

**SUPERIOR CHARTER TOWNSHIP PLANNING COMMISSION
SUPERIOR TOWNSHIP HALL
3040 N. PROSPECT, SUPERIOR TOWNSHIP, MI 48198
AGENDA
December 8, 2025 - 7:00 PM
*SPECIAL MEETING***

1. CALL TO ORDER
2. ROLL CALL
3. DETERMINATION OF QUORUM
4. ADOPTION OF AGENDA
5. APPROVAL OF MINUTES
6. CITIZEN PARTICIPATION
7. CORRESPONDENCE
8. PUBLIC HEARINGS, DELIBERATIONS AND ACTIONS
9. REPORTS
10. OLD BUSINESS
11. NEW BUSINESS
12. POLICY DISCUSSION
 - A. Zoning Ordinance Rewrite
13. ADJOURNMENT

Thomas Brennan III, Commission Secretary
Michelle Marin, Planning & Zoning Administrator
3040 N. Prospect, Ypsilanti, MI 48198 734-482-6099



Carlisle | Wortman
ASSOCIATES, INC.

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TO: Superior Township Zoning Ordinance Rewrite Steering Committee

FROM: Benjamin Carlisle and Michelle Marin, Planning Consultants

DATE: December 5, 2025

RE: Sixth Zoning Ordinance Rewrite Committee Meeting – Articles 5, 12, and 13

BACKGROUND

To date, the Zoning Ordinance Rewrite Steering Committee and CWA staff have convened to review the following draft Articles:

ARTICLE 1: TITLE, PURPOSE AND LEGAL CLAUSES
ARTICLE 2: DEFINITIONS
ARTICLE 3: ADMINISTRATION AND ENFORCEMENT
ARTICLE 4: ZONING DISTRICT REGULATIONS
ARTICLE 6: DEVELOPMENT OPTIONS
ARTICLE 7: GENERAL PROVISIONS
ARTICLE 8: SITE PLAN REVIEW
ARTICLE 9: CONDITIONAL USE REVIEW
ARTICLE 10: SPECIFIC USE STANDARDS
ARTICLE 11: ACCESS, PARKING, AND LOADING REQUIREMENTS
ARTICLE 14: SIGN REGULATIONS
ARTICLE 15: NONCONFORMITIES
ARTICLE 16: ZONING BOARD OF APPEALS
ARTICLE 17: AMENDMENT PROCEDURE

Proposed Article 12, SITE DESIGN STANDARDS, and proposed Article 13, DEVELOPMENT STANDARDS, are both currently included as part of the existing Article 14, Special Development Regulations. Additionally, the Performance Standards in proposed Article 13 are currently within Article 6, General Provisions. These articles have been separated and revised to improve clarity, remove redundancies, and incorporate substantive regulation changes. Article 5, SPECIAL DISTRICT REGULATIONS, currently Article 7, has been completely rewritten to incorporate a revised process for the PC, Planned Community development option. Articles 5, 12, and 13 will be presented to the full Planning Commission for discussion at a Special Meeting on Monday, December 8th.

Benjamin R. Carlisle, *President* John L. Enos, *Vice President*
Paul Montagno, *Principal* Megan Masson-Minock, *Principal* Laura Kreps, *Principal* Brent Strong, *Principal*
David Scurto, *Principal* Sally M. Elmiger, *Principal* Craig Strong, *Principal* Douglas J. Lewan, *Principal*
Richard K. Carlisle, *Past President/Senior Principal* R. Donald Wortman, *Past Principal*

During the previous Steering Committee meetings, we discussed how much of the current language in the Zoning Ordinance was appropriate and that only minor changes to wording were required to improve clarity and logic and to modernize it to current day standards were necessary. The most significant change would involve reorganizing the chapters, sections, and subsections to assist the general public and applicants as well as Township staff and the Planning Commission who administer these regulations and standards.

The revised table of table of contents is as follows:

- ARTICLE 1: TITLE, PURPOSE AND LEGAL CLAUSES
- ARTICLE 2: DEFINITIONS
- ARTICLE 3: ADMINISTRATION AND ENFORCEMENT
- ARTICLE 4: ZONING DISTRICT REGULATIONS
- ARTICLE 5: SPECIAL DISTRICT REGULATIONS
- ARTICLE 6: DEVELOPMENT OPTIONS
- ARTICLE 7: GENERAL PROVISIONS
- ARTICLE 8: SITE PLAN REVIEW
- ARTICLE 9: CONDITIONAL USE REVIEW
- ARTICLE 10: SPECIFIC USE STANDARDS
- ARTICLE 11: ACCESS, PARKING, AND LOADING REQUIREMENTS
- ARTICLE 12: SITE DESIGN STANDARDS
- ARTICLE 13: ENVIRONMENTAL STANDARDS
- ARTICLE 14: SIGN REGULATIONS
- ARTICLE 15: NONCONFORMITIES
- ARTICLE 16: ZONING BOARD OF APPEALS
- ARTICLE 17: AMENDMENT PROCEDURE

ZONING TEXT AMENDMENTS

Below are summaries of the changes proposed for Articles 5, 12, and 13.

Article 5: SPECIAL DISTRICT REGULATIONS

The revised article for the Planned Community PC option, commonly known as the Planned Unit Development process in other Michigan communities, seeks to streamline and strengthen the process while offering revised standards and criteria for potential Planned Community projects. The other Special Districts that exist in the current zoning ordinance have been removed, and those properties will be rezoned to other, standard zoning districts, as discussed during the Article 4 review.

Properties currently zoned and developed as a PC district are permitted to continue in conformance with the regulations under which they were approved. New projects or expired PC properties, however, must conform to the new standards. Major changes to the process are detailed on the following page.

- Parcels in any zoning district may pursue the PC option, provided they conform to the criteria, including consistent with the Master Plan.
- Eight (8) new standards of approval, all of which must be met, unless the site renders a standard irrelevant. These standards reflect a higher standard of approval appropriate for the negotiation that the PC option represents between the Township and a developer.
- Meeting with Adjoining Neighborhoods and Properties required prior to submission of preliminary development plan.
- Concept plan with the Planning Commission encouraged prior to submission of preliminary development plan.
- Board-approved extension increased from 1 year to 3 years.
- Abandonment section added.

Article 12: SITE DESIGN STANDARDS

Beginning on Page 12-47, the attached Article 12 are revised site design standards. Below is a summary of the major substantive changes to the draft article.

- Landscaping:
 - Landscape screening requirements revised to more clearly indicate required screening methods, including screening between conflicting land uses and greenbelts along the road frontage.
 - Alternative screening methods, including berms, hedgerows, masonry walls, evergreen screen, fence, or existing landscaping.
 - Specific standards for detention basin landscaping added.
 - Callery pear trees added to Prohibited Species list.
- Lighting:
 - Full shielding and downward direction of all luminaires required, where ambiguity currently exists for floodlights and canopies.
 - 3,500 Kelvin color temperature maximum added.
 - Intensity standards amended to permit 1.0 footcandles along non-residential property lines and up to 20.0 footcandles as a maximum.
 - Maximum pole-mounted light height amended to 16-ft when adjacent to residential properties and 20-ft when adjacent to non-residential properties.
 - 50% reduction in nighttime lighting requirement added.

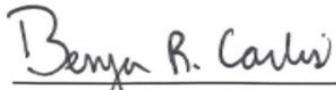
Article 13: ENVIRONMENTAL STANDARDS

The environmental standards do not include substantive changes, but have been reorganized, as detailed below.

- Performance Standards are currently in Article 6, General Provisions.
- Fleming Creek Area Development Standards are currently in Article 14, Special Development Regulations.
- Natural Features Protection is currently in Article 14, Special Development Regulations.

We look forward to meeting with you to discuss these proposed changes.

Sincerely,



CARLISLE/WORTMAN ASSOC., INC
Benjamin R. Carlisle, AICP, LEED AP
President



CARLISLE/WORTMAN ASSOC., INC.
Michelle Marin, AICP
Associate Planner

Attachment: Articles 5, 12, and 13

ARTICLE 5
SPECIAL DISTRICT REGULATIONS

SECTION 5.01 INTENT

- A. The intent of the Special District Planned Community (PC) Regulations is to permit flexibility in the design and use of land which, through the implementation of an overall development plan will:
1. Encourage developments that are expected to result in a long-term contribution to social, environmental, and economic sustainability in the Township of Superior.
 2. Permit development patterns that respond to changing public and private needs.
 3. Encourage flexibility in design and use that will result in a higher quality of development and a better overall project than would be accomplished under conventional zoning, and which can be accommodated without sacrificing established community values.
 4. Provide for the long-term protection and preservation of natural resources, natural features, and historic and cultural resources of subject parcels and surrounding properties.
 5. Promote efficient use and conservation of energy.
 6. Encourage the use, redevelopment, and improvement of existing sites where current ordinances do not provide adequate protection and safeguards for the site or its surrounding areas, or where current ordinances do not provide the flexibility to consider redevelopment, replacement, or adaptive re-use of existing structures and sites.
 7. Provide enhanced housing, employment, recreation, or shopping opportunities for the citizens of Superior Township.
 8. Ensure the compatibility of design and use between various components within the PC project area and with neighboring properties and uses.
 9. Ensure development that is consistent with the intent of the Master Plan.
- B. A Planned Community (PC) project is viewed as an integrated development concept. To that end, the provisions of this Article are not intended to be used as a device for avoiding the zoning requirements that would otherwise apply, but rather to allow

flexibility and a mixture of uses, and to improve the design, character, and quality of new development. The use of a Planned Community (PC) option to permit variations from other requirements of this Ordinance must only be approved when such approval results in improvements to the public health, safety, and welfare in the area affected, and in accordance with the intent of this Article.

- C. Properties zoned and developed under an approved Planned Community (PC) Area Plan prior to the adoption of this ordinance or properties with a valid, approved Planned Community (PC) Area Plan that are not yet developed are permitted to operate under those previously approved standards and requirements. Any proposed changes that would warrant an Area Plan amendment must comply with the standards and procedures of this ordinance. Should an Area Plan approved under the previous version of this zoning ordinance expire, any new development of the property must comply with the standards and procedures of this ordinance.

SECTION 5.02 USES PERMITTED

The uses permitted within a Planned Community (PC) project area must be consistent with the intent of the Master Plan. Other land uses may be authorized when such uses are determined to be consistent with the intent of this Article. Physical standards relating to matters such as building height, bulk, density, parking, and setbacks will be determined based on the specific Planned Community (PC) plan, design quality, compatibility with adjacent uses and overall benefits to be derived for the community. Thus, deviations may be approved from the specific standards contained in the underlying zoning districts or in those districts within which the proposed uses otherwise occur.

SECTION 5.03 STANDARDS FOR APPROVAL

A Planned Community (PC) project may be applied for in any zoning district. The Planning Commission must determine and must provide evidence of its determinations in its report to the Township Board, that the application meets the following standards, as reasonably applicable to the site. The Planning Commission and Township Board must make a finding on each standard as to whether the standard is met, not met, or not reasonably applicable to the site. Failure to meet all of the relevant standards is grounds for a recommendation of denial.

- A. The proposed development must be applied for by a person or entity who has the legal right to enter into a binding agreement covering all parcels in the Planned Community (PC) area.

- B. The applicant must demonstrate that using the PC option, the development will accomplish all of the following objectives, to a degree proportional to the site area, as are reasonably applicable to the site:
1. Land uses in harmony with adjacent uses and in keeping with the future land uses for the site in question in the Township Master Plan that would otherwise not be permitted without the use of the PC option, provided that other objectives of this Article are also met.
 2. Recognizable and material benefits to the community and the ultimate users of the project and, where such benefits would otherwise be infeasible or unlikely to be achieved, absent these regulations. Recognizable and material benefits include the following:
 - a. A public improvement or public facility (e.g., recreational, transportation, safety, and security) that will enhance, add to, or replace those provided by public entities, thereby furthering the public health, safety, and welfare.
 - b. Reuse or repurpose of unutilized, underutilized, or blighted parcels.
 - c. Long-term protection and preservation of natural resources, natural features, or historic and cultural resources, of a significant quantity or quality in need of protection or preservation, and which would otherwise be unfeasible or unlikely to be achieved, absent these regulations.
 - d. Design features and techniques, such as green building, best management practices, and low-impact design, and innovated methods of stormwater management that will promote and encourage energy conservation, sustainable development, and enhance water quality.
 - e. For an appropriate assembly, use, redevelopment, replacement, or improvement of existing sites that are occupied by obsolete uses or structures.
 - f. Reduction of the impact of a non-conformity or removal of an obsolete building or structure.
 3. A compatible mixture of open space, landscaped areas, or pedestrian amenities, beyond the site plan requirements of this Zoning Ordinance.
 4. Appropriate land use transitions between the proposed PC and surrounding properties.
 5. Innovative and creative site and building designs, solutions, and materials.

6. The desirable qualities of a dynamic urban environment that is compact, designed to human scale, and exhibits contextual integration of buildings and city spaces.
7. A development consistent with and meeting the intent of this Article, which will promote the intent of the Master Plan. If conditions have changed since the Plan was adopted, the uses must be consistent with recent development trends in the area.
8. The proposed PC project must comply with all applicable Federal, State, and local laws and ordinances, and must coordinate with existing public facilities.

SECTION 5.04 PRELIMINARY DEVELOPMENT PLAN

- A. Pre-application Meeting. Prior to the submission of an application for approval of a Planned Community (PC) district, the applicant shall meet with the Zoning Administrator or their designee, together with other staff and outside consultants as deemed appropriate by the Township. The applicant shall present at this meeting, or a series of meetings, a concept plan of the proposed Planned Community (PC) project, as well as the following information:
 1. A legal description of the parcels and the total number of acres in the project;
 2. A topographical map of the site with two-foot contour intervals;
 3. A statement as to all proposed uses;
 4. The known deviations sought from the ordinance regulations otherwise applicable;
 5. The community benefits offered, as described in Section 5.03;
 6. The number of acres to be preserved as open or recreational space and the intended uses of such space;
 7. All known natural resources, natural features, historic resources, and historic features; which of these are to be preserved;
 8. A listing and specification of all site development constraints;
 9. The project's consistency with Master Plan or applicable corridor or sub-area plan goals.

The intent of the pre-application meeting is to discuss the appropriateness of the PC concept, solicit feedback, and receive requests for additional materials supporting the proposal. Statements made during the pre-application meeting are not legally binding commitments.

- B. Applicant Meeting with Adjoining Neighborhoods and Properties. Following the pre-application meeting, the applicant shall arrange one or more informal meetings with representatives of the adjoining properties, soliciting their comments and providing them to the Planning Commission. The Township must be advised in advance as to the scheduling and location of all such meetings.
- C. Concept Plan with the Planning Commission.. Following the pre-application meeting, the applicant may present the concept plan to the Planning Commission. The concept plan must have the information required for the pre-application meeting. No formal action may be taken by the Planning Commission during a concept plan review. Statements made during the concept plan review are not legally binding commitments.
- D. Preliminary Development Plan. Following any applicant's meeting(s) with adjoining neighborhoods and properties, a Preliminary Development Plan conforming to the application provisions set forth in sub-Section E below shall be submitted to the Zoning Administrator. A proposed Development Agreement must be incorporated with the Preliminary Development Plan submittal and must be reviewed and approved concurrently with the Plan. The Preliminary Development Plan review and approval process is as follows:
 - 1. Review for Completeness..The Zoning Administrator will distribute the Preliminary Development Plan to applicable reviewing parties. Once reports from reviewing parties have been received, the Zoning Administrator must determine if the application is complete. If the application is complete, the Zoning Administrator shall schedule a public hearing in accordance with the procedures in Section 3.11 for consideration at a regular or special Planning Commission meeting.
 - 2. Planning Commission Public Hearing. The Preliminary Development Plan constitutes an application to amend the zoning district map. Before making a recommendation to the Township Board, the Planning Commission must hold a Public Hearing on the proposal in accordance with Section 3.08
 - 3. Planning Commission Recommendations. After the public hearing, the Planning Commission shall make a recommendation to the Township Board regarding the Preliminary Development Plan. The application may be postponed if it is determined to be incomplete, if the applicant has not fully responded to the deficiencies identified in the review, or if the Planning Commission determines more time is needed to fully evaluate the PC project. The application will be tentatively rescheduled for a future meeting date.

The Planning Commission shall recommend approval of the Preliminary Development Plan, with or without conditions, or recommend denial. All actions of the Planning Commission, including any conditions, shall be reflected in the minutes of the meeting.

4. Township Board Public Hearing. After a recommendation by the Planning Commission, a public hearing shall be scheduled before the Township Board in accordance with Section 3.08, at which time the Township Board will consider the proposal along with the recommendations of the Planning Commission, the Township staff, and comments of all interested parties. The Township Board shall take action to approve, approve with conditions, or deny the Preliminary Development Plan. The Township Board must set forth in their resolution the reasons for their action. The Township Board may postpone action if the applicant has not fully responded to any applicable conditions imposed by the Planning Commission, or if the Township Board determines more time is needed to fully evaluate the PC project. The application will be tentatively rescheduled for a future meeting date.
- E. Application. The application for approval of a Preliminary Development Plan shall include the information and materials set forth below, which must be in a plan format together with a narrative explanation. The Zoning Administrator has the authority to waive certain information and materials if it is determined that such information and materials do not affect compliance with this Ordinance.
 1. Documentation of Applicant Meeting with Adjoining Neighborhoods and Properties. A written summary of the optional meeting with adjoining neighborhoods or properties must accompany the application.
 2. Preliminary Site Plan..A plan of the site organization in ordinance with the site plan requirements set forth in article 8, including typical setback and lot dimensions; the minimum lot sizes for each use; typical minimum and maximum building height and size; massing models; conceptual building design; and the general character and arrangement of parking; fencing; lighting; berms; and building materials.
 3. Development Concept. A summary explanation of the development concept shall describe the project and explain how the project will meet the intent of the PC option as set forth in Section 5.01 and the criteria for consideration as a PC as set forth in Section 5.03 hereof, as those Sections reasonably apply to the site.
 4. Density. The maximum density of the overall project and the maximum density for each proposed use and phase.
 5. Road System. A general description of the street system and circulation pattern; the location of streets, entrances, exits, and pedestrian walkways; a statement of

whether streets are intended to be public or private. Efforts must be made to ensure that multiple transportation modes are safely and effectively accommodated in an effort to provide alternate modes of access and alleviate vehicle traffic congestion particularly as it pertains to the improvements along major streets.

6. Utilities. A general description and location of both on-site and off-site utilities including proposed water, sanitary sewer, storm sewer systems, and utility lines; a general indication of the size and location of stormwater detention and retention ponds, and a map and text showing off-site utilities, existing and proposed, which will provide services to the project.
7. Open Space and Common Areas. A general description of proposed open space and common areas; the total area of open space; the total area of open space in each proposed phase; and the proposed uses of open space and common areas.
8. Uses. A list of all proposed uses; the location, type, and land area to be devoted to each use, both overall and in each phase; and a demonstration that all of the proposed uses are permitted under this Article.
9. Parking and Traffic. A study of the parking requirements and needs; and a traffic impact study and analysis, if applicable as identified by the Zoning Administrator or their designee or the Planning Commission.
11. Landscaping. A general landscaping plan; a landscape plan for entrances; a landscape plan for overall parcel perimeters; any theme or streetscape design; and any proposed irrigation.
12. Natural Resources and Features. Floodway and floodplain locations and elevations; wetlands and watercourses; woodlands; and location and description of other natural resources and natural features.
13. Phasing Information. .The approximate location, area, and boundaries of each phase; the proposed sequence of development, including phasing areas and improvements; and the projected timing for commencement and completion of each phase.
14. Public Services and Facilities. A description of the anticipated demand to be generated by the development for public sewer, water, off-site streets, schools, solid waste disposal, off-site drainage, police, and fire; a description of the sufficiency of each service and facility to accommodate such demands; and the anticipated means by which any insufficient services and facilities will be addressed and provided.

15. Historical Resources and Structures. Their location, description, and proposed preservation plan.
 16. Site Topography. Topography on the site and within one hundred feet of the site at two-foot contour intervals, referenced to a USGS benchmark.
 17. Amenities. Location and description of any amenities proposed. Amenities can include but are not limited to parks, plazas, landscaping beyond that required by the Zoning Ordinance, streetscape enhancements, public parking, green infrastructure, public improvements, or public facilities.
 18. Zoning Classification. Existing zoning classifications on and surrounding the site.
 19. Specification Of Deviations. A specification of all deviations proposed from the regulations that would otherwise be applicable to the underlying zoning and to the proposed uses, which are proposed and sought for any phase or component of the Planned Community (PC) project; the safeguards, features, or planning mechanisms proposed to achieve the objectives intended to be accomplished by any regulation from which a deviation is sought.
- G. Planned Community (PC) Agreement. In conjunction with a request for Preliminary Development Plan approval, the applicant must submit one or more proposed documents which, when agreed upon by all parties, will serve as the PC Agreement. As a part of the Preliminary Development Plan approval process, the applicant and the Township Board shall each authorize the execution of a PC Development Agreement. The PC Development Agreement must include, but is not limited to, the following items:
1. A summary description of the nature and character of the proposed development, including uses, densities, and site improvements as approved in the Preliminary Development Plan.
 2. A statement of the conditions upon which Preliminary Development Plan Approval by the Township Board is based, with particular attention given to those conditions which are unique to the particular PC Plan. These conditions may include matters such as, but not limited to, architectural standards, building elevations and materials, site lighting, pedestrian facilities, and landscaping.
 3. A summary of the public improvements (streets, utilities, etc.) and any other material benefits offered by the applicant, which are to be carried out in conjunction with the proposed PC development, along with a summary of the financial guarantees that will

be required and provided in order to ensure completion of those improvements, as well as the form of such guarantees which will be acceptable to the Township.

4. A document specifying and ensuring the maintenance of any open space, common areas, or amenities contained within the PC development (e.g., through a property owners association, or through conveyance to the Township with maintenance deposit, etc.)
 5. A statement that if there is a conflict between the Zoning Ordinance, the Preliminary Development Plan, and the Planned Community (PC) Agreement, the Planned Community (PC) Agreement shall be the controlling document.
 6. Upon the granting of Preliminary Development Plan approval, the Planned Community (PC) Agreement must be recorded in the office of the Washtenaw County Register of Deeds by the Township of Superior referencing the legal description of the subject parcels.
- H. Effect of Preliminary Development Plan Approval; If the Township Board approves the Preliminary Development Plan and the Planned Community Agreement, the Zoning Map shall be amended to designate the parcels as a Planned Community (PC). Such action, when approved, confers Preliminary Development Plan approval for two years (herein to be referred to as PDP Period). The two-year PDP Period commences upon the effective date of adoption of the ordinance that rezones the parcels to PC by the Township Board.
1. Upon the submittal of the Final Development Plan for one or more phases of the PC project, the two-year expiration period no longer applies to the Preliminary Development Plan, and the Preliminary Development Plan must remain in full force and effect on the development of the entire PC project, including without limitation, the development of all future phases of the entire PC Parcels.
 2. Any submittals of Final Development Plans must comply with all the requirements of Article 8, Site Plan Review, for Final Site Plan submittals and any additional requirements of the Zoning Administrator or reasonably needed to demonstrate consistency with the Preliminary Development Plan and Section 5.03, Standards for Approval. Any Final Development Plans that do not comply with these requirements must not be considered submittals for the purposes of this Paragraph. After the submittal of the first Final Development Plan, the timing for the issuance of permits and construction of the PC project and all future phases, must be determined.
 3. Upon the request of the applicant, prior to the expiration of the Preliminary Development Plan, the Township Board may extend the expiration date of the

Preliminary Development Plan. In determining whether to extend the expiration date of the Preliminary Development Plan, approval of an extension may be granted if the ordinances and laws applicable to the project have not changed in a manner that would substantially affect the project as previously approved.

