy of a mobile home. (See SECTION 3.19, herein).
- G.** A home occupation may be located on any lot with a dwelling.
- H.** Public or quasi-public utilities or municipal departments or Township-certified companies providing underground, surface or overhead services, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, and welfare of the public. Public services shall not include storage yards, sales or business offices, or commercial buildings or activities. No storage of materials, equipment, vehicles, or supplies shall be located on the premises and no personnel shall be quartered or employed on the premises. Any structure(s) shall be designed, erected, and landscaped in such manner as to conform to the character of the surrounding area and this district.

- I. Commercial communications apparatus, if located on existing commercial communications or electrical towers, and subject to the provisions of Section 16.20 herein, in addition to the requirements of Article 12, (“Conditional Uses”) herein.

**SECTION 7.04 - REGULATIONS AND STANDARDS**

The following regulations shall apply in all UR - Urban Residential Districts.

- A. **LOT AREA** - The minimum lot area for lots served with a central water supply system and a central sanitary sewerage system shall not be less than one-fourth (1/4) acre for each single-family dwelling unit and one-half (1/2) acre for each two-family dwelling unit
- B. **LOT WIDTH** - The minimum lot width for lots served with a central water supply system and a central sanitary sewerage system shall not be less than thirty-three (33) feet as measured at the two (2) points where the side lot lines intersect the right-of-way of a public road, private road, or multiple residence driveway. Such lot shall have a minimum of eighty (80) feet in width as measure along the front building line. Where a lot is not so served, the minimum lot width shall not be less than thirty-three (33) feet measured at the two (2) points where the side lot lines intersect the right-of-way of a public road, private road, or multiple residence driveway. Such lot shall have a minimum of one hundred fifty (150) feet in width as measured along the front building line. See SECTIONS 3.26 A., and 4.04 G., herein.
- C. **LOT COVERAGE** - The maximum lot coverage shall not exceed thirty (30) percent.
- D. **FLOOR AREA RATIO** - The maximum floor area ratio shall not exceed 30 percent.
- E. **SETBACK** - The following setback requirements shall apply in this district.
  - 1. **Front Yard:** The minimum setback shall not be less than forty (40) feet.
  - 2. **Side Yards:** The minimum width of either yard shall not be less than ten (10) feet, but the sum of the two side yards shall not be less than twenty-five (25) feet; except in the case where the side yard on the road or street side shall not be less than forty (40) feet.
  - 3. **Rear Yard:** The minimum setback shall not be less than twenty (20) feet.
- F. **HEIGHT** - The following height requirements shall apply in this district:
  - 1. **Buildings and Structures:** The maximum height shall not exceed two and one half (2 1/2) stories, or thirty-five (35) feet.
  - 2. **Detached Accessory Buildings:** The maximum height shall not exceed twenty-five (25) feet.
- G. **REQUIRED OFF-STREET PARKING** - As required in ARTICLE 13.0.
- H. **PERFORMANCE STANDARDS** - As required in ARTICLE 16.0, SECTION 16.02.
- I. **PRESERVATION OF ENVIRONMENTAL QUALITY** - As specified in ARTICLE 16.0, SECTION 16.07.

**ARTICLE 8.0**  
**MOBILE HOME PARK RESIDENTIAL DISTRICT**

**SECTION 8.01 - PURPOSE**

The purpose of this district is to provide for the development of mobile home parks in accordance with the Mobile Home Commission Act, Act 96 of 1987, by regulating mobile homes with standards that are applicable to other types of housing. Therefore this district is based upon the following:

- A.** It is the intent of this ordinance that mobile homes be considered and regulated as urban dwelling units, to be located in the Township only in those areas which are designated for medium density urban residential use in the Township's adopted General Development Plan intended to promote mobile home parks with the character of a residential neighborhood.
- B.** It is the intent of this ordinance that mobile homes in mobile home parks deserve and require locations, services, and facilities similar to any other "single family and multiple family" dwelling units which are developed at urban densities.
- C.** To protect the health, safety and welfare of mobile home park residents and the surrounding community by insuring that mobile home park districts will be served adequately by essential public facilities and service such as highways, police and fire protection, public sanitary sewers, drainage structures, and refuse disposal.
- D.** To fit this legitimate use of land into development plans as they are considered, adopted and amended by the Township, which plans will harmonize this type of residential development with other existing and proposed land uses.

**SECTION 8.02 - PERMITTED USES**

The following buildings and structures, and uses of lots, buildings, and structures are permitted in this district.

- A.** Mobile home dwellings units.
- B.** Transmission lines and structures, other than cellular facilities, not including buildings when located within an existing public or utility right-of-way.
- C.** Sign, in accordance with ARTICLE 14.0, herein.
- D.** Accessory structures such as sheds and community buildings.

**SECTION 8.03 - CONDITIONAL USES**

The following buildings and structures, and uses of lots, buildings, and structures, are permitted subject to obtaining a conditional use permit as provided in ARTICLE 12.0, herein.

- A.** Church, fire station, police station, government office building, and similar government buildings.
- B.** Public or private nursery, primary, and secondary school, family day care, day care center.
- C.** Transmission lines and structures where located in right-of-ways not a part of public or utility right-of-ways existing at the time of adoption of this ordinance.
- D.** Public services, except as provided for elsewhere in this district, provided that no storage of materials, equipment, vehicles, or supplies shall be located on the premises; that no personnel shall be quartered or employed on the premises; and that the structure(s) shall be designed, erected, and landscaped in such manner as to conform to the character of the surrounding area and this district.

- E. Commercial communications apparatus, if located on existing commercial communications or electrical towers, and subject to the provisions of Section 16.20 herein, in addition to the requirements of Article 12, (“Conditional Uses”) herein.

**SECTION 8.04 - REGULATIONS AND PERFORMANCE STANDARDS**

The following regulations shall apply to all mobile home park residential districts.

- A. **Parcel** - The land area of a mobile home park shall not be less than forty (40) acres. The tract of land shall comprise a single parcel, except where the parcel is divided by public streets or where the total property includes parcels for necessary utility plants, maintenance or storage facilities and the like, with appropriate access from the mobile home park, provided that all lands involved shall be so dimensioned as to facilitate efficient design and management.

- B. **Site Width**

- 1. The minimum width of a site for a mobile home shall not be less than fifty (50) feet and shall be measured along any public street on which the mobile home site abuts. The minimum width of any other site, which contains dwellings and buildings open generally to occupants of the mobile home park, shall be two hundred (200) feet.
- 2. The minimum required width of any lot shall be measured in accordance with the following rules:
  - a. Lots with parallel side lot lines - The required width shall be measured on a straight line which is perpendicular to the side lot lines. No part of such measuring line shall be closer to the street line than the depth of the required front yard.
  - b. Lots with non-parallel side lot lines - The required lot width shall be measured on a straight line which shall be a measuring line, which is parallel to a straight line which connects the side lot lines where they intersect the street line. The measuring line shall be located at least the distance of the required front yard from the street line. If the measuring line has to be located behind the rear line of the required front yard, in order to obtain the minimum lot width, the measuring line shall be the front building lot. The minimum width for lots located on the turning circle of a cul-de-sac street shall not be required to be greater than one hundred fifty (150) feet.
- 3. The required minimum straight line distance between the side lot lines where they intersect the street lines shall be determined as follows:
  - a. For all lots not located on a turning circle of a cul-de-sac street, said distance shall not be less than eighty (80) percent of the required lot width.
  - b. For lots located on a turning circle of a cul-de-sac street, said distance shall be at least twenty (20) feet.

- C. **Maximum Permitted Density** - Each mobile home site shall have an area of at least five thousand (5,000) square feet.

The minimum site shall not include land area within rights-of-way of public streets; surface area of lakes, ponds or wetlands; land within a one hundred (100) year flood plain; or land within easements.

- D. **Yard Requirements**

- 1. **Buffer** - A buffer of trees and shrubs not less than twenty (20) feet in depth shall be located and maintained along all boundaries of such park except at established entrances and exits serving such park. When necessary for health, safety and welfare, a fence shall be required to separate park from an adjacent property.

**2. Requirements for Principal Non-residential Buildings**

- a. Front Yard** - A minimum setback of thirty (30) feet.
- b. Side Yard** - For interior side yards, the minimum setback shall be ten (10) feet. The side yard on a corner site, facing a street, shall have a minimum setback of thirty (30) feet.
- c. Rear Yard** - The minimum rear yard shall be twenty (20) feet.

**H.** A mobile home shall be in compliance with the following minimum distances:

- 1.** Twenty feet from any part of an attached or detached structure, which is used for living purposes, on an adjacent mobile home site.
- 2.** Ten feet from an attached or detached structure or accessory, which is not used for living purposes, of an adjacent mobile home.
- 3.** Ten feet from an on-site parking space of an adjacent site.
- 4.** Fifty feet from any permanent building.
- 5.** Ten feet from the edge of an internal street.
- 6.** Twenty feet from the right-of-way line of a dedicated public street within the mobile home park.
- 7.** Seven and one half feet from a parking bay.
- 8.** Seven feet from a common pedestrian walkway.

**I. Height Requirements** - Except as otherwise provided in SECTION 4.04 D, herein, no permanent building or structure shall exceed a height of 2-1/2 stories or 35 feet. No mobile home unit shall exceed one story in height.

The maximum height of accessory structures for individual mobile homes shall not exceed the lesser of 15 feet or the height of the mobile home.

**J.** A mobile home unit shall not be permitted to occupy a site either initially when brought into a park or upon addition thereto if it violates the yard requirements, minimum distances between units or the site coverage and floor area ratio regulations of this district.

**SECTION 8.05 - PLANNING AND DEVELOPMENT REGULATIONS FOR MOBILE HOME PARKS**

**A.** The business of selling new and/or used mobile homes as a commercial operation in connection with the operation of mobile home parks shall be prohibited. New or used mobile homes located on lots within the mobile home park to be used and occupied on that site may be sold by a licensed dealer or broker. This section shall not prohibit the sale of a used mobile home by a resident of the mobile home park.

**B. Parking Requirements**

- 1.** A minimum of two parking spaces shall be provided for each mobile home site. The minimum number of parking spaces for conditional uses permitted in a mobile home park may be reduced to 2/3 the number required for such uses as set forth in ARTICLE 13.0, herein, as part of the conditional use permit approval.
- 2.** Additional parking facilities shall be provided as follows:
  - a.** for storage of maintenance vehicles.

- b. at the park office location for office visitors.
- c. for general visitor parking, at the ratio of one (1) parking space for every three mobile home sites in the park, in a convenient location for mobile home sites served thereby.

**C. Streets**

- 1. Vehicular access to a mobile home park shall be provided by at least one hard surface public road.
- 2. Only streets within the mobile home park shall provide vehicular access to individual mobile home sites in the mobile home park.
- 3. Two-way streets shall have a minimum width of 21 feet where no parallel parking is permitted, 31 feet where parallel parking is permitted, along one side of the street, and 41 feet where parallel parking is permitted along both sides of the street.
- 4. The minimum width of a one-way street shall be 13 feet where no parallel parking is permitted, 23 feet where parallel parking is permitted along one side, and 33 feet where parallel parking is permitted along both sides.
- 5. A dead-end road shall terminate with an adequate turning area. A blunt-end road is prohibited. Parking shall not be permitted within the turning area. The adequacy of turning areas shall be determined by the Manchester Township Fire Chief.

**D. Outdoor Storage** - Common storage areas for the storage of boats, motorcycles, recreation vehicles, and similar equipment may be provided in a mobile home park, but shall be limited for use only by residents of the mobile home park. The location of such storage area shall be shown on the site plan required herein. No part of such storage area shall be located in any yard required on the perimeter of the mobile home park. Such storage area shall be screened from view from adjacent residential properties.

**E. Site Constructed Buildings** - All buildings constructed on site within a mobile home park must be constructed in compliance with adopted Manchester Township Building, Electrical, Plumbing, and Mechanical codes. Any addition to a mobile home unit that is not certified as meeting the standards of the US Department of Housing and Urban Development for mobile homes shall comply with the adopted Manchester Township Building, Electrical, Plumbing, and Mechanical Codes. Certificates and permits shall be required as provided in ARTICLE 18.0 herein. A final site plan shall be approved prior to construction of any principal structure, not including mobile home units, in accordance with ARTICLE 15.0, herein.

**F. Placement of a Mobile Home Unit**

- 1. It shall be unlawful to park a mobile home unit so that any part of such unit will obstruct a street or pedestrian walkway.

**G. Site Plan Review Required** - Construction of a mobile home park shall require prior approval of a site plan by the Township Planning Commission. For purposes of this section only, a site plan shall provide the following information.

- 1. The site plan shall be prepared on standard 24-inch by 36-inch sheets and shall be of a scale not greater than one inch equals 20 feet or less than one inch equals 200 feet, and of such accuracy that the Planning Commission can readily interpret the plan.
- 2. Scale, north arrow, name and date, plus date of any revisions.
- 3. Name and address of property owner and applicant; interest of applicant in the property; name and address of developer.

4. Name and address of designer. A site plan shall be prepared by a community planner, architect, landscape architect, engineer, or land surveyor registered in the State of Michigan.
5. A vicinity map; legal description of the property; dimensions and area; lot line dimensions and bearings. A metes and bounds description shall be based on a boundary survey prepared by a registered surveyor.
6. Existing topography, at minimum of 2 foot contour intervals; existing natural features such as trees, wooded areas, streams, and wetlands; natural features to remain or to be removed; 100 year flood hazard area.
7. Existing buildings, structures, and other improvements, including drives, utility poles and sewers, easements, pipelines, excavations, ditches, bridges, culverts; existing improvements to remain or to be removed; deed restrictions, if any.
8. Name and address of owners of adjacent properties; use and zoning of adjacent properties; location and outline of buildings, drives, parking lots, and other improvements on adjacent properties.
9. Locations and size of existing public utilities on or surrounding the property; location of existing fire hydrants; inverts of sanitary and storm sewers; location of existing manholes and catch basins; location of existing wells, septic tanks, and drainfields, if applicable.
10. Names and rights of way of existing streets on or adjacent to the property; surface type and width; spot elevations of street surface at intersections with streets and drives of the proposed development.
11. Zoning classification of the subject property; location of required yards; total property area; dwelling unit density; schedule of dwelling units, by type; phasing information.
12. Grading plan, at a minimum contour interval of 2 feet.
13. Location and exterior dimensions of proposed buildings and structures other than mobile home dwellings; height and finished floor elevations of such buildings and structures; location of mobile home and parking spaces on each mobile home site.
14. Location and alignment of all proposed streets and drives; rights of way, where applicable; surface type and width; typical street sections; location and details of curbs; curb radii.
15. Location and dimensions of all proposed parking areas; number of spaces in each; dimensions of spaces and aisles; typical cross section of parking surface.
16. Location, width, and surface of proposed sidewalks and pedestrian paths.
17. Location, use, size, and proposed improvements of open space and recreation areas.
18. Location and type of proposed screens and fences; height, typical elevations, and vertical section of screens, showing materials and dimensions.
19. Location, type, size, area, and height of proposed signs as required in SECTION 14.03, herein.
20. General proposed utility layout for sanitary sewer, water and storm water systems.
21. An overall map at a smaller scale showing how this property ties in with all other surrounding properties should be developed to include:
  - a. existing and proposed water mains, sanitary and storm sewers in the area including sanitary sewer service areas;

- b. the road network in the area;
- c. the relationship of existing and proposed drainage courses and retention basins in the general area that impact or are impacted by this development as well as an area wide drainage map showing all the sub-areas that affect this site;
- d. the map should also be on a 24 inch by 36 inch sheet;
- e. the site plan shall be reviewed by the Washtenaw County Drain Commission.

**22.** Landscape plan showing location, type, and size of plant materials.

**23.** Location, dimension, and materials of proposed retaining walls; fill materials; typical vertical sections.

**H. Building Permits Required** - No mobile home may be placed on a mobile home site until a building permit therefore has been issued. A building permit shall not be issued until all required state approvals have been obtained.

**I. Occupancy** - A mobile home in a mobile home park shall not be occupied until all required approvals have been obtained from the state of Michigan and a Certificate of Occupancy is issued by the Manchester Township Building Inspector.



**ARTICLE 9.0**  
**CC - COMMUNITY COMMERCIAL CENTER DISTRICT**

**SECTION 9.01 - PURPOSE**

This district has been located within the Township to serve the retail and office needs of Township residents and the motoring public. The district is intended to develop as compact commercial centers where uses are compatible with, and supportive of each other, in one or more buildings of a unified architectural character, and on a site that is planned, developed and managed as one operating unit. It is intended that each site be landscaped with a common unifying theme, and be provided with common drives, parking areas, and service areas. This district is intended to guarantee to the public that commercial uses will be provided in a shopping center environment and not in a miscellaneous, uncoordinated arrangement of uses on individual lots. It is intended that the district provide an attractive, comfortable, and convenient environment for patrons, and that the center be compatible with neighboring uses, especially residential uses.

**SECTION 9.02 - LOCATION OF A COMMUNITY COMMERCIAL CENTER DISTRICT**

A Community Commercial Center District shall be located in areas of Manchester Township that are designated as employment zones or of commercial designation in the Township's adopted General Development Plan.

**SECTION 9.03 - PERMITTED USES**

- A.** Food services including grocery, meat market, bakery, restaurant, delicatessen and fruit market, but not including any business of a drive-in type.
- B.** Clothing and apparel services, including laundry pickup, automatic laundry, dressmaking, millinery, tailor shop and shoe repair shop.
- C.** Personal services, including barber shop and beauty salon, music studios, banks and saving and loan associations, and other similar uses.
- D.** Hardware, home improvements, garden supplies, hobby supplies, records and tapes, books and stationery, pets and pet supplies, flowers, tobacco, drugs and cosmetics, greeting cards and gifts, photography supplies and services, and party supplies, including packaged beer, wine and liquor.
- E.** Medical and dental clinics, business and professional offices such as legal, engineering, accounting, financial services, and insurance.
- F.** Equipment services, including repair, radio and television electrical appliance shop, plumber, electrician, and other similar services and trades.
- G.** Motel, hotel, tourist homes and boarding and rooming houses
- H.** Police, fire, ambulance stations and governmental offices.
- I.** Hospitals, nursing homes, sanitariums; animal hospitals or clinics.
- J.** Funeral establishments, mortuary.
- K.** Restaurants serving alcoholic beverages.
- L.** Open air display area for the sale of manufactured products, such as or similar to garden furniture, earthenware, hardware items and nursery stock, or the rental of manufactured products or equipment, small tools, pneumatic-tired two- and four-wheeled utility trailers, pneumatic-transit cement mixers, wheelbarrows, rollers and similar products or equipment.
- M.** Showroom and sales of new automobiles, farm machinery, and other vehicle and equipment, and the display and sale of used cars, farm machinery, and other vehicles and equipment when in

conjunction with a showroom, and sales of new units thereof; and repair of same when in conjunction with a showroom and sales of new units thereof.

- N.** Gasoline service station, including minor repair services when provided on a lot with a minimum frontage on any street of 150 feet and when no more than two such stations shall exist at an intersection.
- O.** A sign, only in accordance with the regulations specified in ARTICLE 14.0.
- P.** An accessory use, building or structure.
- Q.** Public services, except as provided for elsewhere in this district, provided that no storage of materials, equipment, vehicles, or supplies shall be located on the premises; that no personnel shall be quartered or employed on the premises; and that the structure(s) shall be designed, erected, and landscaped in such manner as to conform to the character of the surrounding area and this district.

#### **SECTION 9.04 - CONDITIONAL USES**

- A.** Places of amusement, entertainment or recreation such as dance hall, bowling alley, miniature golf, commercial swimming pool.
- B.** Establishments serving alcoholic beverages.
- C.** Public utility structure located on the surface of the ground including but not limited to transformer substations, pumping stations, communication relay stations, gas and steam regulating valves and stations; provided that the structure shall be designed, erected, and landscaped in such a manner as to conform as much as possible with the character of the district.
- D.** Cultural center facilities, including theaters, orchestra halls and museums.
- E.** Drive-in facilities, including restaurants, and/or banks, provided that the conditions set forth in ARTICLE 14.0, herein, and the following conditions are met:
  - 1.** Adequate on-site stacking space for vehicles shall be provided for each drive-in window so that vehicles will not interfere with vehicular circulation or parking maneuvers on this site. Access to and egress from the site will not interfere with peak hour traffic flow on the street serving the property.
  - 2.** Projected peak hour traffic volumes which will be generated by the proposed drive-in service shall not cause undue congestion during the peak hour of the street serving the site.
  - 3.** On-site vehicle stacking for drive-in windows shall not interfere with access to, or egress from the site or cause standing of vehicles in a public right-of-way.
- F.** Outdoor seating and/or service when associated with a restaurant subject to the following requirements:
  - 1.** No such seating shall be located in a required yard.
  - 2.** Approval of the Washtenaw County Health Department as required.
  - 3.** A site plan shall be submitted indicating the area for and location of all outdoor seating.
  - 4.** The maximum allowable seating for an outdoor seating area shall be established as a part of the Conditional Use Permit.
  - 5.** Parking shall be provided as required under ARTICLE 14.0, herein.

- G.** Temporary outdoor sales when conducted by a permanent business established on-site provided that the locations and annual sales period for such sales shall be established by the Planning Commission.

Such sales shall be subject to the following requirements:

1. No part of such sales operation shall be located within any required setback or transition strip.
2. The sales operation shall not impede or adversely affect vehicular and pedestrian traffic flow or parking maneuvers.
3. One sign not to exceed eight (8) square feet may announce such sales. Such sign shall not be located in a required yard or transition strip. Such a sign shall be temporary in nature, non-illuminated and approved as to safety and stability by the building inspector.
4. The sign, merchandise, and all equipment used in such sales, and all debris and waste resulting therefrom, shall be removed from the premises within three days of termination of the sale.
5. A cash bond of one hundred dollars (\$100.00) shall be provided to the Township prior to the start of an approved sale to guarantee site clean-up as required in paragraph 4, preceding.
6. A scaled site plan shall be provided with the application for Conditional Use Permit showing thereon the location and extent of such sales.

- H.** Controlled uses as regulated in SECTION 16.09, herein.

- I.** Sporting goods sales, souvenir and gift shops.

- J.** Commercial Kennels.

- K.** Mini Storage, provided the following conditions are met:

1. A six (6) foot screening, fence, berm or other appropriate method of screening shall be constructed around the perimeter of the development, as approved by the Planning Commission.
2. Minimum distance between buildings shall be thirty (30) feet.
3. All off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of materials which will have a dust-free surface resistant to erosion. All areas intended for vehicle travel shall be paved with asphalt or concrete as approved by the Planning Commission.
4. Site development shall be compatible with surrounding area.
5. No outside storage permitted.
6. Lighting shall be down-shielded and approved by the Planning Commission.

- L.** Commercial communications towers, subject to the provisions of Section 16.20 herein, in addition to the requirements of Article 12 ("Conditional Uses") herein.

- M.** Automobile vehicle repair garage.

#### **SECTION 9.05 - DENSITY AND HEIGHT REGULATIONS**

- A. Minimum Lot Area** - The minimum area for a parcel of land to be zoned CC shall be 20 acres. The minimum area for individual lots within a CC district shall be 2 acres. Any parcel of land, regardless of area, may be added to the initial land if contiguous thereto.
- B. Minimum Lot Width** - Nine Hundred (900) feet measured along the front yard where it intersects a public right-of-way line. See SECTIONS 3.26 A, and 4.04 G, herein.
- C. Maximum Ground Floor coverage** - Twenty (20) percent.
- D. Maximum floor Area ratio** - 20 percent.
- E. Minimum Required Yards**
  - 1. A yard fifty (50) feet wide shall be provided along any property line of a CC district that abuts a public or private road.
  - 2. A yard twenty five (25) feet shall be provided along any property line of an CC district that does not abut a public or private road, unless the adjacent property designated for residential use, in which case the yard shall be at least fifty (50) feet wide.
  - 3. Driveways may cross required yards but shall not occupy them. Parking spaces and service areas shall not be located in any required yard.
  - 4. All required yards shall be landscaped for purposes of creating an attractive setting, to filter views of the center from adjacent streets and properties, and to screen views of the center from adjacent residential areas. All landscaped areas shall be regularly maintained so as to retain, as a minimum, the landscape character and quality of the site.
- F. Maximum Height** - There shall be no height regulations in a CC district, provided that any building which exceeds a height of 3 stories or 35 feet shall be approved as to a specific height by the Township Board upon recommendation of the Planning Commission. Approval shall be based on findings regarding natural light, air circulation, views, and solar access rights for neighboring buildings and properties, airport flight patterns; and fire protection and safety. The height of each building shall be on the preliminary site plan.
- G. Outdoor Lighting** - All parking areas and access drives shall be lighted at night during business hours. The Planning Commission may require a minimum level of lighting be provided during non-business hours at night for public safety and policing purposes. All outside lighting shall be arranged and shielded to prevent glare or reflection, nuisance, inconvenience, or hazardous interference of any kind on adjoining roads or adjoining neighboring residential properties.
- H. Circulation and Access** - A Community Commercial Center district shall not have more than two (2) access points on any one road unless unusual conditions demonstrate the need for additional access points.
- I. Service Areas** - Service areas shall be provided in accordance with ARTICLE 13.0, herein, except that the following regulations shall apply, notwithstanding any provision of ARTICLE 13.0.
  - A.** No service area may be located in any required yard.
  - B.** All service areas shall be screened from view from any street right-of-way and from any adjacent residential property.
  - C.** Service areas shall be laid out so that, in the process of loading or unloading, no vehicle will block or extend into any other drive or public street.
- J. Outdoor Storage** - Outdoor storage of new or waste materials or products shall be prohibited in the CC district, unless such storage is located within an enclosed area. Such storage shall not be located in any required yard or in any drive, or parking area. An enclosure for a storage area

shall be finished with materials that match or are compatible with the exterior materials of the principal building(s) of the center. Displays for permitted outdoor uses shall be exempt from this regulation.

- K. Number of Buildings** - Permitted uses may be provided in one or more buildings. If separate buildings are provided, they shall be organized on the site in such a way that will create a cohesive grouping of buildings around malls, courtyards, or plazas, and shall be interconnected by sidewalks. Unified architectural and landscape treatment shall be provided in all parts of the commercial center.
- L. REQUIRED OFF-STREET PARKING** - As required in ARTICLE 13.0.
- M. REQUIRED SITE PLAN REVIEW** - As required in ARTICLE 15.0.
- N. PERFORMANCE STANDARDS** - As required in ARTICLE 16.0, SECTION 16.02.
- O. PRESERVATION OF ENVIRONMENTAL QUALITY** - As specified in ARTICLE 16.0, SECTION 16.07.

**ARTICLE 10.0**  
**CM - COMMUNITY MANUFACTURING**

**SECTION 10.01 - PURPOSE**

This district is composed of those areas of the Township whose principal use is to provide an environment for related manufacturing activities which will encourage an increase in the productivity of business and industry. Uses shall be low density in a landscaped campus type environment and shall generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive and radioactive hazards, and other harmful or obnoxious matter. The district may develop in stages in a planned coordinated manner, according to an overall development plan. The provision of open space shall be encouraged within the CM district and natural features shall be preserved by incorporating them into the plan for the district. This district has been located within the Township and is designed to lessen congestion on public streets and highways.

**SECTION 10.02 - LOCATION OF A CM DISTRICT**

A CM district shall be located in areas of Manchester Township designated in the Township's adopted General Development Plan as suitable and desirable for Industrial and manufacturing uses.

**SECTION 10.03 - PERMITTED USES**

- A.** Research oriented and light industrial park uses including industrial, scientific, and business research, development, and testing laboratories, automated production equipment, such as robots, office, computing, and accounting machinery, measuring, analyzing, and controlling instruments; photographic (except chemicals and sensitized materials); medical and optical goods; watches and clocks.
- B.** Administrative, professional, and business offices.
- C.** Light manufacturing industrial use which by the nature of the materials, equipment and processes utilized are to a considerable extent clean, quiet and free from any objectionable or dangerous nuisance or hazard including any of the following goods or materials as bakery goods, candy, cosmetics, dairy products, food products, pharmaceutical drugs, perfumes, and pharmaceutical toiletries, frozen food lockers, jewelry; musical instruments; sporting goods; glass products; small household appliances; electronic products; printed matter; baked and dairy products; advertising displays; tents and awnings; brushes and brooms; cameras and photographic equipment and supplies; wearing apparel; leather products and luggage but not including tanning; products from such finished materials as plastic, bone, cork, feathers, felt, fiber, paper, glass, hair, horn, rubber, shell, or yarn.
- D.** Assembly of merchandise such as electrical appliances, electronic or precision instruments, and articles of similar nature.
- E.** Packaging of previously prepared materials, but not including the bailing of discards, old iron or other metal, wood, lumber, glass, paper, rags, cloth or other similar materials.
- F.** Printing publishing, lithography, blueprinting and similar uses.
- G.** Warehousing and material distribution centers, provided all products and materials are enclosed within a building.
- H.** Contractor's establishment.
- I.** Body and paint shops for autos and other vehicles.
- J.** Radio and TV broadcasting and receiving antennae and studios.
- K.** Uses such as fire, police, and ambulance stations; technical and business schools; indoor and outdoor recreation facilities, both indoor and outdoor post office.

- L.** Commercial, office, and service uses which are located, designed, and intended to support and complement permitted principal uses which are located in a CM district, such as the following: banks and other financial institutions; restaurants; transient lodging facilities; day care facilities; barber and beauty shops; pharmacies; sales of newspaper(s), magazines, and books; office supply sales; medical and dental offices; theaters, auditoriums and meeting facilities; dry cleaning (pick-up and delivery only); product display facilities; power plants; water treatment plants; automobile service stations and car washing facilities; gift and flower sales; data processing and computing centers; computer and office machine service and repair establishments; printing and copying services.

Such uses shall either be located in a building containing the permitted principal uses which will be served, or in service centers consisting of one or more buildings, designed with common drives, parking and loading areas, and landscaping. Such service centers shall be so located within the district as to clearly serve only the permitted principal uses within the district and not the surrounding area and communities.

- M.** Living quarters for security and maintenance personnel.
- N.** Communication facilities only for principal uses permitted and located in this district.
- O.** Public utility structure located on the surface of the ground including but not limited to transformer substations, pumping stations, communication relay stations, gas and steam regulating valves and stations; provided that the structure shall be designed, erected, and landscaped in such a manner as to conform as much as possible with the character of the district.
- P.** An accessory use building or structure.
- Q.** A sign, only in accordance with the regulations specified in ARTICLE 14.0.

**SECTION 10.04 - CONDITIONAL USES**

The following buildings and structures and uses of parcels, lots, buildings and structures are permitted subject to obtaining a conditional use permit as provided in ARTICLE 12.0.

- A.** Bus, truck, taxi and rail terminals.
- B.** Open air display areas for the sale of manufactured products, such as or similar to garden furniture, earthenware, hardware items and nursery stock, or the rental of manufactured products or equipment, small tools, pneumatic-tired two- and four-wheeled utility trailers, such as household equipment, pneumatic-transit cement mixers, wheelbarrows, rollers and similar products or equipment.
- C.** Collection centers for household waste material to be recycled.
- D.** Airport and private landing strips.
- E.** Outdoor storage of recreational vehicles.
- F.** Trucking and cartage facilities, truck and industrial equipment storage yards, repairing and washing equipment and yards.
- G.** Open industrial uses or industrial product or materials storage, provided that any activity in which products or materials being processed or stored are located, transported, or treated outside of a building and are not within enclosed apparatus vessels, or conduits, such use shall be provided with a solid permanently maintained wall or fence, no lower than the subject use or storage, and constructed to provide firm anchoring of fence posts to concrete set below the frost line; if a wall is provided, its foundations likewise shall extend below the frost line.

