

ORDINANCE NUMBER 64

Adoption of new text for Section 2.03 of the Manchester Township Zoning Ordinance was approved by the Township Board:

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.

The following amended text for Section 3.23 of the Manchester Township Zoning Ordinance was approved by the Township Board:

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.

The following amended text for Section 5.03 of the Manchester Township Zoning Ordinance was approved by the Township Board:

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, rights-of-way and easements.

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 – See Ordinance #48.
- BB. Community wastewater utility systems subject to the provisions of Section 16.22 herein.

The following amended text for Section 6.03 of the Manchester Township Zoning Ordinance was approved by the Township Board:

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.

The following amended text for Section 11.13 of the Manchester Township Zoning Ordinance was approved by the Township Board:

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.

The following amended text for Section 16.03 of the Manchester Township Zoning Ordinance was approved by the Township Board:

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.

The following amended text for Section 16.08 of the Manchester Township Zoning Ordinance was approved by the Township Board:

SECTION 16.08 – RESERVED

The following amended text for Section 16.19 B. 7. of the Manchester Township Zoning Ordinance was approved by the Township Board:

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.

The following amended text for Section 16.19 G. 8. c. of the Manchester Township Zoning Ordinance was approved by the Township Board:

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.

The following new Section, 16.22, of the Manchester Township Zoning Ordinance was approved by the Township Board:

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, including the nearest municipal sanitary sewer within five (5) miles of the proposed development.
 - vii. The location of nearby surface water, wetlands, and floodplains.
 - viii. Any proposed screening, buffering, or landscaping.
 - ix. Adjacent land uses and zoning designations.
 - x. The source of water supply and its isolation from the proposed treatment and disposal system, along with the general direction of groundwater flow.
 - xi. The location of all existing water supplies within five hundred (500) feet of the project boundary along with the direction of groundwater flow.
 - f. Other information deemed necessary by the Township to make the determination required by this Ordinance.
2. The applicant shall provide the following documents and any supporting information before a conditional use permit is issued and the final site plan approved:

- a. Information required by Section ___ of the Township's General Code, Ordinance ___, Community Wastewater Utility Systems.
- b. Washtenaw County Department of Public Health (WCDPH): Permit for the final disposal system and/or treatment systems, as applicable.
- c. Michigan Department of Environmental Quality, Water Division (MDEQ): Part 41 Construction Permit.
- d. MDEQ, Water Division, < 10,000 gallons/day: Part 22 Notification (R323.2211 a).
- e. MDEQ, Water Division, 10,000 - 20,000 gallons/day: Part 22 Discharge Permit (R323.2216).
- f. Washtenaw County Drain Commissioner: Soil Erosion Permit.
- g. A list of all conditions placed on the subject community wastewater utility system as noted by the agencies listed in items a–e above.

C. General Requirements

1. Community wastewater utility systems shall serve only residential uses.
2. Community wastewater utility systems proposed as part of a planned unit development (PUD) shall not serve non-residential uses.
3. The minimum number of dwellings connected to a system shall be twenty (20).
4. The design of a system shall be limited to a maximum of ten thousand (10,000) gallons per day. Larger systems may be considered at the discretion of the Township and the WCDC, if applicable.
5. The system shall be designed to permit the ultimate connection to a municipal sanitary sewer. Measures to accomplish this may include blind tees, plugs, stubs, and sleeves placed strategically to allow for future connection to a municipal system.
6. The system shall be designed so that all developable sites within the proposed development are connected to the system. The design engineer may submit a request to 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.

I, Ann M. Bechtel, Clerk of Manchester Township, Washtenaw County, Michigan, hereby certify as follows:

1. The preceding ordinance was adopted by the Manchester Township Board of Trustees at their regular meeting held on February 13, 2007 and that members Widmayer,

Kolon, Macomber, Becketl, Huber and Mann voted in favor of adoption, none voted against. Absent: Schmitt.

2. A summary of the ordinance was published in the *Manchester Enterprise* on February 22, 2007.
3. The effective date of the ordinance is March 1, 2007.

Ann M. Becketl, Clerk