4. In the event of the expiration of the Preliminary Development Plan, the applicant may either make an application for a new Preliminary Development Plan or make an application for some other zoning classification. If no action is taken by the applicant following the expiration of the Preliminary Development Plan, the parcels may be rezoned to the previous zoning district, following the procedures set forth in Article 17, Amendment Procedures. Following Final Development Plan Approval for one or more phases or the entire PC development, no use or development of the subject parcels may occur which is inconsistent with the approved Final Development Plan and Development Agreement. There must be no use or development of the subject parcels until a new Preliminary Development Plan or rezoning is approved.

SECTION 5.05 FINAL DEVELOPMENT PLAN

- A. Development of parcels classified as a PC requires Final Development Plan approval, which may be granted by the Township Board following a recommendation by the Planning Commission. Application(s) must be submitted to the Planning Commission and Township Board for review and approval consistent with the approved Preliminary Development Plan.
- B. Final Development Plan approval may be applied for and granted with respect to the entire PC development or for one or more phases. However, if the project is developed in phases, the design must be such that upon completion, each phase or the cumulative result of approved phases is capable of standing on its own in terms of the presence of services, facilities, and open space, and must contain the necessary components to ensure the protection of natural resources and the health, safety, and welfare of the users of the Planned Community (PC) and properties in the surrounding area.

The Final Development Plan must specify the public improvements required to be constructed in addition to and outside of the proposed phase or phases for which approval is sought, which are determined to be necessary in order to support and service such phase or phases.

Further, the Final Development Plan may require the recordation of permanent or temporary easements, open space agreements, and other instruments to ensure the

use and development of the public improvements on the parcels as proposed and to promote and protect the public health, safety, and welfare in a manner consistent with the intent and spirit of this Article.

- C. Except as otherwise modified in this Section, Final Development Plan approval must be based upon the requirements, standards, and procedures set forth in Article 8, Site Plan Review. In addition to the information required in Article 8, the applicant must also demonstrate compliance with the Preliminary Development Plan and the Planned Community (PC) Agreement.
- D. Upon receipt of a complete application as determined by the Zoning Administrator, the Planning Commission shall review the Final Development Plan for either the entire PC development or for any one or more phases in the manner specified below and in accordance with the provisions of Article 8, Site Plan Review. The Planning Commission must make determinations regarding the following items:
 - 1. The Final Development Plan continues to meet and conform to the criteria for, the intent of and the objectives contained in the approved Preliminary Development Plan. If the Planning Commission determines that the Final Development Plan does not continue to meet or conform to the criteria for, the intent of, or the objectives contained in the approved Preliminary Development Plan, the Planning Commission must make this determination a part of their recommendation.
 - 2. The Final Development Plan complies with the Planned Community (PC) Agreement.
 - 3. The Final Development Plan meets the requirements, standards, and procedures set forth in Article 8, Site Plan Review, and any other applicable requirements as set forth in this Article.
- E. At the conclusion of the Planning Commission's review, the Planning Commission shall either recommend approval of the Final Development Plan, with or without conditions, or recommend denial. The application may be postponed if it is determined to be incomplete, if the applicant has not fully responded to the deficiencies identified in the review, or if the Planning Commission determines more time is needed to fully evaluate the PC project. The application will be tentatively rescheduled for a future meeting date. If the Planning Commission recommends denial, the minutes of the meeting must include the reasons for recommending denial. If approval is recommended with conditions, the minutes must include a statement of the conditions.

Following receipt of the Planning Commission's recommendation of a Final Development Plan, the Township Board shall either approve the Final Development Plan, with or without

conditions, or deny the Final Development Plan. The application may be postponed if it is determined to be incomplete, if the applicant has not fully responded to the deficiencies identified in the review, or if the Township Board determines more time is needed to fully evaluate the Final Development Plan. The application will be tentatively rescheduled for a future meeting date. If the Township Board determines the Final Development Plan does not conform to the Preliminary Development Plan, the applicant must either revise the Final Development Plan to conform or must seek an amendment to the Preliminary Development Plan.

- F. Township Board approval of the Final Development Plan is effective for a period of three years, during which period of time the applicant is authorized to submit engineering, and construction plans for site improvements, together with all other documents necessary for Construction Plan approval and the issuance of Building Permits. The applicant may apply to the Township for an extension of the three-year period for approval of the Final Development Plan if progress is being diligently pursued and is reasonably expected to finish within the extension period.

SECTION 5.06 AMENDMENT

- A. An applicant may request a change in an approved final plan. A change which results in a major change, as defined in this Section, in the approved plan shall require an amendment to the approved plan. All amendments shall follow the procedures herein required for original submittal and review of a petition for PC zoning. A change which results in a minor change, as defined in this Section, shall require revision of the approved final plan and approval by the Planning Commission.
- B. A request for a change in the approved plan shall be made in writing to the Planning Commission and shall clearly state the reasons. 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 requests reasonable and valid, shall 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 area of over five percent;
 6. Rearrangement of lots, blocks, and building tracts;
 7. Change in the character or function of any street;
 8. Reduction in land area set aside for common open space, or the relocation of such area(s); and
 9. Increase in building height.
- D. An applicant may request approval of minor changes, as defined in this section, in an approved final plan. The Planning Commission shall notify the Township Board and other applicable agencies of its approval of the revisions of the final plan resulting from such minor changes.
- E. Minor changes shall include the following:
1. A change in residential floor area;
 2. An increase in non-residential area of five percent or less;
 3. Minor variations in layout which do not constitute major changes;
 4. A change in phasing of development; and
- F. The Planning Commission shall have the authority to determine whether the 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.

SECTION 5.07 ABANDONMENT

- A. Abandonment of Preliminary Development Plan. Following any action evidencing abandonment of the Preliminary Development Plan, whether through failure to proceed during the Preliminary Development Plan period as required under this Article, or through notice of abandonment given by the parcels owners, applicants, or their successors, the Township Board is entitled to take any necessary and appropriate action to rescind the Preliminary Development Plan approvals, invalidate any related Development Agreements, and rezone the subject parcels from PC to an

appropriate classification. Abandonment rescinds all rights and approvals granted under and as part of the Preliminary Development Plan, and the same are deemed null and void. Evidence of such actions must be recorded in the office of the Washtenaw County Register of Deeds and referenced to the subject parcels.

- B. Abandonment of Final Development Plan. Approved Final Development Plans, upon which construction does not commence within a three-year period from the date of a Final Development Plan approval, must be considered abandoned for the purposes of this Article. The applicant may request an extension in accordance with Section 5.05. A written request for an extension must be received by the Township before the expiration of the three-year Final Plan Approval period.

SECTION 5.08 APPEALS

The Zoning Board of Appeals has no authority in matters covered by this Article. Modifications to plans or proposals submitted under this Article must be processed in accordance with the amendment procedures covered under Section 5.06, Amendment.

SECTION 5.09 VIOLATIONS

Any violation of the approved PC Final Development Plan or the PC Agreement is considered a violation of the Zoning Ordinance, which is subject to the enforcement actions and penalties described in Section 3.10, Violations and Penalties.

ARTICLE 12**SPECIAL DEVELOPMENT REGULATIONS SITE DESIGN
STANDARDS****~~Section 12.01—Open Space Preservation Residential
Development:~~**

~~This Section establishes provisions under which a landowner may exercise the option to develop land with open space preservation in accordance with Section 506 of the Michigan Zoning Enabling Act. The purpose of this development option is to preserve agricultural lands, natural resources, and open space in the Township by providing an alternative method for residential development. The intent of this Section is to allow the same number of home sites to be developed per Article _____ (Dimensional Standards), but clustered on no more than fifty percent (50%) of the total buildable area of the subject parcel(s). The remaining unused land would exist perpetually in an undeveloped state by means of a conservation easement or similar legal means that runs with the land.~~

~~A. Qualifying Conditions:~~

~~Land in the Rural Districts, Rural Residential Districts, R-3 (Single Family Residential) District, and Planned Community (PC) Special District may be developed, at the option of the property owner(s) or developer(s), with the same number of dwelling units that could otherwise be developed on the land under existing ordinances, laws, and rules, on not more than fifty percent (50%) of the total buildable area of the subject parcel(s), if all of the following apply:~~

- ~~1. The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the development option provided by these provisions would also depend upon such an extension.~~
- ~~2. The development option provided pursuant to this Section has not previously been exercised with respect to the subject property, and the subject land is not subject to any pre-existing, permanent land conservation encumbrance.~~
- ~~3. Natural resources, open space, or agricultural lands exist on the site that would be preserved through use of this development option.~~

~~B. Development Plan:~~

~~A development plan under this Section shall be subject to Township review and approval by one of the following means:~~

- ~~1. **Site plan review.** Where the lot division is by metes and bounds, a development plan under this Section shall be submitted to the Planning Commission for review in accordance with Article _____ (Site Plan Review).~~

~~Land divisions shall not be approved by the Township until all site plan approval requirements have been satisfied.~~

- ~~2. **Subdivision plat.** Where a development plan under this Section is a subdivision plat, it shall be submitted in accordance with the approval process provided in the Township's subdivision regulations and the standards of this Ordinance.~~
- ~~3. **Site condominium.** When a development plan under this Section is a condominium subdivision (site condominium), it shall be submitted in accordance with the approval process provided in Article ____ (Condominium Regulations).~~

~~C. **Density Calculations:**~~

~~The maximum permitted density in an Open Space Preservation Residential Development shall be determined as follows:~~

- ~~1. The maximum permitted net residential density shall not be greater than that normally permitted within the zoning district. The maximum density shall be the maximum number of lots permitted by the approved parallel design plan as outlined within this Section. Density does not guarantee any specific number of lots from any individual parcel or group of parcels. Rather, density refers to the number of lots that can be developed on the subject parcel(s).~~
- ~~2. A parallel design plan shall be prepared by the developer showing a feasible development under the requirements of the specific zoning district in which it is located and the requirements of any and all state, county, and Township regulations. All lots, roads and other improvements shall be designed so that they do not adversely impact wetlands, floodplains or drainage ways, as regulated by federal, state, county or local agencies.~~
- ~~3. It must be determined by the Planning Commission that this parallel design plan is able to be physically constructed and meet all current regulations, should the Open Space Preservation Residential Development be denied or not constructed. If there are questions regarding water, septic, wetlands or floodplains, the Planning Commission may request the applicant to obtain approval from the proper regulatory authority. If the Planning Commission determines, through these responses, that the number of lots proposed is unfeasible, the parallel design plan shall be revised and resubmitted, minus that number of lots. Detailed engineering is not required at this stage.~~
- ~~4. The Planning Commission may also waive the submission of a parallel design plan if the Planning Commission determines that the number of housing units proposed for the Open Space Preservation Residential Development is well below what would be feasible for the site. Such a waiver shall be requested by the applicant in writing and shall be recorded as part of the motion for approval in the meeting minutes.~~

~~D. Clustering.~~

~~Dwelling units shall be grouped so that dedicated open space within a development equals a minimum of fifty percent (50%) the total buildable area of the subject parcel(s). Where such clustering would require deviations from the minimum required yard setbacks, lot area, and lot width; and maximum permitted ground floor coverage (GFC) and floor area ratio (FAR) otherwise required in the zoning district, the following standards shall apply:~~

- ~~1. Planning Commission determination that the deviation is reasonable and necessary to preserve open space and meet the intent and purpose of this Section.~~
- ~~2. Planning Commission determination that all lots created under this option contain adequate lot area and width to provide for development of a principal dwelling and customary accessory structures without need for a variance.~~
- ~~3. Clustering of the dwelling units shall occur in a manner that preserves the basic amenities and qualities normally associated with single-family living (including privacy, personal open space, and adequate natural lighting and ventilation), while still allowing for innovative site layout and open space areas.~~

~~E. Standards for Open Space.~~

~~At least fifty percent (50%) of the total buildable area of the subject parcel(s) shall remain perpetually in an undeveloped state by means of a conservation easement or similar legal instrument that runs with the land, as approved by the Township. Such open space preservation area(s) shall conform to the following standards:~~

- ~~1. Dedicated open space shall be located to preserve significant natural features and to connect open spaces throughout the development with adjacent open space.~~
- ~~2. Open space along the exterior public roads shall have a minimum depth of two hundred (200) feet, as measured from the right-of-way line, either landscaped with natural vegetation or preserved in a natural wooded condition. The Planning Commission may approve a minimum open space depth of one hundred (100) feet along the exterior public roads where the reduction would result in saving significant natural vegetation on the rear of the site. The open space along exterior public roads may be landscaped or left natural; existing tree preservation is preferred, and planted vegetation shall be native to the area.~~
- ~~3. Use of preserved open space shall be limited to RURAL USES, outdoor recreation, hunting (where permitted), recreational trails, parks and playgrounds, and similar uses, as approved by the Planning Commission.~~
- ~~4. At the landowner's option, all or part of the open space may be dedicated to the use of the public or transferred to public ownership. The Planning Commission shall be prohibited from requiring such a dedication as part of an~~

~~approval under this Section. Any proposed transfer of open space ownership to public ownership shall be subject to approval of the receiving jurisdiction.~~

- ~~5. If the land to be developed under this option contains a river, stream, pond or other body of water, the Planning Commission may require a portion of the open space to abut the body of water.~~
- ~~6. All structures shall be located outside of the land area designated as preserved open space. Only those structures or improvements that are consistent with the approved development plan and the terms of the conservation easement shall be permitted within the designated open space area.~~
- ~~7. The following areas shall not be considered in the calculation for open space:
 - ~~a. Areas within road and other rights of way, and utility, drainage or similar public easements.~~
 - ~~b. Areas occupied by permitted non-residential uses, golf courses, parking lots, stormwater detention or retention basins, private community wastewater systems (PCWS), and similar facilities.~~
 - ~~c. Required yard setback areas for individual lots.~~~~

~~F. Conservation Standards:~~

~~The applicant shall provide a copy of the conservation easement or similar legal instrument that would run with the land and have the legal effect of preserving in perpetuity in an undeveloped state the open space required by this Section. The legal instrument shall be subject to the following minimum requirements:~~

- ~~1. **Guarantee of Preservation.** The conservation easement or similar legal instrument the conservation easement or similar legal instrument shall guarantee that all dedicated open space will be maintained in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided the land uses continue as approved under this Section and Ordinance.~~
- ~~2. **Irrevocable conveyance.** At a minimum, the instrument shall be irrevocable, shall run with the land, and shall convey all rights to develop the land to a land conservation organization, condominium association, governmental institution, or other governmental or legal entity qualified and able to receive and hold conservation easements in accordance with applicable federal and state laws.~~
- ~~3. **Permitted uses and development.** The instrument shall specify the allowable use(s) of the open space.~~
- ~~4. **Development plan.** The instrument shall require that the open space be maintained in perpetuity in an undeveloped state, without structures or other~~

improvements, except as shown on the approved development plan. The development plan shall be attached to the recorded instrument as an exhibit.

5. ~~**Maintenance plan.**~~ The instrument shall include a detailed maintenance plan that provides standards and a schedule for required maintenance of the open space by the parties who have an ownership interest in the open space; and shall and allows for maintenance to be undertaken by the Township or the easement holder in the event that the open space is inadequately maintained or determined to be a public nuisance, with the assessment of costs upon the property owners.

After Township approval, the applicant shall record the conservation easement or similar legal instrument with the Washtenaw County Register of Deeds office and shall provide proof of recording and two (2) copies of the recorded documents to the Township Clerk.

Section 12.02 – Wireless Communication Facilities.

The purpose of this Section is to carry out the will of the United States Congress by permitting facilities within the Township that are necessary for the operation of wireless communications systems and facilitating adequate and efficient provisions for wireless communications facility sites. It is the intent of this Section to:

- a. ~~Permit the location of wireless communication facilities within given geographical areas of the Township, while protecting the safety and character of nearby residential areas and the Township as a whole;~~
- b. ~~Require collocation of transmission and receiving apparatus and antennae on existing towers, unless it can be reasonably demonstrated that such collocation is not technically feasible;~~
- c. ~~Require new and replacement wireless communication towers to include provisions for collocation wherever technically feasible;~~
- d. ~~Limit adverse visual impacts through careful design, siting, landscaping and screening elements, and innovative camouflaging techniques;~~
- e. ~~Prevent potential damage to adjacent properties from tower failure, and promote the timely removal of facilities upon the discontinuance of use;~~
- f. ~~Require wireless communication towers and antennae to be configured in a way that minimizes adverse visual impacts, through careful design, siting, landscape screening, and innovative camouflaging techniques;~~
- g. ~~Establish consistent review procedures and information requirements for construction, alteration, and enlargement of wireless communication facilities; and~~
- h. ~~Permit administrative review and approval of certain types of projects that have a limited scope and impact, such as amateur radio antennae, satellite dish antennae, and collocation of additional antennae on an existing, approved wireless communications tower.~~

A. ~~Type of Review Required.~~

~~Wireless communications facilities shall be subject to review and approval in accordance with the following table:~~

Type of Wireless Communications Facility	Required Review and Approval		
	Conditiona l-Use Approval	Certificate of Zoning Compliance	Exempt
NEW TOWERS AND ANTENNAE			
Construction of a new wireless communication tower or ground equipment enclosure area for a tower.	●		
Antenna(e) installation on an existing principal building or accessory structure that includes use of a ground equipment enclosure area outside of the existing building or structure.	●		
Antenna(e) installation on an existing principal building or accessory structure where all accessory equipment is installed and maintained within the existing building or structure.		●	
COLLOCATION ON EXISTING TOWERS			
Alteration or enlargement of a wireless communication tower that would continue to conform to maximum height requirements with an increase in the overall tower height by more than twenty (20) feet or ten percent (10%) of its original height, whichever is greater. Also see Section 14.02B.4. (Special Provisions for Review of Certain Alterations and Collocations).	●		
Alteration or enlargement of a wireless communication tower that would continue to conform to maximum height requirements without increasing the overall tower height by more than twenty (20) feet or ten percent (10%) of its original height, whichever is greater.		●	
Expansion of a previously approved ground equipment enclosure to a total area greater than 2,500 square feet. Also see Section 14.02B.4. (Special Provisions for Review of Certain Alterations and Collocations).	●		
Expansion of a previously approved ground equipment enclosure area to a total area less than or equal to 2,500 square feet.		●	
Collocation of a new antenna on an existing tower that would continue to conform to maximum height requirements with an increase in the overall tower height by more than twenty (20) feet or ten percent (10%) of its original height, whichever is greater. Also see Section 14.02B.4. (Special Provisions for Review of Certain Alterations and Collocations).	●		

Type of Wireless Communications Facility	Required Review and Approval		
	Conditional Use Approval	Certificate of Zoning Compliance	Exempt
Collocation of a new antenna on an existing tower that would continue to conform to maximum height requirements without increasing the overall tower height by more than twenty (20) feet or ten percent (10%) of its original height, whichever is greater.		●	
Construction or expansion of ground equipment building(s) within an approved ground equipment enclosure.		●	
Installation of new ground equipment within an approved ground equipment building or enclosure.		●	
SATELLITE DISH ANTENNAE			
Installation of a satellite dish antenna with a diameter one and one-half (1.5) meters or larger.		●	
Installation of a satellite dish antenna with a diameter less than one and one-half (1.5) meters.			●
AMATEUR RADIO ANTENNAE			
Installation of an amateur radio transmission and reception antenna or antenna structure.		●	
Installation of a citizen band radio base station antenna structure, contractor's business antenna structure, television reception antenna or wireless Internet antenna for personal use, or similar facility exceeding fourteen (14) feet in height.		●	
Installation of short wave facilities, amateur radio reception only antenna, television reception antenna or wireless Internet antenna for personal use, or similar facility up to a maximum height of fourteen (14) feet.			●
Installation of municipal and other facilities subject to federal or state preemption of local regulatory authority.			●
OTHER PROJECTS			
Repair or service of existing wireless communications facilities, provided that all work complies with applicable regulations and approved plans.			●
Telecommunication facilities as defined by the METRO Act (P.A. 48 of 2002, as amended).			●

a. ~~**Exempt facilities.** Nothing in this Section shall be construed in such a manner to conflict with the regulatory process established for telecommunication facilities as defined and regulated by the METRO Act (P.A. 48 of 2002, as amended). Facilities exempt from review per Section _____ (Type of Review Required) shall be permitted by right, subject to the applicable federal and state regulations.~~

~~b. **Facilities subject to Zoning Inspector approval.** Facilities subject to certificate of zoning compliance approval per Section _____ (Type of Review Required) shall require review and approval by the Zoning Inspector in accordance with the applicable standards of this Section and Section _____ (Certificates of Zoning Compliance).~~

~~**B. Conditional Use Permit.**~~

~~Wireless communications facilities subject to conditional use approval per Section _____ (Type of Review Required) shall require review and approval of a Conditional Use Permit by the Planning Commission, subject to the standards of this Section and Article _____ (Conditional Uses).~~

~~a. **Limitation on review fees.** Per Section 3514 of the Michigan Zoning Enabling Act, fees required for a Conditional Use Permit application per Section _____ (Type of Review Required) shall not exceed the Township's actual, reasonable costs to review and process the application or \$1,000.00, whichever is less.~~

~~b. **14-day time limit to determine eligibility and completeness.** Per Section 3514 of the Michigan Zoning Enabling Act, the Clerk shall immediately transmit a copy of any application materials and plans filed in accordance with this Section for a Conditional Use Permit per Section _____ (Type of Review Required) to the Township Planner to determine whether the application is administratively complete per Section _____ (Application Information).~~

~~(2) The Township Planner shall transmit a written response to the Clerk and the applicant within fourteen (14) business days stating either that the application is administratively complete or listing the specific information needed for a complete application.~~

~~(3) The application shall be deemed administratively complete if no written response is transmitted to the Clerk and applicant within the fourteen (14) business day period.~~

~~c. **90-day time limit on Planning Commission action.** For any Conditional Use Permit application not subject to the additional requirements of Section _____ (Special Provisions for Review of Certain Alterations and Collocations) below, the Planning Commission shall complete its review and take final action per Section _____ (Planning Commission Action) within ninety (90) calendar days after the date that the application is considered to be administratively complete. The application shall be deemed approved if the Planning Commission takes no final action within this ninety (90) calendar day period.~~