- H.** Wholesale businesses, including warehouse and storage, commercial laundries, dry cleaning establishments, ice and cold storage plants, lumber, fuel and feed yards, automobile repair garages, construction and farm equipment sales and contractor's equipment yards.
- I.** Public or private dumps, incinerators, and sanitary land fills; junk yards; inoperative vehicle storage.
- J.** Mini Storage, provided the following conditions are met:
  - 1.** Screening, fence, berm or other appropriate method of screening shall be constructed around the perimeter of the development, as approved by the Planning Commission.
  - 2.** Minimum distance between buildings shall be thirty (30) feet.
  - 3.** All off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of materials which will have a dust-free surface resistant to erosion.
  - 4.** Site development shall be compatible with surrounding area.
  - 5.** No outside storage permitted.
  - 6.** Lighting shall be down-shielded and approved by the Planning Commission.
- K.** Commercial communications towers, subject to the provisions of Section 16.20 herein, in addition to the requirements of Article 12 ("Conditional Uses") herein.
- L.** An accessory use, building or structure.
- M.** A sign, only in accordance with the regulations specified in ARTICLE 14.0, herein.
- N.** Controlled uses as regulated by General Ordinance Number 62.

**SECTION 10.05 - REGULATIONS AND STANDARDS**

The following regulations shall apply in all CM - Community Manufacturing Districts.

**A. Density Regulations**

- 1.** Ground floor coverage (GFC) shall not exceed 25 percent.
- 2.** The floor area ratio (FAR) shall not exceed 60 percent.
- 3.** The total developed area (TDA - the sum of the ground floor area of all buildings, and the area in parking spaces, drives, and loading spaces) of a lot shall not exceed 50 percent of the area of the lot.

**B. Density calculations**

- 1.** GFC, FAR, and TDA calculations shall be based on land areas designated for the various uses. The designated land areas shall include acreage for private drives, parking and loading areas, open spaces around structures, landscaped areas and similar areas, but not acreage in existing or future public street rights-of-way or major private streets.
- 2.** Land areas used in calculating ground floor coverages and floor area ratios shall be delineated on the preliminary site plan and final site plan so that the acreage and density computations can be confirmed.
- 3.** The surface area of lakes, streams, ponds (natural, man-made or storm water retention), marsh lands, or similar areas may be included in the acreage used for calculating ground



floor coverage and floor area ratios if such areas are part of lands devoted to parks and open space uses.

4. Land used to provide acreage to meet density regulations in a project within a CM district shall not be used to compute density in another project within the district, unless the GFC's and FAR's of the subject project and all previous projects are maintained at or less than the limits established in the preliminary site plan.
5. The Planning Commission may exclude wetlands and land with slopes of 15 percent or steeper from the area used for density calculations if such land is not usable for open space purposes or is not suitable for development.

**C. Minimum Lot Area**

The minimum area for a parcel of land to be zoned CM shall be 20 acres. The minimum area for individual lots within a CM district shall be one acre. At least thirty percent of all lots comprising a CM district shall be one acre in area. Any parcel of land, regardless of area, may be added to the initial land if contiguous thereto.

**D. Required Yards**

1. A landscaped yard at least 100 feet deep shall be provided along an existing or future public street right-of-way.
2. A yard at least 50 feet wide shall be provided along that part of the perimeter of a CM district which does not abut a public street, except where the adjacent property is designated by the Township's adopted General Development Plan for agricultural or residential uses, in which case the yard shall be a least 100 feet.
3. The following minimum yards shall be provided for each lot which is not subject to the yard requirements of subsection D1 and D2, preceding:

Front	50 feet
Side, interior	10 feet
Side, corner	50 feet
Rear	35 feet

Larger minimum yards may be required at the time of preliminary site plan approval, for a building exceeding 3 stories or 35 feet in height. The requirements shall be based on consideration of natural light, air circulation, and solar access.

4. Minimum yard requirements shall apply to all buildings and structures, drives, and parking and loading areas. Drives may cross required yards. Drives and parking spaces shall not be less than 10 feet from a property line where permitted in a side or rear yard. Loading areas shall not be permitted in any required yard.

All required yards shall be landscaped and permanently maintained. The yards required in SECTION 10.04 D herein, shall be landscaped and developed so as to function as a physical buffer and visual barrier between the CM district and adjacent properties.

5. The preceding yard requirements, except those in SECTION 10.04 D (1) and (2), herein, may be reduced as part of the approved preliminary site plan. The reduction shall be based on findings that topographic conditions, trees and other vegetation, proposed land grading and plant materials, or other existing or proposed site conditions perform the same function as the required yards.

**E. Distances Between Buildings**

1. The location of buildings and uses, and distances between buildings as shown by dimensions, shall be shown on the preliminary site plan.
2. Distances between buildings shall be sufficient to meet fire regulations, and to provide for natural light, air circulation and solar access.
3. Minimum interior side yards may not be required when two or more buildings are part of a manufacturing center or other combined development facility. Side yard requirements shall apply to the perimeter of such developments.

**F. Height**

There shall be no height regulations in a CM district, provided that any building which exceeds a height of 3 stories or 35 feet shall be approved as to a specific height by the Township Board upon recommendation of the Planning Commission. Approval shall be based on findings regarding natural light, air circulation, views, and solar access rights for neighboring buildings and properties, airport flight patterns; and fire protection and safety. The height of each building shall be on the preliminary site plan.

**G. Parking and Loading Requirements.**

Parking and loading facilities shall be provided in accordance with ARTICLE 13.0, herein, except that the dimensions of individual parking spaces may be reduced to not less than 9 feet wide by 18 feet long, if approved as part of approval of the preliminary site plan. The Planning Commission may establish a maximum number of parking spaces permitted on a lot as part of its approval of a preliminary site plan.

Notwithstanding requirements of ARTICLE 13.0, herein, the number of parking spaces required for CM uses shall be based on the rate of one space for each 300 square feet of floor area. Loading/unloading operations shall occur only on the site involved, and shall not be located in the front or corner side yard. Loading/unloading areas shall be screened from view from streets and adjacent lots.

- H. Circulation and Access** - A Community Commercial Center district shall not have more than two (2) access points on any one road unless unusual conditions demonstrate the need for additional access points.

**I. Outdoor Storage**

Outdoor storage of vehicles, equipment, supplies, or products shall be prohibited. Trash and other waste materials shall be sorted as provided in SECTION 16.15 A, herein. Such areas shall be screened from view from a street or adjacent lots, and shall not be located in front or corner side yard.

**J. Outdoor Operations**

Outdoor storage of vehicles, equipment, supplies, or products: outdoor processing, assembly, repair, or other operations; or outdoor display of goods, materials, products, equipment, or processes shall be prohibited. No display shall be permitted in a window or in any other location visible from a street or an adjacent lot except in a service center, as provided, herein. Trash and other waste materials shall be stored as provided in SECTION 16.15, herein. Such areas shall be screened from view from a street or adjacent lots, and shall not be located in a front or corner side yard. Outdoor processing, assembly, repair, or other operations shall be prohibited.

**K. Landscaping**

Landscaping shall be provided in accordance with the approved final site plan for each lot in a CM district. All parts of each lot not developed with buildings, drives, parking and loading areas, and similar improvements, shall be landscaped with grass or other ground cover, shrubbery, trees, bushes, vines, or other suitable plantings. Parking lots shall be landscaped so as to reduce

heat and glare, to divide parking lots into smaller units, and to buffer adjacent areas, where necessary. All such plantings, shall be live and shall be properly and regularly maintained.

**L. Performance Standards**

1. Atmosphere emissions, electromagnetic radiation and interference, and the handling and disposal of radioactive and chemical materials shall comply with all applicable State and Federal laws and regulations.
2. No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at, or any point beyond, the lines of the subject lot.
3. Noise emanating from a building in this district shall not exceed 60 decibels as measured 25 feet from the exterior surface of the exterior walls of that building.
4. All activities, and all storage areas for materials, shall be provided with adequate safety and fire fighting devices, and State codes regarding fire and explosion hazards.
5. No direct or sky-reflected glare, except that resulting from floodlighting, so as to be visible at the lot line, shall be permitted. No emission or transmission of heat or heated air so as to be discernible at the lot line shall be permitted.
6. There shall be no discharge of any liquid or solid materials into any public or private sewage disposal system, into any stream or body of water, onto the surface of the ground, or into the ground, except in accordance with Township, County, and State laws and regulations.
7. Odors from any use shall not be discernible at a lot line to a greater degree than odors from plants for the manufacture of electronic equipment.

**M. Fencing**

Security fencing shall not be permitted in any part of a yard forward of the rear wall of a building.

**N. REQUIRED OFF-STREET PARKING** - As required in ARTICLE 13.0.

**O. REQUIRED SITE PLAN REVIEW** - As required in ARTICLE 15.0.

**P. PERFORMANCE STANDARDS** - As required in ARTICLE 16.0, SECTION 16.02.

**Q. PRESERVATION OF ENVIRONMENTAL QUALITY** - As specified in ARTICLE 16.0, SECTION 16.07.

**ARTICLE 11  
PLANNED UNIT DEVELOPMENT**

**SECTION 11.01 - PURPOSE**

A Planned Unit Development (“PUD”) shall include such terms as cluster zoning, planned development, community unit plan, planned residential development and other terminology denoting zoning requirements which are designed to achieve the following objectives:

- A.** Provide flexibility in regulation of land development.
- B.** Provide for a compatible mix of land uses.
- C.** Encourage innovation in land use planning and development, especially in housing.
- D.** Encourage variety in the design and type of housing, and to improve the quality of residential environments.
- E.** Create more stable communities by providing a variety and balance of housing types and living environments.
- F.** Provide commercial, education, and recreational facilities and employment opportunities conveniently located in relation to housing.
- G.** Encourage provision of useful open space and protect and conserve natural features.
- H.** Promote efficiency and economy in the use of land and energy, in the development of land, and in the provision of public services and facilities.
- I.** Establish planning, review, and approval procedures which will properly relate the type, design, and layout of development to a particular site and its neighborhood.
- J.** Insure that the increased flexibility of regulations over land development is subject to proper standards and review procedures.
- K.** Encourage innovations in residential, office, and commercial development so that the growing demands of the population may be met by greater variety in type, design, and layout of buildings and by the conservation and more efficient use of open space ancillary to said buildings; so that greater opportunities for better housing, recreation and shops conveniently located to each other may extend to all citizens and residents of Manchester Township.
- L.** To reflect changes in the technology of land development so that resulting economies may benefit those who need homes.
- M.** To lessen the burden of traffic on streets and highways.

**SECTION 11.02 - PERMITTED USES**

- A.** Uses permitted in a PUD shall be compatible with the Township’s adopted Master Plan.
- B.** All use of land and buildings in a PUD shall comply with the listing and location of uses shown on the approved area plan, approved preliminary site plan, approved final site plan, and/or approved plat, or condominium development, whichever is applicable. Uses and structures accessory to the listed uses shall be permitted. No other uses shall be permitted.
- C.** A residential area, designated on an area plan, preliminary site plan, or final site plan, may contain one or more types of dwelling units, provided that such combination of dwelling unit types will not interfere with orderly and reasonable platting of an area, if such area is to be platted, and subject to the approved area plan.

- D.** Multiple family dwelling units may be located in buildings containing, or intended to contain, commercial and/or office activities, provided that commercial uses shall be permitted only on the first, ground, or main floor, however defined. Dwelling units shall not be permitted on any floor on which commercial and/or offices are located.
- E.** Home occupations shall not be permitted in any dwelling unit, including a mobile home unit, other than a single family detached unit, and shall be subject to the home occupation regulations set forth in the definition of home occupation in ARTICLE 2.0, herein.

**SECTION 11.03 - ELIGIBILITY**

A PUD shall comply with the Township’s Master Plan and shall be located in areas of Manchester Township identified in the adopted Master Plan as suitable and desirable for such development. An application for a PUD which is inconsistent with the then existing Master Plan, shall require the Township Planning Commission to amend the Master Plan in accordance with its recommendation on an application to establish a PUD. The Township Planning Commission may make the adoption of an amendment to the Master Plan contingent upon and effective on the date a PUD is duly established. In an application for a PUD is compatible with the Master Plan, the Township Planning Commission shall make that determination in its recommendation to the Township Board.

**A. Qualifications for Consideration as PUD**

The applicant for a planned unit development must demonstrate through the submission of both written documentation and site development plans that all of the following criteria are met:

- 1.** The intent of Section 11.03 is met.
- 2.** Approval of the planned unit development will result in one (1) or more of the following:
  - a.** A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or
  - b.** Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or
  - c.** A non-conforming use shall, to a material extent, be rendered more conforming to and compatible with the zoning district in which it is situated.
- 3.** The proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, roads, and utilities.
- 4.** The proposed development shall be consistent with the public health, safety, and welfare of the Township.
- 5.** The proposed development shall minimize any negative environmental impact on the subject site or surrounding land.
- 6.** The proposed development shall minimize any negative economic impact upon surrounding properties.
- 7.** The proposed development shall be consistent with the Goals and Policies of the Manchester Township Growth Management Plan.

## **SECTION 11.04 - APPLICATION REQUIREMENTS**

### **A. Pre-Application Conferences**

1. A potential applicant for a Planned Unit Development district classification shall request a pre-application conference with Township officials prior to filing said application. The request shall be made to the Planning Commission chair-person who shall set a date for the conference and shall inform the Township Board and other Planning Commission members of the conference and invite their attendance. The Planning Commission chair-person shall also invite other officials who might have an interest in the proposed development, or who might assist the Township in the review process, such as but not limited to Township Consultants, County Road Commission Engineer, County Health Department, and County Drain Commission.
2. The purpose of the conference is to inform Township and other officials of the concept of the proposed development and to provide the potential applicant with information regarding land development policies, procedures, standards and requirements of the Township and other agencies in terms of the proposed development. To this end the applicant is encouraged to present schematic plans, site data and other information that will explain the proposed development.
3. Statements made in the conference shall not be legally binding commitments.

### **B. Application Procedures**

1. Application for PUD classification shall be for an amendment to the Official Zoning Map and approval of an area plan. An application for a PUD may be made by the owner(s) of record or by a person(s) authorized in writing to act on behalf of the owner(s) of record of the subject parcel. The applicant shall have a substantial interest in the subject property prior to filing for a PUD classification. The filing shall be in the name of and signed by all owners. The applicant shall provide evidence of full ownership of all land in a PUD district, such as legal title, or execution of a binding sales agreement, prior to approval of the application by the Township Board.
2. The application shall be filed with the Township Clerk who shall transmit copies of the application to the Planning Commission Secretary. The application shall be filed at least two (2) weeks prior to the Planning Commission meeting at which it is to be first considered. Fees shall be paid to the Township Treasurer; no transmittals shall be made to the Planning Commission Secretary unless the required fees have been paid in full.
3. Upon receipt of the application from the Clerk, the Planning Commission shall undertake a study of same. The Planning Commission shall advise the applicant in writing of any recommended changes in the application as are needed to conform to the regulations and standards of this Ordinance.
4. The Planning Commission shall, at its next regular meeting, establish a public hearing on the application. Said hearing to be held within thirty-one (31) days. The Planning Commission shall give notice of the public hearing as required in SECTION 19.03, herein.  
  
In accordance with Section 19.03 D. of this Ordinance, the applicant(s) shall be responsible for posting a sign announcing the public hearing for the proposed PUD. Each sign shall state, "PROPERTY PROPOSED FOR A PLANNED UNIT DEVELOPMENT."
5. At the public hearing the petitioner shall present evidence regarding the following characteristics of the proposed development:
  - a. The general character and substance.
  - b. Objectives and purposes to be served.

- c. Compliance with all applicable Township ordinances, regulations, and standards.
- d. Scale and scope of development proposed.
- e. Development schedules.
- f. Compliance with the adopted Master Plan of Manchester Township.

The Planning Commission may also require that the petitioner provide information at the public hearing concerning economic feasibility of the proposed uses; community impact, in terms of streets and traffic, schools, recreation facilities, police, fire, and costs/revenues for the Township; and environmental impact.

Evidence and expert opinion shall be submitted by the petitioner in the form of maps, charts, reports, models or other materials, and in the form of testimony by experts, as will clearly state the full nature and extent of the proposal. Materials shall be submitted in sufficient quantity for public display and for review by the Planning Commission, other Township officials, and the general public.

- 6. The report to the Township Board shall state the Planning Commission's conclusions on the application for a PUD District, the basis for its decision, analysis with regard to its compatibility with the Master Plan, the decision and any conditions relating to an affirmative decision.
- 7. After making its recommendations the Planning Commission shall transmit a copy of the application and its report to the Washtenaw County Metropolitan Planning Commission for its review and comment to the Township Board.
- 8. The Township Board shall review the application, the reports of the Township Planning Commission, and the County Planning Commission reports thereon, and shall approve, deny or table for future consideration the application. Changes in the application desired by the Township Board shall be referred to the Township Planning Commission for review and recommendation prior to Township Board action thereon.
- 9. If the application is approved by the Township Board, the applicant shall review the application in its approved form. The applicant and all owner(s) of record of all property included within a PUD district or said owners' legal representatives shall then sign a statement that the approved application and area plan shall be binding upon the applicant and owner(s) of record and upon their heirs, successors and assigns. The application and area plan shall not be officially approved nor may the applicant submit a preliminary site plan, where applicable, or a final site plan for the lot or any part thereof, until said statement has been signed as required herein and has been received by the Township Clerk.
- 10. Within three (3) days of the official approval of the application by the Township Board, the Township Supervisor shall accurately note, and the Township Clerk shall certify, the Planned Unit Development district designation for the lot in question on the official zoning map, in accordance with SECTION 3.06, herein.
- 11. The approved area plan and signed agreement shall be recorded by the petitioner with the Washtenaw County Register of Deeds, within ten (10) days of the date of approval of the application and the area plan by the Township Board. The petitioner shall immediately provide a certified copy of the recorded documents to the Manchester Township Clerk.
- 12. The Township board may enforce any or all provisions of the approved area plan and agreement, and conditions of approval, against the petitioners, owners, successors, assigns, or agents.
- 13. Performance guarantees to assure compliance with the approved area plan and conditions of approval may be required by the Township Board at the time of approval of

the area plan. Guarantees to assure completion of site improvements shall be provided in accordance with ARTICLE 15.0 Site Plan Review, herein.

**C. Information Required for the Area Plan**

1. An area plan shall be submitted as part of an application for a Planned Unit Development district zoning change.
2. An area plan for a PUD consisting of eighty (80) acres or less shall contain all information required for preliminary site plans as set forth in SECTION 15.05, herein, and the following information:
  - a. Density of use for each use area of the site
  - b. Location, size and uses of open space.
  - c. General description of the organization to be utilized to own and maintain common areas and facilities.
  - d. General description of covenants or other restrictions; easements for public utilities.
  - e. Description of the petitioner's intentions regarding selling or leasing of land and dwelling units.
  - f. Description of all proposed uses.
  - g. General landscape concept showing tree masses to be preserved or added, buffer areas, and similar features.
  - h. Delineation of areas to be platted under the Subdivision Control Act, Act 288 of 1967, as amended, and Condominium Act, Act 59 of 1978, as amended.
  - i. Location and description of site; dimensions and areas.
  - j. General topography; soil information.
  - k. Scale, north arrow, date of plan.
  - l. Existing zoning of site; existing land use and zoning of adjacent parcels; location of adjacent buildings, drives, and streets.
  - m. General description of proposed water, sanitary sewer and storm drainage systems.
  - n. Existing natural and man-made features to be preserved or removed; location of existing structures, streets, and drives; location, width, and purpose of existing easements.
  - o. All adjacent property in which the petitioner and owners of land in the PUD have any ownership interest.
  - p. Proposed buildings/structures - location, outline, general dimensions, distances between, floor area, number of floors, height, number and type of dwelling units (where applicable).
  - q. Proposed streets/drives - general alignment, right-of-way, surface type and width.
  - r. Proposed parking - location and dimensions of lots, spaces, and aisles; angle of spaces; number of spaces; surface type.



- s. Delineation of required yards/setbacks; dwelling unit schedule, density, and lot area per dwelling unit, for residential projects; lot coverage (percent) and floor area ratio; location and size of required transition and landscape strips.
  - t. Delineation of areas of cutting and filling.
  - u. Location and area of development phases; building program for each phase, projected schedule of development, by phase.
3. An area plan for a PUD consisting of more than eighty (80) acres shall contain the information as required in SECTION 11.04 C2 (a) through (u), preceding, and the following information:
- a. Location, type, and land area of each proposed land use; dwelling unit density (dwelling units per acre).
  - b. General location, function, surface width, and right-of-way of proposed public streets; general location and surface width of major private streets/drives.
  - c. General location of proposed parking areas and approximate number of spaces to be provided in each area.
  - d. Location and area of each development phase; summary of land use information as required in SECTION 11.04 C2 (u) preceding, for each phase.
  - e. General topography; soil information.
  - f. Adjacent land uses.

**D. Standards for Application Review**

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

- 1. The proposed development shall conform to the adopted Master Plan, or represents land use policy which, in the Planning Commission's opinion, is a logical and acceptable change in the adopted Master Plan.
- 2. The proposed development shall conform to the intent and all regulations and standards of a PUD.
- 3. The proposed development shall be adequately served by public facilities and services such as but not limited to streets, police and fire protection, drainage courses, water and sanitary sewer facilities, refuse disposal, and sidewalks; or that the persons or agencies responsible for the proposed development shall be able to properly provide such facilities and services.
- 4. Common open space, other common properties and facilities, individual properties, and all other elements of a PUD are so planned that they will achieve a unified open space and recreation area system, with open space and all other elements in appropriate locations, suitably related to each other, the site, and surrounding lands.
- 5. The petitioner shall have made provision, satisfactory to the Board, to assure that public and common areas will be or have been irrevocable committed for that purpose. Provisions, satisfactory to the Board, shall be made for financing of improvements shown on the plan for open space and other common areas, and that proper maintenance of such improvements is assured.
- 6. The location of the proposed uses, layout of the site, and its relation to streets giving access to it, shall be such that traffic to, from, and within the site will not be hazardous

or inconvenient to the project or to the neighborhood. In applying this standard the Planning Commission shall consider, among other things; convenient routes for pedestrian traffic; relationship of the proposed project to main thoroughfares and street intersections; and the general character and intensity of the existing and potential development of the neighborhood.

7. The mix of housing unit types and densities, and the mix of residential and non-residential uses, shall be acceptable in terms of convenience, privacy, compatibility and similar measures.
8. The Planning Commission shall determine, where applicable, that noise, odor, light, or other external effects which are connected with the proposed uses, will not adversely affect adjacent and neighboring lands and uses.
9. The proposed development shall create a minimum disturbance to natural features and land forms.
10. Streets shall follow topography, be properly spaced, and be located and aligned in accordance with the intended function of each street. The property shall have adequate access to public streets. The plan shall provide for logical extensions of public streets and shall provide suitable street connections to adjacent parcels, where applicable.
11. Pedestrian circulation shall be provided within the site, and shall interconnect all use areas, where applicable. The pedestrian system shall provide for a logical extension of pedestrian ways outside the site and to the edges of the site, where applicable.

**E. Effect of Approval of Application**

Approval of the application by the Township Board shall have the following effects:

1. Approval shall confer a right to the applicant for a period of three (3) years for a Planned Unit Development district of eighty (80) acres or less in area, or for a period of five (5) years for a Planned Unit Development district of more than eighty (80) acres in area, from the date of approval, that existing zoning regulations as they apply to the land included in the application, shall remain unchanged, provided that required subsequent planning and/or construction are diligently pursued in accordance with the approved area plan within this time period.
2. Approval of an area plan shall indicate acceptance of uses, building locations, layout of streets, dwelling unit count and type, floor areas, densities, and all other elements of the area plan.
3. Approval of an application for a Planned Unit Development district eighty (80) acres or less in area shall authorize the applicant to file an application for final site plan approval for all or any phase of the development shown on the approved area plan, provided phases are shown on the approved area plan. Final site plans shall not be required of any area which is to be platted for single-family detached residential use.
4. Approval of an application for a Planned Unit Development district of more than eighty (80) acres shall authorize the applicant to file a preliminary site plan for each phase of the proposed development as delineated on the approved area plan. No construction shall begin within any phase until after a preliminary site plan is approved as required herein, and only in accordance with SECTION 15.05, herein.
5. Approval of an area plan by the Township Board shall authorize the applicant to file an application for review of a preliminary plat for tentative approval in accordance with the Subdivision Control Act (Act 288, P.A. 1967) and the Township's subdivision control ordinance for all or part of the area within the PUD which is to be platted.

6. No deviations from the area plan approved by the Township Board, or from any condition of approval, shall be permitted except through amendment or revision, as provided in this Article.
7. Such approval shall also authorize construction to begin for site improvements such as streets and drives, parking lots, grading, installation of utilities, and building foundations, provided the Planning Commission gives permission for such construction, and provided that all required permits have been issued and are in effect. No other construction may commence until a final site plan has been approved by the Planning Commission.

Grading, tree removal and other changes in existing topography and natural features shall be limited to the minimum required to permit construction as authorized in this subsection. Construction shall be limited to those elements whose location, size, alignment and similar characteristics will not be subject to change in the review of a final site plan or plat within the PUD.

#### **SECTION 11.05 - GENERAL PROVISIONS**

- A. **District Regulations** - All uses, structures, and properties shall comply with all regulations in ARTICLE 4.0, Schedule of District Regulations, herein, and with all other regulations and requirements of this Zoning Ordinance, except as provided in this Article.
- B. **Continuing Applicability of Regulations** - The location of all uses and structures, all uses and mixtures thereof, all yards and transition strips, and all other information regarding uses of properties as shown on or as part of an approved area plan, and on site plans and plats approved subsequently thereto, and all conditions of approval, shall have the full force and permanence of the zoning ordinance as though such regulations were specifically set forth in the zoning ordinance. Such regulations shall be the continuing obligation of any subsequent interests in the land in a PUD or parts thereof and shall not be changed except as approved through amendment or revision procedures as set forth in this Article. The approved plan(s) and any documents attached thereto shall control any subsequent planning or development at any particular stage in the process.

A parcel of land that has been classified as a PUD district by the Township Board shall not thereafter be developed or used except in accordance with the approved area plan and preliminary and final site plans approved subsequent thereto.

- C. **Construction** - No construction, grading, tree removal, soil stripping, or other site improvements or changes shall commence, and no permits shall be issued therefore, on a lot zoned, or under zoning application for, a PUD District classification, until the requirements of this Article have been met.

#### **SECTION 11.06 - ZONING BOARD OF APPEALS JURISDICTION**

The Township's Zoning Board of Appeals has no authority to hear an appeal on a PUD decision.

#### **SECTION 11.07 - DENSITY REGULATIONS**

- A. Density in a PUD shall be regulated as follows:
  1. The maximum permitted residential density for a PUD shall not exceed the average residential density for the area included in the PUD as shown on the Township's adopted Master Plan.
  2. The maximum lot coverage (LC) shall not exceed twenty-five (25) percent.
  3. The maximum floor area ratio (FAR) shall not exceed 35 percent.
- B. Density calculations shall meet the following requirements:

1. Land areas to be used in calculating gross densities, lot coverages (LC) and floor area ratios (FAR) shall be delineated on the area plan, preliminary site (sketch) plan, where applicable, and final site plan so that the acreage and density computations can be confirmed.
2. Land area used for calculating gross residential density shall include the total residential land area designated on the area or preliminary site plan, where applicable, and final site plan, less any area within existing public street right-of-way.
3. The horizontal surface area of lakes, streams, ponds (natural, man-made, or storm water retention), marshlands, and similar areas may be included in the acreage used for calculating density if at least fifty (50) percent of the frontage of such areas are part of lands devoted to parks and open space used for and accessible to residents of the PUD.
4. LC and FAR calculations for residential structures shall be based upon the acreage designated for overall residential density. LC and FAR calculations for non-residential uses shall be based upon land areas designated for such use and shall include acreage for private drives, parking and loading areas, open spaces around structures, landscape areas, and similar areas, but not including acreage in existing public street right-of-way.
5. Land once used to provide acreage sufficient to meet density regulations in a project within a PUD shall not be used to compute density in another project within the PUD unless the overall and new densities, LC's and FAR's of the subject property, and all previous projects in the district are maintained at or less than the limits established in the approved area plan.
6. The LC and FAR shall include assumed ground floor area and total floor area for proposed single family detached dwelling units. Such assumed floor areas shall be listed in the required calculations.
7. The Planning Commission may exclude land with slopes of fifteen percent (15%) or steeper from the gross residential land area if such land is not usable for residential or recreation/open space purposes.

**SECTION 11.08 - MINIMUM LOT AREA**

There shall be no minimum lot area for a planned unit development, provided, however, that the Township Planning Commission shall find that the lot area for any proposed planned unit development is reasonable for a development of that nature. Such finding shall take account of the lot size required for similar developments in other districts.

**SECTION 11.09 - REQUIRED YARDS AND SETBACKS**

The following minimum yards/setbacks shall be provided in a PUD.

- A. A yard fifty (50) feet deep shall be provided along the perimeter of a PUD fronting on a public street.
- B. A yard twenty (20) feet deep shall be provided along the perimeter of a PUD not fronting on a public street. Such yard shall be designed and landscaped as a buffer strip; parking lots and driveways shall not be permitted in such a yard, except that drives may cross such yards.
- C. A yard at least thirty-five (35) feet deep shall be provided along the right-of-way of a major public collector street proposed within a PUD and a yard fifty (50) feet deep shall be provided along the right-of-way of a public arterial street proposed within a PUD.
- D. A landscaped yard at least ten (10) feet deep shall be provided between a parking lot of five (5) or more spaces and a property line within a PUD. A yard at least twenty (20) feet deep shall be provided between a parking lot and a perimeter property line of a PUD, except when adjacent to a public street right-of-way line, in which case the preceding yard requirements shall apply.

- E.** A transition strip at least twenty (20) feet deep shall be required along a perimeter of a commercial, warehousing, or industrial office site when adjacent to a residential area, school site, park and similar areas within a PUD. Such strips shall be landscaped with trees, shrubs, ground cover, and other materials. Fencing may be required at the option of the Township Board at the time of area plan approval.

The preceding yard/setback requirements, except those in SECTION 11.09 (A) and (B), herein, may be reduced or waived when approved by the Township Board upon recommendation of the Planning Commission. The Planning Commission may permit a reduction in the yard required in SECTION 11.09 (A) herein, but the remaining yard shall not be less than thirty-five (35) feet. The reduction or waiver shall be based upon findings that topographic conditions, existing trees, and other vegetation, proposed land grading and plant materials, or other site conditions perform the same functions as the required yards. Such reductions or waivers shall be shown on the approved area plan.

- F.** All required yards shall be landscaped and adequately and permanently maintained by the property owner, tenant, or organization responsible for maintaining common areas as provided herein.

#### **SECTION 11.10 - DISTANCES BETWEEN BUILDINGS**

- A.** A single family dwelling shall be located at least ten (10) feet from any other single family dwelling unless structurally attached thereto.
- B.** Distances between buildings shall be sufficient to meet fire protection requirements.
- C.** The location of buildings and uses and the distances between buildings shall be clearly shown on the area plan and shall control the development and continued use of the property.

#### **SECTION 11.11 - HEIGHT REGULATIONS**

There are no height regulations in the PUD District, provided that any building exceeding a height of two and one-half (2 1/2) stories or thirty-five (35) feet shall be approved as to specific height by the Township Board upon recommendation by the Township Planning Commission. Approval shall be based upon findings regarding natural light, air circulation, views, fire protection, and airport flight patterns, where applicable. The height of each building shall be indicated on the area plan and all site plans approved subsequently thereto. Where the height exceeds two and one-half (2 1/2) stories or thirty-five (35) feet, the Township Board upon recommendation from the Planning Commission may require larger lot areas or set backs to preserve the integrity of open areas.

#### **SECTION 11.12 - CIRCULATION AND ACCESS**

- A.** Each lot or principal building shall have vehicular access from a public street or private street approved by the Township Board, upon recommendation from the Planning Commission, as part of an area plan.
- B.** Each lot or principal building shall have pedestrian access from a public or private sidewalk, where deemed necessary by the Planning Commission. All parts of a PUD shall be interconnected by a sidewalk system which will provide necessary, safe, and convenient movement of pedestrians. A bicycle path system may be required in a PUD and may be a part of a sidewalk system.
- C.** Public and private streets shall be designed and constructed according to established standards for public streets, except that such standards may be modified if adequate service will be provided. Right-of-way standards may be modified, especially where the area plan provides for adequate off-street parking facilities and for the separation of pedestrian and vehicular traffic. Any modification of proposed public streets shall meet the approval of the Washtenaw County Road Commission.
- D.** An individual dwelling unit in a single family or two family structure, or an individual townhouse building or mobile home, or similar residential structure, shall not have direct driveway access to a collector or arterial street. In such case, access shall be provided by a public or private street.

- E.** Public and private streets shall be designed and constructed according to established standards for public streets, except that such standards may be modified as provided in sub-section C, preceding. If private streets in a PUD district are to be dedicated to a public agency in the future, the owners shall first fully agree to bear the full expense of reconstruction or any other action required to make streets suitable for public acceptance.

**SECTION 11.13 - UTILITIES**

- A.** Each principal building shall be connected to public water and sanitary sewer lines, or to on-site facilities approved by the Township Board, after approval by the Washtenaw County Health Department and any other applicable entities.
- B.** Each site in a PUD district shall be provided with adequate storm drainage. Open drainage courses and storm water retention ponds may be permitted where shown on an approved area plan, site plan, or plat.
- C.** Electrical, telephone, and cable television lines shall be placed underground, provided, however, that distribution lines may be placed overhead if approved by the Township Board. Surface mounted equipment for underground wires shall be shown on final site plans, and shall be screened from view.
- D.** The Township Planning Commission may require that all structures within a PUD District which utilize metered utilities such as gas, electricity, water and sewer, shall have installed on the premises a meter reading device capable of determining usage amounts from a central location, which location shall be approved by the Township Board.
- E.** The Township Planning Commission may require the installation of street lighting on all or any portion of a public or private street, sidewalks and bike paths where such installation is deemed to be in the interest of public health, safety and welfare.
- F.** The Township Planning Commission may require the installation of an audio warning system at such locations as to adequately warn persons within the PUD of natural or man caused disasters.

**SECTION 11.14 - OPEN SPACE REGULATIONS**

- A.** Buildings, parking lots, drives and similar improvements may be permitted in open space areas if related and necessary to the functions of the open space, such as recreation areas and parks. Other buildings and improvements shall be prohibited therein.
- B.** Open space areas shall be conveniently located throughout the PUD in relation to the location of dwelling units and natural features.
- C.** Open space areas shall have minimum dimensions which are usable for the functions intended and which will permit proper maintenance.
- D.** The Township Board may require, upon recommendation of the Planning Commission, that natural amenities such as, but not limited to, ravines, rock outcrops, wooded areas, tree or shrub specimens, unique wildlife habitats, ponds, streams and marshes be preserved as part of the open space system of the PUD.

**SECTION 11.15 - PARKING AND LOADING REQUIREMENTS**

The parking and loading requirements set forth in ARTICLE 13.0, herein, shall apply, except that the number of spaces required may be reduced. Width of parking spaces may be reduced to not less than nine (9) feet. The reductions shall be approved by the Township Board, upon recommendation of the Township Planning Commission, as a part of the area plan, and shall be based upon specific findings. The parking area saved by reducing the number of width of spaces shall be put into landscape/open space areas within the PUD.

## **SECTION 11.16 - PHASING**

Development may be phased as delineated on the approved area plan, subject to the following requirements:

- A.** A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services, and open spaces and recreation facilities.
- B.** The Township Board, upon recommendation of the Planning Commission, may require that the development be phased so that property tax revenues resulting from such development will generally balance the expenditures required by public agencies to properly service that development; so that over-loading of utility services and community facilities will not result; and so that the various amenities and services necessary to provide a safe, convenient, and healthful residential environment will be available upon completion of any one phase. The Township Planning Commission may require the petitioner to provide market analyses, traffic studies, and other information necessary for the Planning Commission to properly and adequately analyze a PUD application for recommendation to the Township Board with respect to this requirement.
- C.** The Planning Commission may require, as part of a final site plan review of a phase of a PUD, that land shown as open space on the approved area plan be held in reserve as part of the phase to be developed, in order to guarantee that density limits for the entire approved PUD will not be exceeded when the subject phase is completed. Such reserved land may be included in the development of subsequent phases if the density limits will not be exceeded upon completion of that phase or if other land is similarly held in reserve.
- D.** Development shall be started and shall be diligently pursued in the manner and sequence shown on the approved area plan.
- E.** Any phase containing commercial and/or office uses shall have a residential land area containing at least three (3) times the land area in the commercial/office use.
- F.** No building permits shall be issued for any commercial or office use in a PUD until building permits have been issued for at least one hundred (100) dwelling units or one-quarter of the total number of units in the approved area plan, whichever is less.

## **SECTION 11.17 - SITE PLANS**

### **A. Preliminary Site Plan Requirements**

A preliminary site plan shall be submitted for approval for each phase of development as delineated on the approved area plan for Planned Unit Development districts consisting of more than eighty (80) acres of land area. The preliminary site plan shall be submitted and reviewed in accordance with, and shall meet the requirements of, ARTICLE 15.0, herein, that apply to preliminary site plans. In addition to these provisions, preliminary site plans shall conform to the approved area plan.

### **B. Final Site Plan Requirements**

A final site plan shall be approved for each phase of a Planned Unit Development district as delineated on the approved area plan. Each final site plan shall be submitted and reviewed in accordance with, and shall meet the requirements of, ARTICLE 15.0, herein, that apply to final site plans. The Planning Commission shall transmit the approved final site plan to the Township Board for its information. The applicant and all owner(s) of record or the owner(s) legal representative(s) shall sign the approved final site plan.

## **SECTION 11.18 - SUBDIVISION PLATS**

- A.** A site plan shall not be required for any part of a PUD which is to be platted for single family detached residential development.
- B.** Plats shall conform to the approved area plan and all conditions attached thereto.

- C.** Subdivision plats shall meet all requirements of the Manchester Township Subdivision Ordinance.
- D.** The Township Board shall have the authority to deny or table an application for tentative approval of a preliminary plat if, in its opinion and after a report thereon from the Planning Commission, such plat will result in premature development of the area involved or will result in improper scheduling of various public improvements such as, but not limited to, roads, utilities, and schools.
- E.** Condominium projects shall meet all requirements of the Condominium Act of 1978, as amended.

**SECTION 11.19 - COMMON AREAS AND FACILITIES**

- A.** The location, extent, and purpose of all common areas and facilities shall be clearly identified on the area plan, on the preliminary site (sketch) plan where applicable, and on each final site plan. All such areas and facilities which are to be conveyed to any agency shall be clearly identified accordingly on the final site plan(s).
- B.** All public areas and facilities which are to be dedicated to a public agency shall be so dedicated prior to approval of a final site plan or a final plat, unless a binding agreement is provided in lieu of dedication.
- C.** Legal instruments setting forth the manner of permanent maintenance of common areas and facilities shall be submitted to the Township attorney for review and a report on his/her findings issued to the Planning Commission as to legal form and effect, and to the Township Board or Planning Commission, whichever is applicable, for review, as to the suitability of such areas and facilities for the proposed use. Said legal instrument shall become a part of the approved plat or final site plan, whichever is applicable.
- D.** Where a Home Owners Association (HOA) is to be used to maintain and preserve common areas and facilities, the developer shall file a declaration of covenants and restrictions that will govern the HOA, same to be filed with the zoning application. The provisions shall include, but shall not be limited to, the following:
  - 1.** The HOA shall be established before any dwellings in the PUD are sold.
  - 2.** Membership in the HOA shall be mandatory for each dwelling unit buyer and for any successive buyer and shall be so specified in the covenants.
  - 3.** Restrictions shall be permanent.
  - 4.** The HOA shall be made responsible for liability insurance, local taxes, and maintenance of common areas and facilities.
  - 5.** Dwelling unit owners shall pay their pro rata share of the costs and this requirement shall be so specified in the covenants. Assessments levied by the HOA may become a lien on the individual properties.
  - 6.** The HOA shall have authority to adjust the assessment to meet changed needs.
  - 7.** The Township Board shall review the proposed by-laws and articles of incorporation prior to approval of the area plan.
  - 8.** All open spaces and common facilities shall be assessed to the HOA and all taxes and special assessments thereon shall be paid by the HOA.
- E.** The permanence and integrity of common open space may be secured by conveyance of development rights of such areas to a public agency. Such rights shall not include those needed to improve the common open space areas in accordance with an approved application, an approved preliminary site plan, where applicable, and final site plan.



- F.** Common areas and facilities may be deeded to a trustee who shall be responsible for the collection and disbursement of funds, and who shall account to the individual owners as to the use of their monies. If a trustee is utilized, the trustee may employ a professional manager. The trustee may be a home-owners association, a trust company, or similar organization.
- G.** Easements shall be given to each individual owner for the use of such areas and facilities.
- H.** Where facilities are to be constructed as part of the common area open space system, performance guarantees shall be provided as required herein.

**SECTION 11.20 - AMENDMENT AND REVISION**

- A.** A developer may request a change in an approved area plan, an approved preliminary site plan, or an approved final site plan. A change in an approved area plan, or a change in an approved preliminary or final site plan which results in a major change, as defined in this section, in the approved area plan, shall require an amendment to the approved area plan. All amendments shall follow the procedures herein required for original submittal and review of an application for PUD zoning. A change which results in a minor change as defined in this section shall require revision to the approved plan and approval by the Planning Commission.
- B.** A request for a change in an approved plan shall be made in writing to the Planning Commission and shall clearly state the reasons therefor. Such reasons may be based upon considerations such as but not limited to changing social or economic conditions, potential improvements in layout or design features, unforeseen difficulties, technical causes, site conditions, state or federal projects and installations, and statutory revisions. The Planning Commission, upon finding such reasons and request reasonable and valid, shall so notify the applicant in writing. Following payment of the required fee, the developer shall submit the required information to the Planning Commission for review. If the approved plan is to be amended, the Planning Commission shall immediately notify the Township Board.
- C.** The following changes shall be considered major, for which amendment is required:
  - 1. Change in concept of the development.
  - 2. Change in use or character of the development.
  - 3. Change in type of dwelling unit as identified on the approved area plan.
  - 4. Increase in the number of dwelling units (density).
  - 5. Increase in non-residential floor area of over five (5) percent.
  - 6. Increase in lot coverage or FAR of the entire PUD of more than one (1) percent.
  - 7. Rearrangement of lots, blocks, and building tracts.
  - 8. Change in the character or function of any street.
  - 9. Reduction in land area set aside for common open space or the relocation of such area(s).
  - 10. Increase in building height.
  - 11. A change in residential floor area plus or minus 10%.
- D.** A developer may request approval of minor changes, as defined in this section, in an approved area plan, in an approved preliminary site plan, where applicable, or in an approved final site plan. The Planning Commission shall notify the Township Board and other applicable agencies of its approval of such minor changes. The revised drawings as approved shall each be signed by the applicant and the owner(s) or record or the legal representative(s) of said owner(s).

- E.** Minor changes, for which approved plans may be revised rather than amended, shall be at the discretion of the Planning Commission.
- F.** The Planning Commission shall have the authority to determine whether a requested change is major or minor, in accordance with this section. The burden shall be on the applicant to show good cause for any requested change.
- G.** After the completion of any development within an approved PUD, alterations to existing uses/structures shall be handled on a case by case basis. Applicable sections of the Zoning Ordinance shall apply. Changes shall be consistent with the intent and character of the original PUD as approved.

**SECTION 11.21 - EXPIRATION OF PLAN APPROVALS**

- A.** An area plan shall expire eighteen (18) months after approval by the Township Board unless a site plan for the first phase of the project, or for the entire property in the PUD if development is not to occur in phases, is submitted to the Planning Commission for review and approval. Thereafter the site plan for each subsequent phase shall be submitted to the Planning Commission for review and approval within two (2) years of the date of approval of the immediately preceding final site plan.
- B.** A final site plan for the entire property classified as a PUD, or all final site plans for all stages thereof, shall have received approval of the Planning Commission within three (3) years, in the case of a PUD of eighty (80) acres or less in area, or within five (5) years for a PUD of more than eighty (80) acres in area, of the date of Township Board approval of the area plan. All final plats in a PUD shall have been approved and recorded within the preceding time periods.
- C.** Expiration of an approved area plan, or preliminary site plan, where applicable, as set forth in SECTION 11.21 A, preceding, and failure to obtain approval of final site plans and final plats as provided in SECTION 11.21 A and B, preceding, shall authorize the Township Board to revoke the right to develop under the approved area plan, after a hearing and unless good cause can be shown for said expiration.

In such case, the Township Board may require that a new area plan be filed and reviewed in accordance with the requirement for original application. Expiration shall also authorize the Township Board to initiate a zoning amendment to place the subject property into one or more zoning districts deemed by the Township Board to be appropriate. Expiration of an approved area plan shall be duly noted on the Official Zoning Map, and shall be signed by the Township Supervisor and attested by the Township Clerk. The Zoning Administrator shall notify the Township of the expiration of an approved area plan.

- D.** Approval of a final site plan in a PUD shall expire and be of no effect one hundred eighty (180) days after the date of approval of the Planning Commission unless the Building Inspector shall have issued a building permit for the development authorized by said approved plan. A final site plan in a PUD shall expire and be of no effect five-hundred forty-five (545) days after the date of approval by the Planning Commission unless construction is begun and is diligently pursued in accordance with the approved final site plan. Expiration of an approved final site plan shall authorize the Planning Commission to require filing and review of a new final site plan in accordance with the provisions of this Article.
- E.** Development shall be diligently pursued to completion, and shall be completed within two (2) years of the date of approval of a final site plan. If said development is not so completed, the Planning Commission shall not review or approve final site plans for any subsequent phases of the PUD unless good cause can be shown for not completing same.
- F.** If an approved area plan or an approved site plan has expired as set forth in this Section, no permits for development or use of the property shall be issued until the applicable requirements of this section have been met.

**SECTION 11.22 - EXTENSION OF TIME LIMITS**

Time limits set forth in this Article may be extended upon showing of good cause, and by written agreement between the applicant and the Planning Commission and/or Township Board, whichever is applicable, in the case of area plans. In the case of preliminary and final site plans an agreement for time extensions shall be between the applicant and the Planning Commission.

#### **SECTION 11.23 - MODIFICATIONS DURING CONSTRUCTION**

All site improvements and building construction shall conform to all approved plans required in this Article which authorize such improvements and construction, and to all approved engineering and architectural plans related thereto. If the applicant or developer makes any changes in the improvements and buildings during construction in relation to such approved plans he/she shall do so at his/her own risk, without assurance that the Manchester Township Board, Planning Commission or Township official, whichever is applicable, will approve such changes. Where field changes are necessary, the applicant or developer shall, if reasonably possible, first obtain approval from the appropriate body or official. If such prior approval cannot be obtained, and the changes are made, the applicant shall immediately notify the appropriate body or official of such changes and shall, as soon thereafter as is reasonable, submit as-built drawings of all such changes. The Township Board, Planning Commission, Zoning Administrator, Building Inspector or Township Engineer, whichever is applicable, may require the applicant to correct any changes made in the field without prior approval so as to conform to the approved plans.

#### **SECTION 11.24 - AS-BUILT DRAWINGS**

As-built drawings shall be provided in accordance with ARTICLE 15.0, herein.

#### **SECTION 11.25 - PERFORMANCE GUARANTEES**

Performance guarantees to assure compliance with the approved area plan and conditions of approval may be required by the Township Board at the time of approval of the area plan. Guarantees to assure completion of site improvements shall be provided in accordance with ARTICLE 15.0 Site Plan Review, herein.

#### **SECTION 11.26 - VIOLATIONS**

- A.** A violation of an approved area plan, preliminary site plan, final site plan, and conditions of approval, shall be grounds for the Township Board to order that all construction be stopped and that building permits and certificates of occupancy be withheld until the violation is removed or adequate guarantee of such removal is provided to the Board.
- B.** Violations of any plan approved under this Article, or failure to comply with any requirement of this Article, including conditions attached to an approved plan, shall be considered a violation of this ordinance, as provided in ARTICLE 18.0, herein.



**ARTICLE 12.0**  
**CONDITIONAL USES**

**SECTION 12.01 - GENERAL**

This ordinance is based upon the division of Manchester Township into districts in each of which certain specified, mutually compatible uses are permitted by right. In addition to such uses, however, there are certain other uses which are essential or desirable for the welfare of the community. Such uses are appropriate and not incompatible with the uses permitted by right in a zoning district, but not at every or any location therein, or without conditions being imposed because of special problems presented by the use or its particular location in relation to neighboring properties. These uses are identified herein as conditional uses. Conditional uses are hereby declared to be special land uses as provided in Public Act 110 of 2006, as amended.

This ordinance, therefore, requires approval of all uses listed in the several zoning districts as conditional uses and specifies in this Article the procedures and standards to be followed in approving permits for such uses. If compliance with the procedures and standards for conditional uses is found, then the right to a conditional use permit shall exist, subject to conditions as may be imposed. No conditional use shall commence until a conditional use permit is issued in accordance with this ordinance. Only those uses listed in each zoning district as conditional uses may be considered for conditional use permit review and approval.

**SECTION 12.02 - AUTHORITY TO GRANT PERMITS**

The Township Planning Commission shall have the authority to grant conditional use permits, subject to such conditions of design and operation, safeguards and time limitations as it may determine for all conditional uses specified in the various district provisions of this ordinance.

**SECTION 12.03 - APPLICATION**

Application for any conditional use permit permissible under the provisions of this ordinance shall be made to the Planning Commission by filling in the official conditional use permit application form, submitting required data, exhibits and information; and depositing the required fee with the Township Clerk. The Clerk shall promptly transmit copies of the application form and information to the Planning Commission.

**SECTION 12.04 - FEE**

The application and review fee for conditional use permits shall be set by resolution of the Manchester Township Board.

**SECTION 12.05 - INFORMATION REQUIRED**

An application for a conditional use permit shall contain the following information:

- A.** The names and addresses of all record and known owners and proof of ownership, applicant's name, address and telephone number and interest in the property; owner's signed consent for preliminary site plan approval application if the applicant is not the owner.
- B.** A detailed description of the proposed use.
- C.** Location, legal description of property, address, tax parcel number of the property, dimensions, and area.
- D.** A scaled and accurate survey drawing, depicting the location of the site and showing all existing buildings, drives and other improvements.
- E.** General topography and soil information.
- F.** Scale, north arrow, date of plan.

- G.** Proposed buildings/structures; location, outline, general dimensions, distances between floor area, number of floors, height, number and type of dwelling units (where applicable).
- H.** Location and size of open areas and recreation areas.
- I.** Proposed streets/drives; general alignment, right-of-way (where applicable), surface type and width.
- J.** Proposed parking; location and dimensions of lots; typical dimensions of spaces and aisles; angle of spaces, surface, type number of spaces.
- K.** Existing zoning classification of property; delineation of required yards; dwelling unit schedule, density of development, and lot area per dwelling unit for residential projects; lot coverage (percent) and floor area ratio; location and size of required transition and landscape strips, if applicable.
- L.** Area of intended filling and/or cutting; outline of existing buildings/structures and drives; existing natural and manmade features to be retained or removed.
- M.** Adjacent land uses and zoning; location of adjacent buildings, drives and streets.
- N.** Location and area of development phases; building program for each phase; projected schedule of development by phase.
- O.** Location and width of all easements on the site.
- P.** General description of proposed water, sanitary sewer, and storm drainage systems.
- Q.** All adjacent property owned or controlled by the applicant or owner of the subject property.
- R.** Any other information deemed necessary by the Planning Commission.

#### **SECTION 12.06 - PUBLIC HEARING**

- A. Establishing Date** - Upon receipt of the application and information from the Township Clerk, the Planning Commission shall set a date for a public hearing thereon, and shall notify the Township Clerk and applicant of the date.
- B. Notification Requirements** - The Planning Commission shall hold a public hearing on an application for a conditional use permit within sixty-five (65) days of the filing date. A notice of the public hearing shall be published once in a newspaper which circulates in the Township. A notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet regardless of whether the property or occupant is located within the Township. The notice shall be given not less than fifteen (15) days before the date of the public hearing. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four 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.

In accordance with Section 19.03 D. of this Ordinance, the applicant(s) shall be responsible for posting a sign announcing the public hearing for the proposed Conditional Use. Each sign shall state, "PROPERTY PROPOSED FOR A CONDITIONAL USE."

**C. Contents of Notification** - The notice of public hearing shall:

1. Describe the nature of the conditional use request.
2. Describe the property which is the subject of the conditional use request, including existing zoning. The notice shall include a listing of all existing street addresses within the property, if such addresses exist. If there are no street addresses, other means of identification may be used.
3. State date, time and place of the public hearing.
4. Indicate the time and place written comments will be received concerning the request.

**SECTION 12.07 - PLANNING COMMISSION ACTION**

The Planning Commission shall review the application and shall approve, approve with conditions, or deny a conditional use permit application. The Planning Commission's decision, the basis for the decision, and all conditions imposed shall be described in a written statement, which shall be made a part of the record of the meeting at which action is taken.

**SECTION 12.08 - REQUIRED STANDARDS**

The Planning Commission shall review the particular circumstances and facts of each proposed use and shall find and record adequate data, information and evidence showing that such a use on the proposed site meets all of the following standards:

- A. Will be harmonious, and in accordance, with the objectives and regulations of this ordinance.
- B. Will be compatible with the natural environment and existing and future land uses in the vicinity.
- C. That the proposed use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage ways, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- D. That the proposed use will not be detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property or the public welfare.
- E. That the proposed use will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.
- F. Will be compatible with the Township's adopted Land Use Plan and consistent with the intent of this ordinance and of the zoning district in which located.
- G. That the proposed use will meet all specific standards or regulations set forth in this ordinance.

**SECTION 12.09 - CONDITIONS OF APPROVAL**

In approving a conditional use permit, the Planning Commission may impose conditions it deems necessary to achieve the objectives and standards of this ordinance, the standards of Public Act 110 of 2006, as amended, and the public health, safety and welfare of Manchester Township. Failure to comply with any such conditions shall be a violation of this ordinance. An approved conditional use permit, including all attached conditions, shall run with the land in the approval and shall be binding upon all successors and assigns. The conditions shall remain unchanged except upon mutual consent of the Planning Commission and the landowner. Any such changes shall be entered into Township records and recorded in the minutes of the Planning Commission meeting at which the action occurred. A public hearing shall be held on any proposed changes, as required for original application.

**SECTION 12.10 – CONTINUATION AND EXPANSION**

- A. Continuation** – Any use lawfully existing on the date of adoption of this ordinance or an amendment thereof and that is permitted as a condition use under this ordinance or amendment shall be deemed a conforming use, and may continue without approvals require in this Article.
- B.** Expansion of a conditional use shall require a conditional use permit.

**SECTION 12.11 – RE-APPLICATION**

An application for a conditional use permit which has been denied wholly or in part by the Planning Commission shall not be resubmitted for a period of three hundred sixty-five (365) days from the date of such denial, except on grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid.

**SECTION 12.12 – REVOCATION OF PERMIT**

The Planning Commission may, after hearing and cause shown, revoke a conditional use permit in case of false statement or misrepresentation of fact on which the permit was approved, or in case of violations of this ordinance, or in case of lack of compliance with the approved site plan or any conditions of the permit.

**SECTION 12.13 – VARIANCES**

When a variance is required for the approval of a conditional use, the Zoning Board of Appeals may, in accordance with Article 20.0, approve the variance on the condition that the conditional use is approved by the Planning Commission. In the alternative, in the discretion of the Planning Commission, the Commission may approve a conditional use subject to the condition that variances be approved by the Zoning Board of Appeals. The Planning Commission may also postpone its decision regarding a conditional use to give an applicant an opportunity to obtain necessary variances from the Zoning Board of Appeals.



**ARTICLE 13.0**  
**OFF-STREET PARKING AND LOADING-UNLOADING REQUIREMENTS**

**SECTION 13.01 - OFF-STREET PARKING**

In all districts, off-street parking spaces for automobiles with the requirements herein specified shall be provided at the time any building or structure is erected, enlarged or increased in capacity.

- A.** Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation shall be submitted to the Zoning Administrator for review at the time of application for a building permit for the erection or enlargement of a building or at the time spaces are added or altered, unless a site plan is required under ARTICLE 15.0, herein, in which case this requirement shall not apply. Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within three hundred (300) feet thereof except that this distance shall not exceed one hundred fifty (150) feet for single family and two family dwellings. This distance specified shall be measured from the nearest point to the parking facility to the nearest point of the lot occupied by the building or use that such facility is required to serve.
- B.** No parking area or parking space which exists at the time this ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this ordinance, unless additional parking area or space is provided sufficient for the purpose of complying with the provision of this ordinance within three hundred (300) feet of the proposed or existing uses for which such parking will be available.
- C.** Parking of motor vehicles, in residential zones, shall be limited to passenger vehicles, and not more than one commercial vehicle of the light delivery type, not to exceed three-fourths (3/4) ton shall be permitted per dwelling unit. The parking of any other type of commercial vehicle, or bus, except for those parked on school or church property is prohibited in a residential zone. Parking spaces for all types of uses may be provided either in garages or parking areas conforming with the provisions of this ordinance.
- D.** Each off-street parking space for automobiles shall not be less than two hundred (200) square feet in area, with a minimum width of ten (10) feet, exclusive of access drives or aisles, and shall be of usable shape and condition. There shall be provided a minimum access drive of ten (10) feet in width, and where a turning radius is necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles. Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of a parking space. The minimum width of such aisle shall be:

  - 1.** For ninety (90) degree or perpendicular parking the aisle shall not be less than twenty-two (22) feet in width.
  - 2.** For sixty (60) degree parking the aisle shall not be less than eighteen (18) feet in width.
  - 3.** For forty-five (45) degree parking the aisle shall not be less than thirteen (13) feet in width.
  - 4.** For parallel parking the aisle shall not be less than eleven (11) feet in width.
- E.** Off-street parking facilities required for churches may be reduced by fifty (50) percent where churches are located in non-residential districts and within three hundred (300) feet of usable public or private off-street parking areas. Off-street parking facilities for trucks at restaurants, service stations, and other similar and related uses shall be of sufficient size to adequately serve trucks and not interfere with other vehicles that use the same facilities. Such truck spaces shall not be less than ten (10) feet in width and fifty-five (55) feet in length.
- F.** Every parcel of land hereafter used as a public or private parking area shall be developed and maintained in accordance with the following requirements:

1. All off-street parking spaces shall not be closer than five (5) feet to any property line, except where a wall, screen, or compact planting strip exists as a parking barrier along the property line.
  2. No off-street parking spaces shall be located in the front yard setback or when the lot is a corner lot, the parking spaces shall not be located within the required setback of either street.
  3. All off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of materials which will have a dust-free surface resistant to erosion.
  4. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lot or institutional premises.
  5. Any off-street parking area providing space for five (5) or more vehicles shall be effectively screened on any side which adjoins or faces property adjoining a residential lot or institution by a wall, screen, or compact planting not less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
  6. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one or two family dwellings.
  7. The number of parking spaces required for land or buildings used for two or more purposes shall be the sum of the requirements for the various uses, computed in accordance with this ordinance. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except churches.
- G.** For the purposes of determining off-street parking requirements the following units of measurement shall apply:
1. **FLOOR AREA** - In the case of uses where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that such floor area need not include any area used for parking within the principal building and need not include any area used for incidental service storage installations of mechanical equipment, penthouses housing ventilators and heating systems, and similar uses.
  2. **PLACES OF ASSEMBLY** - In stadiums, sport arenas, churches, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.
  3. **FRACTIONS** - When units of measurement determining the number of required parking spaces result in requirement of a fractional space, any fraction shall be counted as one additional space.
  4. The minimum required off-street parking spaces shall be set forth as follows:
    - Automobile or Machinery Sales and Service Garages:**

One (1) space for each two hundred (200) square feet of showroom floor area plus five (5) spaces for each service bay plus one (1) space for each two (2) employees.
    - Banks, Business and Professional offices:**

One (1) space for each two hundred (200) square feet of gross floor area.
    - Barber Shops and Beauty Parlors:**

One (1) space for each chair plus one (1) space for each employee.

**Bowling Alleys:**

Five (5) spaces for each alley.

**Churches, auditoriums, stadiums, sport arenas, theaters, dance halls other than schools:**

One (1) space for each (4) seats.

**Dwellings (Single family):**

Two (2) spaces for each family or dwelling unit.

**Dwellings (two family and multiple family)**

Two (2) spaces for each family or dwelling unit,

**Funeral homes and mortuaries:**

One (1) space for each fifty (50) square feet of floor area, plus one (1) space for each fleet vehicle.

**Furniture and appliance stores, household equipment and furniture repair shops:**

One (1) space for each one thousand (1,000) square feet of floor area.

**Hospitals:**

One (1) space for each bed excluding bassinets plus one (1) space for each two (2) employees.

**Hotels, motels, lodging houses, tourist and boarding homes:**

One (1) space for each living unit plus one (1) space for each two (2) employees.

**Automobile, gasoline service stations:**

One (1) space for each eight hundred (800) square feet of floor area plus one (1) space for each four (4) employees, plus five (5) spaces for each service bay.

**Manufacturing, fabricating, processing and bottling plants, research and testing laboratories:**

One (1) space for each one and one-half (1-1/2) employees on maximum shift.

**Utility sub-stations:**

One (1) space for each employee on maximum shift.

**Medical and dental clinics:**

One (1) space for each one hundred (100) square feet of floor area plus one (1) space for each employee.

**Restaurants, beer parlors, taverns and night clubs:**

One (1) space for each two (2) patrons of maximum seating capacity plus one (1) space for each two ( 2) employees.

**Roadside stands:**

Five (5) spaces for each attendant.

**Self-service laundry or dry cleaning stores:**

One (1) space for each two (2) washing and/or dry cleaning machines.

**Schools - private or public elementary and junior high schools:**

One (1) space for each employee normally engaged in or about the building or grounds plus one (1) space for each thirty (30) students enrolled.

**Senior high schools and institutions of higher learning private or public:**

One (1) space for each employee in or about the building or grounds plus one (1) space for each four (4) students.

**Shopping Centers:**

5.5 spaces per 1,000 square feet of gross leasable floor area.

**Supermarket, self-service food and discount stores:**

One (1) space for each two hundred (200) square feet of gross leasable floor area.

**Wholesale sales:**

One (1) space for each four hundred (400) square feet of floor area in wholesale sales, which area is not included in retail sales floor area.

**Retail sales in wholesale establishments:**

One (1) space for each two hundred (200) square feet of retail sales floor area.

**Warehousing/storage:**

One (1) space for each employee.

**Material distribution center (truck terminal):**

One (1) space for automobile parking for each person employed on the premises, including truck drivers; one (1) space for each truck stored on the premises.

**Mini-warehouse (self-storage)/Outside Storage:**

One (1) space for each twenty-five (25) storage units equally distributed throughout the site; two (2) spaces for the manager's residence. One (1) space for each twenty-five (25) storage units.

**Pharmacy, retail sales of medical and dental supplies and medical/dental laboratories:**

One (1) space for each four hundred (400) square feet of floor area in such use, plus the parking space required for other uses of the premises.

- 5. Where a use is not specifically mentioned the parking requirements of a similar or related use shall apply.

**SECTION 13.02 - LOADING-UNLOADING REQUIREMENTS**

In connection with every building or part thereof hereafter erected, except single and two family dwelling unit structures, there shall be provided on the same lot with such buildings, off-street loading and unloading spaces for uses which customarily receive or distribute material or merchandise by vehicle.