~~d. **Special provisions for review of certain alterations and collocations.** Per Section 3514 of the Michigan Zoning Enabling Act, Township review of proposed alterations to existing wireless communication towers or ground equipment enclosures subject to Conditional Use Permit approval per Section~~

~~_____ (Type of Review Required) and referencing this subsection shall be modified as follows:~~

~~(2) **60-day time limit on Planning Commission action.** The Planning Commission shall complete its review and take final action on the application per Section _____ (Planning Commission Action) within sixty (60) calendar days after the date that the application is considered to be administratively complete. The application shall be deemed approved if the Planning Commission takes no final action within this time period.~~

~~(3) **Limitation on conditions of approval.** Planning Commission authority per Section _____ (Conditions of Approval) and _____. (Conditions of Approval) to impose conditions on any approval of an application subject to the additional requirements of this subsection shall be limited to conditions intended to:~~

~~(1) Verify compliance with the applicable requirements of this Ordinance; or~~

~~(2) Ensure that the wireless communication facility meets the requirements of federal and state laws and other Township ordinances before the facility begins operation [amended 12/16/2013, Ord. 174-14].~~

~~e. **Modifications to an approved Conditional Use Permit.** The following changes to an existing wireless communication facility for which a valid Conditional Use Permit was previously approved shall be subject to review and approval as a modification to the approved Permit:~~

~~(2) Alteration or enlargement of an existing wireless communication tower; or~~

~~(3) Expansion of an approved ground equipment enclosure area.~~

~~f. **New Conditional Use Permit required.** All other wireless communication facilities subject to Conditional Use Permit approval shall require review and approval of a new Permit by the Planning Commission.~~

~~g. **Information required.** In addition to any information required by Article _____ (Conditional Uses), applicants for a Conditional Use Permit for a wireless communication facility shall submit the following information:~~

~~(2) **Site inventory.** Each applicant shall provide an inventory of the existing towers, antennae, or sites approved for towers or antennae that are either within Superior Charter Township or within one (1) mile of the border thereof, including specific information about the location, height, and design of each tower, and the following:~~

~~(1) The separation distance between the proposed wireless communication facility and other structures shown on the site inventory. The applicant shall also identify the type of~~

~~construction and owner(s)/operator(s) of existing towers, if known.~~

- ~~(2) A description of the feasible location(s) of future wireless communication facilities proposed or anticipated by the applicant within the Township, based on existing physical, engineering, technological, or geographical limitations in the event the proposed tower is erected.~~
- ~~(3) The Growth Management Plan classification of the site and all properties within the on the site inventory area.~~

~~Such information may be shared with other applicants applying for approvals under this Section or other organizations seeking to locate towers or antennae within Superior Charter Township. The sharing of such information shall not constitute a representation or warrant by the Township that such sites are available or suitable.~~

~~(3) **Site plan.** A preliminary and a final site plan shall be submitted that include the following minimum required information, and any other information deemed by the Planning Commission to be necessary to assess compliance with this Section:~~

- ~~(1) All applicable information required for preliminary and final site plan approval per Article _____ (Site Plan Review).~~
- ~~(2) The location, type and height of the proposed tower; on-site and abutting land uses and zoning, including across road rights-of-way; adjacent roadways and proposed means of access; on-site topography and parking; setbacks from property lines; and elevation drawings of the proposed tower and any other structures.~~
- ~~(3) A maintenance plan to ensure long term, continuous maintenance to a reasonably prudent standard, and any applicable maintenance agreement identifying who will be responsible for maintenance of the facility, including access, landscaping, screening, and security improvements.~~
- ~~(4) Legal description of the parent tract and leased parcel (if applicable).~~
- ~~(5) Setback distances between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.~~
- ~~(6) Fencing and screening details, proposed methods of camouflage where applicable, and details of any tower illumination.~~

- ~~(7) — A landscape plan showing the specific sizes, species, amounts, and planting details for proposed landscape materials.~~
- ~~(4) **Removal agreement.** — The applicant shall submit a signed and notarized removal agreement for the future removal of the facility in accordance with Section _____ (Cessation of Operation). The applicant shall submit an estimate for the cost of removal of the facility and restoration of the site, certified by a licensed professional engineer and verified by the Township Engineer.~~
- ~~(5) **Tax-related information.** — The applicant shall supply to the Township Assessor all tax-related information as requested for appraisal purposes. Upon receipt of the requested information, the Assessor shall provide notice to the Planning Commission that this condition has been satisfied.~~
- ~~(6) **Franchise information.** — Written documentation shall be provided to certify that all franchises required by law for the construction and operation of the wireless communication facility have been obtained. A copy of such franchises shall be filed with the Township.~~
- ~~(7) **Collocation information.** — A notarized statement by the applicant indicating whether the proposed tower will accommodate collocation of additional antennae for future users.~~
- ~~(8) **Additional required information:**~~
- ~~(1) — Identification of the entities providing the backhaul network for the tower(s) described in the application and other sites owned or operated by the applicant in the Township.~~
 - ~~(2) — 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 proposed wireless communication services.~~
 - ~~(3) — Technical analyses setting forth the minimum height necessary for reasonable communication by the applicant and evaluating alternative designs that may require fewer towers and/or lower tower heights.~~
 - ~~(4) — 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.~~
- ~~h. **Conditions of approval.** — In granting a Conditional Use Permit, the Planning Commission may impose conditions to the extent that the Planning Commission determines are necessary to minimize any adverse impact of the facility on nearby properties, in addition to the conditions of approval specified in Article _____ (Conditional Uses). The Planning Commission may~~

~~also require that a performance guarantee be posted with the Township as a condition of Conditional Use Permit approval, subject to the following:~~

~~(2) The purpose of this guarantee is to ensure the facility's future removal and site restoration if the owner or operator fails to do so as required by Section _____ (Cessation of Operation).~~

~~(3) The security shall be in the form of: cash, surety bond, or letter of credit, together with a written and notarized agreement in the form approved by the Township providing for the future removal of the facility.~~

~~(4) The security shall be in an amount equal to the greater of \$5,000 or the cost estimate for removal of the facility and restoration of the site, as certified by a licensed professional engineer and verified by the Township Engineer.~~

~~i. **Factors to consider in granting a Conditional Use Permit.** In addition to any standards for consideration of Conditional Use Permit applications contained in Article _____ (Conditional Uses), the Planning Commission shall consider the following factors in determining whether to issue a Conditional Use Permit. The Planning Commission may waive or reduce one (1) or more of these criteria upon determination that the purposes of this Section are better served thereby:~~

~~(2) Height of the proposed tower.~~

~~(3) Proximity of the tower to residential structures and residential district boundaries.~~

~~(4) Nature of uses on adjacent and nearby properties.~~

~~(5) Surrounding topography.~~

~~(6) Surrounding tree coverage and foliage.~~

~~(7) Design of the tower and ground equipment enclosure area, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.~~

~~(8) Proposed ingress and egress.~~

~~(9) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures.~~

~~j. **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(e). An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology.~~

~~The Township may employ specialized experts to review data submitted by the applicant. The applicant shall incur all costs associated with such review. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna(e) may consist of any of the following:~~

- ~~(2) No existing towers or structures are located within the geographic area that meet the applicant's engineering requirements.~~
- ~~(3) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.~~
- ~~(4) Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.~~
- ~~(5) The applicant's proposed antenna(e) would cause electromagnetic interference with antennae on existing towers or structures, or the antennae on existing towers or structures would cause interference with the applicant's proposed antenna(e).~~
- ~~(6) 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.~~
- ~~(7) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.~~
- ~~(8) 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.~~

~~C. General Regulations.~~

~~All wireless communication facilities shall be subject to the following regulations:~~

- ~~a. **Grounded.** Antennae and metal structures shall be grounded for protection against a direct strike by lightning. The electrical wiring and connections on all structures shall comply with all applicable local, state, and federal statutes, regulations, and standards.~~
- ~~b. **Wind load.** Structures with antennae shall be designed to withstand a uniform wind loading as prescribed in the State Construction Code.~~
- ~~c. **State and federal regulations.** All wireless communication facilities shall meet or exceed applicable federal and state regulations and standards, subject to the following:~~

~~(1) If more restrictive federal or state regulations or standards are adopted in the future, then the facility owner or operator shall bring the facility into compliance with such revised standards and regulations within one hundred eighty (180) calendar days of their effective date, unless a different compliance schedule is mandated by the controlling state or federal agency.~~

~~(2) If, upon inspection, the Township determines that a facility constitutes a danger to persons or property, then the facility owner or operator shall have thirty (30) calendar days from the date of receipt of such notice from the Township to remove the facility or bring it into compliance with applicable standards.~~

~~(3) Failure to take such action as required shall be considered a violation of this Ordinance and shall constitute grounds for the facility's removal at the owner's expense. The facility owner and operator shall be responsible for all costs for testing and compliance verification.~~

~~d. **Franchises.** Owners or operators of wireless communication facilities shall certify that all franchises required by law for the construction or operation of a wireless communication system have been obtained and shall file a copy of all required franchises with the Township.~~

~~e. **Engineering certification.** Any civil, mechanical or structural engineering information supplied by the applicant shall be certified by a licensed professional engineer.~~

~~f. **Not essential services.** Structures 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.~~

~~g. **Signage.** The wireless communication facility shall not be used for advertising purposes and shall contain no signs except a permitted nameplate and as otherwise required by the Federal Aviation Administration (FAA).~~

~~h. **Climb prevention.** All wireless communication towers and antenna structures shall be protected by anti-climbing devices, such as security fences or anti-climbing devices. Anchor points for guy wires or anchoring points shall be enclosed by a fence or shall be located within the confines of a yard that is completely fenced.~~

~~D. **Standards for Wireless Communication Towers.**~~

~~Wireless communication towers shall be subject to the following:~~

~~a. **Permitted zoning districts.** Wireless communications towers shall only be permitted on parcels in the A-1 (Agricultural), A-2 (Agricultural), R-1 (Single-Family Residential), R-2 (Single-Family Residential), PC (Planned~~

Community), MS (Medical Services), PM (Planned Manufacturing), and PSP (Public/Semi-Public Services) Districts.

- b. ~~**Collocation.**~~ The applicant shall submit evidence that there are no reasonable and suitable alternatives for location of equipment on an existing tower within the service area of the proposed tower.
- c. ~~**Location.**~~ A tower shall have a minimum setback from all property boundaries equal to the height of the tower. Guys and accessory buildings shall satisfy minimum zoning district dimensional standards.
- (1) ~~No tower shall be located within two (2) miles of another commercial communication unless it can be demonstrated by the applicant that there is a need for an additional wireless communication tower.~~
- (a) ~~The Planning Commission shall make the determination of necessity based on the technical requirements of the tower, the service needs of the Township residents, and other factors as may be appropriate on a case-by-case basis.~~
- (b) ~~The Planning Commission may employ specialized experts to review the data submitted by the applicant to support the location. The applicant shall incur all costs associated with such review.~~
- (c) ~~Under no circumstance shall a wireless communication tower be permitted to be located less than one (1) mile from another wireless communication tower.~~
- (2) ~~No tower shall be located closer than two hundred (200) feet from the boundary of any Rural, Rural Residential or Urban Residential Districts, including any Planned Community (PC) or other Special District incorporating residential uses.~~
- (3) ~~A tower shall be set back from all lot boundaries and road rights-of-way a minimum distance equal to the height of the tower. Guys and accessory buildings shall satisfy the minimum zoning district dimensional standards.~~
- d. ~~**Access.**~~ Unobstructed access, constructed in accordance with all provisions of this Ordinance, shall be provided to the tower and ground equipment building and enclosure to ensure service by police, fire, and emergency vehicles.
- e. ~~**Structural design and installation.**~~ 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 structures must meet all applicable standards of the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC).

- ~~(1) To ensure its structural integrity, the owner of a tower shall ensure that it is maintained in compliance with the State Construction Code, other applicable building, fire, and electrical codes, and applicable standards for structures as published by the Electronic Industries Association.~~
 - ~~(2) All signal and remote control conductors extending substantially horizontally above the ground between a tower or antennae and a structure, or between structures, shall be at least eight (8) feet above the ground at all points, unless buried underground.~~
 - ~~(3) The base of the tower shall occupy no more than five hundred (500) square feet.~~
- f. ~~**Lighting.** Structures shall not be artificially illuminated, 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. The use of strobe lights on a tower shall be prohibited in the absence of a demonstrated need.~~
- g. ~~**Height.** Structures shall not exceed one hundred eighty (180) feet in height, as measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antennae.~~
- h. ~~**Design.** The design of the tower, antennae, ground equipment building(s) and enclosure shall use, to the maximum extent possible, materials, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.~~
- ~~(1) The area of the proposed ground equipment enclosure shall be the minimum necessary to accommodate all proposed and planned future users of the facility.~~
 - ~~(2) The antennae shall be painted to match the exterior treatment of the tower.~~
 - ~~(3) The paint scheme of the tower and antennae shall be designed to minimize off-site visibility of the facility.~~
 - ~~(4) Advertising, signs, and identification intended to be visible from the ground or other structures shall be prohibited, except as required for emergency purposes.~~
 - ~~(5) Metal structures shall be constructed of or treated with corrosive-resistant material.~~
- i. ~~**Fencing and screening.** The tower and ground equipment enclosure shall be secured by fencing a minimum of six (6) feet in height. The ground equipment enclosure area and fencing shall be screened with a dense~~

~~evergreen screen per Section _____ (Methods of Screening) along each side of such fencing and building.~~

~~(1) The screening shall be maintained in good condition at all times so as to continue its effectiveness.~~

~~(2) Existing mature on-site vegetation and natural landforms shall be preserved to the maximum extent feasible.~~

~~(3) The Planning Commission may waive the screening requirements of this subsection where natural growth around the property perimeter may provide sufficient buffer, such as facilities sited on large, wooded lots.~~

~~j. **Employees.** No employees shall be located on the site on a permanent basis to service or maintain the tower or antennae. Occasional or temporary repair and service activities are excluded from this restriction.~~

~~E. Standards for Antennae Located on Principal Buildings and Accessory Structures.~~

~~Antennae shall be permitted on principal buildings or accessory structures in any zoning district, subject to approval per Section _____ (Type of Review Required) and the following standards:~~

~~a. The antenna and support structure shall not extend into any required yard setback areas and shall not exceed the structure height by more than ten (10) feet.~~

~~b. The antennae, supporting structure, and electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the principal building or accessory structure, so as to make the antenna and related equipment as visually unobtrusive as possible.~~

~~c. The antenna and support structure shall not be illuminated, unless required by the FAA or other agency with jurisdiction.~~

~~d. Such antenna shall be securely attached and anchored to the structure. Structural improvements needed to support the added weight of the antenna and support structure shall conform to State Construction Code standards.~~

~~e. All accessory ground equipment shall be located within the building or structure, except where otherwise permitted as part of a Conditional Use Permit approval.~~

~~F. Standards for Satellite Dish Antennae.~~

~~Satellite dish antennae shall be permitted in any zoning district, subject to approval per Section _____ (Type of Review Required) and the following standards:~~

- ~~a. — Such antennae shall be accessory to a principal building on the same lot and shall be located in the rear yard area.~~
- ~~b. — Satellite dish antennae shall be limited to lots with adequate lot area to accommodate the minimum requirements setback of this subsection.~~
- ~~c. — One (1) satellite dish antenna shall be permitted per lot. The antenna shall conform to the minimum yard setbacks of the zoning district where the antenna is located.~~
- ~~d. — Construction and placement of satellite dish antennae shall meet manufacturers' specifications and shall conform to the State Construction Code and all applicable electrical and fire codes.~~
- ~~e. — Satellite dish antennae with a diameter of one and one-half (1.5) meters or larger and located within one hundred (100) feet of a road right-of-way or the boundary of a lot occupied by a dwelling shall be screened by a wall, fence, berm, evergreen plantings, or combination of these elements so as not to be visible from the neighboring residence or road. If the antenna is a mesh type, screening need not exceed six (6) feet in height.~~

~~G. — Standards for Amateur Radio Antennae.~~

~~Amateur radio antennae shall be permitted in any zoning district, subject to approval per Section _____ (Type of Review Required) and the following standards:~~

- ~~a. — Such antennae shall be accessory to a principal building on the same lot and shall be located in the rear yard area.~~
- ~~b. — Amateur radio antennae shall be limited to lots with adequate lot area to accommodate the minimum requirements setback of this subsection.~~
- ~~c. — A maximum of one (1) amateur radio antenna shall be permitted per zoning lot, with a maximum height of sixty (60) feet and a minimum setback from all lot boundaries equal to one hundred percent (100%) of its height.~~
- ~~d. — For retractable, telescoping, or tilt-down antennae, the minimum required setback distance shall be equal to the height of the antenna structure in the "down" or retracted position. Such antennae shall be maintained in the "down" or retracted position when not in use.~~

~~H. — Existing Wireless Communications Facilities.~~

~~Wireless communications facilities existing prior to the effective date of this Ordinance shall be allowed to continue, provided that such facilities are maintained in accordance with applicable federal, state, and county laws and regulations, and all approved plans, permits, and conditions of approval. Collocation of additional antennae on such existing towers shall be permitted in accordance with the requirements of this Section and Ordinance.~~

~~I. Rescinding Approval.~~

~~Failure of the owner, operator or leaseholder of an approved wireless communications facility to renew or replace any required performance guarantee or insurance certificates, provide information to the Township about the facility as required by this Section, or maintain and operate the facility in compliance with the provisions of this Section shall be grounds for the Township to rescind any previous approval to construct or operate the facility. Such action shall be subject to the following:~~

- ~~a. **Public hearing.** Such action may be taken only after a public hearing has been held by the Planning Commission in accordance with Section _____ (Public Hearing Procedures), at which time the owner or operator of the wireless communications facility shall be given an opportunity to present evidence in opposition to rescission.~~
- ~~b. **Determination.** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescinding of approval shall be made and written notification provided to said owner, operator or designated agent.~~

~~J. Cessation of Operation.~~

~~The owner or operator shall remove a wireless communications facility for which approval has been rescinded, that has ceased operation for more than three hundred sixty-five (365) contiguous days, or that has been determined by the Township to be abandoned, subject to the following:~~

- ~~a. Such facilities shall be removed within ninety (90) calendar days of receipt of notice from the Township requesting such removal. Failure of the owner or operator to respond within ninety (90) calendar days of such a request shall be grounds for the Township to rescind any previous approval to construct or operate the facility.~~
- ~~b. Failure by the owner to remove such facilities in accordance with this Section or an approved removal agreement shall be grounds for the Township to remove the facility at the owner's expense, and to make use of any performance guarantee or other security provided for that purpose.~~
- ~~c. Removal of the tower shall include removal of any structures in the ground, including concrete footings, support structures, or other appurtenances such as ground radial systems. In ground structures and appurtenances shall be removed to a depth of forty-eight (48) inches, and the land re-graded and restored to the original grade prior to the removal.~~
- ~~d. The Township reserves the right to require submittal of evidence of ongoing operation at any time after construction or installation of an approved wireless communication facility.~~
- ~~e. If there are two (2) or more antennae on a single tower, this subsection shall not take effect until all users cease using the tower.~~

- ~~f. Any wireless communication facility that is not operated for a continuous period of three hundred sixty five (365) calendar days shall be deemed abandoned.~~

~~Section 12.03 Development Agreement.~~

~~A Development Agreement may be entered into between the Township and the owner(s)/developer(s) of any property upon which any RESIDENTIAL USES, OFFICE, SERVICE, AND COMMUNITY USES, COMMERCIAL USES, or INDUSTRIAL, RESEARCH, AND LABORATORY USES are to take place following final site plan approval or equivalent final development plan approval under this Ordinance or other Township ordinances, and prior to the commencement of or any site work or construction. The cost to prepare and record this Agreement shall be borne by the owner(s)/developer(s). Preparation and approval of a Development Agreement shall be subject to the following:~~

~~A. Contents of a Development Agreement.~~

~~At a minimum, a Development Agreement shall:~~

- ~~1. Set forth any conditions of development approval to be met by an applicant or developer with respect to an approved project;~~
- ~~2. Provide for any dedication of easements, rights-of-way, and other dedications incorporated into the approved project;~~
- ~~3. Provide for maintenance of any common facilities and open space areas;~~
- ~~4. Identify any covenants, deed restrictions, and other limitations to be imposed upon the uses of the land and structures;~~
- ~~5. Describe the phasing and timing of development activities;~~
- ~~6. Detail the cost of installing all required infrastructure improvements and utilities, and manner for enforcement of any assessments and costs;~~
- ~~7. Describe any required escrow accounts or performance guarantees; and~~
- ~~8. Address other issues that the Township and owner(s)/developer(s) deem appropriate.~~

~~B. Approval of a Development Agreement.~~

~~The proposed Development Agreement may be subject to review by designated Township officials and consultants; and shall be subject to approval by the Township Board. Following approval, the Township Clerk or designee shall record the approved Development Agreement in the Washtenaw County Register of Deeds office and shall provide a copy of the recorded Agreement to the owner(s)/developer(s) of the subject property. The owner(s)/developer(s) shall be~~

~~responsible for reimbursing the Township for all costs associated with recording of the Development Agreement.~~

~~Section 12.04—Design Review.~~

~~The intent of this Section is to establish procedures and guidelines to ensure that the character and environmental objectives of the Growth Management Plan for the Dixboro community will be achieved. This Section is intended to:~~

- ~~1. Establish a Dixboro Design Review Board to provide advisory recommendations to the Planning Commission;~~
- ~~2. Provide procedures and standards for advising residents, property owners, builders, architects, developers, and other interested parties in improving the quality of design of buildings and sites as part of redevelopment, expansion, and new construction projects in the Dixboro community; and~~
- ~~3. Encourage a harmonious blending of contemporary design and construction with Dixboro's existing structures and environmental character.~~

~~This Section is not intended to stifle creativity in design or construction, or to require replication of past building styles.~~

~~A. Scope.~~

~~The scope of design review under this Section for development and building projects in the Dixboro community, as defined in the adopted Growth Management Plan, shall be in accordance with the following:~~

- ~~1. Such reviews shall be limited to sites which are located in a VC (Village Center) or NSC (Neighborhood Shopping Center) zoning district within the Dixboro community, or that abut any of the following road rights-of-way:

 - ~~a. Plymouth Road between Old Ford Road/Tanglewood Drive and Dixboro Road;~~
 - ~~b. Church Street;~~
 - ~~c. Short Street;~~
 - ~~d. Cherry Hill Road south from Plymouth Road to Fleming Creek; and~~
 - ~~e. Dixboro Road south from Church Street to the Ann Arbor Charter Township boundary.~~~~
- ~~2. The Dixboro Design Review Board shall have responsibility for reviewing and making advisory recommendations to the Planning Commission on minor or preliminary site plan, preliminary condominium site plan, conditional use permit, and special district area plan applications, prior to Planning Commission action, consistent with this Section and the adopted Design Guidelines for the Historic Village of Dixboro.~~