- A.** Plans and specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted to the Zoning Administrator for review at the time of application for a building permit for the erection or enlargement of a use or a building or structure.
- B.** Each off-street loading-unloading space shall not be less than the following:
  - 1.** In any residential district a loading-unloading space shall not be less than ten (10) feet in width and twenty-five (25) feet in length and, if a roofed space, not less than fourteen (14) feet in height.
  - 2.** In any commercial or industrial district a loading-unloading space shall not be less than ten (10) feet in width and fifty-five (55) feet in length and, if a roofed space, not less than fifteen (15) feet in height.
- C.** Subject to the limitations of the next paragraph, a loading-unloading space may occupy part of any required side or rear yard; except the side yard along a side street in the case of a corner lot. In no event shall any part of a required front yard be occupied by such loading space.
- D.** Any loading-unloading space shall not be closer than fifty (50) feet to any other lot located in any residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, fence or compact planting not less than six (6) feet in height.
- E.** In the case of mixed uses on one lot or parcel the total requirements for off-street loading-unloading facilities shall be the sum of the various uses computed separately.
- F.** All off-street loading-unloading facilities that make it necessary to back out directly into a public road shall be prohibited. All maneuvering of trucks, autos and other vehicles shall take place on the site and not within a public right-of-way.
- G.** Off-street loading-unloading requirements for residential (excluding single family dwellings), hotel, hospital, mortuary, public assembly, office, retail, wholesale, industrial or other uses similarly involving the receipt of distribution by vehicles, the uses having over five thousand (5,000) square feet of gross floor area shall be provided with at least one (1) off-street loading-unloading space, and for every additional twenty thousand (20,000) square feet of gross floor space, or fraction thereof, one (1) additional loading-unloading space, the size of such loading unloading space subject to the provisions of this ordinance.
- H.** Where a use is not specifically mentioned, the requirements of a similar or related use shall apply.

**ARTICLE 14.0**  
**SIGN REGULATIONS**

**SECTION 14.01 - Purpose**

The purpose of this Article is to regulate all exterior signs placed for exterior observance so as to protect property values, to protect the character of the various neighborhoods in Manchester Township, to protect health and safety, and to protect the public welfare.

The principal features are the restriction of advertising to the use of the premises on which the sign is located and the restriction of the total sign area permissible per site. Any sign placed on land or on a building for the purposes of identification or for advertising a use conducted therein or thereon shall be deemed to be accessory and incidental to such land, building, or use. It is intended that the display of signs will be appropriate to the land, building, or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification or advertisement. With respect to signs advertising business uses, it is specifically intended, among other things, to avoid excessive competition and clutter among sign displays in their demand for public attention. It is further intended that all signs within one complex or center be coordinated with the architecture in such a manner that the overall appearance is harmonious in color, form, and proportion.

It is also intended by this Article that all temporary signs erected for directional purposes, for public information or to call attention to special events shall be confined to those that are of general public interest and that such signs shall be limited to the giving of information.

All other signs, commonly referred to as outdoor advertising, billboards, or poster panels which advertise products or businesses not connected with the site or building on which they are located, are deemed by this Article to constitute a principal use of the lot. Any widespread display of outdoor advertising is deemed to be inappropriate to the character and sound development of the Township and it is intended that such advertising be confined to undeveloped commercial or industrial property.

**SECTION 14.02 - GENERAL SIGN REGULATIONS**

No sign shall be erected or replaced at any location where, by reason of position, size, shape, color, or illumination, it may interfere with, obstruct the view of, or be confused with, any authorized traffic sign, signal, or device so as to interfere with, mislead, or confuse traffic. All signs shall be designed, constructed, and maintained so as to be appropriate in appearance with the existing or intended character of their vicinity so as not to change the essential character of such area. Signs, including signs painted onto building walls, shall conform to all yard and height requirements of the district in which located unless otherwise provided in this Article. A permit for any sign, whether freestanding or mounted on or applied to a building, including signs painted on building walls, or other structures, or for any change in copy, shall be obtained from the Township Zoning Administrator before such sign may be erected, replaced, or relocated. Strings of pennants or flags attached to or part of a sign, or independently displayed for purposes of advertising, shall be prohibited.

**SECTION 14.03 - SIGNS PERMITTED IN ALL ZONING DISTRICTS**

Subject to the other conditions of this Ordinance, the following signs shall be permitted anywhere within Manchester Township:

- A.** One sign shall be permitted for all building contractors, one for all professional design firms and one for all lending institutions on sites under construction, each sign not to exceed six (6) square feet overall, with not more than a total of three (3) such signs permitted on one site. The sign shall be confined to the site of the construction, construction shed, or construction trailer and shall be removed within fourteen (14) days of the issuance of a certificate of occupancy.
- B.** One temporary real estate "for sale" sign located on the property and not exceeding six (6) square feet in area shall be permitted for each lot. If the lot or parcel has multiple frontage, one additional sign not exceeding six (6) square feet in area shall be permitted on the property on each street frontage. Under no circumstances shall more than two (2) such signs be permitted on a lot. Such sign(s) shall be removed within seven (7) days following the sale.

- C. Street banners advertising a public entertainment or event, if such banners are approved by the Township Board and in locations designated by the Township Board, may be displayed fourteen (14) days prior to and seven (7) days after the public entertainment or event.
- D. Name, directional, and informational signs and emblems of service clubs, places of worship, civic organizations, and quasi-public uses shall be permitted on private property and set back in accordance with the requirements of the zoning district in which located. Each sign shall not be more than three (3) square feet in area. The top of such sign shall not exceed eight (8) feet above grade. In the event that more than one sign is to be placed at one location, all civic organizations and service clubs signs must be consolidated and confined within a single frame, and all signs for places of worship shall be consolidated and confined within a single frame which may be separate from that for civic organizations and service clubs.

**SECTION 14.04 - SIGNS PERMITTED IN AR - RURAL AGRICULTURAL DISTRICTS**

- A. One incidental sign advertising the type of farm products grown on the farmstead premises is permitted. Such sign shall not exceed Eighteen (18) square feet in area.
- B. One sign for each public street frontage identifying a park, or school building, other authorized use, or a lawful non-conforming use, each sign not to exceed eighteen (18) square feet in area.
- C. One sign for each public street frontage advertising a development, each sign not to exceed eighteen (18) square feet in area. Such sign shall be removed within one year after the sale of ninety percent (90%) of all lots or units within said subdivision or development.

**SECTION 14.05 - SIGNS PERMITTED IN RESIDENTIAL DISTRICTS**

- A. One sign for each public street frontage advertising a development, each sign not to exceed eighteen (18) square feet in area. Such sign shall be removed within one year after the sale of ninety percent (90%) of all lots or units within said subdivision or development.
- B. One sign on each street frontage of a new multiple-family development advertising the new dwelling units for rent, not to exceed eighteen (18) square feet in area. Such sign shall be removed within sixty (60) days of the initial rental of ninety percent (90%) of the dwelling units within the development or within the first phase, whichever is applicable.
- C. One sign for each public street frontage identifying a multiple-family building, subdivision, or development, not having commercial connotations, each sign not to exceed eighteen (18) square feet in area.
- D. One sign advertising "For Rent" or "Vacancy" may be placed on each frontage of a rental residential development provided that such sign shall not exceed three (3) square feet in area and is incorporated into the identification sign permitted in SECTION 14.05C, preceding.
- E. One sign for each public street frontage identifying a school, church, public building, other authorized use or lawful non-conforming use, each sign not to exceed eighteen (18) square feet in area.

**SECTION 14.06 - SIGNS PERMITTED IN CC – COMMERCIAL, AND CM - COMMUNITY MANUFACTURING DISTRICTS**

- A. A sign, except outdoor advertising signs, which shall be regulated as set forth in SECTION 14.07 herein, is permitted only where it identifies an enterprise occupying the same lot upon which the sign is located and shall conform to the following regulations:
  - 1. An identification sign, limited to one sign per building, may be affixed to a wall of the building. If the building contains more than one enterprise, as in a shopping center, each enterprise located therein may have one such sign. Total sign area for wall signs shall not exceed two (2) square feet for each foot of length of the wall to which it is affixed. Wall signs shall not project more than one (1) foot from the wall face, as measured to the farthest face of the sign.

2. Where more than one sign is permitted on a wall face, the minimum horizontal distance between such signs shall be two (2) feet.
  3. One free-standing identification sign may be erected for an individual lot, or group of lots developed as one lot, when not provided for by SECTIONS 14.06A-4 and A-5, following, and shall not exceed eighteen (18) square feet in area for offices and thirty-six (36) square feet in area for other uses. If the lot fronts on more than one street, the total permitted sign area may be divided among two (2) or more such signs, provided, however, that the maximum permitted sign area shall not be exceeded.
  4. One free-standing identification sign may be erected for a research park or office center, or combined research park/office center. Such sign shall not exceed thirty-six (36) square feet in area, nor be closer to the front, side or rear property line, than one-third (1/3) the distance of the required building setback. If the lot fronts on two or more collector or arterial streets, one such sign may be permitted for each such frontage.
  5. One (1) free-standing identification sign stating the name of a shopping center or commercial development, and major tenants therein, may be erected for a shopping center or other integrated group of store or commercial buildings. The sign area shall not exceed one (1) square foot per front foot of building, or buildings, for which it is erected; however, such sign shall not exceed two hundred (200) square feet in area. If the lot fronts on two or more collector or arterial streets, one (1) such sign may be permitted for each such frontage.
  6. Identification signs for rear or side entrances shall be permitted, at the rate of one (1) such sign for each entrance, provided that the area of each such sign shall not exceed four (4) square feet. The area shall not be included in the area limitations set forth elsewhere in this Section.
  7. Wall signs shall not extend above the top edge of walls.
  8. Signs may be placed on the vertical faces of a marquee in place of a wall sign. One (1) identification sign per establishment, not exceeding four (4) square feet in area, may be placed on the underside of a marquee provided it does not project below the lower edge of a marquee more than twenty-four (24) inches, but the bottom of a sign placed on a marquee shall be no less than eight (8) feet above the sidewalk or grade at any point. No part of the sign shall project above the top of the vertical faces of a marquee.
- B.** In CM - Community Manufacturing districts, a sign, except outdoor advertising signs, which shall be regulated as set forth in SECTION 14.07, herein, is permitted only where it identifies a business occupying the lot upon which the sign is located. Such signs shall conform to the following regulations:
1. An identification sign, limited to one (1) sign per building, may be affixed to a wall of the building. If the building contains more than one enterprise, each enterprise may have one (1) such sign, similarly affixed. Total sign area shall not exceed one (1) square foot for each foot in length of the wall to which it is affixed. A wall sign shall not project more than one (1) foot from the face of the wall, measured to the farthest face of the sign.
  2. One (1) free-standing identification sign may be erected for an industrial park, district, or subdivision, or for an individual lot or group of lots. The area of such sign shall not exceed eighty (80) square feet, nor be closer to the front, side or rear property line, than one-third (1/3) the distance of the required building setback. If the lot fronts on two or more collector or arterial streets, one (1) sign may be permitted on each such frontage.
  3. Identification signs for rear or side entrances shall be permitted, at the rate of one (1) for each entrance, provided that the area of each such sign shall not exceed four (4) square feet. The area shall not be included in the area limitations set forth elsewhere in this Section.



4. Wall signs shall not extend above the top edge of walls.

#### **SECTION 14.07 - OUTDOOR ADVERTISING SIGNS**

Outdoor advertising signs (Billboards) shall only be permitted in the CM - Community Manufacturing district and:

- A. Spacing:** Billboards shall be spaced no closer than  $\frac{1}{4}$  mile from another billboard regardless of the fact that such billboards may be located on different sides of the subject street or highway. The linear mile measurement shall not be limited to the boundaries of Manchester Township where the particular street or highway extends beyond such boundaries.
- B. Linear Street and Highway Allotment:** Multi-faced billboard structures like back-to-back, tandem, tri-sided, V-shaped and stacked signs shall be considered separate billboards whose surface areas shall be considered separately toward the total linear street or highway allotment of billboards.
- C. Display Areas:** Any side of a bill board shall not have a surface display area exceeding three hundred (300) square feet. In the case of billboard structures with tandem or stacked billboard faces, the combined surface display area of all sign faces may not exceed this square footage limitation.
- D. Height:** The billboard shall not exceed 30 feet above the average grade of:
  1. the ground on which the billboard sits or
  2. the grade of the abutting roadway, whichever is higher.
- E. Placement. Roof:** Shall not be on top of, cantilevered, or otherwise suspended above the roof of any building.
- F. Proximity to Residential Structures and Uses:** Shall not be located within three-hundred (300) feet of a residential zone and/or existing residence.
- G. Lighting:** Billboards shall not be illuminated.
- H. Construction:** Billboards shall be constructed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness and continued readability of message.
- I. Proximity to the Road Right-of-Way:** Billboards shall be no closer to any right-of-way line than the front line of the nearest building within three hundred (300) feet.

#### **SECTION 14.08 - SIGNS FOR AUTOMOBILE SERVICE STATIONS**

Signs for automobile service stations shall be regulated as set forth in SECTION 14.06A, herein. In addition, the following regulations shall apply:

- A.** The permitted wall sign or legend may be attached either to a wall of the building or to the canopy of a fuel pump island.
- B.** One (1) permanent sign for the purpose of advertising gasoline prices and similar announcements, when mounted on a free-standing structure or on the structure of another permitted sign, may be installed along each street frontage, provided that clear views of street traffic by motorists or pedestrians are not obstructed in any way. Such sign(s) shall not exceed six (6) square feet in area. All temporary signs for such purposes and all banners, streamers, flags (other than state or national flags) and similar advertising objects shall be prohibited.

#### **SECTION 14.09 - EXEMPTIONS**

The following types of signs are exempted from all the provisions of this Ordinance except for construction and safety regulations and the following standards:

- A.** Signs of a non-commercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of his public duty, such as directional signs, regulatory signs, and informational signs.
- B.** Temporary signs announcing any public, charitable, educational, or religious event or function, located entirely within the premises of that institution and set back not less than ten (10) feet from the property line. Maximum sign area shall be twenty-four (24) square feet. Such signs shall be allowed no more than fourteen (14) days prior to the event or function and must be removed within seven (7) days after the event or function. If building mounted, these signs shall be flat wall signs and shall not project above the roof line. If ground mounted, the top shall be no more than six (6) feet above ground level.
- C.** Names of buildings, dates of erection, monument citations, commemorative tablets and the like, when carved into stone, concrete, or similar material or made of other permanent type construction and made an integral part of the structure.
- D.** Signs directing traffic movement onto a property or within a property, not exceeding eight (8) square feet in area for each sign. Horizontal directional signs on and flush with paved areas are exempt from these standards.
- E.** Temporary real estate directional signs, not exceeding three (3) square feet in area and four (4) in number, showing a directional arrow and placed back of the property line, shall be permitted on approach routes to an "open house" and shall be displayed only during daylight hours. The tops of such signs shall not exceed three (3) feet in height.
- F.** Political campaign signs announcing candidates seeking public political office and other data pertinent thereto when removed within forty-eight (48) hours after the election day.
- G.** National, state, municipal, and university flags.
- H.** "No trespassing," "no hunting," and similar signs prohibiting invasion of private property, provided the area of such sign shall not exceed two (2) square feet.

#### **SECTION 14.10 - PROHIBITED SIGNS**

The following signs are prohibited anywhere within Manchester Township:

- A.** Signs which imitate an official traffic sign or signal, which contain the words "stop," "go," "slow," "caution," "danger," "warning," or similar words except as provided in SECTION 14.09D, herein.
- B.** Signs which are of a size, location, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal or which obstruct the view in any direction at a street or road intersection.
- C.** Signs which contain or consist of pennants, ribbons, streamers, spinners, strings of light bulbs, or other similar devices.
- D.** Signs which are placed on a street or other public right-of-way.
- E.** Signs which are pasted or attached to utility poles, trees, or other signs, except as provided in SECTION 14.09H.
- F.** Signs which move in any manner or have a major moving part or give an illusion of motion.

#### **SECTION 14.11 - PERMIT AND FEES**

- A.** Application for a permit to erect or replace a sign, shall be made by the owner of the property on which the sign is to be located, or his authorized agent to the Township Zoning Administrator, by

submitting the required forms, fees, exhibits, and information. Fees for sign permits shall be determined by resolution of the Township Board and no part of such fee shall be returnable to the applicant. No fee shall be required of any governmental body or agency.

- B.** The application shall contain the following information:
- 1.** The applicant's name and address in full, and a complete description of relationship to the property owner.
  - 2.** The signature of the property owner concurring in submittal of said application.
  - 3.** An accurate survey drawing of the property showing location of all buildings and structures and their uses, and location of the proposed sign.
  - 4.** A complete description and scale drawings of the sign, including all dimensions and the area in square feet.
- C.** All signs shall be inspected by the Township Zoning Administrator for conformance to this Ordinance prior to placement on the site. Foundations shall be inspected by the Building Inspector on the site prior to pouring of the concrete for the sign support structure.
- D.** Any sign involving electrical components shall be wired by a licensed electrician in accordance with adopted Electrical Codes and the electrical components used shall bear an Underwriters Laboratories, Inc., seal of inspection.
- E.** A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six (6) months after the date of the permit. A permit may be renewed and no additional fee shall be collected for the renewal.
- F.** Painting, repainting, cleaning, and other normal maintenance and repair of a sign or a sign structure, unless a structural or copy change is made, shall not require a sign permit.
- G.** All signs shall comply with the requirements of the adopted building code of Manchester Township.

#### **SECTION 14.12 - ILLUMINATION**

- A.** The light from any illuminated sign or from any light source, including the interior of a building, shall be so shaded, shielded, or directed that the light intensity or brightness shall not adversely affect surrounding or facing premises nor adversely affect safe vision of operators of vehicles moving on public or private roads, highways, or parking areas. Light shall not shine or reflect onto or into residential structures.
- B.** No sign shall have blinding, flashing, or fluttering lights or other illuminating devices which have a changing light intensity, brightness, or color, or which are so constructed and operated as to create an appearance or illusion of writing or printing, except that movement showing the date, the time, and the temperature exclusively may be permitted. Nothing contained in this Ordinance shall, however, be construed as preventing the use of lights or decorations related to religious and patriotic festivities. Beacon lights or search lights shall not be permitted as a sign for advertising purposes.
- C.** No exposed reflective type bulbs and no strobe lights or incandescent lamps shall be used on the exterior surface of any sign so as to expose the face of the bulb, light, or lamp to any public street or adjacent property.

#### **SECTION 14.13 - COMPUTATION OF SURFACE AREA**

- A.** The surface area of a sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing copy or display material shall not be included in computation of surface area. Where a

sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign.

#### **SECTION 14.14 - REMOVAL**

- A.** The Zoning Administrator shall order the removal of any sign erected or maintained in violation of this Ordinance. Thirty (30) days notice in writing shall be given to the owner of such sign or of the building, structure, or premises on which such sign is located, to remove the sign or to bring it into compliance with the Ordinance. Upon failure to remove the sign or to comply with this notice, the Township shall remove the sign. The Township shall also remove the sign immediately if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public or is not in conformance with SECTION 14.09, herein. Any cost of removal incurred by the Township shall be assessed to the owner of the property on which such sign is located and may be collected in the manner of ordinary debt or in the manner of taxes and such charge shall be a lien on the property.
- B.** A sign shall be removed by the owner or lessees of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the Township shall remove it in accordance with SECTION 14.14A, herein. These removal provisions shall not apply where a subsequent owner or lessee conducts the same type of business and agrees to maintain the signs as provided in this Ordinance or changes the copy on the signs to advertise the type of business being conducted on the premises, and provided the signs comply with the other provisions of this Ordinance.

#### **SECTION 14.15 - NON-CONFORMING SIGNS**

Copy may be changed on non-conforming signs, provided that the sign area is not increased, and provided that no structural changes are made in the sign.

#### **SECTION 14.16 - RESPONSIBILITIES FOR SIGNS**

All signs and components thereof shall be kept in good repair and in a safe, clean, neat, and attractive appearance. The following regulations apply to all signs, except those signs permitted in SECTIONS 14.03, 14.04, 14.05A, 14.05B, and 14.05D.

- A.** The advertiser is hereby made responsible for copy, structure, lighting, and all other parts of a sign.
- B.** All signs requiring permits shall display, in a conspicuous place, evidence of the permit and containing such data as might be required by the Zoning Administrator, including the name of the individual or company erecting the sign.

#### **SECTION 14.17 - REGISTRY**

The Zoning Administrator shall maintain an up-to-date registry of each sign, requiring a permit, erected in Manchester Township after the effective date of this Ordinance. The registry shall contain the following information: location of the sign, name and address of the property owner, advertiser, and individual or company erecting a sign and height, dimensions, and face area, and date of placement on the site.

**ARTICLE 15.0  
SITE PLAN REVIEW**

**SECTION 15.01 - PURPOSE**

It is recognized by this ordinance that there is a value to the public in establishing safe and convenient traffic movement, both within the site and in relations to access streets; that there is a value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; further that there are benefits to the public in conserving natural resources. Toward this end, this ordinance requires site plan review by the Township Planning Commission and approval by the Township Planning Commission for certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, on adjacent land usage, and on the character of future urban development.

**SECTION 15.02 - BUILDING, STRUCTURES AND USES REQUIRING SITE PLAN REVIEW**

The building inspector shall not issue a building permit for the construction of the following buildings and structures unless a detailed site plan has been reviewed and approved by the Township Planning Commission and such approval is in effect.

- A.** A building containing two (2) or more dwelling units.
- B.** A mobile home park in accordance with the provisions as specified in ARTICLE 8.0.
- C.** A Planned Unit Development, in accordance with the provisions specified in ARTICLE 11.0.
- D.** Any building or structure or addition thereto in any commercial or industrial district with a floor area greater than five hundred (500) square feet.
- E.** A parking lot or addition thereto containing 5 or more parking spaces.
- F.** Any condominium development.
- G.** Any Conditional Use Permit provided, however, that the Planning Commission may waive this requirement upon finding that it is inapplicable to a given special use.
- H.** Public utility buildings and structures, but not including poles, towers, and telephone repeater buildings.

The Zoning Administrator shall not issue a Certificate of Zoning Compliance nor the Building Inspector issue a Building Permit for Construction of an addition to any one of the above listed buildings or structures until a final site plan has been approved by the Township Planning Commission and is in effect. A use, not involving a building or structure, as above listed, shall not be commenced, or expanded, nor shall the Building Inspector issue a Certificate of Occupancy for such use or the Zoning Administrator issue a Certificate of Zoning Compliance, until a final site plan has been approved and is in effect.

No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence for any development for which site plan approval is required until a final site plan is approved and is in effect, except as otherwise provided in this Article.

**SECTION 15.03 - APPLICATION AND FEE FOR A PRELIMINARY SITE PLAN**

Any person may file a request for a site plan review by the Township Planning Commission by filing with the Township Clerk the completed application upon the forms therefore furnished by the Clerk and payment of the preliminary fee as determined by resolution of the Manchester Township Board. As an integral part of said application, the applicant shall file at least Ten (10) copies of a preliminary site plan which shall conform to the following minimum requirements.

**SECTION 15.04 - PLANNING COMMISSION REVIEW OF PRELIMINARY SITE PLAN**

Upon receipt of such application and fee, the Clerk shall transmit the application and preliminary sketch plan drawing(s) to the Planning Commission prior to its next regularly scheduled meeting, and the Planning Commission shall undertake a study of the same and shall, within sixty-five (65) days, from the date of the first commission meeting at which the application is received from the Clerk, give its tentative approval or disapproval of the preliminary site plan, advising the applicant, in writing, of recommended changes or modifications in the proposed site plan as are needed to achieve conformity to the standards specified in this ordinance. This time limit may be extended upon a written request by the applicant and approval by the Planning Commission.

#### **SECTION 15.05 - REQUIRED DATA FOR A PRELIMINARY SITE PLAN**

Every preliminary site plan submitted to the Commission shall be in accordance with the requirements of this section.

- A.** The names and addresses of all record and known owners and proof of ownership, applicant's name address and telephone number and interest in the property; owner's signed consent for preliminary site plan approval application if the applicant is not the owner.
- B.** A detailed description of the proposed use.
- C.** Location, legal description of property, address, tax parcel number of the property, dimensions, and area.
- D.** A scaled and accurate survey drawing, depicting the location of the site and showing all existing buildings, drives and other improvements.
- E.** General topography and soil information.
- F.** Scale, north arrow, date of plan.
- G.** Proposed buildings/structures; location, outline, general dimensions, distances between floor area, number of floors, height, number and type of dwelling units (where applicable).
- H.** Location and size of open areas and recreation areas.
- I.** Proposed streets/drives; general alignment, right-of-way (where applicable), surface type and width.
- J.** Proposed parking; location and dimensions of lots; typical dimensions of spaces and aisles; angle of spaces, surface, type number of spaces.
- K.** Existing zoning classification of property; delineation of required yards; dwelling unit schedule, density of development, and lot area per dwelling unit for residential projects; lot coverage (percent) and floor area ratio; location and size of required transition and landscape strips, if applicable.
- L.** Area of intended filling and/or cutting; outline of existing buildings/structures and drives; existing natural and manmade features to be retained or removed.
- M.** Adjacent land uses and zoning; location of adjacent buildings, drives and streets.
- N.** Location and area of development phases; building program for each phase; projected schedule of development by phase.
- O.** Location and width of all easements on the site.
- P.** General description of proposed water, sanitary sewer, and storm drainage systems.
- Q.** All adjacent property owned or controlled by the applicant or owner of the subject property.
- R.** Any other information deemed necessary by the Planning Commission

## **SECTION 15.06 - STANDARDS FOR REVIEW**

In reviewing a preliminary site plan, the Planning Commission shall consider the following standards:

- A.** That all required information has been provided.
- B.** That the proposed development conforms to all regulations of the zoning district in which it is located.
- C.** That the applicant may legally apply for site plan review.
- D.** That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.
- E.** That the proposed site plan will be harmonious with, and not harmful, injurious, or objectionable to existing and future uses in the immediate area.
- F.** That natural resources will be preserved to a maximum feasible extent.
- G.** That the proposed development respects natural topography to the maximum feasible extent, and minimizes the amount of cutting and filling required.
- H.** That organic, wet, or other soils which are not suitable for development, will be undisturbed, or will be modified in an acceptable manner.
- I.** That the proposed development properly respects floodways and flood plains on or in the vicinity of the subject property.
- J.** That phases of development are in logical sequence so that any phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.

## **SECTION 15.07 - EFFECT OF APPROVAL**

Approval of a preliminary site plan by the Township Planning Commission shall indicate its acceptance of the proposed layout of buildings, streets, drives, parking areas, and other facilities and areas in accordance with the standards set forth in SECTION 15.06 herein. The Township Planning Commission may, at its discretion and risk of applicant and with appropriate conditions attached, authorize issuance of permits by the Building Inspector for grading and foundation work on the basis of an approved preliminary site plan. The conditions which may be attached to such permit for grading and foundation work shall include, but shall not be limited to, measures to control erosion, exemption of the Township from any liability if a final site plan is not approved, and provision of a bond for site restoration if work does not proceed to completion.

## **SECTION 15.08 - EXPIRATION OF APPROVAL**

Approval of a preliminary site plan shall be valid for a period of one hundred eighty (180) days from the date of approval and shall expire and be of no effect unless an application for a final site plan for all or part of the area included in the approved preliminary site plan is filed with the Township Clerk within that time period. The Planning Commission Secretary shall, within ten (10) days of the date of approval of the preliminary site plan, transmit a written certification of such approval to the applicant. If a final site plan is submitted for only a part of the area included in the approved preliminary site plan, successive final site plans shall be filed at intervals no greater than two (2) years from the date of approval of the previously approved final site plan. If such period is exceeded, the Township Planning Commission may declare the approved preliminary site plan invalid with respect to the remaining parts of the site, unless good cause can be shown for the delay. In such case, the Township Planning Commission may require a new preliminary site plan be submitted.

## **SECTION 15.09 - APPLICATION AND FEE OF A FINAL SITE PLAN**

Following approval of the preliminary site plan, the applicant shall submit to the Township Clerk, twelve (12) copies of the proposed final site plan as well as the other data, exhibits and information hereinafter required, and pay to the Clerk a review fee, the schedule of which shall be determined by resolution of the Manchester Township Board. The Clerk upon receipt of such detailed site plan drawings, other necessary data, and payment of the required fee, shall forthwith transmit the copies to the Planning Commission prior to its next regularly scheduled meeting and the Planning Commission shall undertake a study of same and shall, within sixty-five (65) days from the date of the commission meeting at which the application is received from the Clerk shall approve or deny the detailed site plan. This time limit may be extended upon mutual agreement between the applicant and the Planning Commission. The Commission may require changes in the proposed site plan as are needed to gain approval. The Planning Commission may attach reasonable conditions to its approval.

The Planning Commission shall include in its study of the site plan consultation with the Township Zoning Administrator, the Township Fire Chief, and the Township Engineer, or other consultants and other government officials and departments, including the Washtenaw County Drain Commission and Washtenaw County Road Commission, and public utility companies that might have an interest in or be affected by the proposed development. Written notice shall be sent to the applicant stating the time and place of review of the site plan by the Township Planning Commission.

#### **SECTION 15.10 - REQUIRED DATA FOR A FINAL SITE PLAN**

Every final site plan submitted to the commission shall be in accordance with the requirements of this section.

- A.** The site plan shall be of a scale not greater than one (1) inch equals two hundred (200) feet, and of such accuracy that the Planning Commission can readily interpret the plan. The information shall be presented on more than one (1) drawing, where required by the Planning Commission for purposes of clarity.
- B.** Scale, north arrow, name and date of plan; date of revisions thereto.
- C.** Name and address of property owner and applicant; interest of applicant in property; name and address of developer.
- D.** Name and address of designer. A final site plan shall be prepared by an architect, community planner, engineer, landscape architect, or land surveyor registered in the State of Michigan.
- E.** A vicinity map legal description of the property; dimensions and lot area. Where a metes and bounds description is used, lot line angles or bearings shall be indicated on the plan. Lot line dimensions and angles or bearings shall be based upon a boundary survey prepared by a registered surveyor and shall correlate with the legal description.
- F.** Existing topography shall be at a maximum contour interval of two (2) feet; existing natural features such as trees, wooded areas, streams, marshes, ponds, and other wetlands; clear indication of all natural features to remain and to be removed. Groups of trees shall be shown by an approximate outline of the total canopy; individual deciduous trees of six (6) inch diameter or larger and individual evergreen trees six (6) feet in height or higher, where not a part of a group of trees, shall be accurately located on the final site plan.
- G.** Existing buildings, structures, and other improvements, including drives, utility poles and towers, easements, pipelines, excavations, ditches (elevations and drainage directions), bridges, culverts; clear indication of all improvements to remain or to be removed.
- H.** General description of deed restrictions, if any.
- I.** Owner, use and zoning classification of adjacent properties; location and outline of buildings, drives, parking lots, and other improvements on adjacent properties.
- J.** Existing public utilities on or serving the property location and size of water lines and hydrants; location, size and inverts for sanitary sewer and storm sewer lines; location of manholes and catch basins; location and size of wells, septic tanks and drain fields.