- ~~3. The Dixboro Design Review Board shall also have responsibility for reviewing and making advisory recommendations to the Zoning Inspector on applications for approval of new single-family dwellings, consistent with this Section and the adopted Design Guidelines for the Historic Village of Dixboro.~~
- ~~4. The Zoning Inspector shall have responsibility for reviewing applications for administrative site plan approval per Section _____ (Administrative Approval) and certificates of zoning compliance per Section _____ (Certificates of Zoning Compliance). The Zoning Inspector shall make available relevant section(s) of the adopted Design Guidelines for the Historic Village of Dixboro to the applicant and shall make recommendations on the application to encourage consistency with these guidelines.~~
- ~~5. Any person may meet with the Dixboro Design Review Board during a regularly scheduled meeting without charge to seek input from the Board regarding a proposed development or building project in the Dixboro community. The fee for a special Board meeting shall be as provided for in the Township's adopted fee schedule [amended 8/16/2010, Ord. 174-04].~~

~~B. Dixboro Design Review Board.~~

~~The Design Review Board shall have seven (7) members, appointed by the Township Supervisor, with approval by the Township Board.~~

- ~~1. Each member shall have a demonstrated interest in the design and environmental character of neighborhoods. The Board shall have in its membership one (1) Planning Commission member, one (1) Township Board member, one (1) architect registered in the State of Michigan, and one (1) person with expertise in real estate, building finance, or a related profession.~~
- ~~2. An employee or contractor of the Township Board shall not serve as a member of the Dixboro Design Review Board.~~
- ~~3. The term of office of each member shall be for 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 those bodies.~~
- ~~4. All vacancies for unexpired terms shall be filled for the remainder of the term. Members may be reappointed.~~
- ~~5. The Design Review Board shall elect officers for one (1) year terms. Officers shall consist of a Chair, Vice Chair, and Secretary. An elected officer of the Township shall not serve as Chair.~~
- ~~6. The Design Review Board shall adopt rules for the conduct of its meetings. The rules shall be approved by the Township Board.~~

- ~~7. A member shall abstain from voting on any question in which he or she has a conflict of interest. Failure of a member to abstain in such cases shall constitute malfeasance of office.~~
- ~~8. A member may be removed from office by the Township Board for misfeasance, malfeasance, or nonfeasance in office, upon written charges and following a public hearing held in accordance with Section _____ (Public Hearing Procedures). Minutes of the meeting at which the hearing is held shall record the reasons for the hearing, the motion or resolution, if any, regarding removal from office, and the roll call vote of the Township Board.~~
- ~~9. A quorum shall consist of a majority of all members of the Design Review Board. All advisory recommendations shall be made by majority vote of the members present and voting at any meeting where a quorum exists.~~
- ~~10. Design Review Board meetings shall be open to the public, with proper notice given for each meeting. The Design Review Board shall keep minutes of each meeting, with all findings, recommendations, and votes recorded in the minutes. The vote, absence or abstention of each member shall be recorded into the minutes of the meeting. All minutes shall be filed in the Township Clerk's office.~~

~~C. Design Review Board Responsibilities.~~

~~The Dixboro Design Review Board shall have the following advisory responsibilities under this Section:~~

- ~~1. The Design Review Board shall meet on request from an applicant for design review. Review of applications for design review shall be subject to the following procedural requirements:~~
- ~~a. The applicant shall file with the Township Clerk a completed application form, ten (10) copies of all drawings on standard letter, legal, or tabloid size paper, five (5) sets of scaled architectural drawings, and all other information required by this Section for design review. At the time of application for design review, the applicant shall deposit required review fees and escrow deposits with the Township Treasurer. The Clerk shall promptly transmit copies of the application to the Design Review Board. Each application for design review shall contain the following information:~~
- ~~(1) All information required for the associated application for approval under this Ordinance or other Township ordinances.~~
- ~~(2) Complete, scaled architectural elevations of proposed construction and relating existing structures.~~
- ~~(3) Two (2) section profiles through the site, showing proposed improvements and existing improvements that will remain.~~

- ~~(4) Type, color, and texture of primary exterior materials, including samples.~~
 - ~~(5) Location, size, height, lighting, and materials for proposed signs, with elevation drawings.~~
 - ~~(6) Location, height, type of light fixtures, method of shielding, and intensity of lighting.~~
 - ~~(7) Existing and proposed landscaping.~~
 - ~~(8) Photographs showing the site, existing buildings, and adjacent buildings and features necessary to explain the proposed project.~~
- ~~b. The Design Review Board shall hold a public meeting on each proposal, review the proposal in terms of the purpose of the zoning district in which the property is located and the standards of this Section, and make written findings and recommendations to the Planning Commission.~~
- ~~c. The Design Review Board may hold more than one (1) meeting for the purpose of making recommendations, provided that any recommendation to the Planning Commission shall be made within 65 calendar days following receipt of the request for design review by the Township Clerk.~~
- ~~d. The Design Review Board's recommendation shall consist of a written copy of its findings and subsequent resolution. The Planning Commission shall, in reviewing a development or use approval application for a site in the Dixboro community under this Ordinance or other Township ordinances, consider any findings and advisory recommendations of the Design Review Board made in accordance with this Section.~~
- ~~2. The Design Review Board may assist residents, property owners, builders, architects, developers, and other interested parties in determining design features that are appropriate for the Dixboro community in accordance with the adopted Growth Management Plan policies.~~
- ~~3. The Design Review Board may advise the Township Board and Planning Commission of appropriate guidelines and standards to carry out the objectives of this Section.~~
- ~~4. The Design Review Board may advise the Township Board and Planning Commission of design and environmental policies appropriate for the Dixboro community.~~

~~D. Standards.~~

~~The Design Review Board shall consider the following criteria in making findings regarding the acceptability of the exterior design of a proposed building in the Dixboro community. These criteria shall be evaluated in terms of the purpose of the zoning district where the property is located and adopted Growth Management Plan policies.~~

- ~~1. Building height.~~
- ~~2. Proportion of the building's front facade; its relationship of height to width.~~
- ~~3. Proportion of openings in the front facade; the relationship of width to height of windows and doors.~~
- ~~4. The rhythm of solids and voids in the front facade.~~
- ~~5. The rhythm of entrance and front porch projections.~~
- ~~6. Relationship of exterior materials, textures, colors, and architectural details.~~
- ~~7. Relationship of roof shapes.~~
- ~~8. Building scale.~~
- ~~9. Directional expression of the front elevation; structural shape, placement of openings.~~
- ~~10. Relationship of landscaping.~~

~~Section 12.05 Natural Features Protection.~~

~~This Section is intended to establish minimum regulations necessary to protect groundwater recharge and inflow areas, preserve quality of receiving surface waters and wetlands, minimize soil erosion and siltation, and preserve woodlands and individual trees.~~

~~A. Review Standards.~~

~~The Planning Commission shall consider and make findings of fact based upon the following criteria as part of the review of a development application subject to this Section:~~

- ~~1. Sufficient information has been provided to determine that the proposed development conforms to all applicable standards of this Section.~~
- ~~2. The standards for approval for the type of plan (e.g. preliminary site plan, final site plan, etc.) have been met by the applicant.~~
- ~~3. The protection and conservation of natural resources from pollution, impairment, or destruction is of paramount concern. Therefore, woodlands, trees, and other natural features regulated by this Section shall have priority over development when there are location alternatives on the development site for proposed structures and other improvements that would permit reasonable use and development of the land in accordance with this Ordinance and other Township ordinances.~~

- ~~4. The integrity of woodland areas and other natural features regulated by this Section will be maintained, regardless of whether such features cross property lines.~~
- ~~5. Where natural features regulated by this Section are proposed to be altered or removed, the applicant has demonstrated that the applicant has considered and pursued all development options available under this Ordinance to preserve such features in a manner that would permit reasonable use and development of the land in accordance with this Ordinance and other Township ordinances.~~
- ~~6. The proposed alteration and/or removal of natural features regulated by this Section is the minimum necessary to allow reasonable use and development of the parcel(s) in accordance with this Ordinance and other Township ordinances.~~
- ~~7. Proposed measures to mitigate the alteration and/or removal of natural features regulated by this Section are sufficient and conform to Ordinance requirements.~~
- ~~8. The proposed protection measures will minimize disturbance of preserved trees and woodlands and prevent damage to protected natural features from erosion and siltation and/or construction activities.~~
- ~~9. Where the proposed activity involves residential development, the residential structures shall be designed, located, and constructed in a manner that minimizes impacts upon and the need for mitigation of natural features.~~
- ~~10. Notwithstanding the foregoing, no application shall be denied solely on the basis that trees are growing on the parcel subject to review under this Section.~~

~~B. Watercourses and Wetlands.~~

~~The standards of this subsection (Watercourses and Wetlands) shall apply to all parcels proposed for development requiring review and approval of a site plan, site condominium plan, subdivision plat, or Special District Area Plan under this Ordinance or other Township ordinances. The standards of this subsection shall also apply to development of a private road under the Township's Private Road Ordinance (Ord. No. 163) and any construction project requiring a certificate of zoning compliance under this Ordinance.~~

~~The following minimum setbacks from wetlands and certain watercourses shall be required for the purpose of protecting groundwater recharge and inflow areas, protecting the quality of receiving surface waters, and minimizing erosion and siltation:~~

- ~~1. **Setback from rivers and streams.** A minimum open space setback of fifty (50) feet shall be maintained from the ordinary high water mark of any rivers and streams.~~

- ~~2. **Setback from wetlands.** A minimum open space setback of twenty five (25) feet shall be maintained from the boundary or edge of any wetland, as defined and regulated in the Township Wetlands Ordinance (Ord. No. 135). Where a residential development subject to this Section includes common open space areas, the boundaries of individual single family residential lots shall be located entirely outside of required wetland setback areas.~~
- ~~3. **Setback from county drains.** A minimum open space setback of twenty five (25) feet shall be maintained from the boundary of any dedicated county drain easement not otherwise regulated by this subsection, or a minimum of fifty (50) feet from the centerline of any county drain without a dedicated easement. If a river or stream is also designated as a county drain, the standards for rivers and streams shall apply.~~
- ~~4. **Standards for such open space setback areas.** The following standards shall apply to all open space setback areas required under this subsection:
 - ~~a. Detention basins and similar stormwater management facilities may be constructed within a required setback, provided that appropriate replacement plantings are provided and maintained.~~
 - ~~b. Docks and similar waterfront structures may be constructed within a required setback, subject to Michigan Department of Environmental Quality (MDEQ) regulations and applicable Township ordinances.~~
 - ~~c. Trails, paths, boardwalks, and similar passive recreational improvements may be constructed within a required setback, provided that appropriate measures are taken to minimize soil erosion.~~
 - ~~d. Farming operations and agricultural activities as regulated by the Right to Farm Act (P.A. 93 of 1981, as amended) and the Generally Accepted Agricultural Management Practices (GAAMPS) established by the Michigan Department of Agriculture shall be permitted within a required setback.~~
 - ~~e. The following activities shall be restricted within any open space setback area required under this subsection:
 - ~~(1) Removal of trees and other vegetation shall be limited to removal of invasive or poisonous species and dead or diseased trees, and minimal land clearing and grubbing for activities permitted by this subsection.~~
 - ~~(2) Fences may be placed within required setback areas, provided that no fence shall impede surface drainage or water flow.~~
 - ~~(3) No road, driveway, sidewalk or similar improvement shall be located in a required open space setback, except to cross in a more or less perpendicular direction for the purpose of providing access to the property from an adjacent street right-of-way.~~~~~~

- ~~f. The following activities shall be prohibited within any open space setback area required under this subsection:~~
- ~~(1) Drainage by ditching, underdrains, or other systems.~~
 - ~~(2) Deposition of any materials, including soil, compost, gravel, garbage, concrete or asphalt debris, and other fill materials.~~
 - ~~(3) Removal of soils or minerals.~~
 - ~~(4) Construction or relocation of any parking lot, ground sign, dwelling, building, or other permanent structure.~~
- ~~g. Before development, land clearing, filling, or any property alteration, the developer or builder shall provide and maintain suitable barriers such as snow fencing, cyclone fencing etc., to protect open space setback areas required under this subsection.~~

~~C. Slopes.~~

~~The standards of this subsection (Slopes) shall apply to all parcels proposed for development requiring review and approval of a site plan, site condominium plan, subdivision plat, or Special District Area Plan under this Ordinance or other Township ordinances. The standards of this subsection shall also apply to the development of a private road under the Township's Private Road Ordinance (Ord. No. 163).~~

~~No development shall be permitted in areas where the soil is highly erodible, or in any area with existing steep slopes of twenty five percent (25%) or greater. Land areas with slopes of at least twelve percent (12%) but less than twenty five percent (25%) shall be subject to the following:~~

- ~~1. Where such land areas contain other natural features to be preserved in accordance with applicable provisions of this Section, the integrity and profile of such slopes shall also be maintained.~~
- ~~2. Where parcels containing such land areas abut rivers and streams, the integrity and profile of such slopes shall be maintained. Buildings may be built into such slopes, subject to compliance with the applicable requirements of this Ordinance, the State Construction Code, other Township ordinances, and Township engineering standards.~~
- ~~3. Other land areas with such slopes may be developed in accordance with this Ordinance, subject to the following:~~
 - ~~a. Buildings may be built into such slopes, subject to the applicable requirements of the State Construction Code, other Township ordinances, and Township engineering standards.~~
 - ~~b. Cut and fill activities within existing and planned road rights of way, and for public utility and other public improvements, shall be limited to the minimum necessary to comply with the applicable engineering standards of the Township and outside agencies with jurisdiction.~~

- ~~c. Retaining walls may be used to maximize preservation of existing slopes.~~
- ~~d. Except as otherwise provided in the foregoing subsections of this Section _____, the integrity and profile of the slope shall be maintained.~~

~~D. Floodplains.~~

~~The standards of this subsection _____ (Floodplains) shall apply to all parcels proposed for development requiring review and approval of a site plan, site condominium plan, subdivision plat, or Special District Area Plan under this Ordinance or other Township ordinances. The standards of this subsection shall also apply to the development of a private road under the Township's Private Road Ordinance (Ord. No. 163).~~

~~Where a description and delineation of floodplains is required in accordance with this Ordinance or other Township ordinances, the following shall apply:~~

- ~~1. Development shall be prohibited within the one hundred (100) year floodplain of any existing watercourse or wetland.~~
- ~~2. It shall be the applicant's responsibility to delineate the one hundred (100) year floodplain boundaries. Where there is any uncertainty, contradiction, or conflict as to the location of the floodplain boundaries, the final determination of the boundaries shall be made by the Township Engineer or designated wetlands consultant after referral from the Planning Commission.~~

~~E. Groundwater Recharge Areas.~~

~~The standards of this subsection _____ (Groundwater Recharge Areas) shall apply to all parcels proposed for development requiring review and approval of a site plan, site condominium plan, subdivision plat, or Special District Area Plan under this Ordinance or other Township ordinances.~~

~~Where a description and delineation of groundwater recharge areas is required in accordance with this Ordinance or other Township ordinances, the following shall apply:~~

- ~~1. Stormwater management facilities shall be designed to maintain or improve natural retention and infiltration characteristics of groundwater recharge areas.~~
- ~~2. Site plans shall delineate the location and extent of any contaminated soils or groundwater on the site or that may affect the proposed development.~~
- ~~3. The applicant shall demonstrate how the proposed site design and layout of uses on the development site will:
 - ~~a. Preserve the groundwater recharge areas and the infiltration capacity of the soils;~~~~

- ~~b. Prevent polluted materials from infiltrating into groundwater;~~
 - ~~c. Minimize impervious areas through site planning that makes most efficient use of paved, developed space and that maximizes open space areas; and~~
 - ~~d. Manage stormwater runoff to maximize on-site infiltration and provide adequate pre-treatment and filtering of sediments and other impurities.~~
- ~~4. The Planning Commission may require the use of buffer zones to protect surface vegetation, or the installation and use of such other techniques it deems necessary to mitigate or retain stormwater runoff or protect groundwater recharge areas.~~

~~F. Woodlands and Tree Preservation.~~

~~The standards of this subsection _____ (Woodlands and Tree Preservation) shall apply to all parcels proposed for development requiring review and approval of a site plan, site condominium plan, subdivision plat, or Special District Area Plan under this Ordinance or other Township ordinances. The following tree and woodland preservation and mitigation standards shall apply to all developments subject to this Section:~~

- ~~1. **Intent.** Rapid growth and increasing demands upon natural resources have encroached upon, despoiled or eliminated many of the trees and other forms of vegetation, and associated processes, that constitute important physical, aesthetic, recreational, and economic assets to existing and future residents of the Township. Specifically, the Township finds that woodlands and trees:

 - ~~a. Protect public health and safety by reducing noise and the mental and physical impacts of noise pollution; absorbing air pollutants and carbon dioxide; reducing flood risk and conserving surface water quality by minimizing soil erosion and siltation; providing buffering to reduce wind and storm impacts; and maintaining visual screening with its accompanying summer cooling effect.~~
 - ~~b. Contribute significantly to the Township's general welfare by maintaining natural beauty, providing recreational and educational opportunities, and representing an irreplaceable heritage for existing and future residents.~~
 - ~~c. Are matters of paramount public concern, as provided by the Michigan Constitution (1963, Article IV, Section 52), and the Natural Resource and Environmental Protection Act of 1994 (P.A. 451 of 1994, as amended).~~~~
- ~~2. **Purpose.** The woodlands and landmark tree preservation and mitigation standards of this Section are hereby established to:~~

- ~~a. Provide for the protection, preservation, replacement, proper maintenance, and use of trees and woodlands located in the Township; minimize disturbance; prevent damage from erosion and siltation and/or construction activities; and prevent loss of wildlife habitat and vegetation. In this regard, it is the intent of this Section to protect the integrity of woodlands as a whole, recognizing that woodlands serve as part of an ecosystem, and to place priority on preservation of woodlands and trees.~~
- ~~b. Protect the woodlands and trees of the Township, support local property values, and promote the natural beauty of the Township.~~
- ~~c. Prevent owners or developers of property from removing trees from land prior to or in anticipation of development.~~
- ~~d. Provide for the replacement of trees removed, where no reasonable alternative site development is available.~~
- ~~e. Respond to public concern for preservation of natural resources in the interest of public health, safety and general welfare of Township residents.~~

~~3. **Required plan information.** The following required information shall be incorporated into the applicable development review processes of this Ordinance or other Township ordinances:~~

Required Development Plan Information for Woodlands and Tree Preservation	Preliminary Plan	Final Plan
Required information shall be provided by a registered land surveyor, engineer or landscape architect, or a certified arborist, who shall verify the contents by seal or signature, whichever applies.	●	●
The most current available aerial photograph of the site, at a scale not less than one (1) inch equals one hundred (100) feet.	●	●
General evaluation of the quality of woodland areas and trees on and around the site by means of a reasonable sampling, including:		
1. Diversity of tree species.		
2. Tree sizes and density.		
3. Health and vigor of the trees, including general documentation of dying and diseased trees by species and condition.	●	
4. Soil conditions and drainage characteristics of the site.		
5. Other factors such as the value of the woodland area as a scenic asset, wind block, noise buffer, or other environmental benefit.		

<p align="center">Required Development Plan Information for Woodlands and Tree Preservation</p>	<p align="center">Preliminary Plan</p>	<p align="center">Final Plan</p>
<p>General assessment of trees in adjacent road rights-of-way, and trees located beyond the lot boundaries that may be affected by development-related access or utility improvements, grading, or other changes; by means of a reasonable sampling with trees identified by location, size, and species.</p>	●	
<p>Tree inventory of all regulated trees as specified in Section _____, in a form acceptable to the Planning Commission, as follows:</p> <ol style="list-style-type: none"> 1. A topographical map at the same scale as the related site plan, plat or survey drawing for the division of the land. 2. All regulated trees shall be inventoried by field survey and shown on the topographical map by identifying tag number, type, location, and crown spread drawn to scale. 3. Existing trees and woodlands shall be superimposed on the related site plan, plat or survey drawing for division of land. 4. Groups of trees whose individual bases are located at a ground elevation within one (1) foot of each other may be shown as a group with the overall crown spread drawn to scale, with estimated number and size of each predominant species. 5. General outline and evaluation of woodlands outside the development site and not otherwise impacted by the development. Detailed inventory of such trees shall only be required where necessary to verify compliance with the minimum tree preservation requirements of this Section. 		●
<p>Identify all regulated trees to be removed, relocated or preserved.</p>		●
<p>Proposed locations of any existing trees to be relocated, together with a description of how such trees are to be removed, protected, and transplanted during land clearance, development, and construction; and how they are to be maintained after construction.</p>		●
<p>A statement of compliance setting forth how existing trees to be preserved will be protected during land clearance and construction and on a permanent basis, thereafter, including proposed use of tree wells, protective barriers, directional drilling, retaining walls, etc.</p>		●

Required Development Plan Information for Woodlands and Tree Preservation		Preliminary Plan	Final Plan												
<p>Invasive species information, including the general locations of the following invasive species, a description of the extent of growth, the condition and size range of such species on the site, and percentage of the site covered by such species:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Common Name</th> <th style="text-align: center;">Species</th> </tr> </thead> <tbody> <tr> <td>Common (European) and Glossy Buckthorn</td> <td><i>Rhamnaceae family</i></td> </tr> <tr> <td>Autumn Olive</td> <td><i>Elaeagnus umbellata</i></td> </tr> <tr> <td>Honeysuckle</td> <td><i>Lonicera tartarica</i></td> </tr> <tr> <td>Multiflora Rose</td> <td><i>Rosa multiflora</i></td> </tr> <tr> <td>Phragmites</td> <td><i>Phragmites australis</i></td> </tr> </tbody> </table>		Common Name	Species	Common (European) and Glossy Buckthorn	<i>Rhamnaceae family</i>	Autumn Olive	<i>Elaeagnus umbellata</i>	Honeysuckle	<i>Lonicera tartarica</i>	Multiflora Rose	<i>Rosa multiflora</i>	Phragmites	<i>Phragmites australis</i>	●	●
Common Name	Species														
Common (European) and Glossy Buckthorn	<i>Rhamnaceae family</i>														
Autumn Olive	<i>Elaeagnus umbellata</i>														
Honeysuckle	<i>Lonicera tartarica</i>														
Multiflora Rose	<i>Rosa multiflora</i>														
Phragmites	<i>Phragmites australis</i>														
<p>A plan for eradication and control of these four (4) invasive species as part of the development project.</p>		●	●												
<p>A general grading plan prepared by a registered engineer or land surveyor showing the anticipated drainage patterns, including the location of any areas where cut and fill operations are likely to occur and their potential impact on the viability of the existing trees.</p>		●	●												
<p>A statement of compliance with the tree preservation and replacement tree requirements of this Section, including the numbers of regulated trees to be preserved and removed, percentages of regulated trees on the site before and after any removal, and all required calculations.</p>		●	●												
<p>Such other information and detail as may be required to demonstrate compliance with the requirements of this Section.</p>		●	●												