- K.** Name and right-of-way of existing streets on or adjacent to the property; surface type and width; spot elevations of street surface, including elevations at intersections with streets and drives of the proposed development.
- L.** Zoning classifications of the subject property; location, of required yards; total ground floor area and lot coverage (percent); floor area ratio. In the case of residential units, the plan shall note dwelling unit density, lot area per dwelling unit, and a complete schedule of the number, size, and type of dwelling units.
- M.** Grading plan, showing finished contours at a maximum interval of two (2) feet, and correlated with existing contours so as to clearly indicate cut and fill required. All finished contour lines are to be connected to existing contour lines at or before the property lines.
- N.** Location and exterior dimensions of proposed buildings and structures, with the location to be referenced to property lines or to a common base point; distances between buildings; height in feet and stories; finished floor elevations and contact grade elevations.
- O.** Location and alignment of all proposed streets and drives; rights-of-way where applicable; surface type and width, and typical cross-section of same showing surface base and sub-base materials and dimensions; location and typical details of curbs; turning lanes, with details (where applicable); location, width, surface elevations and grades of all entries and exits; curve-radii.
- P.** Location and dimensions of proposed parking lots; numbers of spaces in each lot; dimensions of spaces and aisles; drainage pattern of lots; typical cross-section showing surface, base, and sub-base materials; angle of spaces.
- Q.** Location and size of proposed improvements of open spaces and recreation areas, and maintenance provisions for such areas.
- R.** Location, width, and surface or proposed sidewalks and pedestrian ways.
- S.** Location and type of proposed screens and fences; height, typical elevation, and vertical section of enclosures; showing materials and dimensions.
- T.** Location of proposed outdoor trash container enclosures; size, typical elevation, and vertical section of enclosures; showing materials and dimensions.
- U.** Location,-type, size, area, and height of proposed signs.
- V.** Layout, size of lines, inverts, hydrants, drainage flow patterns, location of manholes and catch basins for proposed sanitary sewer, water and storm drainage utilities; location and size of retention ponds and degrees of slope of sides of ponds; calculations for size of storm drainage facilities; location of electricity and telephone poles and wires; location and size of surface mounted equipment for electricity and telephone poles and wires; location and size of underground tanks where applicable; location and size of outdoor incinerators; location and size of wells, septic tanks, and drain fields where applicable. Final engineering drawings for all site improvements such as, but not limited to, water, sanitary sewer and storm sewer systems; streets, drives and parking lots; retention ponds and other ponds or lakes; retaining walls shall be submitted to and approved by the Township Engineer prior to Planning Commission approval of the final site plan. If on-site water and sewer facilities are to be used, a letter of approval of same, or a copy of the permit from the Washtenaw County Health Department shall be submitted to the Planning Commission Secretary prior to Planning Commission approval of the final site plan.
- W.** Landscape plan showing location and size of plant materials.
- X.** Description of measures to control soil erosion and sedimentation during grading and construction operations and until a permanent ground cover is established. Recommendations for such measures may be obtained from the County Soil Conservation Service.

- Y.** Location of proposed retaining walls; dimensions and materials of same; fill materials; typical vertical sections; restoration of adjacent properties, where applicable.
- Z.** Location, type, direction, and intensity of outside lighting.
- AA.** Right-of-way expansion where applicable; reservation or dedication of right-of-way to be clearly noted.
- BB.** Any other information deemed necessary by the planning commission.

**SECTION 15.11 - TOWNSHIP APPROVAL OF A FINAL SITE PLAN**

Upon the Township Planning Commission approval of a detailed site plan the applicant shall file with said Commission four (4) copies thereof. Within ten (10) days thereafter the secretary of said Commission shall transmit one copy each to the Township building inspector and Township Clerk with the secretary's certificate or that of his designated replacement affixed thereto, certifying that the site plan conforms to the provisions of this Article of the Manchester Township zoning ordinance as determined and approved by the Township Planning Commission. If the site plan is denied by the Township Planning Commission, explanation and notification of such denial shall be given to the applicant(s) within ten (10) days after such Commission action.

**SECTION 15.12 - STANDARDS FOR SITE PLAN REVIEW**

In reviewing the site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with all regulations of the Township zoning ordinance. Further, in consideration of each site plan, the Commission shall endeavor to assure the following:

- A.** That the final site plan conforms to the preliminary site plan as approved by the Township Planning Commission.
- B.** That all required information is provided.
- C.** That the plan meets the specifications of Manchester Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage, and other public facilities and services, and has been approved by the Township Fire Chief and the Township Engineer.
- D.** That the proposed development will not cause soil erosion or sedimentation problems.
- E.** That the drainage plan for the proposed development is adequate to handle anticipated storm water runoff and will not cause undue runoff onto neighboring property or overloading of water courses in the area.
- F.** That the proposed development is coordinated with improvements serving the subject property and with the other developments in the general vicinity.
- G.** That outside lighting will not adversely affect adjacent or neighboring properties, or traffic on adjacent streets.
- H.** That outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.
- I.** That grading or filling will not destroy the character of the property or the surrounding area and will not adversely affect the adjacent or neighboring properties.
- J.** That parking layout will not adversely affect the flow of traffic within the site or to and from the adjacent streets.
- K.** That the plan meets the standards of other government agencies, where applicable, and that the approval of these agencies has been obtained or is assured.

- L.** That the plan provides for the proper expansion of existing public streets serving the site, where applicable.
- M.** That the movement of vehicular and pedestrian traffic within the site and in relation to access streets shall be safe and convenient.
- N.** That provisions are made so that the proposed development will not be harmful to the existing and future uses in the immediate area and the vicinity.
- O.** **Effect of Approval** - Approval of a final site plan authorizes issuance of a certificate of zoning compliance and issuance of a building permit, provided all other requirements for a building permit have been met. In the case of uses without buildings or structures, approval of a final site plan authorizes issuance of a certificate of zoning compliance and issuance of a certificate of occupancy, provided all other requirements for such certificate have been met.
- P.** **Expiration of Approval** - Approval of a final site plan shall expire and be of no effect unless a building permit shall have been issued within one hundred eighty (180) days of the date of approval of the final site plan. Approval of a final site plan shall expire and be of no effect five hundred forty-five (545) days following the date of approval unless construction has begun on the property and is diligently pursued to completion in conformance with the approved final site plan.

**SECTION 15.13 - COMBINING PRELIMINARY AND FINAL SITE PLANS**

An applicant may, at the applicant’s discretion and risk, with approval of the Township Planning Commission, combine a preliminary and final site plan in an application for approval. The Planning Commission shall have the authority to require submittal of a preliminary site plan separate from a final site plan, where, in its opinion, the complexity and/or size of the proposed development so warrant. A preliminary and final site plan shall not be combined for any development consisting of two (2) or more phases.

**SECTION 15.14 - AMENDMENT OF APPROVED SITE PLAN**

A site plan may be amended upon application and in accordance with procedure and requirements provided in SECTION 15.03, herein, for a preliminary site plan and in SECTION 15.09, herein, for a final site plan. Minor changes in a preliminary site plan may be incorporated into a final site plan without an amendment to the approved preliminary site plan, at the discretion of the Planning Commission. The Planning Commission may require, in case of minor changes in an approved preliminary or final site plan, that a revised preliminary and/or final site plan drawing be submitted showing such minor changes, in lieu of procedures set forth in SECTION 15.03 and 15.09, herein, for purposes of record. The Planning Commission shall have the authority to determine if a proposed change is minor or major and if such change requires an amendment to an approved preliminary or final site plan. The Planning Commission shall record its determinations and reasons therefor in the minutes of the meeting at which the action is taken.

**SECTION 15.15 - MODIFICATION OF PLAN DURING CONSTRUCTION**

All site improvements shall conform to the approved final site plan, including engineering drawings approved by the Manchester Township Engineer. If the applicant makes any changes during construction in the development in relation to the approved final site plan, such changes shall be made at the applicant’s risk without any assurances that the Planning Commission will approve the changes.

It shall be the responsibility of the applicant to notify the Zoning Administrator, the Building Inspector, and the Planning Commission of any such changes. The Zoning Administrator or the Planning Commission, whichever is applicable, may require the applicant to correct the changes so as to conform to the approved site plan.

**SECTION 15.16 - AS-BUILT DRAWINGS**

- A.** The applicant shall provide as-built drawings of all sanitary sewer, water, and storm sewer lines and all appurtenances which were installed on a site for which a final site plan was approved. The drawings shall be submitted to the Township Building Inspector, and shall be approved by

the Township Engineer prior to the release of any performance guarantee or part thereof covering such installation.

- B.** The as-built drawings shall show, but shall not be limited to, such information as the exact size, type and location of pipes; location and size of manholes and catch basins; location and size of valves, fire hydrants, tees and crosses; depth and slopes of retention basins; and location and type of other utility installations. The drawings shall show plan and profile views of all sanitary and storm sewer lines and plan views of all water lines.
- C.** The as-built drawings shall show all work as actually installed and as field verified by a professional engineer or a representative thereof. The drawings shall be identified as "As-Built Drawings" in the title block of each drawing and shall be signed and dated by the owner of the development or the owner's legal representative and shall bear the seal of a professional engineer.

#### **SECTION 15.17 - PHASING OF DEVELOPMENT**

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

#### **SECTION 15.18 - INSPECTION**

The Zoning Administrator shall be responsible for inspecting all improvements for conformance with the approved final site plan. All sub-grade improvements, such as utilities, sub-base installations for drives and parking lots, and similar improvements shall be inspected and approved prior to covering. The applicant shall be responsible for requesting the necessary inspections. The Zoning Administrator shall obtain inspection assistance from the Township Fire Chief, Building Inspector, and Engineer, where applicable. The Zoning Administrator shall notify the Township Board, the Planning Commission, and Building Inspector, in writing, of any development for which a final site plan was approved, which does not pass inspection with respect to the approved final site plan, and shall advise the Township Board, Planning Commission, and Building Inspector of steps taken to achieve compliance. In such case, the Zoning Administrator shall periodically notify the Township Board, Planning Commission, and Building Inspector of progress toward compliance with the approved final site plan and when compliance is achieved.

### **SECTION 15.19 - PERFORMANCE GUARANTEES**

- A.** Performance bonds, irrevocable bank letters of credit, cash deposits, or other forms of security shall be provided by the applicant to the Township Clerk. The guarantee shall be provided after a final site plan is approved, but prior to issuance of a certificate of occupancy for any building covered by the site plan. The guarantee shall cover site improvements shown on the approved final site plan which will not be completed prior to issuance of the certificate of occupancy. Site improvements shall mean streets and drives, parking lots, sidewalks, grading, required landscaping, required streets, storm drainage, exterior lighting and utilities.
- B.** The applicant shall provide a cost estimate of the improvements to be covered by the guarantee and such estimate shall be verified as to amount by Manchester Township. The form of the guarantee shall be approved by the Township Attorney.
- C.** If the applicant shall fail to provide any site improvements according to the approved plans within the time period specified in the guarantee, the Township Board shall have the authority to have such work completed. The Township Board may reimburse the Township for cost of such work, including administrative costs, by appropriating funds from the deposited security, or may require performance by the bonding company.
- D.** If a cash deposit is used, the applicant and Township Board, based upon recommendation of the Zoning Administrator shall decide at the time of deposit on the means of rebating portions of the deposit in proportion to the amount of work completed on the covered improvements. All required inspections for improvements for which the cash deposit is to be rebated shall have been made before any rebate shall be made.
- E.** The Building Inspector may refuse to sign a certificate of occupancy in order to achieve compliance with the approved final site plan, and approved engineering plans related thereto. In such cases, a certificate of occupancy shall be signed by the Building Inspector upon compliance with the approved plans or upon provision of adequate security to guarantee compliance following occupancy.

### **SECTION 15.20 - FEES**

Fees for the review of site plans and inspections as required by this Article shall be established and may be amended by resolution of the Township Board.

### **SECTION 15.21 - VIOLATIONS**

The approved final site plan shall become part of the record of approval and subsequent action relating to the site in question shall be consistent with the approved final site plan, unless the Planning Commission agrees to such changes as provide in this Article. Any violation of the provisions of this Article, including any improvement not in conformance with the approved final site plan, shall be deemed a violation of this ordinance as provided in SECTION 18.09, herein, and shall be subject to all penalties therein.

### **SECTION 15.22 - EXPIRATION OF SITE PLAN CERTIFICATE**

The site plan certificate shall expire, and be of no effect, one hundred eighty (180) days after the date of issuance thereof, unless within such time the Township building inspector has issued a building permit for any proposed work authorized under the said site certificate. The site plan certificate shall expire and be of no effect five hundred and forty-five (545) days after the date of its issuance, if construction has not begun on the property.

### **SECTION 15.23 - CERTIFICATION OF COMPLIANCE**

An issuance of a zoning compliance permit as described in ARTICLE 18.0, herein shall be required prior to issuance of a certificate of occupancy.

### **SECTION 15.24 - AMENDMENT, REVISION OF SITE PLAN**

A site plan, and site plan certificate issued thereon, may be amended by the Township Planning Commission so far as the Commission approved site plan is concerned, for which the Township building inspector has not issued a building permit, or the work authorized under an issued building permit has not been completed. Such amendment shall be made upon application and in accordance with the procedure provided under SECTION 15.04 of this ordinance. Fees paid in connection with such application may be waived or refunded at the discretion of the Township Planning Commission.

#### **SECTION 15.25 - SITE COMPLETION GUARANTEE**

- A.** Prior to issuance of a certificate of occupancy for any building or structure for which an approved site plan or special use permit is required, the applicant for same shall provide a deposit to the Manchester Township Clerk. The deposit shall guarantee completion of all site improvements shown on the approved detailed site plan or the approved special use permit which are not completed prior to the issuance of the certificate of occupancy. For the purpose of this section, completion shall mean inspection by the appropriate Township officials and approval for compliance with the approved detailed site plan or special use permit.
- B.** Site improvements shall mean, but shall not be limited to drives and streets, curbs and gutters, sidewalks, drainage facilities, final grading, retaining walls, landscaping, screening or fencing, and paving and stripping of parking lots.
- C.** The guarantee shall be in an amount sufficient to cover all expenses of completing the site improvements, including administrative and contingency expenses, as determined by the Township Board.
- D.** The Township Board shall have the authority to use the guarantee to complete the site improvements within a period of nine (9) months following the issuance of the certificate of occupancy unless good cause can be shown by the applicant for the delay in completion. The Township Board may agree, in writing to a specific extension of the nine (9) month period.
- E.** The guarantee shall be promptly released upon the inspection and approval of all improvements in compliance with the approved detailed site plan or special use permit and all applicable Township standards and specifications. Portions of the guarantee may be released, in not more than three (3) installments, provided:  
  
The improvements for which the release is requested have been inspected and approved in accordance with the above standards, and the remaining improvements including administrative and contingency expenses. Unused funds shall be promptly returned to the applicant.
- F.** Types of Guarantees - The applicant may provide a guarantee in the form of a surety bond, letter of credit, cash depositor certified check, in a form and amount acceptable to the Township Board.

#### **SECTION 15.26 - ACCURACY OF INFORMATION**

The applicant for site plan approval shall be responsible for the accuracy and completeness of all information provided on the site plan.

#### **SECTION 15.27 - REVOCATION OF SITE PLAN APPROVAL**

The Planning Commission may, upon hearing, revoke approval of a site plan if the Commission determines that any information on the approved site plan is erroneous. Upon revocation, work on the affected part of the development, or on the entire development, as determined by the Planning Commission, shall cease. The Planning Commission may direct the Zoning Administrator to issue a stop work order to enforce its determination. Upon revocation, the Planning Commission may require the applicant to amend the site plan in a manner appropriate to reflect the corrected information. Any work so suspended shall not be resumed until an amended site plan is approved by the Planning Commission.

**ARTICLE 16.0**  
**SUPPLEMENTARY REGULATIONS AND STANDARDS**

**SECTION 16.01 - PURPOSE**

Schedules of specifications, regulations and standards governing land uses have been incorporated in this ordinance for each zoning district. There are, however, at times some unusual conditions attendant on land uses and zoning classifications which justify elaboration and particularization in the application of these specifications, regulations, and standards.

**SECTION 16.02 - PERFORMANCE STANDARDS**

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 provided that 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 requirements:

**A. 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 by 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.

**B. RADIOACTIVITY OR ELECTRICAL DISTURBANCE**

No activity shall emit dangerous radioactivity at any point, or unreasonable electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

**C. VIBRATION**

No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

**D. SMOKE**

Smoke shall not be emitted with a density greater than No. 1 on the Ringleman Chart as issued by the U.S. Bureau of Mines except for blow-off periods of ten minutes duration of one per hour when a density of not more than No. 2 is permitted.

**E. ODORS**

No malodorous gas or matter shall be permitted which is offensive or as to produce a public nuisance or hazard on any adjoining lot or property.

**F. AIR POLLUTION**

No pollution of air by fly-ash, dust, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation or other property, or which can cause excessive soiling.

**G. GLARE**

No direct or reflected glare shall be permitted which is visible from any property or from any public street, road, or highway.

**H. WATER POLLUTION**

Pollution of water shall be subject to such requirements and regulations as are established by the Michigan State Health Commission, the Michigan Water Resources Commission, Washtenaw County Drain Commission, and the Washtenaw County Health Department.

**I. NOISE**

Noise which is objectionable due to volume, frequency or beat shall be muffled or otherwise controlled so that there is no production of sound discernible at lot lines in excess of the average intensity of street and traffic noise at the lot lines. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.

**SECTION 16.03 – PUBLIC SEWAGE TREATMENT AND DISPOSAL FACILITIES**

In addition to the requirements established by the State of Michigan Department of Health, the following site development and use requirements shall apply:

- A.** All operations shall be completely enclosed by a fence not less than six (6) feet high.
- B.** All operations and structures 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 Board shall approve the treatment of all buffer strips.

**SECTION 16.04 - VISIBILITY AT INTERSECTIONS**

No fence, wall, hedge, screen, sign, structure, vegetation or planting shall be higher than three (3) feet on any corner lot or parcel in any zoning district requiring front and side yards within the triangular area formed by the intersecting street right-of-way lines and a straight line joining the two street lines at points which are thirty (30) feet distant from the point of intersection, measured along the street right-of-way lines. Trees may be planted in this triangular area, provided that the lowest foliage is ten (10) feet or higher from the ground.

**SECTION 16.05 - BULK REGULATIONS**

- A. CONTINUED CONFORMITY WITH BULK REGULATIONS** - The maintenance of setback, height, floor area ratio, coverage, open space, manufactured housing site, transition strip, lot area and lot area per dwelling unit required for one (1) use, lot, building or structure shall be a continuing obligation of the owner of such building or structure or of the lot on which such use, building or structure is in existence.
- B. DIVISION OF A LOT** - No one (1) lot, once designated and improved with a building or structure, shall be reduced in area or divided into two (2) or more lots, and no portion of one (1) lot, once designated and improved with a building or structure, shall be sold unless each lot resulting from each such reduction, division or sale, and designated and improved with a building or structure, shall conform with all of the bulk and yard regulations of the zoning district in which it is located.
- C. SETBACKS AND YARD REQUIREMENTS** - The setback and yard requirements established by this ordinance shall apply uniformly in each zoning district to every lot, building or structure except, notwithstanding any other provision of this ordinance, that any of the following structures may be located anywhere on any lot: open and unroofed terraces, patios, decks, porches and steps; awnings; flag poles; legal hydrants; laundry drying equipment; arbors; trellises; recreation equipment (not less than ten (10) feet from property line); outdoor cooking equipment; sidewalks; private driveways; trees, plants, shrubs, and hedges; solid fences, screens or walls less than four (4) feet in height; fences, screens or walls having at least fifty (50) percent of their surface area open when viewed from the perpendicular; and light poles; provided that on a corner lot nothing shall be constructed, erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of two and one half (2 1/2) feet and eight (8) feet above the center-line grades of the intersecting streets in an area bounded by the street right-of-way lines of such corner lot and a straight line joining points along said street right-of-way lines fifty (50) feet from the nearest point of intersection.



- D. HEIGHT** - The height requirements established by this ordinance shall apply uniformly in each zoning district to every building and structure except that the following structures and appurtenances shall be exempt from the height requirements of this ordinance; spires, belfries, penthouses and domes not used for human occupancy; chimneys; ventilators; skylights; water tanks, bulkheads; utility poles; power lines; radio and television broadcasting and receiving antennae, silos; parapets; and other necessary mechanical appurtenances; provided their location shall conform where applicable to the requirements of the Federal Communications Commission, the Civil Aeronautics Administration, and other public authorities having jurisdiction.

#### **SECTION 16.06 - PRESERVATION OF ENVIRONMENTAL QUALITY**

The following provisions shall apply:

- A.** In any zoning district no river, stream, water course or drainage way, whether filled or partly filled with water or dry in certain seasons, shall be obstructed or altered in any way at any time by any person except as provided in ARTICLE 15.0 of this ordinance, and submit to the Township Planning Commission a site plan and required data, exhibits and information as required.
- B.** No person shall alter, change, transform, or otherwise vary the edge, bank, or shore of any lake, river or stream except in conformance with the following:
- 1.** As provided in the Inland Lakes and Streams Act, Act 291 of the Public Acts of 1965.
  - 2.** If any edge, bank or shore of any lake, river or stream is proposed to be altered in any way by any person, such person shall submit to the Planning Commission a site plan and required data, exhibits and information as required in ARTICLE 15.0 of this ordinance.
- C.** No person shall drain, remove, fill, change, alter, transform or otherwise vary the area, water level, vegetation or natural conditions of a marsh, swamp or wetland except in conformance with the following: if any marsh, swamp or wetland is proposed to be altered in any way by any person, such person shall submit to the Planning Commission a site plan and required data, exhibits and information as provided in ARTICLE 15.0 of this ordinance.

#### **SECTION 16.07 - GREEN BELT BUFFER**

Prior to the commencement of construction of any structure or building in a Commercial District or Manufacturing District where such property abuts, adjoins, or is adjacent to a residential zone, a greenbelt shall be established. However, where permitted elsewhere in this ordinance, a six (6) foot masonry wall may be built in lieu of a greenbelt.

A greenbelt, minimum width of twenty (20) feet, which shall be completed within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be maintained with permanent plant materials. Specifications for spacing and plant materials are shown below. Materials to be used are merely suggestions and shall not be limiting, provided their equal in characteristics is used.

#### **SPACING**

- A.** Plant materials shall not be placed closer than three (3) feet from the fence line or property line.
- B.** Where plant materials are planted in two or more rows, planting shall be staggered in rows.
- C.** Evergreen trees shall be planted not more than thirty (30) feet on centers.
- D.** Narrow evergreens shall be planted not more than three (3) feet on centers.
- E.** Deciduous trees shall be planted not more than thirty (30) feet on centers.
- F.** Tree-like shrubs shall be planted not more than ten (10) feet on centers.
- G.** Large deciduous shrubs shall be planted not more than four (4) feet on centers.

**PLANT MATERIALS**

**Minimum Size (In height/feet)**

- A) Evergreen Trees** Five (5)
  - 1. Juniper
  - 2. Red Cedar
  - 3. White Cedar
  - 4. Pines
  
- B) Narrow Evergreens** Three (3)
  - 1. Pyramidal Arbor Vitae
  - 2. Columnar Juniper
  - 3. Irish Juniper

**PLANT MATERIALS**

**Minimum Size (In height/feet)**

- C) Tree-like Shrubs** Four (4)
  - 1. Flowering Crabapple
  - 2. Russian Olive
  - 3. Mountain Ash
  - 4. Dogwood
  - 5. Redbud
  - 6. Rose of Sharon
  
- D) Large Deciduous Shrubs** Six (6)
  - 1. Honey Suckle
  - 2. Viburnum
  - 3. Mock Orange
  - 4. Forsythia
  - 5. Lilac
  - 6. Ninebak
  
- E) Large Deciduous Trees** Eight (8)
  - 1. Oak
  - 2. Hard Maple
  - 3. Ash
  - 4. Hackberry
  - 5. Sycamore
  - 6. New American Elm

**TREES NOT PERMITTED**

- 1) Box Elder
- 2) Soft Maple
- 3) Elms (American)
- 4) Poplar
- 5) Ailanthus (Tree of Heaven)
- 6) Willow

Performance bonds, irrevocable bank letters of credit, cash deposits, or other forms of security shall be provided by the applicant to the Township Clerk, as provided in SECTION 15.19, herein, until such time as the greenbelt is planted. In the event that weather or seasonal conditions prevent transplanting, the petitioner shall be granted six (6) months from the date of issuance of certificate of occupancy to install said greenbelt or the Township shall be authorized to use said funds to install said greenbelt.

In all cases, however, the Township shall be authorized to withhold ten (10) percent of bond or cash for a period of two (2) years from date of issuance to insure that dead or dying nursery stock shall be replaced.

Excess funds, if any, shall be returned to the depositor upon completion of the two (2) year period. It shall be the responsibility of the property owner to maintain the greenbelt for its original intent and purpose.

**SECTION 16.08 - RESERVED**

**SECTION 16.09 - CONTROLLED USES**

In the preparation and enactment of this Ordinance, it is recognized that there are some uses, which, because of their very nature, have operational characteristics that have a serious and deleterious impact upon residential, office and commercial areas. Regulation of the locations of these uses is necessary to ensure that the negative secondary impact, that such businesses have been documented to have will not cause or contribute to the blighting or downgrading of the Township's residential neighborhoods, community uses which support a residential environment, and commercial centers. The regulations in this section are for the purpose of locating these uses in areas where the adverse impact of their operations may be minimized by the separation of such uses from one (1) another and from residential neighborhoods and places of public congregation. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

**A.** Uses subject to these controls are as follows (hereinafter referred to as "Regulated Uses"):

1. Controlled Uses
2. Escort Services and/or Escort Agencies
3. Massage Parlors and/or Massage Establishments
4. Pawnbrokers and/or Pawnshops
5. Tattoo and/or Body-Piercing and/or Branding Studios

**B. Location.** The location of Controlled Uses within the Township shall be subject to the following conditions:

1. No Controlled Use shall be permitted within a one thousand (1,000) foot radius of an existing Regulated Use. Measurement of the one thousand (1,000) foot radius shall be made from the outermost boundaries of the lot or parcel upon which the respective uses are or would be situated.
2. No Controlled Use shall be permitted with within a one thousand (1,000) foot radius of a school, library, park, playground, license group daycare home or center, or church, convent, monastery, synagogue or similar place of worship. Measurement of the one thousand (1,000) foot radius shall be made from the outermost boundaries of the lot or parcel upon which the respective uses are or would be situated.
3. No Controlled Use shall be permitted within a five hundred (500) foot radius of any residential zone. Measurement of the five hundred (500) foot radius shall be made from the outermost boundaries of the lot or parcel upon which the respective uses/zones are or would be situated.

**C. Miscellaneous Requirements.**

1. No person shall reside in or permit any person to reside in the premises of a Regulated Use.
2. An adult-oriented commercial enterprise use is in violation of this section if:

- a. The merchandise or activities of the establishment are visible from any point outside the establishment.
  - b. The exterior portions of the establishment or signs have any words, lettering, photographs, silhouettes, drawings or pictorial representations of any specified anatomical area or sexually explicit activity as defined in this Ordinance.
3. The provision of this section regarding massage establishments shall not apply to hospitals, sanitariums, nursing homes, medical clinics or the offices of a physician, surgeon, chiropractor and osteopath licensed to practice their respective professions in the State of Michigan, or who are permitted to practice temporarily under the auspices of an associate who is duly licensed in the State of Michigan and is normally on the same premises.

**SECTION 16.10 - BED & BREAKFAST OPERATION**

A bed and breakfast operation shall comply with the following regulations.

- A.** A bed and breakfast operation shall be permitted only in a single family detached dwelling unit that is the principal dwelling unit on the property. A dwelling unit containing a bed and breakfast operation shall be the principal residence of the operator and the operator shall live in the principal dwelling unit during the time the bed and breakfast operation is active.
- B.** A dwelling unit containing a bed and breakfast operation shall comply with all applicable State, County, and Township codes and regulations, and shall be regularly maintained so as to remain in compliance. The applicant for a conditional use permit shall provide written evidence of inspection and compliance with any applicable codes and regulations with an application for a conditional use permit.
- C.** A dwelling to be used for a bed and breakfast operation shall have a minimum floor area of 1,600 square feet, excluding basement and garage floor areas. Each sleeping room shall have a minimum floor area of 120 square feet and shall not have more than four occupants. The bed and breakfast room(s) shall occupy no more than a total of 16% of the dwelling unit floor area or seven (7) bedrooms whichever is lesser.
- D.** Lavatories, toilets, and bathing facilities shall be available within the principal structure to all persons using the bed and breakfast operation in that structure. One bathroom containing a lavatory, toilet, and bathtub or shower shall be provided for each four residents.
- E.** Not more than two persons other than members of the resident family shall be employed in a bed and breakfast operation.
- F.** No kitchen or other food preparation area or facilities shall be provided in or available to the rooms in a bed and breakfast operation. Cooking facilities in a dwelling containing a bed and breakfast operation shall be limited to the residential kitchen.
- G.** Full breakfasts and/or continental breakfasts may be served to registered bed and breakfast guests only. No other meals shall be provided to such guests.
- H.** Sale of alcoholic beverages in a bed and breakfast operation shall be prohibited.
- I.** One sign, not more than three (3) square feet in area, shall be permitted for each bed and breakfast operation. Wording on the sign shall be restricted to the name of the establishment and the address. The sign shall meet all applicable regulations of SECTION 14.02, Sign Regulations, herein.
- J.** A single family detached dwelling unit containing a bed and breakfast operation shall have no outside appearance of the presence of the operation, except the sign permitted herein.
- K.** The maximum length of stay for any occupant of a bed and breakfast operation shall be 14 consecutive days.

- L.** One off-street parking space shall be provided for each room in a bed and breakfast operation. Parking spaces for bed and breakfast registrants shall be in addition to spaces required for the dwelling unit and shall comply with the regulations of SECTION 13.01 Off Street Parking, herein.
- M.** A site plan shall be approved in accordance with SECTION 15.03, Preliminary Site Plan, herein, before a conditional use permit may be issued. A floor plan showing the layout of each floor in the dwelling unit and the rooms and bathrooms to be included in the bed and breakfast operation, and drawings or photographs of exterior elevations of the dwelling, shall be included with the site plan.
- N.** An approved conditional use permit for a bed and breakfast operation shall not become effective, and a bed and breakfast operation shall not be operated for business, until a certificate of occupancy therefor has been issued in accordance with the Manchester Township Regulations.
- O.** An approved conditional use permit, including all attached conditions by the Planning Commission, shall run with the parcel in the approval and shall remain unchanged except upon mutual consent of the Planning Commission and the landowner. Any violations of these conditions and/or required regulations by appropriate State agencies shall result in the conditional use permit being revoked.

**SECTION 16.11 - KENNELS**

**A. Limited Use Kennel/Breeding Kennel (cats excluded).**

- 1.** Except for bonified agricultural operations, kennels shall be considered a conditional use in the Rural Agriculture district and shall be on a parcel of land not less than ten (10) acres in area and six hundred and sixty (660) feet in width.
- 2.** One hundred fifty (150) feet setback required from all lot lines, including road right-of-way for all kennel structures including dog runs.
- 3.** Such kennel shall have a permanent confinement structure suitable for preventing egress of confined and/or ingress of unwanted (stray dogs) canine.
- 4.** Up to six (6) resident dogs and zero (0) to two (2) non-resident dogs shall be allowed.
- 5.** Boarding of dogs for compensation is not permitted.
- 6.** Such kennel shall be established and maintained in accordance with all applicable State, County, and health regulations.

**B. Kennel, Commercial** - A commercial enterprise that seeks to feed and lodge dogs for compensation or hire.

- 1.** A commercial kennel shall constitute a conditional use and be allowed only within a designated commercial district.
- 2.** No minimum lot size.
- 3.** One hundred fifty (150) feet setback required from all lot lines, including road right-of-way for all kennel structures including dog runs.
- 4.** Such kennel shall have a permanent confinement structure suitable for preventing egress of confined and/or ingress of unwanted (stray dogs) canine.
- 5.** Such kennel shall be established and maintained in accordance with all applicable State, County, and health regulations.

- C. For the purposes of this Section, a resident dog shall mean any dog older than six (6) months that resides at the kennel longer than six (6) months. A non-resident dog shall mean any dog older than six (6) months that resides at the kennel less than six (6) months.

**SECTION 16.12 - PARCEL DIVISION**

See Manchester Township Ordinance #41, Land Division Act.