[amended 2/21/2017, Ord. 174-19]

~~4. **Landmark and sovereign tree standards.** A landmark tree, as regulated by this Section, shall be any tree that has a diameter at breast height (D.B.H.) of twenty four (24) inches or greater; or that is of a type and D.B.H. equal to or greater than that shown on the following table. A sovereign tree, as regulated by this Section, shall be any tree that is registered on the National Big Tree Registry or a similar national or state registry accepted by the Planning Commission; that has been documented by the Township, a historian, or other means accepted by the Planning Commission to be closely associated with an event, person, or place of historical significance to the Township; or that is of a species and diameter at breast height (D.B.H.) equal to or greater than that shown on the following table:~~

Common Name	Species	Landmark Tree D.B.H.	Sovereign Tree D.B.H.
Any tree species that has a diameter at breast height (D.B.H.) of at least:		24 inches	
Basswood	<i>Tilia americana</i>	18 inches	54 inches
Beech	<i>Fagus grandifolia</i>	18 inches	45 inches
Buckeye, Ohio	<i>Aesculus glabra</i>	18 inches	
Catalpa	<i>Catalpa spp.</i>	18 inches	45 inches
Cherry, Black	<i>Prunus serotina</i>	18 inches	54 inches
Elm, American	<i>Ulmus americana</i>	18 inches	50 inches
Fir	<i>Abies spp.</i>	18 inches	
Fir, Douglas	<i>Pseudotsuga menziesii</i>	18 inches	
Kentucky Coffee Tree	<i>Gymnocladus dioicus</i>	18 inches	40 inches
Pine	<i>Pinus spp.</i>	18 inches	
Sycamore or London Plane	<i>Platanus spp.</i>	18 inches	54 inches
Spruce	<i>Picea spp.</i>	18 inches	
Tulip tree	<i>Liriodendron tulipifera</i>	18 inches	54 inches
Walnut, Black	<i>Juglans nigra</i>	18 inches	54 inches
Hickory, various	<i>Carya spp.</i>	16 inches	35 inches
Maple	<i>Acer spp.</i>	16 inches	48 inches
Oak	<i>Quercus spp.</i>	16 inches	48 inches
Birch	<i>Betula spp.</i>	12 inches	36 inches
Cherry	<i>Prunus spp.</i>	12 inches	36 inches
American Chestnut	<i>Castanea dentata</i>	Six (6) inches	18 inches
Butternut	<i>Juglans cinerea</i>	Six (6) inches	18 inches

5. ~~Tree preservation and replacement.~~ Any development subject to this Section shall not conduct land clearing or grubbing activities; or remove, replace, transplant, damage, or destroy any woodland or individual tree regulated by this Section, except in accordance with the following:

Standards for Tree Preservation and Replacement		Existing Trees	Replacement Trees
The following trees located within the lot boundaries, along with trees adjacent to the lot boundaries or in adjacent road rights-of-way where the drip line overlaps a lot boundary or right-of-way line, shall be considered to be regulated trees for purposes of this Section, and shall be replaced if removed in accordance with the following schedule:			
Regulated Trees	Replacement Ratio (number of replacement trees per removed tree)	●	●

Standards for Tree Preservation and Replacement		Existing Trees	Replacement Trees
Coniferous (height)			
10.0 to 15.0 feet	one to one (1:1)		
15.01 to 30.0 feet	three to one (3:1)		
More than 30.0 feet	six to one (6:1)		
Landmark coniferous tree	one (1) tree per inch of removed tree D.B.H.		
Deciduous (D.B.H.)			
8.0 to 12.0 inches	one to one (1:1)		
12.01 to 16.0 inches	three to one (3:1)		
More than 16.0 inches	six to one (6:1)		
Landmark deciduous tree	one (1) tree per inch of removed tree D.B.H.		
Sovereign (D.B.H.)			
Sovereign tree	two (2) trees per inch of removed tree D.B.H.		
<p>A minimum of thirty percent (30%) of the total number of regulated trees as currently existing or that have existed on the subject site within the last five (5) years shall be preserved and left standing. This calculation shall be made based upon the number of regulated trees either within the:</p> <ol style="list-style-type: none"> 1. Defined area of the development site as shown on the development plan, where woodlands outside of this area and not otherwise impacted by the development will not be disturbed; or the 2. Lot boundaries of the development parcel, where all such trees have been included in the detailed tree inventory. <p>The Planning Commission shall consider preserved woodlands outside of the development site as part of determining whether the development plans conform to this requirement.</p>		●	
<p>No replacements shall be required for following trees otherwise regulated by this Section, subject to documentation and verification as part of the required plan information, and such trees shall not count towards the minimum required percentage of preserved trees:</p> <ol style="list-style-type: none"> 1. Dying and diseased trees. 2. Any invasive woody shrub species listed in Section _____. 3. Any of the following species of trees: Box Elder (acer negundo), Silver Maple (acer saccharinum), Cottonwood (populus deltoids), and Red Cedar (juniperus virginiana). 		●	●
<p>If regulated trees were removed within the past five (5) years, the Township Planner or designee shall use historical aerial photos and other available data to determine the number, characteristics, and extent of such trees; and the amount of additional tree mitigation required for such removed trees.</p>		●	●

Standards for Tree Preservation and Replacement	Existing Trees	Replacement Trees
<p>Regulated tree removal shall be limited to any of the following:</p> <ol style="list-style-type: none"> 1. When necessary for the location of a structure or site improvement where no reasonable alternative location for the structure or improvement can be identified, after consideration of all development options available under this Ordinance. 2. When necessary for the location of a structure or site improvement where no reasonable alternative location for the structure or improvement can be identified, after consideration of all development options available under this Ordinance. 3. Where necessary, as determined by the Township Engineer, to provide reasonable drainage on the site, and when no reasonable alternative drainage is available without the removal of the trees. <p>Land clearing shall be minimized and limited to designated road rights-of-way, drainage and utility easements, minimum building and driveway envelopes, and other minimum areas necessary for site improvements, considering the development options available under this Ordinance.</p>	●	
<p>The Planning Commission may require that sovereign trees on a development parcel subject to this Section be preserved and incorporated into the proposed development and will consider creative arrangements and clustering of lots or development areas to preserve additional landmark and sovereign trees.</p>	●	
<p>Regulated trees shall be tagged in the field, using non-corrosive metal tags, with by the identifying number designated on the required tree inventory.</p>	●	
<p>All trees to be removal shall be so identified on site by fluorescent orange spray paint (chalk base) or by red flagging tape prior to any activity. Trees selected for transplanting shall be flagged with a separate distinguishing color.</p>	●	
<p>Replacement trees shall be of the same or a more desirable species suitable for the habitat and location that is on the list of landmark trees in this Section or otherwise native to Michigan, except those listed in Section 14.10H (Prohibited Plant Materials).</p> <p>Trees of such species that are otherwise required by this Ordinance for screening or buffering purposes may also be used to satisfy up to fifty percent (50%) of the replacement tree requirements of this Section.</p>		●
<p>Replacement trees shall conform to Section _____ (General Plant Material Standards) and Section _____ (Standards for Size and Variety of Plant Materials). Such trees shall be:</p> <ol style="list-style-type: none"> 1. Nursery grown or comparable relocated from the same lot. 2. Tree spade transplanted while in the dormant state or, if not in the dormant state, balled and burlapped with a solid, well laced root ball when in the dormant state. Burlap to be removed or cut open at planting. 3. Number I grade, with a straight, unsecured trunk and a well-developed uniform crown (park grade acceptable). 		●

Standards for Tree Preservation and Replacement	Existing Trees	Replacement Trees
The location of any replacement tree shall be on the same parcel as the removed tree wherever feasible, as determined by the Township. If tree replacement on the same parcel is not feasible, the Township may: <ol style="list-style-type: none"> 1. Accept an alternative planting location in the Township; or 2. Allow a deposit into a tree planting fund maintained by the Township in an amount acceptable by the Township, based upon the current retail market value for the tree replacement, to be utilized for planting, maintenance, and preservation of trees and woodland areas in the Township. 		●
Replacement trees shall be approved through inspection by the Zoning Inspector or designated representative.		●

6. ~~**Installation and maintenance.** Installation, care, and maintenance of all existing trees and replacement trees subject to the requirements of this Section shall conform to the requirements of Section _____ (Plant Material Installation and Maintenance), and the following:~~

Installation and Maintenance Requirements	Existing Trees	Replacement Trees
Replacement and transplanted trees shall be staked, fertilized, watered, and mulched to ensure their survival in a healthy, growing condition and replaced at the developer's expense if they die within three (3) years.	●	●
Prior to the issuance of the first building permit, the developer shall post a performance guarantee with the Township [per Section _____ (Performance Guarantee)] in an amount estimated by the developer and approved by the Township Engineer to ensure preservation or installation of required trees for a period of three (3) years from the date of receiving written notification from the developer that the last required tree has been planted or preserved, and has been inspected by the designated Township official.	●	●
The developer shall be responsible for replacing any tree used to satisfy the replacement requirements of this Section determined by the developer, Zoning Inspector or designated Township representative to be diseased, dead or dying within three (3) years after installation.	●	●
The developer shall be responsible for replacing any regulated tree determined by the developer, Zoning Inspector or designated Township representative to have been damaged due to on-site construction activity, or that is determined to be diseased, dead, dying, or otherwise destroyed or removed within three (3) years after final approval of a site plan or subdivision plat. Such identified tree(s) shall be replaced in accordance with the replacement ratio specified in this Section.	●	●

Installation and Maintenance Requirements	Existing Trees	Replacement Trees
Three (3) years after all trees have been planted within the development, the Township shall release the guarantee, less any funds needed to complete required tree replacement.	●	●
After this initial three (3) year period, the developer or any successor entity responsible for common area maintenance shall be responsible for replacing any healthy regulated tree or replacement tree within a general common element or other common area of the development determined by the Zoning Inspector or designated Township representative to have been damaged, destroyed or otherwise removed from the site. Such identified tree(s) shall be replaced in accordance with the replacement ratio specified in this Section. No replacements shall be required for dead or diseased trees.	●	●
Road rights-of-way, utility easements, and large land areas separate from the construction or land-clearing area may be cordoned by placing stakes a minimum of fifty (50) feet apart and tying ribbon, plastic tape, or other brightly visible materials at least thirty (30) inches above the ground from stake to stake along the outer perimeter of areas to be cleared.	●	
Protected area around preserved trees shall be defined by the drip line of all woodlands and individual trees designated to remain, plus an area outside of the drip line defined by a parallel boundary line placed a minimum of five (5) feet outward from the drip line. Such areas around preserved trees shall be protected before and during development, filling, land clearing, or any property alteration or construction activity.	●	
Protective barriers of wood, metal, or other suitable materials (such as snow fencing, cyclone fencing, etc.) acceptable to the Township Engineer shall be placed parallel to the outer perimeter of each protected area.	●	
No person shall conduct any construction activity; place, park or store solvents, building materials, equipment, soil, gravel, debris, vehicles, trailers, temporary structures or similar items; or attach a device or wire to any remaining tree within such protected areas except to cordon off such areas as required.	●	
Protective barriers shall remain in place and be maintained in proper condition until the Township authorizes their removal or issues a final certificate of occupancy, whichever occurs first.	●	
Removal of brush, invasive species, and other land grubbing activities within the protected area of a landmark tree or sovereign tree shall be done by hand. No tracked or motorized vehicles or machinery shall be permitted within this area.	●	

~~7. **Additional tree removals.** Additional removal of regulated trees resulting from review or approval of construction plans or outside agency permits or approvals, or any action by the developer following final development plan approval, shall be subject to the requirements of this Section. Tree~~

~~replacement shall not be required for removal of regulated trees from within a road right of way by written order of the county or state road authority with jurisdiction for traffic safety purposes; or from within the boundaries of an adjoining parcel of land by the independent action of a landowner not associated with the development subject to this Section.~~

- ~~8. **Woodland protection.** In accordance with Master Plan objectives and policies for woodlands protection, developers of land subject to this Section are encouraged to conserve woodlands through the use of conservation easements, inclusion of such areas within the development's general common elements or other common areas, or by other methods of long term protection.~~
- ~~a. The official Township Woodland Map is on file at the Township offices, and all notations, references, and information shown thereon shall be as much a part of this Section as if fully described herein.~~
- ~~b. If, because of problems with scale or detail, there is any ambiguity as to whether a particular area is a part of a woodland, that determination shall be made by or through the direction of the Planning Commission.~~
- ~~9. **Verification of plan information.** The Township may engage the services of a landscape architect, certified arborist or other consultant whose expertise the Township values to confirm the accuracy of the tree survey and related documentation of compliance with this Section before a final decision is made. Such expenses shall be subject to reimbursement by the applicant per Section _____ (Escrow Deposits for Variable Costs and Expenses).~~
- ~~10. **Inspections.** To ensure compliance with this Section, the Township may perform periodic inspections of subject lots or parcels prior to mass grading and during all phases of construction and development, as well as for up to three (3) calendar years after completion of the development project. The Township may employ a landscape architect, certified arborist or other consultant whose expertise the Township values to verify compliance with the approved final site plan, and to inspect and verify the health and condition of any tree designated to remain, any transplanted tree, and any replacement trees under this Section. The applicant shall incur all costs associated with such inspections [amended 6/16/2014, Ord. 174-15].~~

~~Section 12.06 Water Supply and Sanitary Sewerage Facilities:~~

~~Dwellings, lots, and principal buildings for which provision of a potable water supply or a sanitary sewage disposal facility is required by state or county regulation or otherwise necessary before occupancy by any use permitted under this Ordinance shall be subject to the following:~~

1. ~~Connection to public water and sewer required.~~ The following structures and uses shall be connected to publicly owned and operated sanitary sewerage and water supply systems:
 - a. ~~All dwelling units in the Urban Residential Districts.~~
 - b. ~~All buildings in the Medical Services (MS) Special District.~~
 - c. ~~All buildings in the Business Districts, Planned Manufacturing (PM) Special District, and all other zoning districts located within an Urban Service Area as defined in the adopted Growth Management Plan.~~

~~Individual lots in such zoning districts in existence at the time of adoption of this Ordinance may use independent, on-site wells and septic systems approved by the Washtenaw County Environmental Health Division if publicly owned and operated sanitary sewerage and water supply systems are not available.~~

2. ~~Private community wastewater systems (PCWS).~~ Private wastewater systems (PCWS) for sanitary sewage treatment shall be prohibited in all zoning districts except as part of a Planned Community (PC) Special District and in compliance with the Private Community Wastewater System Ordinance (Ord. No. 166, as amended.)
3. ~~Screening standards for sewage treatment and disposal facilities.~~ In addition to any state or county requirements, all private community wastewater facilities and publicly owned and operated sewage treatment and disposal facilities and operations shall be completely enclosed by a fence not less than six (6) feet high. Such facilities and operations shall be surrounded on all sides by a buffer strip at least two hundred (200) feet wide within which dense evergreen screening shall be placed in accordance with Section _____ (Methods of Screening) to screen the installation from view.

~~Section 12.07 Wind Energy Conversion Systems.~~

~~This Section is intended to permit the effective and efficient use of wind energy conversion systems (WECS) in a manner that protects the public health, safety, and welfare of neighboring property owners and the residents of the Township. The siting, design, location, and installation regulations of this Section have been determined to be the minimum necessary to meet the intent and purposes of this Section and Ordinance. In no case shall the establishment of this Section guarantee wind rights or establish access to the wind. Wind energy conversion systems (WECS) in the Township shall be subject to the following:~~

~~A. Agricultural WECS Approval.~~

~~Agricultural WECS shall be permitted accessory to a permitted farm or agricultural operation on a lot of record in the Rural Districts, subject to Zoning Inspector~~

approval in accordance with Section _____ (Certificate of Zoning Compliance) and the following:

a. ~~The parcel where the agricultural WECS is proposed to be located shall have a minimum lot area of two (2) acres. The number of permitted agricultural WECS per parcel shall be subject to the following:~~

Minimum Lot Area	Maximum Number of Permitted WECS
2.0 to 40.0 acres	one (1)
Over 40.0 acres	two (2)

b. ~~Agricultural WECS under this subsection shall not exceed a maximum height of seventy five (75) feet, measured from the base of the structure to the highest reach of its blade.~~

c. ~~All agricultural WECS projects shall be set back from lot boundaries, road rights of way, and principal building(s) a minimum distance equal to one hundred fifty percent (150%) of the height of the structure.~~

d. ~~All agricultural WECS project towers or poles shall be protected by anti-climbing devices, such as fences with locking portals at least six (6) feet high; anti-climbing devices twelve (12) feet from base of pole; or 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.~~

e. ~~The agricultural WECS shall not cause interference with microwave transmissions, residential television reception or radio reception.~~

f. ~~All agricultural WECS projects shall adhere to all applicable electrical codes and standards, shall remove fuel sources (such as vegetation) from the immediate vicinity of electrical gear and connections, and shall utilize twistable cables on turbines.~~

g. ~~The noise level measured at the property line of the property on which the agricultural WECS project has been installed shall not exceed fifty five (55) decibels.~~

h. ~~Agricultural WECS shall be painted a neutral color that minimizes off-site visibility, provided that historical style agricultural WECS not exceeding fifty (50) feet in height with a fan containing more than twelve (12) blades and not exceeding ten (10) feet in diameter shall be exempted from this requirement.~~

i. ~~Upon determination by the Zoning Inspector that an application to install agricultural WECS on more than one (1) parcel under common ownership or control meets the "commercial WECS" definition per Section _____~~

~~(Definitions), the commercial WECS standards and approval process shall apply.~~

~~B. Other WECS Approval:~~

~~All agricultural WECS exceeding seventy five (75) feet in height, all private WECS, and all commercial WECS shall require Conditional Use Permit approval in accordance with Article ____ (Conditional Uses) and the standards of this Section. The following additional information shall be submitted with any application for WECS approval:~~

- ~~a. Documentation of any potential interference that the proposed WECS may cause with microwave transmissions, residential television reception or radio reception.~~
- ~~b. Documentation of compliance with applicable federal and state regulations for the installation.~~
- ~~c. A plan for the long-term, continuous maintenance of the facility, including who will be responsible for maintenance of the facility, including access, landscaping, screening, and security improvements.~~
- ~~d. Elevation drawings of the proposed WECS and any associated facilities. The drawings shall identify the type, design, materials, and height for the proposed WECS and associated facilities; and the name and location of the WECS manufacturer, if applicable.~~
- ~~e. Written certification shall be provided from a professional engineer licensed by the State of Michigan demonstrating:
 - ~~a. The manner in which the structure will fall in the event of accident, damage or failure, and that the setback area will accommodate the facility and provide an adequate buffer from adjacent parcels;~~
 - ~~b. That the facility is designed in accordance with applicable dead load and wind pressure standards; and~~
 - ~~c. That the facility is designed to conform to the State Construction Code and all other applicable building, electrical, and fire codes.~~~~

~~C. Permitted Locations:~~

~~Wind energy conversion systems shall only be permitted on parcels with a minimum lot area of two (2) acres in the Rural Districts and the PSP (Public/Semi-Public Uses) District.~~

~~D. General WECS Standards.~~

~~The following standards shall apply to private and commercial WECS in the Township:~~

- ~~a. **Design safety certification.** A Professional Engineer registered in the State of Michigan shall certify the safety of the design of all private and commercial WECS towers. The standard for certification shall be included with the permit application.~~
- ~~b. **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 shall certify that the rotor and overspeed 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.~~
- ~~c. **Electrical components.** All electrical compartments, storage facilities, wire conduit and interconnections with utility companies will conform to national and local electrical codes.~~
- ~~d. **Compliance with Township ordinances.** All private and commercial WECS projects shall be in compliance with all requirements of this Section and Ordinance, and other applicable Township ordinances.~~
- ~~e. **Setbacks.** All private and commercial WECS projects shall be set back from lot boundaries, road rights-of-way, and principal building(s) a minimum distance equal to 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.~~
- ~~f. **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 Article _____ (Conditional Uses), and compliance with Federal Aviation Administration (FAA) regulations.~~
- ~~g. **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.~~
- ~~h. **Climb prevention.** All private and commercial WECS project towers or poles shall be protected by anti-climbing devices, such as fences with locking portals at least six (6) feet high; anti-climbing devices twelve (12) feet from base of pole; or 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.~~

- ~~i. **Interference.** The private or commercial WECS shall not cause interference with microwave transmissions, wireless communications, residential television reception, or radio reception.~~
- ~~j. **Fire risk.** All private and commercial WECS projects shall adhere to all applicable electrical codes and standards, shall remove fuel sources (such as vegetation) from the immediate vicinity of electrical gear and connections, and shall utilize twistable cables on turbines.~~
- ~~k. **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.~~
- ~~l. **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.~~
- ~~m. **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 the Township:~~

- ~~a. **Color.** Towers and blades shall be painted a neutral color that minimizes off-site visibility, or as otherwise required by law.~~
- ~~b. **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.~~
- ~~c. **Warnings.** A visible warning sign of high voltage may be required by the Township to be placed at the base of all commercial WECS projects. Such signs shall be located a maximum of three hundred (300) feet apart and at all points of site ingress and egress.~~

- d. ~~**Annual inspection.** Every commercial WECS project shall 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 the Zoning Inspector and considered a part of the continuing Conditional Use Permit approval.~~
- e. ~~**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.~~
- f. ~~**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 special use permit shall provide assurances that the WECS project does not negatively impact the path of migratory birds.~~
- g. ~~**Decommissioning plan and escrow.** Commercial WECS projects shall include 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 one hundred eighty (180) calendar days 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 performance guarantee in accordance with the requirements of Section _____ (Performance Guarantees).~~
- b. ~~The Township shall have access to the performance guarantee for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within one hundred eighty (180) calendar days 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.~~

Section 12.081 Trash Storage and Disposal Standards.

Garbage, trash, and similar refuse to be stored outside a building occupied or intended to be occupied by a multiple-family residential or non-residential use in any zoning district shall be kept within lidded containers and stored within a screened enclosure. Such trash storage areas and enclosures shall be subject to the following:

1. **A. Garbage, trash, and refuse.** Outdoor trash storage shall be limited to normal refuse collected on a regular basis and maintained in a neat, orderly and sanitary condition.
 2. 1. In no instance shall any refuse be visible above required screening.
 - 3.2. The Planning Commission may require internal storage and the use of trash compactors where, in the determination of the Commission, such measures are necessary to serve the public health, safety, and welfare.
2. **B. Outdoor trash storage area screening.** Outdoor trash storage areas shall be screened and secured in accordance with the following:
 - 2.1. The enclosure shall be constructed of a solid, obscuring material, such as wood, concrete block, or brick, which is architecturally compatible with the architectural materials used in the site development. The enclosure walls shall be a minimum of six (6) feet in height.
 - 3.2. The enclosure shall be secured by steel-reinforced and lockable gate at least six (6) feet in height and constructed of opaque material compatible with the wall materials.
 - 4.3. Concrete-filled bollards or similar protective devices shall be installed at the opening and to the interior rear of the enclosed area to prevent damage to the walls.
 - 5.4. A concrete pad at least four (4) inches thick shall be provided under the trash storage area, extending out a minimum of ten (10) feet in front of the enclosure's gates.
 5. Such storage area shall be located and arranged as to minimize visibility from adjacent road rights-of-way.

6. The enclosure shall be located to meet the standards set forth in the current International Fire Code in effect in the Township.

Section 12.09~~2~~ Building Form and Composition.

The composition, orientation, and form of new construction and new buildings in the Township shall be subject to the following:

A. Scope.

The standards of this Section shall apply to all new construction, subdivision and site condominium developments, and new buildings subject to site plan review per Article ~~_____8~~ (Site Plan Review), ~~condominium site plan approval per Article _____ (Condominium Regulations), Special District Area Plan approval per Article _____ (Special District Regulations),~~ or Zoning Inspector approval per Section ~~_____3.02~~ (Certificates of Zoning Compliance). The requirements of this Section are not intended to regulate structural quality, workmanship or the performance and maintenance characteristics of various materials.

B. Residential Building Exteriors.

This Section has been established to promote the consistent, orderly development of the Township's residential neighborhoods by assuring that a satisfactory and harmonious relationship will exist between proposed development and existing and prospective development of contiguous lands and adjacent neighborhoods. The following shall apply to all single-family, two-family, and multiple-family attached and detached dwellings.

1. If vinyl, aluminum, or steel siding is to be installed on any dwelling, the area of all such siding shall not exceed fifty percent (50%) of the total area on the front and side dwelling elevations.
 - a. All exposed exterior surfaces of a building's front and side elevations, inclusive of window and door surfaces, shall be calculated to represent one hundred percent (100%) of the exterior wall surface.
 - b. The following shall apply where a rear dwelling elevation faces towards and is visible from an abutting primary road as classified by the master transportation plans of the Township, or county or state road authorities:
 - (1) The rear elevation shall be improved with exterior façade materials consistent with the types and percentages of such materials as required for the front dwelling elevation.
 - (2) This standard shall not apply to rear dwelling elevations where a landscape strip will screen the rear elevation from view, as shown on an approved final landscape plan. The landscape

strip shall conform to the requirements of Section ~~12.03~~ 12.03 (Landscaping, Screening and Land Use Buffer Landscape Strip).

2. A minimum six (6) inch roof overhang shall be provided at all dwellings eaves and gables.

C. Non-Residential Building Exteriors.

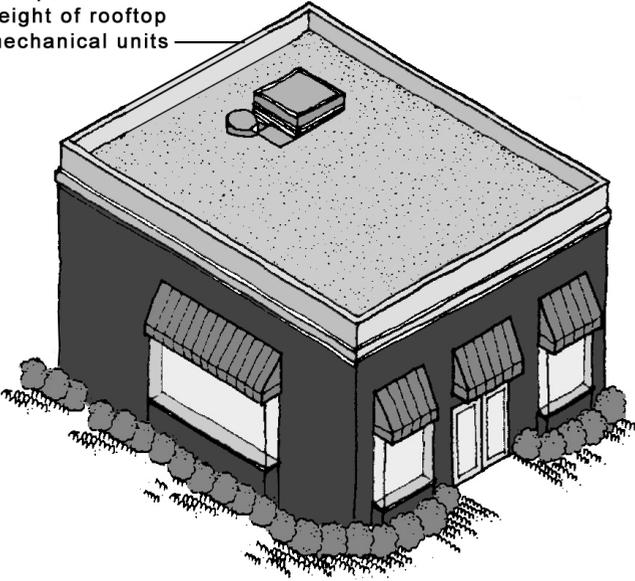
The quality of non-residential building design, placement, and composition is essential to provide a comfortable, human-scale environment in the Township, and maintain the Township's attractiveness and economic vitality. Accordingly, it is the purpose of this Section to maintain the visual environment of the Township, protect the general welfare by ensuring that the Township's property values, appearance, character, and economic well-being are preserved through minimum non-residential building composition and placement standards. The composition, orientation, and form of new construction and new buildings occupied or intended to be occupied by OFFICE, SERVICE, AND COMMUNITY USES and COMMERCIAL USES in the Township shall be subject to the following:

1. **Materials.** If vinyl, aluminum, or steel siding is to be installed on any building, the area of all such siding shall not exceed fifty percent (50%) of the total area on the front and side building elevations. All exposed exterior surfaces of a building's front and side elevations, inclusive of window and door surfaces, shall be calculated to represent one hundred percent (100%) of the exterior wall surface.
2. **Facade variation.** Building facade walls exceeding one hundred (100) feet in length shall be subdivided into bays, through the location and arrangement of architectural features and design variations. Such features and design elements may include, but are not limited to projections, bays, recesses, enhanced facade materials and architectural detailing, and variations in building height, roof forms, and window patterns (see illustration).
3. **Public entrances.** Buildings shall have at least one (1) public entrance that faces a public road right-of-way or internal development street. Additional public entrances shall be permitted on the rear or side facade, including primary access to other uses in a multi-tenant building.
4. **Rear facade.** All sides of a building shall be complementary in design, details, and materials. Side and rear facades shall include building materials and architectural features similar to those present on the front facade of the building.
5. **Rooftop equipment screening.** Roof-top mechanical equipment, HVAC systems, exhaust stacks, elevator housings, and other equipment shall be screened from public rights-of-way and adjacent uses by a parapet wall or similar device that exceeds the height of the roof-top equipment and extends around all sides of the building (see illustration).

6. **Security and safety equipment.** Exterior security gates or roll-down security doors shall be prohibited. Link or grill type security devices shall be permitted on the interior of the building. Such security equipment shall be recessed and completely concealed during regular business hours and shall be predominantly transparent to allow maximum visibility of the interior.

ILLUSTRATIONS

Parapet wall exceeds
height of rooftop
mechanical units



Roof Design



Facade Variation

Section 12. ~~1003~~ **Landscaping, Screening, and Land Use Buffers.**

Screening and land use buffers are necessary for the protection and enhancement of the environment, and to ensure reasonable compatibility between land uses of differing intensity or impacts. Screening elements enhance the visual environment; preserve natural features; protect property values; alleviate the impact of noise, traffic, and more intensive land uses; and minimize visual impacts of parking lots, loading areas and storage areas. Screening and buffering also contribute to a healthy development pattern and increase the level of privacy for residential uses in the Township.

The purposes of this Section are to establish minimum standards for the design, installation, and maintenance of screening elements and plant materials; and to establish reasonable standards for screening of specific areas from road rights-of-way and adjacent lots. It is the intent of this Section that required screening and buffering elements shall be immediately effective in achieving the purpose of this Section and shall maintain that effectiveness as the plant materials mature.

A. **Scope.**

The standards of this Section shall be considered the minimum necessary to achieve the purposes of this Section and Ordinance. The standards of this Section shall apply to all uses, lots, and sites altered, developed or expanded after the effective date of this Ordinance that are subject to review per Section ~~_____8~~ (Site Plan Review), ~~condominium site plan approval per Article _____ (Condominium Regulations), or Special District Area Plan approval per Article _____ (Special District Regulations)~~. Where existing sites have been developed without adequate screening or buffering, the purposes of this Section shall be achieved through improvements that are in reasonable proportion to the scale and scope of the proposed building and other site improvements.

B. **General Plant Material Standards.**

The following standards shall apply to all landscaping and screening elements required by provisions of this Ordinance or determined necessary by the Planning Commission as part of site plan approval:

1. **Visibility.** Landscaping and screening materials and layout shall conform to the requirements of Section ~~_____7.10~~ (Corner Clearance Zones) and shall not conflict with visibility for motorists or pedestrian access.
2. **Plantings near utility lines and fire hydrants.** Required plant materials and screening shall be arranged to avoid conflicts with underground and overhead utility lines, and access to or visibility of fire hydrants. The anticipated height at maturity of trees planted near overhead utility lines shall not exceed the line height above grade.

3. **Protection.** Where pavement and landscape areas interface, concrete curbing or similar measures shall be provided to protect plants from vehicle encroachment.
4. **Plant material standards.** The following shall apply to all plant materials:
 - a. All plant material shall conform to size and description set forth in the current edition of "American Standard for Nursery Stock" sponsored by the American Association of Nurserymen, Inc. and approved by the American ~~National Standards Institute, Inc~~ HORT.
 - b. All plant material shall be true to name in conformance to the current edition of "Standardized Plant Names" established by the American ~~Joint Committee on Horticultural Nomenclature~~ HORT, or other source accepted by the Township.
 - c. All plant material shall be nursery grown; hardy to the climate of Michigan; appropriate for the soil, climatic and environmental conditions; and resistant to disease and insect attack. Artificial plant material shall be prohibited within required screening areas.
 - d. The use of plant materials native to the southern Lower Peninsula of Michigan is encouraged.
5. **Groundcovers.** The following shall apply to all groundcover materials:
 - a. Lawn areas shall be planted in species of grass normally grown as permanent lawns in Michigan. Grass may be sodded or hydro-seeded, provided that adequate measures are taken to minimize soil erosion. Sod or seed shall be clean and free of weeds and noxious pests or disease.
 - b. The creative use of groundcover alternatives is encouraged, such as native prairie grasses, wildflowers, and similar plantings. Groundcover used in lieu of grass shall be planted to present a finished appearance after one (1) growing season.
 - c. Synthetic materials shall not be used as a permitted groundcover. Use of stone and gravel as a groundcover shall be limited to decorative accents within a planting bed, subject to Planning Commission approval.
6. **Mulch.** Planting beds shall present a finished appearance; with shredded hardwood bark mulch or similar natural material at a minimum depth of three (3) inches. Mulch used around trees and shrubs shall be a minimum of four (4) inches deep and shall be pulled one (1) inch away from tree trunks. An effective edge treatment shall be provided to contain and prevent migration of the mulch.

7. **Topsoil.** A minimum of four (4) inches of topsoil shall be provided for all lawn areas, ground covers and planting beds.

C. Standards for Size and Variety of Plant Materials.

To ensure adequate variety, and to avoid monotony and uniformity within a site, required plant materials shall not include more than thirty percent (30%) of any single plant species, and shall comply with the following schedule for minimum sizes at planting:

Screening Materials	Minimum Size at Installation
Deciduous Shade Trees	2½ - 3 caliper-inches diameter
Evergreen Trees	6.0 feet overall height
Deciduous Ornamental Trees	2.0 caliper-inches diameter or 6 feet overall height
Shrubs	30 inches in height or 24 inches in spread

D. Screening between Land Uses.

1. Upon any improvement for which a site plan is required, a landscape buffer shall be constructed to create a visual screen at least six (6) feet in height along all adjoining boundaries between either a conflicting nonresidential or conflicting residential land use and residentially zoned or used property. A landscape buffer may consist of berms and/or living materials so as to maintain a minimum opacity of at least eighty percent (80%). Opacity shall be measured by observation of any two (2) square yard area of landscape screen between one (1) foot above the established grade of the area to be concealed and the top or the highest point of the required screen. The plantings must meet this standard based upon reasonably anticipated growth over a period of three (3) years.

A. Where there is a need to provide a greater noise or dust barrier or to screen more intense development, a solid wall or fence shall be required. Such wall or fence shall be a minimum of six (6) feet in height as measured on the side of the proposed wall having the higher grade. A required wall shall be located on the lot line except where underground utilities interfere and except in instances where conformity with front yard setback is required. Upon review of the landscape plan, the Planning Commission may approve an alternate location of a wall. The Planning Commission and the building department shall approve the construction materials of the wall or fence which may include face

brick, poured-in-place simulated face brick, precast brick face panels having simulated face brick, stone, or wood.

F. **Greenbelts.** A greenbelt, as defined in this section, shall be provided in accordance with the following requirements:

1. Upon any improvement for which a site plan is required, a greenbelt shall be provided along the frontage of all public or private streets.
2. The greenbelt shall be landscaped with a minimum of one (1) tree for every thirty (30) lineal feet, or fraction thereof, of frontage abutting a public road right-of-way. Nonornamental deciduous trees within a greenbelt shall be a minimum caliper of three (3) inches or greater. Evergreen trees within a greenbelt shall be a minimum height of eight (8) feet.
3. If ornamental deciduous trees are substituted for either nonornamental deciduous trees or evergreen trees, they shall be provided at a minimum of one (1) tree for every twenty (20) lineal feet, or fraction thereof, of frontage abutting a public road right-of-way. Ornamental deciduous trees within a greenbelt shall be a minimum caliper of two (2) inches or greater;
4. In addition to the required trees within the greenbelt, the remainder of the greenbelt shall be landscaped in grass, ground cover, shrubs, and other natural landscape materials; and
5. Access drives from public rights-of-way through required greenbelts shall be permitted, but such drives shall not be subtracted from the lineal dimension used to determine the minimum number of trees required.

Methods of Screening.

~~Required landscaping and screening elements shall be provided by one (1) or more of following methods as best suited to the existing conditions, subject to Planning Commission approval:~~

- ~~1. **Greenbelt buffer.** The purpose of this method is to establish a buffer between adjacent land uses, or between uses and adjacent road rights-of-way. This method is intended to provide a partial visual screen, particularly where the adjacent uses (including uses that are adjacent across a road right-of-way) are less intense than the use of the subject site. Greenbelt buffers shall consist of the following (see illustration):~~
 - ~~a. Greenbelts shall have a minimum width of ten (10) feet and may be interrupted only to provide for pedestrian or vehicular access.~~

- ~~b. Greenbelts shall be sodded, hydro-seeded, or planted with appropriate groundcovers.~~
 - ~~c. A mixture of deciduous shade trees, ornamental trees, evergreen trees, and shrubs shall be planted along the greenbelt buffer at a minimum concentration of one (1) tree and three (3) shrubs per fifteen (15) linear feet of greenbelt length. The Planning Commission may require additional plantings to achieve the screening objectives of this Section.~~
 - ~~d. Such required plant materials may be placed at uniform intervals, at random or in groupings.~~
 - ~~e. The greenbelt length shall be measured along the centerline of the greenbelt for its entire length, inclusive of all driveways.~~
- ~~2. **Hedgerow.** The purpose of this method is to visually screen parking lots, adjacent uses, and road rights-of-way. This method is intended to create an effective obscuring screen within a limited land area. This method shall consist of shrubs planted and maintained as a continuous visual screen, subject to the following (see illustration):~~
- ~~a. The maximum permitted spacing between individual plants shall not exceed three (3) feet on-center, unless a different separation distance is determined by the Township Planner to be more appropriate for the type of shrub proposed.~~
 - ~~b. Maintained plant height at maturity shall be adequate for the intended screening function.~~
 - ~~c. Low height shrubs [two (2) to four (4) feet in height] shall be used to provide necessary ground-level screening to block headlight glare or similar low-level impacts.~~
 - ~~d. Larger shrubs [exceeding four (4) feet in height] shall be used to establish a landscaped barrier between land uses of differing intensities, or to provide more complete screening.~~
- ~~3. **Fence.** The purpose of this method is to visually screen parking lots, outdoor storage areas, and similar uses where the predominant impacts are at or below eye level. This method shall consist of an ornamental, rail or privacy fence constructed along the lot or zoning district boundary, or around the perimeter of the area to be screened, subject to the following (see illustration):~~
- ~~a. Required fences shall have a minimum height of three (3) feet and shall not exceed six (6) feet in height above grade unless a higher fence height is determined by the Planning Commission to be necessary to provide adequate screening.~~

- ~~b. The fence materials, height, location, and design shall be consistent with existing fences on adjacent lots and shall be subject to Planning Commission approval.~~
- ~~4. **Berm.** The purpose of this method is to effectively screen visual and noise impacts using natural appearing landforms. This method is intended to provide an obscuring screen to block noise and light from adjacent uses or road rights of way, or to create a buffer between developed and undeveloped areas. Berms shall consist of a combination of a sculpted earth mound and plantings, which shall meet the following standards (see illustration):~~
- ~~a. Berms shall have side slopes no steeper than four (4) feet horizontal to one (1) foot vertical (4:1 ratio).~~
- ~~b. Berms shall have a minimum height of three (3) feet above the grade elevation. Overall berm height shall be adequate for the intended screening function. Grade elevation shall be the ground elevation at the nearest lot line adjacent to the proposed berm.~~
- ~~c. The interior face of the berm may be constructed as an earthen slope, or may be retained by means of a wall, terrace or similar means acceptable to the Planning Commission.~~
- ~~d. The berm shall be designed and graded to blend with existing topography, and sodded, hydro-seeded or planted with appropriate groundcovers.~~
- ~~e. The Planning Commission may require greenbelt buffer plantings on the berm in accordance with the requirements of this Section.~~
- ~~f. For the purpose of determining any required plant materials, the length of any required berm shall be measured from one toe of the berm (the farthest point at one end of the berm's long dimension where the berm height equals the surrounding grade level) along the berm's centerline to the toe at the opposite end of the berm.~~
- ~~5. **Evergreen screen.** The purpose of this method is to create a dense obscuring screen that meets the objectives of this Section. This method is intended to establish a year round screening barrier between land uses of differing intensities, to effectively block noise and light, or to completely separate developed and undeveloped portions of a site.~~
- ~~This method shall consist of closely spaced evergreen trees with year round screening characteristics. Such trees shall be planted a maximum of fifteen (15) feet apart in at least two (2) staggered rows (see illustration).~~
- ~~6. **Masonry wall.** The purpose of this method is to create a solid, year round barrier and obscuring screen to effectively block noise, light, and other~~

~~impacts between land uses of differing intensities. Such walls shall be subject to the following (see illustration):~~

- ~~a. Masonry walls shall have a minimum height of two (2) feet and shall not exceed six (6) feet in height above grade unless a higher wall height is determined by the Planning Commission to be necessary to provide adequate screening.~~
- ~~b. Walls shall be solid in character, and capped with a stone or concrete cap.~~
- ~~c. Wall materials shall be coordinated with the principal building materials on the site. The Planning Commission may require that decorative masonry (brick, stone, or decorative block) materials be incorporated into the wall design and construction.~~

EG. Parking Lot Landscaping and Perimeter Screening.

Parking lot landscaping and perimeter screening shall be arranged to improve the safety of pedestrians and motorists; guide traffic movement; define egress/ingress points, traffic circulation, and fire lanes; and improve the appearance of the parking area. Parking lot landscaping and perimeter screening shall be subject to the following:

1. **Perimeter screening.** Parking lots shall be screened from all abutting RURAL USES, RESIDENTIAL USES, residential zoning districts, and road rights-of-way per Section ~~_____~~ 12.03 D (Landscaping, Screening and Land Use Buffers Methods of Screening).
2. **Snow storage area.** Adequate snow storage area shall be provided within the site. Plant materials in snow storage areas shall be hardy, salt-tolerant species characterized by low maintenance requirements.
3. **Landscaping within parking lots.** Landscaped islands shall be provided at the ends of parking rows. ~~One (1) planting island for every twentyten (120) spaces, as otherwise required by, and as otherwise required by this Ordinance~~ or the Planning Commission to break up large expanses of pavement, and guide traffic flow and protect parked cars. Landscaped islands shall be subject to the following (see illustration):
 - a. Planting islands shall have a minimum width of ten (10) feet, and a minimum area of one hundred-eighty (180) square feet.
 - b. A minimum of ~~one (1) two (2)~~ one (1) deciduous shade or ornamental trees shall be provided for each planting island. Shrubs and live groundcover plantings shall be used to cover the remaining areas of the island. The Planning Commission may require additional plantings to achieve the objectives of this Section.

- c. All landscaping and perimeter screening, except designated snow storage areas, shall be protected from vehicle encroachment with concrete curbing or similar permanent means.
- d. The use of rain gardens, bioswales, and similar naturalized stormwater management systems with appropriate plantings is encouraged, provided that such systems shall conform to the Township's adopted engineering standards.

FH. Loading, Storage, and Service Area Screening.

Loading, storage, and service areas, public utility and essential service uses and structures, ground equipment shelters, ground-mounted transformers, generators, and HVAC units, electric sub-stations, gas regulator stations, and similar facilities shall be screened from road rights-of-way and adjacent uses in accordance with Section ~~12.03.D~~ 12.03.D (Landscaping, Screening and Land Use Buffers Methods of Screening).

I. ~~IG.~~ Methods of Screening.

Where the Planning Commission may exercise discretion in the method of screening, required landscaping and screening elements shall be provided by one (1) or more of following methods as best suited to the existing conditions:

1. **Hedgerow.** This method is intended to create an effective obscuring screen within a limited land area. This method shall consist of shrubs planted and maintained as a continuous visual screen, subject to the following (see illustration):
 - a. The maximum permitted spacing between individual plants shall not exceed three (3) feet on-center, unless a different separation distance is determined by the Township Planner to be more appropriate for the type of shrub proposed.
 - b. Maintained plant height at maturity shall be adequate for the intended screening function.
 - c. Low height shrubs [two (2) to four (4) feet in height] shall be used to provide necessary ground-level screening to block headlight glare or similar low-level impacts.
 - d. Larger shrubs [exceeding four (4) feet in height] shall be used to establish a landscaped barrier between land uses of differing intensities, or to provide more complete screening.
2. **Fence.** This method shall consist of an ornamental, rail or privacy fence constructed along the lot or zoning district boundary, or around the perimeter of the area to be screened, subject to the following (see illustration):

- a. Required fences shall have a minimum height of three (3) feet and shall not exceed six (6) feet in height above grade unless a higher fence height is determined by the Planning Commission to be necessary to provide adequate screening.
 - b. The fence materials, height, location, and design shall be consistent with existing fences on adjacent lots and shall be subject to Planning Commission approval.
3. **Berm.** This method is intended to provide an obscuring screen to block noise and light from adjacent uses or road rights-of-way, or to create a buffer between developed and undeveloped areas. Berms shall consist of a combination of a sculpted earth mound and plantings, which shall meet the following standards (see illustration):
 - a. Berms shall have side slopes no steeper than four (4) feet horizontal to one (1) foot vertical (4:1 ratio).
 - b. Berms shall have a minimum height of three (3) feet above the grade elevation. Overall berm height shall be adequate for the intended screening function. Grade elevation shall be the ground elevation at the nearest lot line adjacent to the proposed berm.
 - c. The interior face of the berm may be constructed as an earthen slope, or may be retained by means of a wall, terrace or similar means acceptable to the Planning Commission.
 - d. The berm shall be designed and graded to blend with existing topography, and sodded, hydro-seeded or planted with appropriate groundcovers.
 - e. The Planning Commission may require greenbelt buffer plantings on the berm in accordance with the requirements of this Section.
 - f. For the purpose of determining any required plant materials, the length of any required berm shall be measured from one toe of the berm (the farthest point at one end of the berm's long dimension where the berm height equals the surrounding grade level) along the berm's centerline to the toe at the opposite end of the berm.
4. **Evergreen screen.** This method is intended to establish a year-round screening barrier between land uses of differing intensities, to effectively block noise and light, or to completely separate developed and undeveloped portions of a site.