**SECTION 16.13 - JUNKYARDS**

In addition to other regulations set forth in this Ordinance, all junkyards shall conform to the following requirements:

- A. The junkyard shall be located on a public arterial street, or equivalent major public street as defined in the adopted Land Use Development Plan.
- B. Travel routes for trucks entering and leaving the junkyard shall be shown on a map of the Township at the time of application for the conditional use permit. Such routes except arterial streets or their equivalent shall not pass through residential areas.
- C. A site plan shall be provided at the time of the conditional use permit application and shall meet all requirements of ARTICLE 15.0, "Site Plan Review," herein. The site plan shall also contain a description of the location and nature of any material processing operations to be conducted within the junkyard, and the location and nature of equipment for such operations.
- D. Junk materials shall be stored in organized rows with open intervals at least twenty (20) feet wide between rows for purposes of fire protection access and visitor safety.
- E. Junk materials shall not be stored in piles higher than the top of the fence surrounding the junkyard. Automobiles, trucks, and other vehicles shall not be stacked so as to prohibit fire protection or to threaten the safety of visitors.
- F. The junkyard shall be maintained in such a manner as to present the breeding or harboring of rats, insects, or other vermin.
- G. The junkyard, when established and located within one thousand (1,000) feet of any existing residential district, as measured on a straight-line distance, shall not be open for business and shall not 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, and shall not be open for business or otherwise operate on Sundays or legal holidays.
- H. Burning shall be prohibited except within an enclosed incinerator, and only if the burning operation and incinerator are approved by the Township Fire Chief, or other designated fire official, the Township Building Inspector, and the County Health Department.
- I. All flammable liquids contained in automobiles and other vehicle shall be drained from same immediately after such vehicles are brought to the junkyard. Such liquids are to be stored in containers approved by the Township Fire Chief, or other designated fire official, the Township Building Inspector, and the County Health Department.
- J. All drives, parking areas, and loading-unloading areas shall be paved, oiled, watered, or chemically treated so as to limit nuisances on neighboring properties and public roads caused by windborn dust.
- K. There shall be not more than one (1) entrance way from each public street which adjoins the junkyard.
- L. Fencing shall be required as follows:
  - 1. A solid, screen-type fence or wall at least seven (7) feet high as measured from grade at each post in the case of a fence, or at ten (10) foot intervals in the case of a wall, shall be

provided along each public street frontage. The fence or wall shall be located on the rear line of the required front yard. Gates shall also be made of solid, opaque material. The front yard shall be landscaped and continuously maintained as a lawn.

2. Where the junkyard is adjacent to a rural or urban residence, commercial or manufacturing district, a solid, screen-type fence or wall, at least seven (7) feet high as measured in SECTION 16.13.L(l) preceding, shall be provided on any side or rear property line or portion thereof, adjoining such lots.
3. Where the junkyard is adjacent to a lot in the CM district, a chain-link fence six (6) feet high as measured from grade level at each fence post shall be provided on any side or rear property line or portion thereof, adjoining such lots.
4. Strips of metal, plastic, or other materials inserted into wire fences shall not fulfill the requirements of SECTION 16.13L (1) and (2) of this Ordinance.

**M.** Wrecking and processing operations are permitted in a junkyard but shall be described in the application for the conditional use permit.

#### **SECTION 16.14 - RESIDENTIAL CLUSTER OPTION**

The intent of this Section is to permit the development of one-family residential options which, through design innovation will provide an alternative means for development of single-family within the AR, LR and UR districts.

**A. Purpose** - The cluster development provision has the following purposes:

1. to preserve significant natural features such as wooded areas, streams, marshes, ponds, and similar amenities by permitting concentration of building lots and improvements in more readily developable portions of the parcel of land;
2. to preserve open space for the use of residents of the subdivision or to the Township at large, and to concentrate such open spaces in locations and of such size and shape as to be accessible, usable and maintainable;
3. to encourage creative approaches to the design and development of residential areas;
4. to permit economy of the required improvements;
5. to permit variety in the size and shape of residential lots;
6. to permit flexibility in the location and grouping of residential buildings; and
7. to permit flexibility in the layout of site condominiums and residential subdivisions.

This cluster option is to be applied to a parcel of land within an AR, LR and UR districts; it is not designed as a separate zoning district. The cluster development designation is offered as an alternative to conventional subdivision design under standard zoning district regulations.

**B. Pre-Application Conferences**

1. A potential applicant for a Residential Cluster Option shall request a pre-application conference with Township officials prior to filing said application. The request shall be made to the Planning Commission chair-person who shall set a date for the conference and shall inform the Township Board and other Planning Commission members of the conference and invite their attendance. The Planning Commission chair-person shall also invite other officials who might have an interest in the proposed development, or who might assist the Township in the review process, such as but not limited to Township Consultants, County Road Commission Engineer, County Health Department, and County Drain Commission.

2. The purpose of the conference is to inform Township and other officials of the concept of the proposed development and to provide the potential applicant with information regarding land development policies, procedures, standards and requirements of the Township and other agencies in terms of the proposed development. To this end the applicant is encouraged to present schematic plans, site data and other information that will explain the proposed development.

3. Statements made in the conference shall not be legally binding commitments.

**B. General Regulations** - Cluster development is permitted in the AR, LR and UR districts, subject to all regulations, except as specifically modified in this Section.

**C. Minimum Area** - The minimum parcel area for a cluster development shall be forty (40) acres in the AR, LR, and UR districts.

**D. Permitted Uses** - All permitted, accessory, and conditional uses as listed in the AR, LR and UR districts are permitted.

**E. Density of Development** - The minimum lot area in each of the residential districts may be reduced as permitted in this Section. However, the number of dwelling units in the cluster subdivision shall be no greater than the number permitted if the parcel were to be subdivided in the minimum lot areas as set forth in the zoning district involved.

The land area used in the residential density calculation shall include public and private road rights-of-way, existing and proposed, that are located within the proposed subdivision but shall not include any existing right-of-way of any boundary roads of the subdivision.

The horizontal surface area of lakes, streams, ponds (natural, man-made, or storm water retention), marshlands, and similar areas may be included in the acreage used for calculating density if at least fifty (50) percent of the frontage of such areas are part of lands devoted to parks and open space used for and accessible to residents of the residential development.

Land areas to be used in calculating gross residential densities shall be delineated on the preliminary site plan and final site plan so that the acreage and density computations can be confirmed.

**F. Open Space Requirements**

1. All land within a development that is not devoted to a residential unit, an accessory use, vehicle access, vehicle parking, a roadway, a utility easement or an approved land improvement, shall be set aside as common land for recreation, conservation, agricultural uses, or preserved in an undeveloped state. Grading shall be minimal, with the intent to use existing topography.

2. When completed, a development shall have at least fifty (50) percent of the gross acreage in the development devoted to open space, which shall remain in its natural state and/or be restricted for use for outdoor recreational purposes harmonious with peaceful uses in and surrounding the development; such open space shall not include the yard areas adjacent to buildings.

3. An additional density increase of ten (10) percent of dwelling units for residential uses may be allowed in the discretion of the Township Board based upon a demonstration by the applicant that not less than sixty (60) percent of the total area of the property shall be permanently reserved for open space (which may include outdoor recreational use), and that the set back from existing roads is at least one-hundred (100) feet.

**G. Area, Placement and Height Regulations** - The regulations for the AR, LR and UR districts as provided in SECTIONS 5.0, 6.0 and 7.0 may be modified as follows for single-family dwellings and their accessory structures only:

1. **Minimum lot area** - As approved by the Washtenaw County Health Department.



2. **Minimum lot width** - 25 feet at the existing or proposed street line.
3. **Maximum ground floor coverage** -Not applicable.
4. **Maximum floor area ratio** -Not applicable.
5. **Minimum yards:**

**Side yards**, adjacent dwelling structures shall be a minimum of twenty-five (25) feet apart. Perimeter property lines existing prior to Residential Cluster designation shall meet setback requirements of zoning district existing prior to Residential Cluster designation.

**Rear yard**, 15 feet.

- H. Common Open Spaces and Facilities** - Each square foot of excess land area resulting from the lot reductions provided in item E and F preceding, shall be dedicated to the common use of the owners and residents in the development. The manner of dedication shall be approved by the Township Planning Commission. The lands so dedicated shall be permanently retained as open space for parks, recreation and/or related uses.

These areas shall have a minimum area of four (4) acres and a minimum dimension of one hundred (100) feet. The location, size, and suitability for the intended uses of the dedicated open space lands, and shape of the dedicated areas shall be subject to approval by the Township Planning Commission. Such land areas shall not include as a part of the minimum acreage, bodies of water, swamps, or areas of excessive grades which make the land unusable for recreation; however, the area may be in a flood plain. The land areas shall be graded and developed so as to maintain natural drainage. If the open space area is to consist of two or more parcels, at least one parcel shall have the minimum area of four acres. The minimum dimension shall in all cases be one hundred (100) feet, and the location, size and shape of any parcel shall be subject to approval by the Township Planning Commission. A parcel divided by a drainage course, stream, or river shall be considered as one parcel. Access shall be provided to areas dedicated for the common use of lot owners of the subdivision for those lots not bordering on such dedicated areas by means of streets or pedestrian walkways.

The developer or subdivider shall dedicate all land areas to be used as common spaces in the subdivision as provided herein at the time of filing for final plat approval for the first phase of the subdivision and prior to final site plan review in a site condominium. Each common open space shall have a legal description, which shall include an accurate statement of land area, all of which shall be certified by a registered land surveyor.

- I. Sewer and Water Services** - Lots in cluster subdivision in the AR, LR and UR districts may each have an on-site well, septic tank, and drainfield, subject to issuance of permits therefore by the County Health Department. The Township Planning Commission may require that at least one side of each lot in the AR, LR and UR districts be adjacent to common open space, or may require such other lot layout pattern so as to permit inclusion of the common open space area as part of the land area needed for the drain field of each lot.
- J. Procedures With Zoning Amendment** - If the property included in the Cluster Development (hereafter referred to as CD designation) designation request must also be rezoned to the AR, LR, and UR districts; the application to change the zoning district classification shall accompany the application for tentative approval of the preliminary plat or preliminary site plan review. The application shall in this case include a waiver, signed by the applicant, that the time limit on review of a preliminary plat for tentative approval or review of a preliminary site plan may be extended to accommodate the time required to process the zoning amendment. The Township Board shall not give tentative approval to the preliminary plat until after it has approved the zoning amendment. With this exception the procedures set forth in item J, following, shall apply.
- K. Procedures Without Zoning Amendment** - The applicant for approval of a preliminary plat or preliminary site plan shall at the same time, apply for a Cluster Development designation if such

designation is desired. The application shall consist of a completed form, fees, and all information required for review of a preliminary plat submitted for tentative approval or the preliminary site plan. The Planning Commission shall review the preliminary plat as set forth in the Subdivision Ordinance or preliminary site plan, as set forth in the Zoning Ordinance. If the Township Planning Commission approves the CD designation, it shall indicate same in its tentative approval of the preliminary plat or in approval of the preliminary site plan. The Township Supervisor shall record, and the Township Clerk shall attest, the CD designation on the Official Zoning Map within three (3) days of the date of final approval of the final plat by the Township Board or final site plan by the Planning Commission whichever is applicable. The recording on the official zoning map shall consist of the CD notation, date of action, and an accurate outlining of the property included in the designation.

- L. Calculations** - All calculations and other information needed to review conformance of the plat or site condominium with the zoning Ordinance regulations shall be provided on the preliminary plat or site plan.
- M. Authority** - The Township Planning Commission shall have the authority to approve or deny a request for a CD designation. The Planning Commission shall also have the authority to require changes in the size and shape of lots; in lot and street layout; location, size and shape of open areas and in other features of the design and character of a CD subdivision as proposed in a preliminary plat or a site condominium. This authority may be exercised by the Planning Commission when it determines that the proposed CD subdivision does not meet the intent of this Section or does not otherwise result in good site planning.
- N. Improvements** - An irrevocable letter of credit may be required of the developer, at the discretion of the Planning Commission, for improvements regarding open space areas within the development. Agreement as to the required improvements for such open space areas shall be made by the developer and Township Board prior to the Board's tentative approval of the preliminary plat or developments requiring final site plan approval by the Planning Commission. Requirements for improvements may be modified as set forth in the Subdivision or Zoning Ordinance.

#### **SECTION 16.15 - STORAGE OF MATERIALS**

Except as otherwise provided in this Ordinance, the following regulations shall govern the storage of materials.

- A.** The location or storage of abandoned, discarded, unused, unusable, or inoperative, appliances, furniture, equipment, or materials (but not including inoperative vehicles), shall be regulated as follows, except for junkyards, in which case the regulations set forth in SECTION 16.13, herein, shall apply.
  - 1.** On any lot or parcel in any AR (Rural Agricultural), LR (Low Density Residential), UR (Urban Residential), or CD (Commercial) district, the owner or tenant shall locate and store such materials within a completely enclosed building. Such storage shall be for future transfer to other premises and shall not be for the purpose of hire or sale.

Bonified farm operations of ten (10) acres or more shall not be subject to storing bonified farm equipment, including vehicles, within enclosed buildings when part of an on going farming operation.
  - 2.** On any lot or parcel in any industrial district the owner or tenant shall locate and store such materials:
    - a.** Within a completely enclosed building, where required; or
    - b.** Where outdoor storage is permitted, within an area surrounded by a solid, unpierced fence or wall at least seven (7) feet in height and not less in height than the materials located or stored therein, and not closer to the lot lines than the minimum yard requirements for said districts.

Such storage shall be for future transfer to other premises and shall not be for the purpose of hire or sale.

**B.** Garbage, trash, and similar refuse to be stored outside a building in a multiple residential, business, or industrial districts shall be stored within containers approved by the Washtenaw County Health Department and said containers shall be stored within a screened enclosure. The enclosure shall be constructed of an opaque material, such as wood, concrete blocks, or brick, and shall be enclosed on at least three (3) sides. The fourth side may be open for access or access may be provided by one or more gates. The storage area shall have a concrete floor at least four (4) inches thick.

**C.** Outdoor storage of products, materials, and equipment, except vehicles owned and operated by the principal business or in conjunction with a licensed vehicle sales lot, shall be subject to the following regulations:

1. Such storage shall not be located within the area between the front face of the building, as extended across the entire width of the lot, and the street right-of-way; in any required side or rear yard; or in any required transition strip.
2. Such storage shall not be located in any required parking or loading space.
3. Such storage shall be strictly and clearly incidental to the principal use and only products and materials owned or produced by the principal business, and equipment owned and operated by the principal use shall be permitted for storage under this subsection. Such storage shall not be permitted as a principal use of a lot.

Such storage areas which are visible to the general public shall be screened from view on all sides.

4. The area for such storage shall be screened from view on all sides. Screening shall be constructed of wood or masonry materials. Wire fences with inserted strips of metal, plastic and similar materials shall not be substituted for the required screening. The screen shall not be less than six (6) feet in height. Vegetative screening may be required for buffering purposes as required by the Planning Commission.
5. The location and size of areas for such storage, nature of items to be stored therein, and details of the enclosure, including description of materials, height, and typical elevation of the enclosure shall be provided as part of site plan review.

#### **SECTION 16.16 - PARKING AND STORAGE OF VEHICLES**

1. Operative or inoperative automotive vehicles or trailers of any kind or type which are unlicensed shall not be parked or stored in any AR, LR, UR zoning district other than in completely enclosed buildings.
2. Operative or inoperative automotive vehicles or trailers of any kind or type which are unlicensed shall be parked or stored in a CC or CM zoning district only in conjunction with an approved use and according to the regulations of SECTION 16.15C, herein, except for junkyards, which are regulated by SECTION 16.13, herein.
3. Parking or storage of semi-trailers, except semi-trailers owned and operated by the principal use of the lot, shall be prohibited on a lot in a commercial, office, or planned unit development zoning district, for a period of more than 24 hours in a month.
4. Storage of products, materials, or equipment in inoperative semi-trailers shall be prohibited in any zoning district.
5. Sales of products, merchandise, or other materials from semi-trailers shall be prohibited in any zoning district.

6. Operative or inoperative automotive vehicles of any kind or type which are licensed and operated by the principal use of the lot, shall be parked or stored in delineated storage areas which were delineated on the approved site plan for the use.
7. Operative or inoperative automotive vehicles of any kind or type which are licensed and being stored by the principal use of the lot shall be parked or stored only in conjunction with an approved use and according to the regulations of SECTION 16.15 C, herein.

**SECTION 16.17 - STORAGE OF RECREATIONAL EQUIPMENT**

Recreation vehicles, boats and boat trailers, snowmobiles, trail cycles, all terrain vehicles, and similar equipment, and trailers, cases, and boxes used for transporting recreational equipment, whether occupied by such equipment or not, shall not be parked or stored in front of the front building line or any vacant lot in a residential district, provided, however, that such equipment may be parked anywhere in a driveway or parking area on residential premises for a period not to exceed seventy-two (72) hours during loading or unloading. Such equipment shall not be used for living, sleeping, or housekeeping purposes when parked or stored in any location not approved for such use. Storage of such equipment, when permitted in a commercial district as a principal use of a lot, shall be located behind all required lot lines with all required yards to be landscaped and properly and regularly maintained. The storage area shall have a gravel or paved surface, treated regularly to prevent erosion and blowing of dust. The storage area shall be fenced for security purposes, by at least a six (6) foot high cyclone-type fence.

## **SECTION 16.18 - AUTOMOBILE SERVICE AND REPAIR STATIONS**

In addition to other regulations set forth in this Ordinance, all automobile gasoline service and repair stations and other automotive service and repair facilities shall conform to the following requirements:

- A.** Sidewalks shall be separated from vehicular parking or circulation areas by curbs, wheel stops, or traffic islands. The portion of the property used for vehicular traffic shall be separated from landscaped areas by a curb.
- B.** The entire area used for vehicle service shall be paved.
- C.** Hydraulic hoist, service pits, lubricating, greasing, washing and repair equipment and operations shall be located within a completely enclosed structure.
- D.** The maximum widths of all driveways at the right-of-way lines shall be no more than thirty (30) feet.
- E.** The angle of a driveway intersection with the street from the curb line to lot line shall be not less than sixty (60) degrees.
- F.** The distance of any driveway from any property line shall be at least twenty (20) feet, measured at the tangent points of the drive edge and the street curb return.
- 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.

## **SECTION 16.19 - SITE CONDOMINIUM REVIEW**

- A. Approval Required** - Pursuant to authority conferred by SECTION 141 of the Condominium Act, preliminary and final site plans for all site condominiums shall be approved by the Planning Commission.
- B. General Requirements**
  - 1.** No permits for building construction, grading, or installation of public water or sanitary sewerage facilities shall be issued for property in a site condominium development until a final site plan has been approved by the Township Planning Commission and is in effect. However, the Planning Commission may, at its discretion, and with appropriate conditions attached, authorize the Building Inspector to issue permits for grading and foundation work on the basis of the approved preliminary site plan. This requirement shall include contractible, conversion and expandable condominiums.
  - 2.** If a building, structure, or use to be placed on a condominium lot requires site plan approval under SECTION 15.02 herein, a site plan for that building, structure or use shall be approved in accordance with ARTICLE 15.0, herein, before a certificate of zoning compliance may be issued.
  - 3.** The Planning Commission shall have the authority to review and approve or deny preliminary and final site plans for site condominiums.
  - 4.** Preliminary and final site plans shall be submitted, reviewed, and approved or denied in accordance with ARTICLE 15.0, herein, provided however, that preliminary and final site plans shall not be combined for the site condominiums. A dimensionally stable copy of the as-built drawings shall be submitted to the Township Clerk and a second dimensionally stable copy shall be recorded with the Washtenaw County Register of Deeds.

5. Each condominium unit shall be located within a zoning district that permits the proposed use.
6. For the purposes of this Ordinance, each condominium unit shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which located. In the case of a site condominium containing single-family detached dwelling units, not more than one dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use except in a PUD district. Required yards shall be measured from the boundaries of a condominium lot. Lot coverage and floor area ratio shall be calculated using the land area of the condominium lot.
7. Each condominium unit shall be connected to water and sanitary sewer facilities where available, or a community wastewater utility system subject to the provisions in Section 16.22, herein, or shall have a well, septic tank, and drainfield approved by the County Health Department where Township water and sanitary sewer services are not available. The well, septic tank and drainfield serving a condominium unit shall be located within that unit, as described in the master deed, except in a PUD district, in which case this requirement may be waived by the Township Board as part of its approval of the PUD district rezoning application.
8. Relocation of boundaries between adjoining condominium units, if permitted in the condominium documents, as provided in the Condominium Act, shall comply with all regulations of the zoning district in which located and shall be approved by the Zoning Administrator. These requirements shall be recorded as part of the master deed.
9. Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents, as provided in the Condominium Act, shall comply with all regulations of the zoning district in which located, and shall be approved by the Zoning Administrator. These requirements shall be recorded as part of the master deed.
10. All information required by this Ordinance shall be updated and furnished to the Zoning Administrator until applicable certificates of zoning compliance have been issued, as provided in SECTION 18.03, herein.

**C. Preliminary Site Plan Requirements**

1. A preliminary site plan shall be filed for approval at the time the notice of proposed action is filed with the Township.
2. The preliminary site plan shall include all land that the developer intends to include in the site condominium project.
3. The preliminary site plan shall include all information required in SECTION 15.03, herein, except that, in the case of a development that consists only of condominium lots and not buildings or other structures at the time of plan review, the location and dimensions of the condominium lots rather than individual buildings or other structures, and required yards shall be shown on the preliminary site plan.

**D. Final Site Plan Requirements**

1. A final site plan shall be filed for review for each phase of development shown on the approved preliminary site plan.
2. A final site plan for any phase of development shall not be filed for review by the Planning Commission unless a preliminary site plan has been approved by the Planning Commission and is in effect.
3. A final site plan shall include all information required by the Condominium Act, and the master deed and bylaws. The final site plan shall also include all information required in

SECTION 15.04, herein, except in the case of a development that consists only of condominium lots rather than buildings or other structures at the time of plan review, the location and dimension of condominium lots rather than individual buildings or other structures and required yards, shall be shown on the site plan.

4. The applicant shall provide proof of approvals by all County and State agencies having jurisdiction over improvements in the site condominium development, including but not limited to the County Road Commission, County Drain Commissioner, County Health Department, and the Michigan Department of Natural Resources. The Planning Commission shall not approve a final site plan until each County or 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 final site plan shall be revised accordingly and submitted for review and approval or denial by the Planning Commission before any building permit may be issued, where such permit is required.

**F. Amendment 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 Planning Commission before any building permit may be issued, where such permit is required. The Planning Commission may require its review of an amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the approved site plan.

**G. Design and Development Standards**

1. **General:** The standards set forth in this Section shall be considered minimum requirements. Where the adopted general development plan requires high standards, such higher standards shall apply. Variances from the standards set forth in this Section shall be considered according to the standards of ARTICLE 20.0, "Zoning Board of Appeals."

**2. Streets**

- a. **Street Layout:** Street layout shall conform to the adopted general development plan or portion thereof relating to streets. Public streets shall be developed to the approved standards of the Washtenaw County Road Commission. Private streets shall be developed to approved standards of Manchester Township as provided in General Ordinance #53, Multiple Residence Driveways and Residential Private Roads. The arrangement of streets in the development shall provide for the construction of streets in adjacent developments where such extension is not precluded by topographic or other existing conditions. The layout shall provide for proper projection of streets into adjoining properties not yet developed.

Local streets shall be laid out so as to discourage their use by through traffic.

Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets, and reasonable grades, both for the streets and for driveways intersecting therewith.

All street construction shall be centered in the street right-of-way. Section line and quarter line roads shall be centered on these lines unless the Township Engineer or County Road Commission approves an exception.

- b. **Drainage:** All streets shall be provided with facilities for adequate surface drainage. Storm drains shall be underground and only curb-type design shall be

permitted. Exceptions may be made for subdivisions in which each single-family dwelling lot is one acre or larger in area and has a minimum road frontage of 150 feet.

- c. **Alleys:** Alleys shall be prohibited, except in commercial and industrial developments. Where alleys are provided they shall be at least 30 feet wide. Dead-end alleys shall be prohibited. Alleys shall be provided in accordance with standards of the County Road Commission.
  - d. **Marginal Access Streets:** Where marginal access streets are required, the proprietor shall dedicate property for the purpose of marginal access streets to the County Road Commission and shall be responsible for improving said streets according to County Road Commission standards. A landscaped strip at least twenty (20) feet wide shall be provided between a marginal access street and the adjacent street.
  - e. **Other Required Streets:** Where a development borders or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require a street approximately parallel to and on one or both sides of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
  - f. **Special Treatment Along Major Streets:** When a development abuts or contains an existing or proposed arterial or collector street, the Planning Commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along with rear property line, or such other treatment as might be necessary for adequate protection of residential properties, to afford separation of through and local traffic, and to retain the traffic carrying capacity of the arterial or collector streets.
  - g. **Location for Utilities:** Utilities shall be located so as to best conform to the layout of existing facilities.
  - h. **Street Standards and Specifications:** Streets shall be provided in accordance with applicable standards and specifications and shall include turn, merge, and by-pass lanes as the Planning Commission deems necessary.
3. **Blocks:** Blocks generally shall not be less than 160 feet or more than 1320 feet in length as measured from the centerlines of streets. No block width shall be less than twice the normal lot depth except where lots back onto a major street, natural feature, or development boundary. In blocks exceeding 800 feet in length the Planning Commission may require reservation of an easement through the block to provide for the crossing of underground utilities and/or pedestrian traffic where needed or desirable, and may specify further, at its discretion, that a paved foot path be provided by the proprietor. Blocks intended for nonresidential uses shall be especially designed for such purposes, and in accordance with zoning ordinance provisions. In such cases the above dimensions do not apply.



**4. Lots:**

- a. Dimensions:** Lots shall conform to the requirements of the zoning ordinance except for outlots that are provided for an indicated and approved purpose.

Corner lots shall have extra width to permit appropriate building setback. Lots abutting a pedestrian mid-block crosswalk or other right-of-way shall be treated as corner lots.

Residential lots shall not open or face directly onto a freeway right-of-way, an arterial or collector street, shopping centers, industrial districts or parks, and other similar non-residential uses. In such situations, lots shall be laid out in one of the following ways:

- 1) Lots may back onto the above features, but shall be separate therefrom by a 20 foot wide landscaped strip along the rear property line. The 20 foot wide strip shall not be considered part of the lot's minimum length, width, or area, but shall be considered part of the contiguous lot.
- 2) The corner lots which abut the major street right-of-way or the non-residential area shall each have the landscape strip as required in SECTION 4(a)(1), preceding.
- 3) Lots may be grouped around cul-de-sac or loop streets which open onto the major street. In such situations the corner lots abutting the major street right-of-way shall each contain the landscaped strip required in SECTION 4(a) (1), preceding.

Any landscaped strip required above shall not be part of the normal road right-of-way or utility easement.

- b. Lot Frontage:** Lots extending through a block are generally prohibited except where they back onto a freeway right-of-way, an arterial or collector street, a shopping center, an industrial district, a park, or other similar non-residential area.

All lots shall abut, by their full frontage, on a public or private street.

- c. Lot Lines:** Side lot lines shall generally be perpendicular to the right-of-way lines or radial to curved streets. All side and rear lot lines should be straight lines unless natural features or street curvature so prevent. Variations in these provisions may be made when in the opinion of the Planning Commission such variation would result in a better arrangement of lots.

- d. Lots to be Buildable:** The lot arrangement shall be such that in constructing a building in compliance with the zoning ordinance, topography or other natural conditions will not create difficulties in locating the building and driveway and in providing adequate yard areas. Acute angles created by side lot lines, and odd shaped lots should be avoided.

The size, shape, and location of each lot shall have the following characteristics:

- 1) A suitable site for placing a house without excess grading;
- 2) A usable area for outdoor living and other outdoor activities;
- 3) Adequate surface drainage away from the house site and outdoor living areas;
- 4) Reasonable driveway grades; and

5) General site grading should be minimized with significant trees and other vegetation retained.

e. **Access:** Driveways and curb cuts shall conform to standards of the County Road Commission and the standards of all Township ordinances. The curb section of driveways and aprons shall be designed so that excessive breakover angle and vehicle dragging will be eliminated.

No lots or units shall be permitted driveway access from a road that is not an interior road of the condominium development.

f. **Reserve Strips:** Privately held reserve strips controlling access to streets shall be prohibited, except as provided in SECTION 2 i), herein.

g. **Non-Residential Lots:** Lots intended for uses other than residential shall be identified on the plan, and shall be specifically designed for such uses, in accordance with provisions of this ordinance and the zoning ordinance.

5. **Pedestrian Ways and Sidewalks:** Pedestrian ways, other than sidewalks in street rights-of-way, shall be at least 20 feet wide, when required. The Planning Commission may require a paved walkway to be provided by the proprietor. The pedestrian way shall be treated as an easement.

Sidewalks are required on both sides of a street, or one side of a street, depending upon the density of and location of the development, or, in very low density developments (one acre or larger lots) may be excepted entirely, according to the discretion of the Planning Commission. Street rights-of-way shall be sufficient to provide for sidewalks on both sides of the street, except in cluster subdivisions, or planned unit developments, where variations may be permitted. Streets leading directly to a school shall have sidewalks on both sides of the streets.

Sidewalks shall be developed and placed in compliance with M.D.O.T standards and the review of the Township Engineer.

6. **Natural Features:** The development shall, wherever possible, preserve natural features which add value to the proposed development and to the community at large, such as large trees or groves of trees, water courses, vistas, historic spots and features, wildlife habitats and ecological areas. The location, nature, and extent of such features shall be identified on the preliminary plat. The preservation and/or inclusion of such features may be made a condition of approval of the development.

7. **Uninhabitable Areas:** Lands subject to flooding, or otherwise deemed uninhabitable in their natural state shall not be developed for residential use, or for any other use that might create a danger to health, safety, or property, or which might increase the flood hazard within or outside the subdivision. Such lands shall be set aside for recreational use or shall be retained in their natural state as open space. Any areas of land within the proposed development which lie either wholly or partly within the flood plain of a river, stream, creek, or lake, or any other areas which are subject to flooding by storm water shall be clearly shown on the preliminary and final site plan.

8. **Utilities**

a. **Storm Drainage**

1) All developments shall adequately provide for storm water runoff. The storm water drainage system shall be separate and independent of any sanitary sewer system. A copy of design computations shall be submitted with drainage plans. All drainage improvements shall conform to the current standards of the Washtenaw County Drain Commissioner and Manchester Township.

- 2) Adequate provisions shall be made for proper drainage of storm water runoff from individual lots. Drainage easements may be required to assure proper drainage. The Township may require that catch basins be provided in said easements, and may require that drainage tile be provided for easement drainage. The depth, grade and outlet for said tile shall be subject to approval by the Township Engineer.
- 3) Where a development is traversed by a water course, drainage way, channel, or stream, a storm water easement or drainage right-of-way shall be provided, conforming substantially to the lines of such water course, and to the current standards of the Washtenaw County Drain Commissioner. Wherever possible, drainage should be provided by an open channel with landscape banks and adequate width for maximum potential flow. Existing drainage ways may be re-channeled but such re-channeling shall not increase the rate or level of flow, or cause impoundment of water within the proposed subdivision, or on properties upstream or downstream therefrom. Exceptions may be made if such changes conform to an overall drainage plan for the drainage district.
- 4) Where topography or other conditions make inclusion of drainage facilities within road rights-of-way impractical, perpetual unobstructed easements at least 20 feet in width for such drainage facilities shall be provided across property outside the road lines, and with satisfactory access to the road. Easements shall be indicated on the site plan. Drainage easements shall be carried from the road to a natural water course or to other drainage facilities. Such easements shall be placed so as not to interfere with the use of lots.

If a proposed drainage system will carry water across private land outside the development, appropriate drainage rights shall be secured.

- 5) Low-lying lands along water courses subject to flooding during storm periods, whether or not included in areas for dedication, shall be preserved and retained in a natural state as drainage ways. Such lands shall not be utilized in computing the area requirement of any lot.
- 6) All natural water drainage ways and impoundment areas shall be preserved at their natural gradient and shall not be filled or interfered with in any way, except as approved by the Washtenaw County Drain Commissioner. If, in the judgment of the Drain Commissioner, a natural water drainage way or impoundment area should be reserved, a storm drainage easement acceptable to the Drain Commissioner shall be provided.
- 7) The proprietor may be required to carry away any spring or surface water that might exist either previous to, or as a result of, the development, by pipe or open ditch, in appropriate easements.
- 8) A culvert or other drainage facility in a proposed subdivision shall be large enough to accommodate potential runoff from its entire upstream drainage area, whether that area is inside or outside the development. The design and size of the facility shall be reviewed and recommended for approval by the Township Engineer.
- 9) The effect of the subdivision on existing downstream drainage facilities outside the development shall be reviewed by the proprietor with the County Drain Commissioner. Where it is anticipated that the additional run-off resulting from development of the subdivision will overload an existing downstream drainage facility during a 10 year or larger storm, the Planning Commission shall not approve the development until

adequate provision has been made for resolving downstream drainage problems.