This method shall consist of closely spaced evergreen trees with year-round screening characteristics. Such trees shall be planted a maximum of fifteen (15) feet apart in at least two (2) staggered rows (see illustration).

5. Masonry wall. Such walls shall be subject to the following (see illustration):

- a. Masonry walls shall have a minimum height of two (2) feet and shall not exceed six (6) feet in height above grade unless a higher wall height is determined by the Planning Commission to be necessary to provide adequate screening.
- b. Walls shall be solid in character, and capped with a stone or concrete cap.
- c. Wall materials shall be coordinated with the principal building materials on the site. The Planning Commission may require that decorative masonry (brick, stone, or decorative block) materials be incorporated into the wall design and construction.

6. Existing Landscaping. Existing landscaping may be used as a substitute for required screening and greenbelt if the applicant demonstrates that the intent of this ordinance is satisfied by the existing plant material.**J. Detention and Retention Basin Screening.**

Where a detention or retention basin, or similar stormwater management facility is required, such facilities shall comply with the following:

- 1. To the extent possible, basin configurations shall be incorporated into the natural topography. Where this is not practical, the basin shall be shaped to emulate a naturally formed or free form depression. The basin edge shall consist of sculptured landforms to filter and soften views of the basin.
- 2. Basins shall be designed to avoid the need for perimeter fencing. Where such fencing is necessary, the location and design shall be subject to Planning Commission approval.
- 3. Basins shall be planted with a mixture of groundcover and wetland-based plantings native to Michigan, such as native grasses or wildflowers.
- 4. The minimum requirements for the landscaping of detention/retention ponds shall be as follows:
 - a. One (1) deciduous shade or evergreen tree and ten (10) shrubs shall be planted for every fifty (50) lineal feet of pond perimeter as measured along the top of the bank elevation.
 - 3. The required trees and shrubs shall be planted in a random pattern or in groupings.
 - 4.b. A perimeter greenbelt buffer shall be provided in accordance with this Section and the following:

a.c. Plantings shall be clustered around the basin to achieve a variety of plant materials, and to replicate a natural environment. Deciduous shade trees shall be clustered around the south and west sides of the basin to provide shade and minimize solar heating of the water.

b.d. Trees shall be planted above the freeboard line of the basin. Any plantings proposed below the freeboard line shall be tolerant of wet or moist soil conditions. The location of plant materials shall take into consideration the need to provide access for routine basin maintenance.

H.K. Prohibited Plant Materials.

The following trees are not considered desirable plant materials because of various problems, except where removal of existing trees would result in a loss of screening or buffering, or where noted below:

Species	Common Name
<i>Acer negundo</i>	Box Elder
<i>Ulmus x</i>	Elm varieties; except disease-resistant cultivars, such as 'Regal', 'Pioneer', 'Homestead', 'Jacan' and 'Accolade'
<i>Aesculus x</i>	Horse Chestnut; except for use in greenbelts and transition zones between developed and un-developed areas of a site
<i>Populus x</i>	Poplar varieties
<i>Elaeagnus x</i>	Olive varieties
<i>Salix x</i>	Willow varieties; except in appropriate wetland ecosystems
<i>Catalpa x</i>	Catalpa varieties; except for use in greenbelts and transition zones between developed and un-developed areas of a site
<i>Ailanthus altissima</i>	Tree of Heaven
<i>Ginkgo biloba</i>	Ginkgo (female); male trees are acceptable
<i>Robinia pseudoacacia</i>	Black locust
<i>Morus alba</i>	Mulberry (white)
<i>Acer saccharinum</i>	Silver Maple
<i>Juglans nigra</i>	Black Walnut; except for use in greenbelts and transition zones between developed and un-developed areas of a site
<i>Fraxinus x</i>	Ash varieties
<i>Pyrus calleryana</i>	<u>Callery or Bradford pear</u>

I.L. Plant Material Installation and Maintenance.

All screening elements and plant materials shall be installed in a manner consistent with the standards of the American Association of Nurserymen, the approved site plan, and the following:

1. **Deadline for installation.** Installation of required screening elements and plant materials shall be completed within three hundred sixty-five (365) calendar days from the date of site plan approval for the project.
2. **Extension.** The Township Planner or Zoning Inspector may extend the deadline to allow installation of required plant materials by the end of the next planting season, upon determination that weather conditions, development phasing, or other factors would jeopardize required plant materials and prevent their installation by the deadline specified in this Section.
3. **Performance guarantee.** The Township Planner or Zoning Inspector may require submittal of a performance guarantee, per Section ~~3.09~~ (Performance Guarantees), to cover the cost of installing required screening elements and plant materials. After installation has been completed, the Township Planner or Zoning Inspector shall conduct an inspection of the plant materials before the guarantee may be released.
4. **Maintenance.** All screening elements and plant materials shall be maintained in accordance with the approved site plan, and the following:
 - a. Maintenance procedures and frequencies to be followed shall be specified on the site plan, along with the manner in which the effectiveness, health, and intended functions of the screening elements and plant materials on the site will be ensured.
 - b. Adequate provisions shall be made to regularly supply water to all required plant materials as necessary to ensure proper growth and development.
 - c. Plant materials shall be kept in a neat, orderly and healthy growing condition, free from weeds, debris and refuse. Tree stakes, guy wires and tree wrap shall be removed after one (1) year.
 - d. Pruning of plant materials shall be limited to the minimum necessary to ensure proper maturation of plants to achieve their intended purpose.
 - e. All required screening elements and plant materials shall be planted and maintained in accordance with an approved site plan. Failure to maintain required screening, including the removal and replacement of dead or diseased plant materials, shall be a violation of this Ordinance.

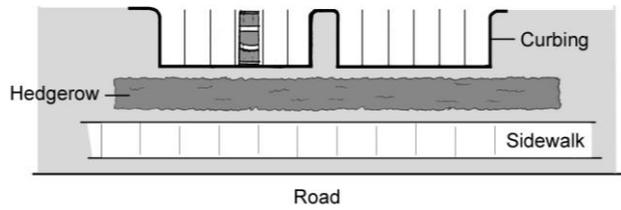
- f. The replacement or removal of plant materials in a manner not consistent with an approved site plan shall be a violation of this Ordinance.

KM. Modifications.

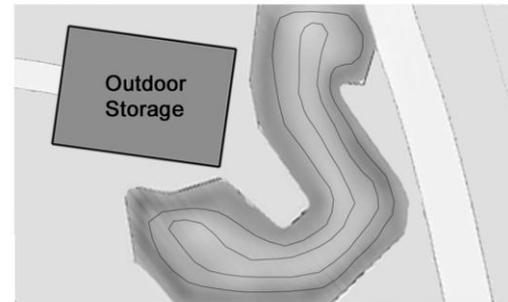
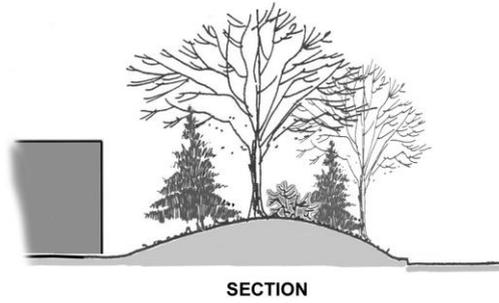
The Planning Commission shall have the authority to approve alternative designs or plant materials, and to determine how the standards of this Section apply to existing conditions and redevelopment sites in accordance with the following:

1. **Alternative designs or materials.** The Planning Commission may approve alternative landscape designs or plant materials upon determination that the alternative would meet the purpose and objectives of this Section.
2. **Existing conditions.** The Planning Commission shall have the authority to determine that the requirements of this Section have been satisfied by existing topography, vegetation or other means acceptable to the Planning Commission.
3. **Redevelopment sites.** Where an existing building is undergoing renovation, expansion, or change in use, required landscaping and screening improvements shall be in reasonable proportion to the size and configuration of the site and the scale of proposed improvements, as determined by the Planning Commission in accordance with the purpose and objectives of this Section.

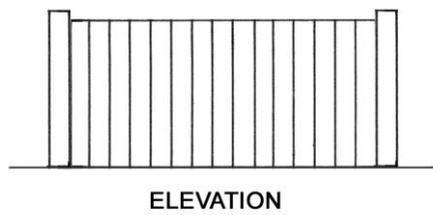
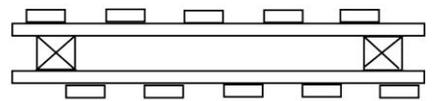
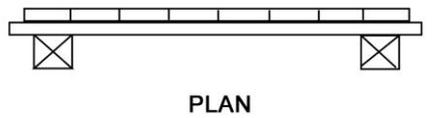
ILLUSTRATIONS



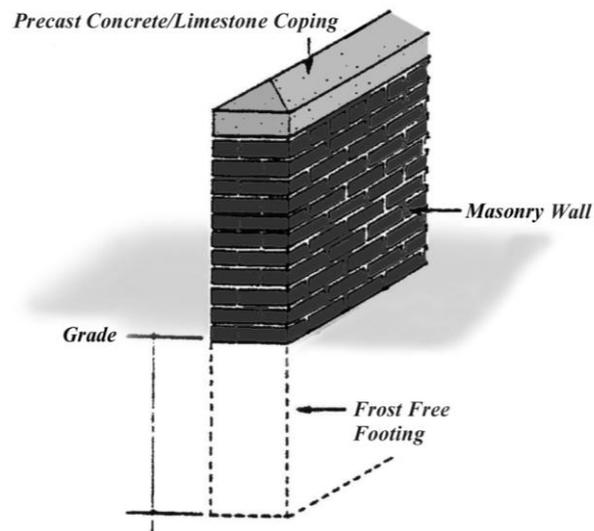
Hedgerow



Berm

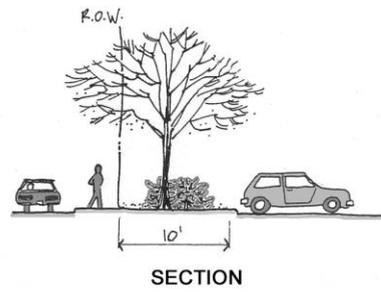
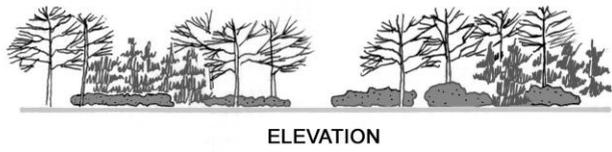
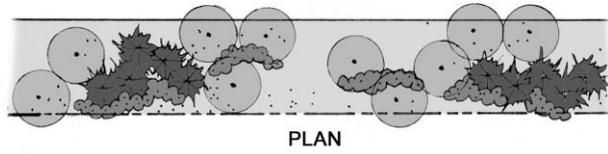


Fence

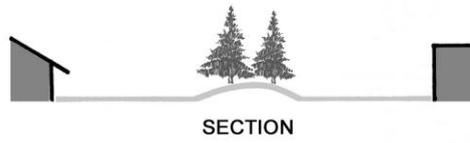
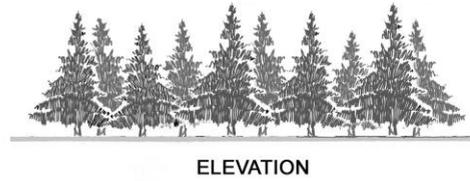
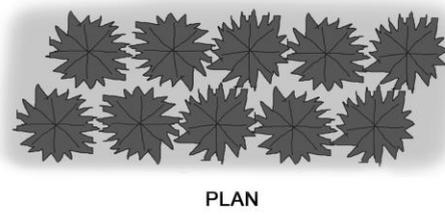


Screen Wall

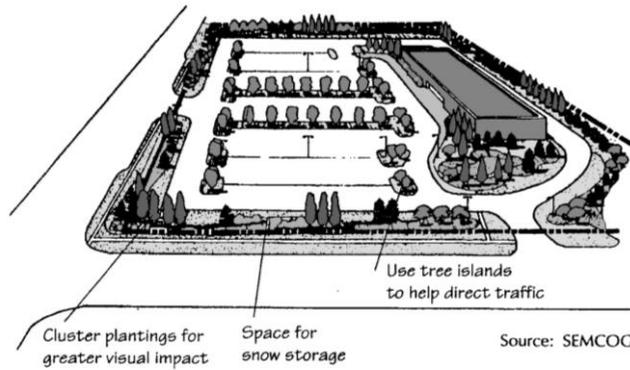
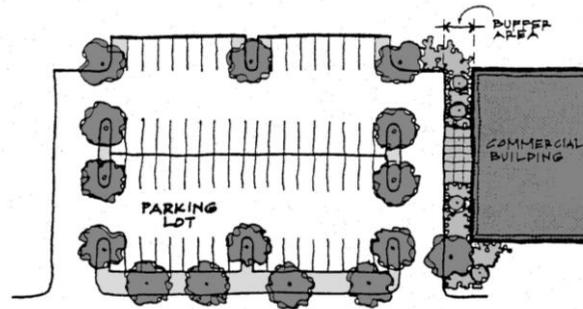
ILLUSTRATIONS



Greenbelt Buffer



Evergreen Screen



Source: SEMCOG.

Landscaping Within Parking Lots

5. ~~Transition Buffer. [Note: Redundant with screening section]~~

~~A transition buffer shall be required wherever a lot occupied or proposed to be occupied by COMMERCIAL USES, OFFICE, SERVICE, AND COMMUNITY USES or INDUSTRIAL, RESEARCH, AND LABORATORY USES subject to site plan approval per Article 8.0 (Site Plan Review) abuts a lot in a rural or residential zoning district or occupied or planned to be occupied by permitted RURAL USES or RESIDENTIAL USES, the following standards shall apply (see "Transition and Landscape Strips" illustration):~~

Transition Buffer Standards		
Use Group	Abutting Zoning District or Use Group	Minimum Transition Strip Width
COMMERCIAL USES	RURAL USES; RESIDENTIAL USES;	20 feet
OFFICE, SERVICE, AND COMMUNITY USES	Rural Districts; Rural Residential Districts, and	20 feet
INDUSTRIAL, RESEARCH, AND LABORATORY USES	Urban Residential Districts	50 feet

- ~~a. Use groups shall be as defined in Article _____ (Land Use Table).~~
- ~~b. The minimum required transition buffer for uses in the Village Center (VC) District shall be equal to fifty percent (50%) of the width otherwise required by this subsection.~~
- ~~c. The transition buffer shall be provided along every lot line, except front lot lines, which is contiguous to or across the street from a lot in such district~~
- ~~d. No road, driveway, parking area, sidewalk or similar improvement shall be located in the transition buffer area, except to cross in a more or less perpendicular direction for the purpose of providing access to the property from an adjacent street right-of-way.~~
- ~~e. The transition buffer and adjacent side yard setback area shall be improved with screening elements and plantings in accordance with Section _____ (Methods of Screening). In addition to the transition buffer, the Planning Commission may require a f~~
- ~~f. _____ nce to control the blowing of debris onto adjacent property.~~
- ~~g. Where a required transition buffer abuts or overlaps a lot boundary, all required building and yard setbacks for the lot shall be measured from the near boundary of the transition strip. The transition buffer area shall not be included in the area used in calculating lot coverage or floor area ratio.~~

6. Landscaping Strip. [Note: redundant with screening section]

~~For any use subject to site plan approval per Article _____ (Site Plan Review) and as otherwise required by this Ordinance, a landscape strip at least twenty (20) feet wide shall be provided along and adjacent to the front property line, along all street frontages, and shall extend across the entire width of the lot, subject to the following (see "Transition and Landscape Strips" illustration):~~

- ~~a. No road, driveway, parking area, sidewalk or similar improvement shall be located in this strip, except to cross in a more or less perpendicular direction for the purpose of providing access to the property from an adjacent street right of way.~~
- ~~b. The landscape strip may overlap the required front yard setback area for the zoning district.~~
- ~~c. The landscape strip and required front yard setback area shall be improved with plantings in accordance with Section _____ (Methods of Screening).~~
- ~~d. Where RESIDENTIAL USES are proposed adjacent to a road right of way, the landscape strip shall not be part of any individual lot, but rather shall be part of the common land area for the development.~~

Section 12. ~~1104~~ Exterior Lighting.

The purpose of this Section is to preserve the lawful nighttime use and enjoyment of all properties in the Township through the establishment and enforcement of reasonable and consistent exterior lighting standards. Exterior lighting shall be designed, installed, and maintained to control glare and light trespass; conserve energy and resources; and prevent the degradation of the nighttime visual environment. The standards of this Section are intended to protect the general welfare by allowing sufficient but not excessive lighting for parking areas, walkways, driveways, building entrances, loading areas, and common areas; to minimize the adverse effects of inappropriate lighting; and to provide for the safety and security of people and property in the Township. Lighting standards set forth herein are also intended to:

1. Provide for and control lighting in outdoor public places where public health, safety, and welfare are potential concerns;
2. Protect drivers and pedestrians from the glare of non-vehicular light sources;
3. Protect neighbors, the environment, and the night sky from nuisance glare and light trespass from improperly selected, placed, aimed, applied, maintained, or shielded light sources;
4. Promote energy efficient lighting design and operation; and

5. Protect and retain the visual character of the Township.**A. Scope.**

The standards of this Section shall apply to all exterior lighting sources; all light sources visible from any road right-of-way or adjacent lot; and all projects subject to site plan review per Article ~~_____8~~ (Site Plan Review), ~~condominium site plan approval per Article _____ (Condominium Regulations), Special District Area Plan approval per Article _____ (Special District Regulations),~~ and zoning compliance approval per Section ~~_____3.02~~ (Certificates of Zoning Compliance), except as follows:

1. Exterior lighting accessory to farms, greenhouses, private riding stables, and single- and two-family (duplex) dwellings shall be exempt from the requirements of this Section.
2. Holiday decorations displayed for temporary periods not to exceed ninety (90) calendar days shall be exempt from the requirements of this Section.
3. Lighting for a permitted temporary circus, fair, carnival, or civic use shall be exempt from the requirements of this Section, except that the Planning Commission or Zoning Inspector may impose reasonable restrictions on the use of such lighting where necessary to protect the public health, safety and welfare.
4. Shielded pedestrian walkway lighting and shielded lighting of flags of the United States of America and/or State of Michigan shall be exempt from the requirements of this Section.
5. This Section shall not apply to circumstances where federal or state laws, rules or regulations take precedence over the provisions of this Section; or where fire, police, emergency, or repair personnel need light for temporary or emergency situations.
6. This Section shall not apply to fossil fuel light produced directly or indirectly from the combustion of natural gas or other utility-type fossil fuels (e.g., gas lamps).

B. General Provisions.

The following general standards shall apply to all light sources regulated by this Section:

1. **Fully shielded.** Exterior lighting shall be fully shielded, using concealed source fixtures directed downward and away from adjacent lots and road rights-of-way. All exterior light fixtures shall utilize full cutoff housings, louvers, glare shields, optics, reflectors or other measures to prevent off-site glare and minimize light pollution ~~(see illustration).~~ Directional luminaries such as floodlights and wall mounted luminaries shall be shielded and aimed so they do not create glare when viewed from neighboring property. The

use of floodlights and wall-mounted luminaires to light parking areas shall be prohibited, unless there is a finding by the Planning Commission that no other acceptable means of lighting is possible. Lighting under canopies shall be recessed or full cutoff luminaires aimed straight down.

2. **Glare and light trespass.** Exterior lighting shall be designed, constructed, and maintained in a manner that minimizes off-site glare, light trespass on neighboring lots, and traffic hazards for motorists.

~~3. **Lamp wattage.** Lamp wattages and types shall be consistent with fixture's style and function, as follows:~~

~~1. Fixtures in parking lots and high traffic areas shall use low or high-pressure sodium, metal halide or similar lamp types with a maximum lamp wattage of two hundred fifty (250) watts per fixture up to twenty (20) feet in height above grade. A maximum of four hundred (400) watts per fixture shall be permitted for fixtures exceeding twenty (20) feet in height above grade.~~

~~Decorative exterior light fixtures shall be limited to lamps with a maximum wattage of one hundred (100) watts per fixture. **[Note: outdated and ineffective approach – most current lighting is LED and photometric standards control all sources of lighting.]**~~

~~2.3. **Light Color Standard.** Correlated color temperature of any outdoor light source shall not exceed 3500 Kelvin unless introduced as part of a façade or landscape lighting scheme used exclusively for the decorative illumination through color of certain building façade or landscape features.~~

4. **4. Intensity.** The maximum illumination levels or intensity of light within any site shall not exceed the following standards:

Light Intensity	Maximum (footcandles)
At any point within the site	20.0 10.0
At any lot boundary <u>adjacent to</u> or road right-of-way line	0.2
<u>At any lot boundary adjacent to residential zoned or used property</u>	<u>0.2</u>
<u>At any lot boundary adjacent to non-residential zoned or used property</u>	<u>1.0</u>

C. Standards by Type of Fixture.

The following additional standards shall apply to specific types of exterior light fixtures, ~~in addition to the provisions of Section _____ (General Standards):~~

1. **Freestanding pole lighting.** The maximum height of all freestanding, pole-mounted fixtures shall ~~be directly proportional to the fixture's proximity to the boundary of a lot or parcel in a residential zoning district or occupied by any RURAL USES or RESIDENTIAL USES, as follows:~~ not exceed twenty (20) feet when adjacent to any lot boundary of non-residential zoned or used property and sixteen (16) feet when adjacent to any lot boundary of residential zoned or used property.

Fixture Location	Maximum Fixture Height
Less than 50 feet	15 feet
50 feet to 300 feet	20 feet
More than 300 feet	25 feet

2. **Architectural lighting.** Exterior illumination of building facades shall be limited to fully shielded fixtures directed towards the facade. All light from such fixtures shall be concentrated on the wall surface. Unshielded luminous tube (neon) or fluorescent lighting shall be prohibited as an architectural detail on the exterior of any structure; including but not limited to rooflines, cornices, eaves, windows, and door openings.
3. **Window lighting.** All interior light fixtures visible through a window from a road right-of-way or abutting lot shall be shielded to prevent glare impacts at the lot boundary or within the right-of-way. Unshielded luminous tube (neon) and fluorescent light fixtures shall be prohibited where the light source would be visible from an abutting lot or road right-of-way.

D. Measurements.

~~Exterior lighting intensity levels shall be measured on the horizontal plane at grade level within the site; and on the vertical plane of the lot or road right-of-way boundaries at a height of five (5) feet above grade. Fixture height shall be measured from grade level to the highest point of the light source (see illustration).~~

1. Lighting Plans. All lighting, including ornamental lighting, shall be shown on site plans in sufficient detail to allow determination of the effects of such lighting upon adjacent properties and traffic safety.
2. The lighting plan shall include a photometric plan which plots illuminance in footcandles on ten feet by ten feet (10' x 10') horizontal grid over the entire site up to and including all property boundaries. The lighting plan shall include a layout of all proposed and existing luminaires, and a photometric analysis plotted in a manner that demonstrates that Ordinance requirements are met. The lighting plan shall also include luminaire details, glare reduction devices, mounting heights, and pole and pole foundation details.