- 10) Storm water basins may be required in order to control the discharge of storm water from a proposed development. Design criteria and engineering plans for basins shall be subject to approval by the Township Engineer.

**b. Water Supply Facilities:** Water supply facilities shall be designed and located according to the specifications and procedural requirements of the Michigan Department of Public Health. On-site services and private water systems shall be designed according to requirements of the County Health Department.

**c. Sanitary Sewerage Facilities:**

- 1) Where public sanitary sewerage facilities are available, sewers shall be installed to serve each lot.
- 2) Each lot in a development which is served by public sanitary sewers shall be connected to a sanitary sewer line before occupancy of that lot shall be permitted.
- 3) If sanitary sewerage facilities are not available, minimum lot sizes shall conform to requirements of the County Health Department. In no case shall the minimum lot size be less than that required by the zoning district in which located. The individual disposal system shall be approved by the County Health Department.
- 4) Community wastewater utility systems are permitted as a conditional use in the AR and LR zoning districts only. Only residential structures may be connected to a community wastewater utility system and are subject to the provisions in Section 16.22, herein.

**d. Gas, Wire, and Cable Utilities:** All lines for telephone, electrical, television, and other services distributed by wire or cable shall be placed underground throughout the development. Overhead lines may be permitted upon approval by the Planning Commission at the time of preliminary site plan approval where it is determined that such lines will not impair the health, safety, general welfare, design, appearance, and character of the subdivision, and only where such overhead lines are brought to the perimeter of the subdivision. This Section shall not be construed to prohibit the construction above ground of surface equipment associated with an underground distribution system, such as, but not limited to, surface mounted transformers, power terminal pedestals, meters and meter boxes, concealed wires, street lights and street light poles.

All facilities, including those for gas distribution, shall be installed in accordance with standards and specifications of the Michigan Public Service Commission. The layout of such facilities shall be submitted to the utility companies having jurisdiction in the area for their review before filing for final approval of the plan. All said utilities placed in public rights-of-way shall not conflict with other underground lines. Easements shall be provided in accordance with 9, below.

9. **Easements:** All underground public utility installations which traverse privately owned property shall be protected by easements granted by the proprietor and approved by the public utility. Such easements shall be so located as to not interfere with the use of any lot or other part of the subdivision. The size of, and restriction pertaining to, such easements shall be in accordance with the standards and specifications of the agency having jurisdiction over the utility lines and the Land Division Act, and shall be indicated on the site plan submitted for preliminary approval.

- 10. Reservation of Public Use Areas:** Where a proposed park, playground, open spaces, public school, library or other public use area shown in the adopted general development plan, or in an adopted applicable part of such plan, is located in whole or in part in a proposed development, such area or areas shall be shown on the site plan. Such area or areas may be dedicated to the Township or other applicable public agency by the proprietor if the Township Board or other applicable public agency approves such dedication. Such areas, if not dedicated, shall be reserved by the proprietor for future purchase by the Township or other appropriate public agency.

The precise nature, location, and extent of the reservation shall be determined prior to final site plan approval by the Planning Commission. The reservation shall be valid for a period of one year from the date of final approval or such longer period as might be agreed to in writing by the proprietor. Unless during such one-year period or agreed longer period the Township or other public agency shall have entered into a contract to purchase the reserved area or instituted condemnation proceedings according to law to acquire the fee simple or a lesser interest in the reserved area, the right to develop the reserved area shall revert to the proprietor at the end of the one-year period or agreed longer period. The reservation shall freeze the price per acre of the reserved area for such one-year period at the average value per acre on the date when the plan was first filed with the Clerk. The plan shall include provisions for incorporating the reserved area into the overall development, if said reserved area reverts to the proprietor.

- 11. Mobile Home Subdivisions:** Where a mobile home development falls within the definition of mobile home condominium project as set forth in the Condominium Act, said development shall be developed in accordance with the Condominium Act and this ordinance. All provisions of this ordinance shall apply except for, or in addition to, the provisions of this Section. A mobile home condominium project may also be developed as a planned unit development.

All streets and driveways in the development shall conform to the standards set forth in SECTION G (2), herein. There shall be no residential lot access to a collector street within the development; all such access shall be provided by minor residential streets.

Collector street dimensions shall conform to County Road Commission specifications.

Each lot shall abut and have direct access to a public or private street. Lots should be laid out so as to provide a variety of shapes and sizes and to prevent a monotonous character.

Sidewalks and pedestrian ways shall be provided in accordance with SECTION G (5), herein, except that sidewalks along streets may not be required when pedestrian ways provide acceptable alternative means of pedestrian movement.

All lots shall be connected to sanitary sewer and water systems approved by the Township. Such facilities shall meet the requirements of this ordinance and all other applicable Township ordinance and regulations.

Fuel oil and/or gas storage tanks shall be located in an inconspicuous manner either by placing the tanks underground or by enclosing them with a screen of shrubbery. All fuel lines leading to the subdivision and to mobile home sites shall be underground and so designed as to conform with the Township Building Code and any State code that is applicable.

When a master television antenna is provided, all lines extended to individual lots shall be underground. Such master antenna shall be so placed as not to be a nuisance to subdivision residents or surrounding areas.

A buffer of trees and shrubs not less than 20 feet in width shall be located and maintained along all boundaries of such development, excepting at established entrances and exits serving the development. When necessary for health, safety and welfare, a fence shall be required to separate the subdivision from adjacent property.

- 12. Commercial and Industrial Subdivisions:** Commercial and industrial development which constitute condominium projects as defined in the Condominium Act, shall conform to the provisions of this ordinance, except for modifications provided in this Section.

All streets in a commercial development shall be paved, and be designed and constructed to adequately handle truck traffic. Curb side parking and loading shall not be provided for, nor permitted on, any side street. No backing or similar maneuvering of vehicles to enter or leave a parking or loading space shall be permitted or provided for; such movements shall be adequately provided for on each lot. Streets within a development, except major thoroughfares and collector streets shall be laid out so as to prohibit through traffic. Streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, where applicable, and the provision of truck loading and maneuvering areas, walks and parking area, so as to minimize conflict of movement between the various types of traffic, including pedestrian.

Entry drives for the development shall be located and designed so as not to create congestion or hazardous conditions on public streets serving the subdivision. Driveways from parking and/or loading areas shall intersect streets at a distance from intersections that is large enough to permit safe and convenient maneuvering of vehicles.

The block sizes set forth herein shall not apply. The blocks shall be designed to meet the needs of the uses that will occupy the subdivision. However, block sizes shall meet the requirements of fire protection, snow removal, and other service and emergency vehicles.

Lots shall have access from development or frontage streets, and shall not open directly onto arterial or collector streets.

Sidewalks and/or pedestrian ways shall be provided, except where the Planning Commission determines that such facilities are not required for the safety and convenience of pedestrians within or around the development.

Buffer strips shall be provided along the perimeter of a commercial or industrial development according to zoning ordinance requirements. The Planning Commission may require provision of a fence, wall or screen if it determines such is necessary to protect the adjacent areas from litter, trespass and other nuisances. Any intended future expansion of the development should be shown on the preliminary site plan.

- 13. Planned Unit Development:** Developments in a PUD zoning district may be granted certain variances from this ordinance. Such variances are intended to accommodate the site planning, financial, engineering, and other requirements of large, comprehensive developments with associated uses. Such variances may include, but are not limited to, time extensions, flexible schedules for installation of improvements, security requirements for improvements, reductions in minimum lot areas and dimensions, mixtures of residential densities and building types, mixtures of residential and nonresidential structures, and modifications in the design and development standards set forth in this Article.

- 14. Soil Erosion and Sedimentation Control:** The final site plan shall contain proposed erosion and sedimentation control measures. The measures shall be incorporated into the final construction drawings. Erosion and sedimentation control measures shall conform to adopted standards and specifications of the Washtenaw County Soil Erosion Ordinance.

- 15. Trees:** Trees shall be provided in the margins of both sides of all streets, and shall be placed at the minimum rate of two per single family residential lot or at a maximum distance apart of 60 feet. Trees may also be required to be installed according to the same distances in pedestrian ways. Trees to be installed in the street margins shall be of the large deciduous type — such as oak, maple, ash or sycamore. However, ornamental trees may be installed in the margin. Both kinds of trees may be provided in pedestrian

ways. These requirements may be relaxed by the Planning Commission if existing trees within the right-of-way or easement, or trees growing adjacent to the right-of-way or easement satisfy the intent of this ordinance.

The following trees are not permitted in the street margins, pedestrian ways, or any other landscaped area required by this ordinance: box elder, soft maple, American elm, poplar, ailanthus (tree of heaven) and willow.

All required trees shall be nursery grown and shall be sound and healthy at the time of planting. Root systems shall be balled and wrapped or shall be planted by means which will not disturb the root systems. Required trees shall be protected from damage by wind and other elements; guy wires and ropes, where provided, shall not damage bark or break branches. Trees shall be guaranteed by the proprietor for one full year after planting, with dead or otherwise unacceptable trees to be replaced by the proprietor, at the proprietor's expense, during the guarantee period.

Landscape plans shall be reviewed and recommended for approval by the Township consultant.

- 16. Street Lights:** Street lights, where provided, shall have underground wiring. Light standards shall meet the minimum specifications of the electric utility company serving that area of the proposed subdivision. Where lights are to be provided, they shall be installed prior to the occupancy of structures within the development. Street lights shall be provided in all developments except those of one acre or larger residential lots, and commercial and industrial subdivisions, where their installation shall be at the discretion of the Planning Commission.

**H. Development Agreement**

The Planning Commission may require, as a condition of approval, that the applicant enter into a development agreement with the Township, incorporating therein the terms and conditions of final site plan approval, and record the same in the office of the Register of Deeds for Washtenaw County.

- I.** Any application for a building permit for construction to be located in a general common element shall include written authorization for the application by the Condominium Association.
- J.** Monuments shall be set at all boundary corners and deflection points and at all road right of way intersections corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.

The Township Engineer may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one year, on condition that the developer deposit with the Township Clerk cash, a certified check, or an irrevocable bank letter of credit running to the Township, whichever the developer selects, in an amount as determined from time to time by resolution of the Township Board. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified. If the developer defaults, the Township Board shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not to exceed the amount of the security deposit.

- K.** Road rights of way shall be described separately from individual condominium lots, and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. The right of way shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing of public utilities. The developer shall dedicate easements to the Township for all public water and sanitary sewer lines and appurtenances.
- L.** All improvements in a site condominium shall comply with the design specifications as adopted by the Township Board and any amendments thereto.

## SECTION 16.20 - COMMERCIAL COMMUNICATIONS TOWERS

### A. Purpose

The intent of this Section is to permit the location of commercial communication towers, including wireless communications towers and antennas, within given geographic areas while protecting the safety and character of nearby residential areas and the Township. It is further the intent of this Section to require collocation of transmission and receiving apparatus on existing towers or structures, unless it can be demonstrated by the applicant that collocation is not technically feasible, and to require that new towers make provision for collocation of additional users wherever technically feasible. It is further the intent of this Section to require users of towers and antennae to configure them in a way that minimizes the adverse visual impacts of the towers and antennae through careful design, siting, landscape screening, and innovative camouflaging techniques.

### B. Definitions

1. **Wireless Communication Facilities** – means and includes all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals including but not limited to radio towers, television towers, telephone devices and exchanges, micro-wave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Included in this definition are “Antennae”, “Towers”, and “Storage /buildings”, defined below. Not included in this definition are citizen band radio facilities, short wave facilities, ham or amateur radio facilities, satellite dishes for residential use, and governmental facilities, which are subject to state or federal law or regulations, which preempt municipal regulatory authority.
2. **Wireless Communication Antenna or Antenna (e)** – means any antenna used for the transmission or reception of wireless communication signals excluding those used exclusively for dispatch communications by public emergency agencies, ham radio antenna, satellite antenna, those which receive video programming services via multi-point distribution services which are one meter (39”) or less in diameter and those which receive television broadcast signals.
3. **Wireless Communication Support Structure or Tower(s)** – means structures erected or modified to support Wireless Communication Antennae or Facilities. Support structures within this definition include, but are not 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.
4. **Wireless Communication Equipment Storage Facilities or Storage Building** – means equipment used in the operation of the Facility other than Antennae or Towers and the structure within which the equipment is stored, maintained and serviced.
5. **Collocation** – means the location of two or more Wireless Communication Antenna on a common Tower or structure.
6. **Provider** – means entity, which is properly licensed by the Federal Communications Commission (FCC) and other appropriate governmental authorities to provide services through Wireless Communications Facilities.
7. **Attached Wireless Communications Facilities** – shall mean wireless communications 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.

### C. Authorization

1. **As a Permitted Use**



In all Zoning Districts, a proposal to establish an attached wireless communication facility shall be deemed a permitted use in the following circumstances; subject to the standards set forth in subsections C. 3. and D. herein.

- a. An existing structure which will serve as an attached wireless communication facility within a nonresidential zoning district, 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 Conditional Use**

- a. Subject to the standards and conditions set forth in subsections C. 3. and D herein, wireless communication facilities shall be a conditional use in the following districts: LR, UR, MHP, CC, and CM.
- 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 subsections C. 1. or C. 2. a, such wireless communication facilities may be considered elsewhere in the Township as a conditional use, subject to the following:

- 1) At the time of the submittal, the applicant shall demonstrate that a location within the districts identified in subsections C. 1. or C. 2. a. above cannot reasonably meet the coverage and/or capacity needs of the applicant.
- 2) Wireless communication facilities shall be of a design such as, without limitation, a steeple, bell tower, or the form, which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the Township.
- 3) Locations outside of the areas identified in subsection C. 1. or C. 2. a. above shall be permitted on the following sites, subject to application of all other standards contained in this section:
  - a) Municipally owned site;
  - b) Other governmentally owned site;
  - c) Religious or other institutional site; or
  - d) Public or private school site.
- 4) All other criteria and standards set forth in subsections C. 3. and D are met.

**3. If new towers are proposed, all of the following apply:**

- a. **Application Inventory** - Each applicant proposing to construct a new tower shall provide an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of Manchester Township or within one (1) mile of the border thereof, including specific information about the location, height, and design of each tower. Such

information may be shared with other applicants applying for approvals under this Section or other organizations seeking to locate towers or antennas within the jurisdiction of Manchester Township, provided, however, that the sharing of such information in no way constitutes a representation or warranty by the Township that such sites are available or suitable.

**b. Information Required** - In addition to any information required for applications for conditional use permits pursuant to Article 12.0 of the Zoning Ordinance, applicants for a conditional use permit for a new tower shall submit the following information:

- 1) A scaled site plan clearly indicating the location, type and height of the proposed tower; on-site land uses and zoning; adjacent land uses and zoning; Land Use Plan classification of the site and all properties within the applicable separation distances set forth above; adjacent roadways, proposed means of access; setbacks from property lines; elevation drawings of the proposed tower and any other structures, topography, parking, and any other information deemed by the Planning Commission to be necessary to assess compliance with this Section.
- 2) Legal description of the parent tract and leased parcel (if applicable).
- 3) The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
- 4) The separation distance from other towers described in the inventory of existing sites submitted pursuant to sub-paragraph a. above shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
- 5) A landscape plan showing specific landscape materials.
- 6) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
- 7) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennae for future users.
- 8) For wireless communication systems, identification of the entities providing the backhaul network (i.e., the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, and/or the public switched telephone network) for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the Township.
- 9) A description of the suitability of the use of existing towers, other structures, or alternative technology not requiring the use of towers or structures to provide the services through the use of the proposed new tower.
- 10) A description of the feasible location(s) of future towers or antennae within Manchester Township based on existing physical, engineering, technological, or geographical limitations in the event the proposed tower is erected.
- 11) An environmental impact statement disclosing any potential impact on local wetlands, flood plains, wilderness areas, wildlife preserves,

endangered species, historical sites, or other environmental considerations.

- c. **Conditions of Approval** - In granting a conditional use permit, the Planning Commission may impose conditions to the extent that the Planning Commission determines such conditions are necessary to minimize any adverse impact of the proposed tower on adjoining or nearby properties. Additional conditions are provided for in Article 12.0 (“Conditional Uses”) herein.
  
- d. **Factors to Consider in Granting a Conditional Use Permit** - In addition to any standards for consideration of conditional use permit applications contained in Article 12.0 (“Conditional Uses”) herein, the Planning Commission shall consider the following factors in determining whether to issue a conditional use permit:
  - 1) Height of the proposed tower.
  - 2) Proximity of the tower to residential structures and residential district boundaries.
  - 3) Nature of uses on adjacent and nearby properties.
  - 4) Surrounding topography.
  - 5) Surrounding tree coverage and foliage.
  - 6) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
  - 7) Proposed ingress and egress.
  - 8) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Paragraph e. below.
  
- e. **Availability of Suitable Existing Towers, Other Structures, or Alternative Technology** - No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure, or alternative technology that does not require the use of towers or structures can accommodate the applicant’s proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures, or alternative technology. Evidence submitted to demonstrate that no existing tower, structure, or alternative technology can accommodate the applicant’s proposed antenna may consist of any of the following:
  - 1) No existing towers or structures are located within the geographic area which meet applicant’s engineering requirements.
  - 2) Existing towers or structures are not of sufficient height to meet applicant’s engineering requirements.
  - 3) Existing towers or structures do not have sufficient structural strength to support applicant’s proposed antenna and related equipment.
  - 4) The applicant’s proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant’s proposed antenna.
  - 5) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or

structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

- 6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- 7) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

#### **D. General Regulations**

Commercial communication towers shall be subject to the following regulations:

1. **Collocation** - Evidence shall be submitted by the applicant that there are no reasonable and suitable alternatives for location of equipment on an existing communications tower within the service area of the proposed tower. The Township may employ specialized experts to review data submitted by the applicant. The applicant shall incur all costs associated with such review.
2. **Location of Towers**
  - a. No tower shall be located within three thousand (3,000) feet of another commercial communication tower.
  - b. No tower shall be located closer than eight hundred (800) feet from the boundary of any Residential, including any PUD District incorporating residential uses.
  - c. A tower shall have a minimum setback from all property boundaries equal to twice the height of the tower.
  - d. Guys and accessory buildings must satisfy the minimum zoning district regulations.
  - e. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located irrespective of municipal and county jurisdictional boundaries.
3. **Access** - Unobstructed access constructed in accordance with all provisions of this Ordinance shall be provided to the tower and apparatus building to ensure service by police, fire, and emergency vehicles.
4. **Structural Design and Installation**
  - a. The plans for the tower construction shall be certified by a registered structural engineer, and the applicant shall submit verification that the installation is in compliance with all applicable codes. All towers must meet all applicable standards of the Federal Aviation Administration and the Federal Communications Commission.
  - b. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Section shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into

compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

- c.** To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended. If, upon inspection, Manchester Township concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
  - d.** Antennae and metal towers shall be grounded for protection against a direct strike by lightning. The electrical wiring and connections on all towers shall comply with all applicable local, state, and federal statutes, regulations, and standards.
  - e.** Towers with antennae shall be designed to withstand a uniform wind loading as prescribed in the Building Code.
  - f.** Towers and structures shall be subject to any state and/or federal regulations concerning non-ionizing electromagnetic radiation. If more restrictive state and/or federal regulations are adopted in the future, the operator of the tower shall bring the antennae into conformance with such standards within sixty (60) days of its adoption, or the Conditional Use Permit shall be subject to revocation by the Township Board. The operator of the tower shall bear the costs for testing and verification of compliance.
  - g.** All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antennae and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.
  - h.** All communications towers shall be required to provide to the Township Zoning Administrator an annual report of total radiation output from all channels and all antennae on the tower.
- 5. Lighting** - Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- 6. Height** - Towers shall not exceed one hundred eighty (180) feet in height. Height shall be measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
- 7. Design**
- a.** Except as otherwise provided herein, all towers shall be of monopole design and shall be constructed of, or treated with, corrosive resistant material.
  - b.** Advertising, signs, and identification of any kind intended to be visible from the ground or other structures shall be prohibited, except as required for emergency purposes.
  - c.** The antennae shall be painted to match the exterior treatment of the tower. The paint scheme of the tower and antennae shall be designed to minimize off-site visibility of the antennae and tower.

- d. At a tower site, the design of the buildings and related structures shall, to the maximum extent possible, use materials, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
  - e. If an antenna is installed on a structure other than a tower (such as a clock tower, bell steeple, or light pole), the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
8. **Fencing and Landscaping** - The tower and appurtenant apparatus building shall be secured by fencing a minimum of six (6) feet in height. The fencing and apparatus building shall be screened with a landscape strip at least twenty (20) feet wide along each side of such fencing and/or building. Specifications for spacing and plant materials shall be as set forth in Section 16.07. The landscape strip shall be maintained in good condition at all times so as to continue its effectiveness. Existing mature on-site vegetation and natural landforms shall be preserved to the maximum extent feasible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may provide sufficient buffer, in which case the Planning Commission may waive the landscaping requirements of this Paragraph.
  9. **Employees** - No employees shall be located on the site on a permanent basis to service or maintain the antennae. Occasional or temporary repair and service activities are excluded from this restriction.
  10. **Site Plan Required** - The applicant shall submit a preliminary and final site plan in accordance with Article 15.0 ("Site Plan Review") herein, and including details of tower lighting required and approved by the Federal Aviation Administration.
  11. **Franchises** - Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system have been obtained and shall file a copy of all required franchises with Manchester Township.
  12. **Engineering Certification** - Any information of an engineering nature that the applicant submits, whether civil, mechanical, or structural, shall be certified by a licensed professional engineer.
  13. **Non Essential Services** - Towers and antennae shall be regulated and permitted pursuant to this Section and shall not be regulated or permitted as essential services, public utilities, or private utilities.
  14. **Cessation of Operation** - The Township shall condition approval of any new tower subject to the removal of said tower and all structural components above and below grade within twelve (12) months of cessation of operation. The Township reserves the right to request evidence of ongoing operation at any time after construction of an approved tower. Any antenna or tower, whether approved under this Section or existing at the time of adoption of this Ordinance, that is not operated for a continuous period of twelve (12) months shall be deemed abandoned. Failure to remove an abandoned antenna or tower within ninety (90) days of receipt of a notice from Manchester Township requesting such removal shall be grounds for Manchester Township to remove the tower or the antenna at the owner's expense. If there are two (2) or more users of a single tower, this provision shall not take effect until all users cease using the tower.

#### **SECTION 16.21 – CONCRETE AND ASPHALT PLANTS**

Concrete and asphalt plants may be permitted in certain districts, as specified in this ordinance, subject to the following:

- A.** The applicant shall demonstrate that the plant location is appropriate, based on the source of sand and aggregate materials for the plant. A market study shall be included which demonstrates the need for the specific facility proposed to serve the surrounding areas.
- B.** The application and site plan shall clearly demonstrate strict compliance with all requirements for air, groundwater, and surface water quality. In particular, the Performance Standards in Section 16.02 shall be strictly adhered to.
- C.** The anticipated life of the plant, in years, shall be specific and tied to the operator's anticipated local reserves of the sand and aggregate materials for the plant.
- D.** The site shall have direct access to a paved thoroughfare. The thoroughfare shall have a minimal designation of "Class A" as defined by the Washtenaw County Road Commission.
- E.** All plant equipment shall be setback a minimum two hundred fifty (250) feet from any district which permits residential uses and one hundred (100) feet from any property line.
- F.** The plant itself shall be screened on all property lines by a twenty-five (25) foot wide land form buffer, buffer strip, or screen wall / fence and adjacent greenbelt in conformance with Sections 16.06 and 16.07. The Planning Commission may require additional landscaping or screening where the Planning Commission determines that it is necessary to prevent negative impact on adjacent properties or rights-of-way.
- G.** The conditional use permit for a concrete or asphalt plant shall be reviewed by the Planning Commission every two (2) years at a minimum.
- H.** The conditional land use permit for a concrete or asphalt plant shall contain a restoration plan. The plan shall include:
  - 1.** A description of the methods and materials to be used in restoring the site;
  - 2.** Proposed ground cover and other plantings to stabilize the soil surface and to beautify the restored areas; and
  - 3.** Statement of the proposed use or uses of the restored site when restored.
- I.** Concrete or asphalt operation shall be permitted only between the hours of 7:00 A.M. and 5:00 P.M., Monday through Friday, and between 7:00 A.M. and 12:00 P.M. on Saturday. No transporting of aggregates or any materials from the site shall be permitted prior to 7:00 A.M. and after 5:00 P.M., Monday through Friday, and prior to 7:00 A.M. and after 12:00 P.M. on Saturday.
- J.** Temporary concreted or asphalt plants which are proposed in conjunction with a specified road improvement or other large scale public works project may be permitted by the Planning Commission in conformance with this Section subject to the following:
  - 1.** The proposed asphalt or concrete plant shall be clearly incidental and a required accessory use to the primary public works activity.
  - 2.** The facility shall be temporary and shall be utilized solely for production of materials used directly for the identified project.
  - 3.** The facility shall be removed at the completion of the identified project and the site shall be restored. The Planning Commission shall, as a condition of the conditional land use permit, require submission and conformance with a restoration plan for the site.
  - 4.** The temporary use of a site under the provisions of the Subsection shall not be construed as granting any vested right or nonconforming status for such use on a site.

**SECTION 16.22 – COMMUNITY WASTEWATER UTILITY SYSTEMS**

The Township recognizes that a community wastewater utility system may be in the best interests of the health, safety, and welfare of the Township and the residents in some limited circumstances. However, the Township requires assurance that, any community wastewater utility system will be designed, constructed, operated, maintained, repaired and/or replaced in a manner that best serves and protects the health, safety, and welfare of the Township and its residents.

This Ordinance is enacted under the authority of the Township's general police powers to protect the health, safety, and welfare of its residents and under the authority of Act No. 451 of the Public Acts of 1994, as amended.

**A. Procedure** - Community wastewater utility systems are reviewed and approved by the Township. The Township may request the Washtenaw County Drain Commissioner (WCDC) and/or the Washtenaw County Department of Public Health (WCDPH) to review and comment on the proposed community wastewater utility system. The Township's conditional use (Article 12) and site plan (Article 15) review processes may proceed concurrently. However, the final site plan shall not be approved by the Planning Commission until a conditional use permit, as required by this section, has been approved by the Planning Commission.

**B. Application Requirements**

1. The following items shall be submitted with the completed and signed application for a conditional use permit:
  - a. A general location map showing the proposed systems and the development in relationship to prominent geographical features such as roads, rivers, lakes, and residential development(s).
  - b. Legal description of the overall development and system site.
  - c. A description of how the placement of the system will minimize odor and noise dispersal to neighboring properties.
  - d. Describe the compatibility of the proposed development with Township. Provide a description of the development's impact on the Township's Growth Management Plan for sanitary sewer service relative to current conditions and projections for fifteen (15) years in the future.
  - e. Drawings prepared under the direction of a licensed Professional Surveyor and/or a certified Professional Engineer licensed to practice in the State of Michigan, accurate to a scale of no more than one hundred (100) feet to one (1) inch and showing the following information:
    - i. Elevations of the site mapped with a maximum contour interval of two (2) feet.
    - ii. All components of the proposed system, including but not limited to pump stations, tanks, treatment units, drainfields, and buildings.
    - iii. The location of soil borings or test pits. Soil boring logs shall also be attached along with a description of the general nature of the subsurface soils in the development and system, including the depth to groundwater, permeable strata, and confining layers.
    - iv. The means of vehicle access to the system.
    - v. The method of stormwater management with flow arrows showing the direction of stormwater runoff and the points of discharge from the development.
    - vi. The method of nearby wells, existing and future structures, drains, watermains, and other utilities in and adjacent to the subject property,





exclude a specified number of sites from connecting to the system and shall include specific reasons as to why these sites are not to be connected (i.e. MDEQ or WCDPH requirements).

7. The system shall be designed for a service life of at least twenty (20) years.
8. No construction or installation of a system shall be permitted between November 1 and April 15 without the written consent of the WCDC.
9. The reserve field associated with the system shall be fully prepared by the developer during the initial installation process.
10. If a utility building is to be provided as a part of the system, the minimum dimensions are to be twelve (12) by twelve (12) feet by eight (8) feet clear internal height.
11. A system should be restricted to a single development project and shall not provide service to other properties and/or development projects.
12. The area devoted to a system shall not be used to satisfy open space required by any other provisions of this Ordinance.

**D. Locational Requirements**

1. Community wastewater utility systems are permitted by conditional use permit in the AR and LR zoning districts.
2. Community wastewater utility systems shall not be allowed on unplatted or non site condominium land developments.
3. All above-ground and below-ground appurtenances associated with a system shall be located within the boundaries of the proposed development.
4. The point of discharge of a system shall be located a minimum of:
  - a. Fifteen hundred (1,500) feet from another approved system.
  - b. Two thousand (2,000) feet from an established public wellhead protection area.
  - c. Two hundred (200) feet from a wetland, or from the ordinary high water mark of any body of water.
5. The following minimum setbacks shall apply to the final disposal area for both active and reserve areas and to all above-ground appurtenances associated with a system:
  - a. Three hundred (300) feet from any residential dwelling or property line shared with an adjacent property.
  - b. Ten (10) feet from parking or pavement.

Note that the Planning Commission may increase any of the minimum distances noted in items 4 and 5 above should the Planning Commission find that there is reasonable potential that the system would become a nuisance to nearby residents or uses, as applicable.

6. The system shall be located on an area of land not encumbered by easements.
7. No system may be placed within a 100-year floodplain.
8. In so much as is possible, systems shall be located in an isolated area of the residential development.
9. Community wastewater utility systems shall not be located within any required greenbelt.

10. Community wastewater utility systems shall be strictly prohibited in areas served by municipal sewers unless it is determined, in the sole discretion of the Planning Commission, the proposed development to be served by the system provides a recognizable and material benefit to the community and/or provides long-term protection of natural resources and environmental features.

**E. Site Requirements**

1. Unless otherwise required in this Ordinance, the proposed system shall comply with all requirements for the particular district in which it is located and all other applicable Township requirements.

**F. Buffering Requirements**

1. The lot containing the collection portion of the system shall be landscaped with a combination of trees, grass, and shrubs. The spacing and type of plant materials shall be consistent with the provisions of Section 16.07. The Planning Commission may require additional landscaping to ensure that the character of the development and surrounding area is maintained.
2. Above-ground appurtenances associated with the system shall be screened using a combination of but not limited to the following, landscaping, berms, decorative or solid fence, or masonry wall. At its discretion, the Planning Commission may require additional landscaping to screen any above-ground structure.

**G. Performance Standards**

1. Service of the system shall occur during daylight hours.
2. In cases where immediate service is required, such service may occur at any time.
3. All vegetation and/or landscaping on the lot containing the system shall be maintained so as to preserve the character of the surrounding residential uses. This may include but is not limited to mowing and annual plantings.
4. All above-ground structures shall be tamper proof.
5. The density of a residential development utilizing a community wastewater utility system shall not be increased over what is otherwise permitted by the zoning district in which it is located.

**H. Development Standards**

1. All building and/or appurtenances associated with a system shall be harmonious in appearance with the surrounding structures in the development for which it is designed to service.
2. No adverse environmental conditions such as noise, air pollution, obnoxious odors, lighting or other nuisance shall be permitted.
3. Outdoor storage shall be expressly prohibited for any system.
4. Community wastewater utility systems shall provide adequate off-street parking for operators as well as adequate loading/unloading space for service vehicles.
5. A single paved drive with a minimum width of twelve (12) feet is required to provide access to the system and shall not be located from a road that is not an interior road of the development.

**SECTION 16.23 - WIND ENERGY CONVERSION SYSTEMS**

**A. Purpose**

Manchester Township promotes the effective and efficient use of Wind Energy Conversion Systems with the minimum regulations on the siting, design, and installation of conversion systems so that the public health, safety, and welfare of neighboring property owners or occupants will not be jeopardized. In no case shall the provision of this ordinance guarantee the wind rights or establish access to the wind.

**B. Definitions**

1. **Wind Energy Conversion System (WECS)** shall mean any device such as a wind charger, windmill, or wind turbine that converts wind energy to a form of usable energy.
  - a. **Agricultural WECS** shall mean any WECS that is accessory to a permitted farm or agricultural operation, and is designed and built to serve the needs of the farm or agricultural operation.
  - b. **Private WECS** shall mean any WECS that is accessory to a principal non-farm, non-agricultural use located on the same lot, and is designed and built to serve the needs of the principal use.
  - c. **Commercial WECS** shall mean any WECS that is designed and built to provide electricity to the electric utility's power grid.
2. **Manual and Automatic Controls** give protection to power grids and limit rotation of a WECS blades to below the designed limits of the conversion system.
3. An **Authorized Factory Representative** shall mean an individual with technical training of a WECS who has received factory installation instructions and is certified in writing by the manufacturer of the WECS.
4. A **Professional Engineer** shall mean any licensed engineer registered in the State of Michigan.
5. A **Utility Scale** wind farm shall mean all wind farms that produce greater than 50 kilowatts of energy.
6. **Facility Abandonment** shall mean out of production for a period of time not less than one (1) year.

**C. Approval Required**

Except where noted in this Section, it shall be unlawful to construct, erect, install, alter, or locate any WECS project within Manchester Township unless a conditional use permit has been obtained pursuant to this Ordinance.

1. Agricultural WECS projects accessory to permitted farm and agricultural operations shall be exempt from the requirements of this Section. Agricultural WECS projects shall conform to the regulations of the zoning district, including maximum height and minimum setback standards.
2. Application for conditional use permit required by this Ordinance shall be made on forms provided by Manchester Township and shall contain the following, in addition to Article 12.0:
  - a. Plot plan to show location of the WECS pole or tower, guy lines where required, guy line anchor bases, and their distance from all property lines;
  - b. Methods to screen the base of the WECS pole and/or other ground apparatus; and

- c. A permit fee for each WECS as set by Manchester Township Board must accompany the application.

**D. General Standards**

The following standards shall apply to all private and commercial wind energy conversion systems in Manchester Township:

**1. Design Safety Certification**

The safety of the design of all private and commercial WECS towers shall be certified by a Professional Engineer registered in the State of Michigan. The standard for certification shall be included with the permit application.

**2. Controls and Brakes**

All private and commercial WECS projects shall be equipped with manual and automatic controls to limit rotation of blades to a speed below the designed limits of the WECS. The Professional Engineer must certify that the rotor and over-speed control design and fabrication conform to applicable design standards.

No changes or alterations from certified design shall be permitted unless accompanied by a Professional Engineer's statement of certification.

**3. Electrical Components**

All electrical compartments, storage facilities, wire conduit, and interconnections with utility companies will conform to national and local electrical codes.

**4. Compliance with Township Ordinances**

All private and commercial WECS projects shall be in compliance with all Manchester zoning ordinance requirements and other applicable ordinances.

**5. Setbacks**

All private and commercial WECS projects must be setback from property lines at a distance equal to or greater than one hundred fifty percent (150%) of the height of the structure, measured from the base of the structure to the highest reach of its blade.

**6. Height**

Private WECS projects shall conform to the maximum height standards of the zoning district. Commercial WECS projects shall be exempt from the height requirements of this Ordinance, subject to the provisions of Conditional Uses, ARTICLE 12.0, and compliance with FAA regulations.

**7. Installation Certification**

The Professional Engineer shall certify that the construction and installation of the private or commercial WECS project meets or exceeds the manufacturer's construction and installation standards.

**8. Climb Prevention**

All private and commercial WECS project towers or poles must be un-climbable by design or protected by anti-climbing devices such as:

- a. Fences with locking portals at least six (6) feet high;

- b. Anti-climbing devices twelve (12) feet from base of pole; or
- c. Anchor points for guy wires supporting tower shall be enclosed by a six (6) foot high fence or shall be located within the confines of a yard that is completely fenced.

**9. Interference**

It shall be the responsibility of the person in charge of the private or commercial WECS to submit acceptable documentation as part of the conditional use permit to determine if the WECS project would in any way cause interference with microwave transmissions, residential television reception, or radio reception.

**10. Fire Risk**

All private and commercial WECS projects must adhere to all applicable electrical codes and standards, must remove fuel sources, such as vegetation, from the immediate vicinity of electrical gear and connections, and must utilize twistable cables on turbines.

**11. Waste**

All solid wastes, whether generated from supplies, equipment parts, packaging, operation, or maintenance of the WECS, including old parts and equipment, shall be removed from the site immediately and disposed of in an appropriate manner. All hazardous waste generated by the operation and maintenance of the WECS, including but not limited to lubricating materials, shall be removed from the site immediately and disposed of in a manner consistent with all local, state, and federal rules and regulations.

**12. Noise Levels**

The noise level measured at the property line of the property on which the private or commercial WECS project has been installed shall not exceed fifty-five (55) decibels.

**13. Liability Insurance**

The owner or operator of the private or commercial WECS project shall maintain a current insurance policy with a bond rating acceptable to the Township to cover installation and operation of the WECS project. The amount of the policy shall be established as a condition of conditional use permit approval. For a private WECS projects accessory to a principal residence, proof of homeowner's insurance with specific coverage for the WECS shall satisfy this requirement.

**E. Additional Standards for Commercial WECS Projects**

The following additional standards shall apply to all commercial wind energy conversion systems in Manchester Township:

**1. Color**

Towers and blades shall be painted any neutral color that is acceptable to Manchester Township or otherwise required by law.

**2. Compliance with FAA**

It shall be the responsibility of the person in charge of the commercial WECS project to complete the proper FAA applications and obtain the proper permits for the WECS project. It shall also be the responsibility of the person in charge of the commercial WECS project to obtain a determination of no significant impact to air navigation from the FAA.

**3. Warnings**

A visible warning sign of “High Voltage” may be required to be placed at the base of all commercial WECS projects. The sign must have at a minimum six-inch letters with ¾-inch stroke. Such signs shall be located a maximum of three hundred (300) feet apart and at all points of site ingress and egress.

**4. Annual Inspection**

Every commercial WECS project must be inspected annually by an Authorized Factory Representative or Professional Engineer to certify that it is in good working condition and not a hazard to the public. Such records shall be submitted to Manchester Township and considered a part of the continuing conditional use permit.

**5. Compliance with additional Regulations**

It shall be the responsibility of the person in charge of the commercial WECS project to contact the FCC and FAA regarding additional permits necessary or any other applicable Federal or State regulations for the installation, prior to the Manchester Township granting a conditional use permit.

**6. Migratory Birds**

The Township may require an avian study conducted by a qualified professional to determine any potential impacts the commercial WECS project may present to migratory birds. The study as part of the conditional use permit must provide assurances that the WECS project does not negatively affect the path of migratory birds.

**7. Decommissioning Plan and Escrow**

The commercial WECS project must contain a Decommissioning Plan to ensure it is properly decommissioned upon the end of the project life or facility abandonment.

Decommissioning shall include: removal of all structures (including transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within six (6) months of the end of project life or facility abandonment.

The decommissioning plan shall state how the facility will be decommissioned, the Professional Engineer’s estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The decommissioning plan shall also include an agreement between the applicant and the Township that:

- a. The financial resources for decommissioning shall be in the form of a surety bond, or shall be deposited in an escrow account with an escrow agent acceptable to Manchester Township.
- b. The Township shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within six (6) months of the end of project life or facility abandonment.
- c. The Township is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
- d. The Township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the Township’s right to seek reimbursement from applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant’s successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.

Financial provisions shall not be so onerous as to make wind power projects unfeasible.



**ARTICLE 17.0  
NON-CONFORMITIES**

**SECTION 17.01 - NON-CONFORMING USES OF LAND**

Where, at the effective date of adoption or amendment of this Ordinance, 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 use shall be enlarged or increased, nor 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 any such non-conforming use of land is abandoned for a period of more than three hundred and sixty-five (365) days, such use shall be subject to Section 12.12 of this Ordinance. Any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

**SECTION 17.02 - NON-CONFORMING STRUCTURES**

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that 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 nonconformity.
- B.** Should such structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance. Such repairs should be initiated within ninety (90) days.
- C.** Should such 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.

**SECTION 17.03 - NON-CONFORMING USES OF STRUCTURES**

If a lawful use of a structure, or of structure and premises in a combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district in which located 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.** Any existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall not be altered, 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 non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use 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.** When a non-conforming use of a structure, or structures and premises in combination, is discontinued for three hundred and sixty-five (365) days or for any five hundred and forty-eight (548) days during any three (3) year period, whichever occurs first, the structure or structures and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- D.** 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 for the district in which such structure is located, and the non-conforming use shall not thereafter be resumed.

**SECTION 17.04 - REPAIRS, ALTERATIONS AND IMPROVEMENTS**

Any lawful non-conforming building or structure may be repaired, maintained, or reinforced during its life to correct deterioration, obsolescence, depreciation, and wear unless the subject building is changed by such repair to a conforming use, provided further that such repair, maintenance or reinforcement does not increase the height, area, bulk or use of the building or structure.

**SECTION 17.05 - CHANGE OF TENANCY OR OWNERSHIP**

There may be a change of tenancy, ownership or management of an existing non-conforming use or structure providing there is no change in the nature or character of such non-conforming use or structure.

**SECTION 17.06 - EXTENSION AND SUBSTITUTION**

A non-conforming use shall not be extended unless it fulfills the requirements of ARTICLE 17.0 of this Ordinance, nor shall one non-conforming use be substituted for another non-conforming use.

**SECTION 17.07 - COMPLETION OF PENDING CONSTRUCTION**

The adoption of this Ordinance shall not limit the construction of any building or structure for which a permit had been obtained prior to its adoption and upon which work had been commenced and carried on within thirty (30) days of obtaining such permit, even though such building or structure does not conform to the provisions of this Ordinance.

**SECTION 17.08 - NON-CONFORMING LOTS OF RECORD**

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. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership as of the date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the regulations for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other regulations, not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the effective date of adoption or amendment of this Ordinance and, if all or part of the lots do not meet the regulations for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area regulations established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with area or width less than the regulations stated in this Ordinance.

**ARTICLE 18.0**  
**ADMINISTRATION OF THE ORDINANCE**

**SECTION 18.01 - PURPOSE**

It is the purpose of this Article to provide the procedures for the administration of the Ordinance, issuance of permits, inspection of properties, collection of fees, handling of violators and enforcement of the provisions of this Ordinance and amendments thereto.

**SECTION 18.02 - ADMINISTRATION**

Except where herein otherwise stated the provisions of this Ordinance shall be administered by the Zoning Administrator, or by such deputies of his/her office as the Township Board may designate to enforce the provisions of this Ordinance. The Zoning Administrator and the Building Inspector shall be appointed and may be dismissed by the Township Board. The same person may be appointed Zoning Administrator and Building Inspector.

**SECTION 18.03 - DUTIES OF ZONING ADMINISTRATOR**

- A.** The Zoning Administrator shall have the power to grant zoning compliance permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.
- B.** The Zoning Administrator shall require that all applications for zoning compliance permits shall be accompanied by plans and specifications including a plot plan in duplicate drawn to scale, showing the following:
  - 1.** The actual shape, location, and dimensions of the lot(s).
  - 2.** The shape, size and location of all buildings or other structures to be erected, altered or moved, and of any building or other structures already on the lot.
  - 3.** The existing and intended use of the lot and of all such structures upon it, including residential areas and the number of dwelling units the building is intended to accommodate.
  - 4.** Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

The Zoning Administrator shall retain a copy of the plot plan for his files. If a site plan has been required and is approved by the Township Planning Commission, it shall satisfy the requirements of the plot plan.
- C.** It shall be unlawful for the Zoning Administrator to approve plans or issue a permit of zoning compliance permit until he has inspected such plans and specifications in detail and found them to conform with this Ordinance.
- D.** The Zoning Administrator, under no circumstances, is permitted to make changes to this Ordinance, nor to vary the terms of this Ordinance, in carrying out his duties as Zoning Administrator.
- E.** The Zoning Administrator shall issue a certificate of zoning compliance, after an inspection which finds that the land or building or final use of a building or land complies with all the provisions of this Ordinance.
- F.** The Zoning Administrator shall record and file with the Planning Commission and Board of Appeals all non-conforming uses existing at the effective date of this Ordinance.
- G.** The Zoning Administrator shall submit reports monthly or as directed by the Township Board fully explaining the type and nature of uses permitted by right, the nature and extent of

violations of this Ordinance, and the type and nature of non-conforming uses, buildings and structures to the Planning Commission and the Township Board.

**H.** The Zoning Administrator shall report violations within thirty (30) days to the Township Board.

#### **SECTION 18.04 - DUTIES OF BUILDING INSPECTOR**

- A.** The Building Inspector shall have the power to issue building and occupancy permits after the zoning compliance permits are issued by the Zoning Administrator, and make inspections of the buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.
- B.** The Building Inspector shall require that all applications for building permits shall be accompanied by plans and specifications, including a plot plan in duplicate drawn to scale. The Building Inspector shall retain a copy for his files.
- C.** It shall be unlawful for the Building Inspector to approve plans or issue any permits or certificate of occupancy for any excavation, construction, moving or alteration until he has inspected such plans and specifications and found them to conform with this Ordinance.
- D.** The Building Inspector, under no circumstances, is permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Building Inspector.
- E.** The Building Inspector shall make necessary inspections of constructions when requested by the building permit holder in accordance with the provision of the Building Code in effect at that time.
- F.** The Building Inspector shall issue a certificate of occupancy, after final inspection which finds that compliance has been made with all the provisions of this Ordinance.
- G.** The Building Inspector shall submit to the Township Board quarterly reports fully explaining the type and nature of buildings permitted by right; the nature and extent of violations of this Ordinance; and the type and nature of non-conforming buildings and structures.

#### **SECTION 18.05 - VOIDING OF ZONING COMPLIANCE PERMIT**

Any zoning compliance permit granted under this Ordinance shall become null and void unless construction and/or use is commenced within one hundred eighty (180) days and completed within five hundred and forty-five (545) days of the date of issuance. An extension of this time limit may be granted upon showing of good cause.

#### **SECTION 18.06 - ISSUANCE OF CERTIFICATE OF OCCUPANCY; FINAL INSPECTION**

No building or structure, or part thereof, shall be occupied by or for any use for which a zoning compliance permit is required by this Ordinance unless and until a certificate of occupancy shall have been issued for such new use. The holder of a zoning compliance permit for the construction, erection, or moving of any building, structure or part thereof, for the establishment of a use, shall notify the Zoning Administrator and the Building Inspector immediately upon the completion of the work authorized by such permit for a final inspection.

#### **SECTION 18.07 - VOIDING OF CERTIFICATE OF OCCUPANCY**

Any certificate of occupancy granted under this Ordinance shall become null and void if such use(s), buildings and/or structures for which- said certificate was issued are found by the Building Inspector to be in violation of this Ordinance. The Building Inspector upon finding such violation shall immediately notify the Township Board of said violation and voiding of the certificate of occupancy.

#### **SECTION 18.08 - FEES, CHARGES, AND EXPENSES**

The Township Board shall establish by appropriate resolution a schedule of fees as provided for in this Ordinance, charges and expenses, and a collection procedure, for building permits, certificates of occupancy, appeals, and other matters pertaining to the Ordinance. The schedule of fees shall be posted

in the Offices of the Zoning Administrator and Building Inspector, and may be altered or amended only by the Township Board. No permit, certificate, conditional use on approval, or variance shall be issued unless or until such costs, charges, fees or expenses listed in this Ordinance have been paid in full, nor shall any action be taken on proceedings before the Board of Appeals, unless or until preliminary charges and fees have been paid in full. All fees provided for shall forthwith be paid over to the general fund of the Township.

**SECTION 18.09 - VIOLATIONS AND PENALTIES; NUISANCE PER SE; ABATEMENT**

Any building or structure including tents, travel trailers, and mobile homes, which are erected, constructed, reconstructed, altered, converted, maintained or used, or any use of land or premise which is begun, maintained, or changed in violation of any provision of this Ordinance, are hereby declared to be a nuisance per se. Any person, firm, or corporation or the agent in charge of such building or land who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of any provision of this Ordinance or any amendment thereof, shall be fined upon conviction not more than five hundred (500) dollars, together with the costs of prosecution, or shall be punished by imprisonment in the county jail for not more than ninety (90) days for each offense, or may be both fined and imprisoned as provided herein. Each and every day during which any illegal construction, reconstruction, alteration, maintenance or use continues shall be deemed a separate offense. The Township Board, the Township Zoning Administrator, the Township Building Inspector, the Board of Appeals, the Attorney of the Township, or any owner or owners of real estate within the district in which such building, structure or land is situated may institute injunction, mandamus, abatement or any other appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate, or remove any said unlawful construction, maintenance or use. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

**ARTICLE 19.0  
AMENDMENTS**

**SECTION 19.01 - INITIATING AMENDMENTS**

The Township Board may amend or supplement the district boundaries or the provisions and regulations of this ordinance. Amendments may be initiated by the Township Board, the Township Planning Commission, or by application of one or more of the property owners of Manchester Township, or by one or more persons acting on behalf of a property owner(s) of Manchester Township. All proposed amendments shall be referred to the Township Planning Commission for review and recommendation before action may be taken thereon by the Township Board.

**SECTION 19.02 - FEES**

The Township Board shall establish, by resolution, fees for zoning amendment applications. The fee shall be paid at the time of filing of the application and no part of such fee shall be returnable to the petitioner. Fees shall not be required for amendments requested by any government agency or body.

**SECTION 19.03 - AMENDMENT PROCEDURE**

- A.** The procedure for amending this ordinance shall be in accordance with Public Act 110 of 2006, as amended.
  
- B.** An application shall be filed with the Township Clerk. The Clerk shall transmit the application to the Township Planning Commission for review and report to the Township Board. The Planning Commission shall establish a date for a public hearing on the application. If an individual property or several adjacent properties are proposed for rezoning, the Planning Commission shall give a notice thereof to the applicant and owner(s) of the property in question, to all persons to whom any real property is assessed within three hundred (300) feet of the boundary of any proposed rezoning regardless of whether the property or occupant is located within the Township, and to the occupants of all structures within three hundred (300) feet of the property or by mail to the respective owners and tenants at the address given in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used. In addition, each electric, gas, pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport that registers its name and mailing address with the Planning Commission for the purpose of receiving such notice. If the notice is delivered by mail, an affidavit of mailing shall be filed with the Planning Commission prior to the hearing.

The notice shall be made not less than fifteen (15) days prior to the hearing and shall do all of the following:

1. Stating the time, place, date, and purpose of the hearing.
2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
3. State when and where the public hearing will be considered.
4. Indicate when and where written comments will be received concerning the request.
5. Indicate the places and times at which the proposed text amendment or rezoning may be examined.

The Planning Commission shall also give notice of the public hearing by one (1) publication in a newspaper of general circulation in Manchester Township, not less than fifteen (15) days before the date of such hearing. The Planning Commission shall also, for any proposed amendment to the zoning map within three hundred (300) feet of the boundary of any adjacent municipality, send by mail a written notice of the public hearing to the zoning agencies of said municipalities

and to the School Board of the school district in which the subject property is located, in order that coordination with adjacent zoning ordinances may be promoted. Public hearing requirements shall also apply to amendments initiated by the Township Board, the Township Planning Commission and by any other governmental agency or body.

- C.** The Planning Commission shall report its findings and its recommendations for disposition of the application to the Township Board following the public hearing, but within one hundred twenty-five (125) days of the filing date. This time limit may be extended by agreement between the petitioner and the Planning Commission. If the Township Board shall deem advisable any changes as to the proposed amendment, it may refer same to the Planning Commission for a report thereon within a time specified by the Board. Thereafter the Board may act up application.

**D. Signage**

1. For any proposed amendment to the zoning map, the petitioner(s) or owner(s) of the property proposed to be rezoned shall place a four (4) by four (4) foot sign on each side of the affected property that abuts a street. Each sign shall have lettering easily readable from the abutting street. The sign shall not be erected in the road right-of-way or in a manner to obstruct vision of motorists or pedestrians.
2. If the property proposed for rezoning does not abut a street, the sign shall be placed on each side of any contiguous land owned by the petitioner(s) or owner(s) of such parcel which does abut such a street.
3. If no such contiguous property abutting a street is owned by the petitioner(s) or owner(s) of the property proposed for rezoning, the sign(s) shall be placed in such location(s) on the property that the Zoning Administrator deems will best inform the public of the proposed rezoning. If the Zoning Administrator determines that there is no location where a sign could be placed that would be visible to the public, the Zoning Administrator may waive the requirement of posting.
4. Each sign shall be erected at least 21 days, but not more than 30 days, before the Township public hearing on the application and shall remain in place through the date of the public hearing. Each sign shall be removed from the property no later than three (3) business days following the public hearing or the adjourned or continued date of the public hearing, whichever is later. Each sign shall state in six (6) inch letters as, "PROPERTY PROPOSED FOR REZONING" and shall state in letters of no less than two (2) inches the street address or tax code parcel number(s), acreage of the property proposed for development, the current zoning and any proposed zoning or conditional use for the property and the date, time and place of the initial public hearing on the application.
7. The petitioner shall post a bond in an amount not to exceed one hundred dollars (\$100) per sign to ensure the removal of the sign as heretofore provided.
8. The Zoning Administrator shall inspect the property to confirm compliance with this Section and shall submit an affidavit of such determination to the Planning Commission not less than seven (7) days prior to the public hearing on the petition.
9. Signs erected under this section are exempt from other provisions of this Ordinance regulating signs.
10. Failure to comply with any provision of this Section shall not constitute grounds for invalidating or setting aside the granting of a petition for rezoning, but shall constitute grounds for adjourning and rescheduling the public hearing.

**SECTION 19.04 - INFORMATION REQUIRED**

- A.** If an application 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 the 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.
  4. The petitioner's interest in the property; if the petitioner is not the record owner, the name and address of the record owner(s), and that owner(s) signed consent to the application.
  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 use and zoning classifications.
- B.** If an application involves a change in the text of the Zoning Ordinance, the petitioner shall submit the following information:
1. A detailed statement of the application, clearly and completely setting forth all proposed provisions and regulations, including all changes in the Zoning Ordinance necessary to accommodate the proposed amendment.
  2. Name and address of the petitioner.
  3. Reasons for the proposed amendment.

**SECTION 19.05 - FINDINGS REQUIRED**

In reviewing any application for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the application. The Planning Commission shall report its findings in full, along with its recommendation for action on the application, to the Township Board. The facts to be considered by the Planning Commission shall include, but shall not be limited to, the following:

- A.** 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.
- B.** The precedents, and the possible effects of such precedents, which might result from approval or denial of the application.
- C.** The capacity of Manchester Township or any other government agencies to provide any services, facilities, and/or programs that might be required if the application were approved.
- D.** Effect of approval of the application on the condition and/or value of property in Manchester Township or in adjacent municipalities.
- E.** Relation of the application to the adopted General Development Plan of Manchester Township, and of other government units where applicable.

All findings of fact shall be made a part of the public records of the meetings of the Planning Commission.

**SECTION 19.06 - PUBLICATION**

Following Township Board approval of an application 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 Manchester 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.

A copy of the notice shall also be mailed to the airport manager of any airport that received a notice as described herein.

**SECTION 19.07 - REFERENDUM**

Within thirty (30) days following the adoption of an amendment to the zoning ordinance, an application may be submitted, signed by a number of qualified and registered voters residing in the unincorporated portion of Manchester Township. The number of signatures shall be equal to not less than eight (8) percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected. The application may be filed with the Township Clerk requesting therein for the submission of the amendment to the electors residing in the unincorporated portion of Manchester Township for their approval.

**SECTION 19.08 - CONFORMANCE TO COURT DECREE**

Any amendment for the purpose of conforming to a provision of the Zoning Ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of amendment published without referring same to any other board or agency.

**ARTICLE 20.0  
BOARD OF APPEALS**

**SECTION 20.01 - BOARD OF APPEALS ESTABLISHED**

There is hereby established a Board of Appeals, which shall perform its duties and exercise its powers as provided by Public Act 110 of 2006 as amended, in such way that the objectives of this Ordinance shall be enforced, the public health and safety secured, and substantial justice done.

**SECTION 20.02 - MEMBERSHIP; TERMS OF OFFICE**

- A.** The Board of Appeals shall consist of three (3) members appointed by the Township Board. The first member shall be a member of the Township Planning Commission. The remaining members, and any alternate members, shall be selected from the electors of the Township residing in the unincorporated area of the Township. One (1) regular member may be a member of the Township Board but shall not serve as chairperson of the Board of Appeals. The members selected shall be representative of the population distribution and of the various interests present in the Township. An elected officer of the Township shall not serve as chairman of the Board of Appeals. An employee or contractor of the Township Board may not serve as a member of the Board of Appeals.

The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Board of Appeals. An alternate member may be called as specified in the Zoning Ordinance to serve as a regular member of the Board of Appeals in absence of a regular member if the regular member is absent from or will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons 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 Board of Appeals.

- B.** Members of the Board of Appeals shall be removable by the Township Board for non-performance of duty or misconduct in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which he or she has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which he or she has a conflict of interest shall constitute misconduct in office.
- C.** The term of office of each member shall be three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of the Planning Commission or Township Board respectively, and the period stated in the resolution appointing them. A successor shall be appointed within one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term. The expiration of the terms of members appointed from the electorate shall be adjusted so that all do not expire at the same time. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

**SECTION 20.03 - RULES OF PROCEDURE; MAJORITY VOTE**

The Board shall adopt its own rules of procedure as may be necessary to properly conduct its meetings. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of an administrative official or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance.

#### **SECTION 20.04 - MEETINGS**

Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board in its rules of procedure may specify. The Zoning Board of Appeals shall not conduct business unless a majority of the regular members of the Zoning Board of Appeals are present.

#### **SECTION 20.05 - PUBLIC MEETINGS AND MINUTES**

All meetings of the Board of Appeals shall be open to the public and accurate minutes of the proceedings showing the action of the Board shall be kept, which record shall be filed in the office of the Township Clerk and shall be a public record.

#### **SECTION 20.06 - POWERS AND DUTIES**

The Board of Appeals shall have power to interpret the provisions of this Ordinance, and to grant variances from provisions of this ordinance.

##### **A. Interpretation.**

1. The Board shall hear and decide requests for interpretation of this Ordinance or the Zoning Map, taking into consideration the intent and purpose of the Ordinance.
2. In an interpretation of the Zoning Map, the Board shall be governed by the Rules for Interpretation set forth in Section 3.09.
3. A record shall be kept by the Board of all decision for interpretation of this Ordinance or Zoning Map and land uses, which are approved under the terms of this Section. The Board shall request the Planning Commission to review any ordinance amendment it deems necessary.

**B. Variances.** Where, owing to special conditions, a literal enforcement of the provisions of this ordinance would involve practical difficulties within the meaning of this Article, the Board of Appeals shall have power upon appeal in specific cases to authorize such variation or modification of the provisions of this ordinance with such conditions and safeguards as it may determine as may be in harmony with the spirit of this Article and so that public safety and welfare be secured and substantial justice done.

##### **C. Limitation of Authority.**

1. The Board shall not have the power to alter land use classifications of any property, or Zoning Ordinance text, or change zoning district boundaries, except where uncertainty exists as to the location of a boundary.

#### **SECTION 20.07 - VARIANCE**

A variance from the terms of this Ordinance shall not be granted by the Board of Appeals unless and until:

##### **A.** A written application for a variance is submitted, demonstrating:

1. that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
2. that literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
3. that the special conditions and circumstances do not result from the actions of the applicant.

4. that granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
  5. that no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
- B.** The Board of Appeals shall make findings that the requirements of the Ordinance have been met by the applicant for a variance.
  - C.** The Board of Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
  - D.** The Board of Appeals 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.
  - E,** In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations 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 18.09 of this Ordinance.
  - F.** Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
  - G.** A public hearing is required for a variance application according to the procedures in Section 20.09 E. In accordance with Section 19.03 D. of this Ordinance, the applicant(s) seeking a variance shall be responsible for posting a sign, if applicable, announcing the public hearing for the proposed variance. Each sign shall state, "PROPERTY PROPOSED FOR A VARIANCE TO THE MANCHESTER TOWNSHIP ZONING ORDINANCE."
    1. The Zoning Administrator may waive signage requirements of Section 20.07 G. if the proposed variance(s) meets all of the following standards:
      - a. That the proposed variance(s) will not adversely affect the natural environment and existing and future land uses in the vicinity;
      - b. That the proposed variance(s) will not overburden essential public services;
      - c. That the proposed variance(s) will not be detrimental, hazardous, or disturbing to the existing or future neighboring uses, persons, property or the public welfare; and
      - d. That the proposed variance(s) will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.
    2. Should the Zoning Administrator find that all of the standards of Section 20.07 G. 1. are satisfied, the Zoning Administrator shall then submit in writing to the Chair of the Zoning Board of Appeals, the decision to waive the signage requirement of Section 20.07 G.

**SECTION 20.08 - VOIDING OF AND REAPPLICATION FOR VARIANCE**

The following provisions shall apply:

- A.** Each variance granted under the provisions of this Ordinance shall become null and void unless.

1. The construction authorized by such variance or permit has been commenced within one hundred and eighty (180) days after the granting of such variance and pursued diligently to completion; or
  2. The occupancy of land or buildings authorized by such variance has taken place within one hundred and eighty (180) days after the granting of such variance.
- B.** No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of three hundred and sixty-five (365) days from such denial, except on grounds of new evidence or proof of changed conditions found by the Board of Appeals to be valid.

**SECTION 20.09 - APPEALS TO THE BOARD OF APPEALS**

The following provisions shall apply:

- A. APPEALS, HOW TAKEN** - Appeals concerning administrative review may be made within such time as prescribed by the Board of Appeals by general rule, by filing with the Zoning Administrator and the Board of Appeals a notice of appeal specifying the grounds thereof. The Zoning Administrator shall transmit to the Board of Appeals copies of all papers constituting the record upon which the action appealed from was taken, within seven (7) days of the filing date. The appellant shall submit a clear description of the order, requirement, decision, or determination for which appeal is made, and may be required by the Board of Appeals to submit additional information to clarify the appeal.
- B. WHO MAY APPEAL:** Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board, agency, or bureau of the Township, County, or State.
- C. FEE FOR APPEAL:** A fee, as determined by resolution of the Township Board, shall be paid at the time of filing the appeal.
- D. EFFECT OF APPEAL; RESTRAINING ORDER:** An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Township Board of Appeals, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.
- E. HEARING BY THE BOARD OF APPEALS; REQUEST; NOTICE; PUBLIC HEARING:** When a request for appeal has been filed in proper form the Township Clerk shall place the said request for appeal upon the calendar for public hearing, and cause notice, stating the time, place, date, and object of the public hearing to be served personally or by registered return receipt mail no less than fifteen (15) days before the public hearing, upon the party or parties making the request for appeal. If the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation requests and the time, date, and place of the public hearing on the interpretation request shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question and to all occupants of all structures within three hundred (300) feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used. All notice by regular mail shall be deemed to have been given when deposited in the United States Post Office, addressed to the respective property owners of record to the address shown on the last assessment roll of the Township.

In addition, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person requesting an interpretation of the Zoning Ordinance not less than fifteen (15) days before the public hearing.

- F. REPRESENTATION AT HEARING:** Upon the hearing, any party or parties may appear in person or by agent or by attorney.
- G. DECISIONS OF THE BOARD OF APPEALS AND APPEALS TO THE CIRCUIT COURT:** The Board of Appeals shall decide upon all matters appealed from within a reasonable time and may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Zoning Administrator or Township Board from whom the appeal is taken. The Board of Appeals' decision of such appeals shall be in the form of a resolution containing a full record of the findings and determination of the Board of Appeals in each particular case. Any party aggrieved by such resolution shall have the right to appeal to the Circuit Court on question of law and fact.