3. Lighting plans shall be coordinated with landscape plans to minimize conflict between landscaping and intended light distribution; and

E. Prohibited Lighting.

The following types of exterior light sources and activities shall be prohibited:

1. **Mercury vapor lighting.** The installation of mercury vapor fixtures shall be prohibited.
2. **Animated lighting.** Lighting shall not be of a flashing, moving, animated or intermittent type.

F. Reduction in Nighttime Lighting. All outdoor lighting shall be reduced to at least fifty percent (50%) of the light level at full illumination one (1) hour after closing. Lighting reductions shall not be required under the following circumstances:

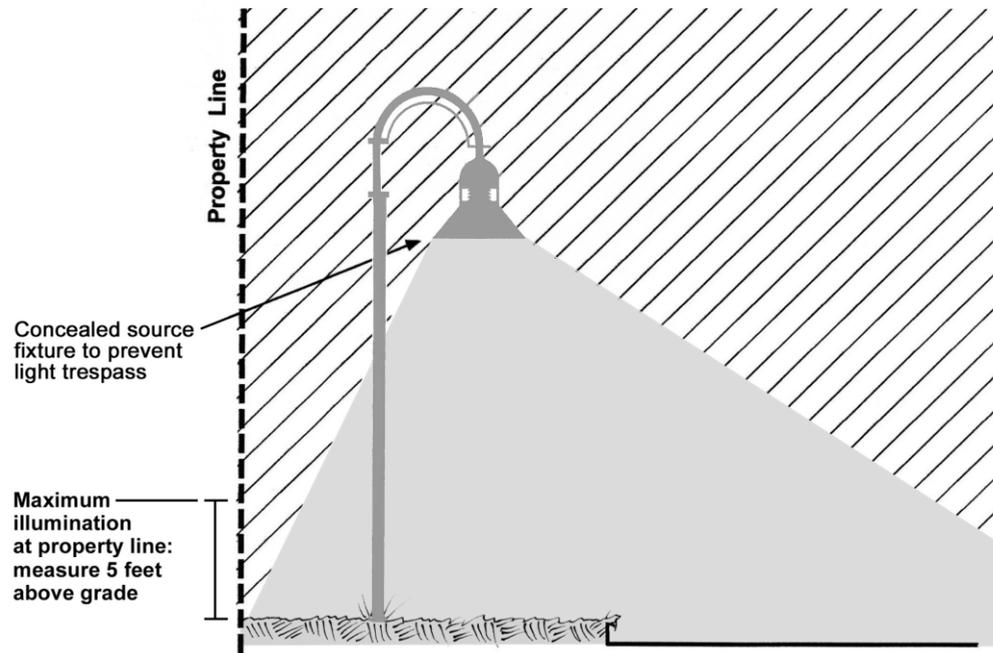
1. Where a business operates twenty-four (24) hours;
2. Where lighting is intended to reduce real or perceived risk; and,
3. Where lighting is intended to discourage intruders, vandals or burglars, and to protect merchandise and property.

G. Alternatives and Alterations.

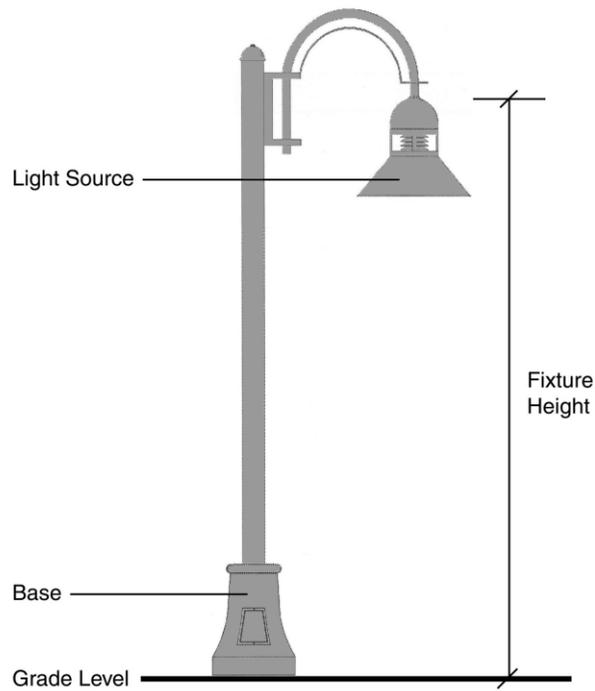
Specific lighting design alternatives or fixture substitutions may be permitted in accordance with the purpose of this Section and the following:

1. **Decorative light fixtures.** The Planning Commission may approve the use of decorative light fixtures as an alternative to fully shielded fixtures, where such fixtures would enhance the aesthetics of the site without causing off-site glare or light trespass.
2. **Fixture alteration or replacement.** Light fixtures regulated by this Section shall not be altered or replaced after approval has been granted, except where the Township Planner or Zoning Inspector has verified that the alteration or substitute fixture conforms to the requirements of this Section.

ILLUSTRATIONS



Lighting Fixture Orientation and Shielding



Light Fixture Height

~~Section 12.12 Fleming Creek Area Developments.~~

~~The intent of this Section is to provide for additional evaluation of new development projects for RESIDENTIAL USES or COMMERCIAL USES on land within the Fleming Creek Watershed. This Section is not intended to stifle creativity in site design, or to restrict development that conforms to the requirements of this Ordinance.~~

~~A. Scope.~~

~~The Fleming Creek Advisory Council may evaluate and make advisory recommendations to the Planning Commission regarding development plans for new RESIDENTIAL USES or COMMERCIAL USES on sites within the Fleming Creek Watershed, as defined in Section _____ (Definitions).~~

~~Development plans subject to this Section shall include applications for preliminary site plan or preliminary condominium site plan approval per Article _____ (Site Plan Review); and applications for tentative approval of a preliminary plat per the requirements of the Township's Subdivision Ordinance (Ord. No. 42).~~

~~B. Evaluation of Development Projects.~~

~~The Township Clerk shall promptly transmit a copy of the application and plans for any development project subject to this Section to the Fleming Creek Advisory Council, along with an invitation to provide written comments or advisory recommendations to the Planning Commission.~~

- ~~1. Where a Council member is determined to have a conflict of interest associated with the project, a summary of the conflict and any Council actions taken in response should be noted in the communication to the Planning Commission.~~
- ~~2. Any Fleming Creek Advisory Council comments, or advisory recommendations received by the Township Clerk in accordance with this Section shall be forwarded to the Planning Commission for consideration as part of the review process for the development project.~~
- ~~3. The Planning Commission may defer consideration of the Council's comments or advisory recommendations to review of a final site plan, final condominium site plan or final approval of a preliminary subdivision plat for the development project upon determination that the project has limited potential to adversely impact water resources in Fleming Creek.~~

[amended 6/18/2018, Ord. 174-21]

ARTICLE 13

ENVIRONMENTAL STANDARDS

Section 13.01 Purpose.

Environmental standards are established in order to preserve the short-term and long-term environmental health, safety, and quality of the Township. No use, otherwise allowed, shall be permitted within any district that does not conform to the following standards of use, occupancy and operation. These standards are established as minimum requirements to be maintained.

Section 13.02 Performance Standards. [Note – moved to Art 13.]

A. Purpose.

The purpose of this Section is to establish controls on the impacts generated by permitted uses so as to prevent an unreasonable negative impact that might interfere with another person's use of his or her property, or that might cause harm to the public health safety, and welfare.

Farms, agricultural operations, and other RURAL USES governed by the Right to Farm Act (P.A. 93 of 1981, as amended) shall be exempt from these requirements. No other structure or land shall hereafter be used or occupied, and no structure or part thereof shall be erected, altered, reconstructed or moved after the effective date of this Ordinance, except in conformity with all applicable performance standards set forth in this Section. No site plan or other land use or development application shall be approved that is not in conformity with the requirements of this Section.

No activity, operation or use of land, structures or equipment shall be permitted where such activity, operation or use produces an environmental impact or irritant to sensory perception that exceeds the standards of this Section.

B. Noise.

1. No person shall make, continue, or cause to be made or continued, any noise disturbance including, but are not limited to:
 - a. Any sound that exceeds the specific limits set forth in this Section shall be deemed a noise disturbance.
 - b. Loading and unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects shall be prohibited between the hours of 8:00 p.m. and 7:00 a.m. in such a manner as to cause a noise disturbance across any residential zoning district boundary or within a noise sensitive zone as defined in Section 2 (Definitions).

Special Development Regulations Environmental Standards

- c. Operation of any tools or equipment used in construction, drilling, or demolition work shall be prohibited where the sound would create a noise disturbance across any residential zoning district boundary or within a noise sensitive zone as defined in Section 2 (Definitions). This provision shall apply between the hours of 8:00 p.m. and 7:00 a.m. on Monday through Saturday, or any time on Sundays or holidays, but shall not apply to emergency work or public service utilities.
 - d. Operating of any device that creates vibration that is above the vibration perception threshold of an individual at or beyond the property of the source shall be prohibited. For the purposes of this Section, vibration perception threshold means the minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or observation of moving objects.
 - e. Creating of any sound within any noise sensitive zone so as to disrupt the activities normally conducted within the zone shall be prohibited, even if the average A-weighted sound level is lower than the specific limits set forth in this Section, provided that conspicuous signs are displayed indicating the presence of the zone.
2. **Exceptions.** The provisions in this Section shall not apply to the following activities, provided that such activities are conducted in a legally accepted manner:
- a. The emission of sound for the purpose of alerting persons to existence of an emergency, or in the performance of emergency work shall be exempt from the provisions of this Section.
 - b. Snow plowing and other public works activities.
 - c. Church bells, chimes, and carillons, and/or other means of announcing an activity at a place of assembly or worship between the hours of 7:00 a.m. and 10:00 p.m.
 - d. Lawncare and house maintenance that occurs between 8:00 a.m. and 9:00 p.m.
 - e. Licensed vehicles operated on a road.
 - f. Nighttime excavation, construction, or repair of bridges, roads, or highways by or on behalf of local, county, or state road authorities.
3. **Maximum permitted sound levels by receiving zoning district.** Sound emitted by any source is considered a noise disturbance when its average A-weighted sound level exceeds the limit set forth for the receiving zoning district in the following table, when measured at or within the property

Special Development Regulations Environmental Standards

boundary of the receiving district. All measurements and designations of sound levels shall be expressed in day-night average sound levels.

<u>Receiving Zoning District</u>	<u>Time</u>	<u>Average Sound Level</u>
<u>Rural Residential Districts</u>	<u>7:00 a.m. to 10:00 p.m.</u>	<u>55 dB(A)</u>
<u>Urban Residential Districts</u>	<u>10:00 p.m. to 7:00 a.m.</u>	<u>50 dB(A)</u>
<u>Non-Residential Districts</u>	<u>7:00 a.m. to 6:00 p.m.</u>	<u>62 dB(A)</u>
	<u>6:00 p.m. to 7:00 a.m.</u>	<u>55 dB(A)</u>

Notes related to table:

- a. **Correction for tonal sounds.** For any source of sound that emits a pure tone sound, the maximum sound level limits of this table shall be reduced by 5 dB(A) where the receiving district is residential or commercial-noise sensitive.
- b. **Correction for impulsive or impact sounds.** For any source of sound that emits an atypical impulsive or impact sound, the maximum sound level limits of this table shall be reduced by 5 dB(A) where the receiving district is residential or commercial-noise sensitive.
- c. **Planned Community (PC).** Where the receiving district is a Planned Community (PC) district, the applicable standards of this table shall be based on the types of uses within the planned development.

C. Dust, Smoke, Soot, Dirt, Fly Ash and Products of Wind Erosion.

Dust, smoke, soot, dirt, fly ash, and products of wind erosion shall be subject to the regulations established in conjunction with the Michigan Environmental Protection Act (P.A. 451 of 1994, as amended), or other applicable state or federal regulations. No person, firm or corporation shall operate or maintain any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, unless such processes or devices use or are equipped with recognized and approved equipment, methods, or technology to reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air.

The drifting of air-borne matter beyond the lot line, including wind-blown dust, particles or debris from open stockpiles, shall be prohibited. Emission of particulate matter from material products, or surfaces subject to wind erosion shall be controlled by paving, oiling, wetting, covering, landscaping, fencing, or other means.

D. Odor.

Offensive, noxious, or foul odors shall not be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or hazard on adjoining property, or which could be detrimental to human, plant, or animal life.

E. Glare and Heat.

Any operation or activity which produces glare shall be conducted so that direct and indirect illumination from the source of light does not exceed one-half (1/2) footcandle when measured at any point along the property line of the site on which the operation is located. Any operation that produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.

F. Sewage Wastes and Water Pollution.

Sewage disposal (including septic systems) and water pollution shall be subject to the standards and regulations established by Federal state, county and local regulatory agencies, including the Michigan Department of Health, the Michigan Department of Environmental Quality, the Washtenaw County Environmental Health Division, and the U.S. Environmental Protection Agency.

G. Fire and Safety Hazards.

The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all applicable state, county and local regulations, including the Michigan Fire Prevention Code (P.A. 207 of 1941, as amended).

H. Gases.

The escape of or emission of any gas that is injurious or destructive to life or property, or that is explosive, is prohibited. Gaseous emissions shall be subject to regulations established in conjunction with the Michigan Environmental Protection Act (Public Act 451 of 1994, as amended), federal clean air regulations, and any other applicable state or federal regulations. Accordingly, gaseous emissions measured at the property line at ground level shall not exceed the levels by the National Ambient Air Quality Standards, unless a higher standard is imposed by a federal state, county or local regulatory agency with jurisdiction:

[Note: Do not recommend including standards that Township has no authority to enforce. In addition, air quality standards frequently change.]

<u>Gas</u>	<u>Maximum Emissions Level</u>	<u>Sampling Period</u>
<u>Sulfur dioxide</u>	<u>0.14 ppm</u>	<u>24 hours</u>
<u>Hydrocarbons</u>	<u>0.24 ppm</u>	<u>3 hours</u>

<u>Gas</u>	<u>Maximum Emissions Level</u>	<u>Sampling Period</u>
<u>Photochemical oxidants</u>	<u>0.12 ppm</u>	<u>1 hours</u>
<u>Nitrogen dioxide</u>	<u>0.05 ppm</u>	<u>Annual</u>
<u>Carbon monoxide</u>	<u>9.0 ppm</u>	<u>8 hours</u>
	<u>35.0 ppm</u>	<u>1 hours</u>
<u>Lead</u>	<u>1.5 µg/cubic meter</u>	<u>3 months</u>
<u>Mercury</u>	<u>0.01 mg/cubic meter</u>	<u>10 hours</u>
<u>Beryllium</u>	<u>2.0 µg/cubic meter</u>	<u>8 hours</u>
<u>Asbestos</u>	<u>0.5 fibers/cc</u>	<u>8 hours</u>

Notes Related to Table:

ppm = parts per million

µg = micrograms

mg = milligrams

cc = cubic centimeters

I. Electromagnetic Radiation and Radio Transmission.

Electronic equipment required in an industrial, commercial or other operation shall be designed and used in accordance with applicable rules and regulations established by the Federal Communications Commission (FCC). The operation of such equipment shall not interfere with the use of radio, television, or other electronic equipment on surrounding or nearby property.

J. Radioactive Materials.

Radioactive material wastes and emissions, including electromagnetic radiation, shall not exceed levels established by occupational and health standards and state and federal agencies that have jurisdiction. No operation shall be permitted that causes any individual outside of the lot lines to be exposed to any radiation exceeding the lowest concentration permitted for the general population by federal and state laws and regulations currently in effect.

~~K. Procedures for Determining Compliance. [NOTE: Why have separate procedures outside of normal ordinance requirements.]~~

~~In the event that the Township receives complaints or otherwise acquires evidence of possible violation of any of the performance standards set forth in this Section, the following procedures shall be used to investigate, and if necessary, resolve the violation:~~

- ~~1. **Official investigation.** Upon receipt of evidence of possible violation, the Zoning Inspector or designated Township consultant shall make a~~

Special Development Regulations Environmental Standards

- ~~determination whether there is reasonable cause to suspect the operation is indeed in violation of the performance standards. Upon initiation of an official investigation, the Zoning Inspector or designated Township consultant shall be empowered to require the owner or operator of the facility in question to submit data and evidence deemed necessary to make an objective~~
- ~~2. ve _____ determination _____ regard~~
 - ~~3. ing the possible violation. Failure of the owner or operator to supply requested data shall constitute grounds for taking legal action to terminate the use or deny or rescind any permits required for continued use of the land. Data which may be required includes, but is not limited to the following:~~
 - ~~a. Plans of the existing or proposed facilities, including buildings and equipment.~~
 - ~~b. A description of the existing or proposed machinery, processes, and products.~~
 - ~~c. Specifications for the mechanisms and techniques used or proposed to be used to control emissions regulated under the provisions of this Section.~~
 - ~~d. Measurement of the amount or rate of emissions of materials purported to be in violation.~~
 - ~~4. **Method and cost of determination.** The Zoning Inspector or designated Township consultant shall take measurements and complete the investigation necessary to make an objective determination concerning the purported violation. Where required measurements and investigation can be accurately using equipment and personnel normally available to the Township without extraordinary expense, such measurements and investigation shall be completed before notice of violation is issued. If necessary, skilled personnel and specialized equipment or instruments shall be secured to make the required determination.~~

~~If the alleged violation is found to exist in fact, the costs of making such a determination shall be charged against those responsible, in addition to such other penalties as may be appropriate. If it is determined that no substantive violation exists, then such costs shall be paid by the Township.~~
 - ~~5. **Appropriate remedies.** If, after appropriate investigation, the Zoning Inspector or designated Township consultant determines that a violation does exist, written notice of the violation shall be provided to the owners or operators of the facility deemed responsible requesting that the violation be corrected within a specified time limit.~~
 - ~~a. **Correction of violation within time limit.** If the alleged violation is corrected within the specified time limit, the Zoning Inspector or~~

~~designated Township consultant shall note "violation corrected" on the Township's copy of the notice, which shall be retained on file.~~

- ~~b. **Violation not corrected and no reply from owner or operator.** If there is no reply from the owner or operator within the specified time limits and the alleged violation is not corrected, then the Township shall take such action as may be warranted to correct the violation, in accordance with the regulations set forth in this Section.~~
- ~~c. **Reply requesting time extension.** If a reply is received within the specified time limit indicating that an alleged violation will be corrected, but that more time is required, the Township may grant an extension upon determining that the extension is warranted because of the circumstances in the case and will not cause imminent peril to life, health, or property.~~
- ~~d. **Reply requesting technical determination.** If a reply is received within the specified time limit request further review and technical analysis even though the alleged violations continue, then the Township may call in properly qualified experts to complete such analysis and confirm or refute the initial determination of violation.~~
- ~~6. **Costs and penalties incurred.** If expert findings indicate that violations do exist in fact, the costs incurred in making such a determination shall be paid by the persons responsible for the violations, in addition to other applicable penalties under this Ordinance.~~

Section 13.02 Fleming Creek Area Developments.

~~The intent of this Section is to provide for additional evaluation of new development projects for RESIDENTIAL USES or COMMERCIAL USES on land within the Fleming Creek Watershed. This Section is not intended to stifle creativity in site design, or to restrict development that conforms to the requirements of this Ordinance.~~

A. Scope.

~~The Fleming Creek Advisory Council may evaluate and make advisory recommendations to the Planning Commission regarding development plans for new RESIDENTIAL USES or COMMERCIAL USES on sites within the Fleming Creek Watershed, as defined in Section 2 (Definitions).~~

~~Development plans subject to this Section shall include applications for preliminary site plan or preliminary condominium site plan approval per Article 8 (Site Plan Review); and applications for tentative approval of a preliminary plat per the requirements of the Township's Subdivision Ordinance (Ord. No. 42).~~

B. Evaluation of Development Projects.

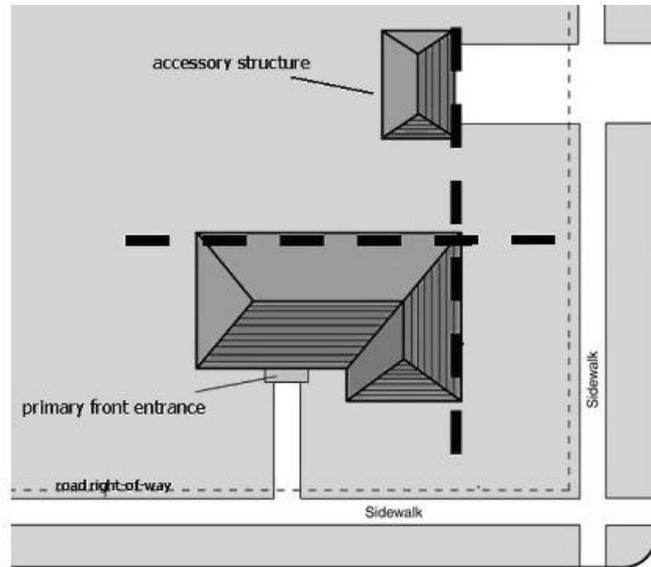
The Township Clerk shall promptly transmit a copy of the application and plans for any development project subject to this Section to the Fleming Creek Advisory Council, along with an invitation to provide written comments or advisory recommendations to the Planning Commission.

1. Where a Council member is determined to have a conflict of interest associated with the project, a summary of the conflict and any Council actions taken in response should be noted in the communication to the Planning Commission.
2. Any Fleming Creek Advisory Council comments, or advisory recommendations received by the Township Clerk in accordance with this Section shall be forwarded to the Planning Commission for consideration as part of the review process for the development project.
3. The Planning Commission may defer consideration of the Council's comments or advisory recommendations to review of a final site plan, final condominium site plan or final approval of a preliminary subdivision plat for the development project upon determination that the project has limited potential to adversely impact water resources in Fleming Creek.

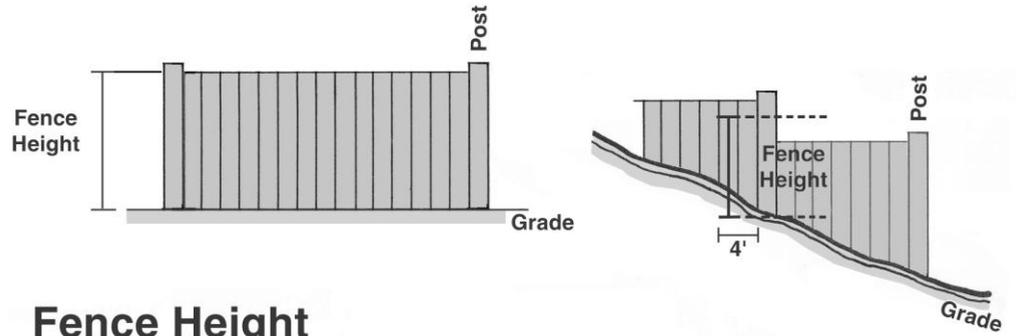
[amended 6/18/2018, Ord. 174-21]

ILLUSTRATIONS

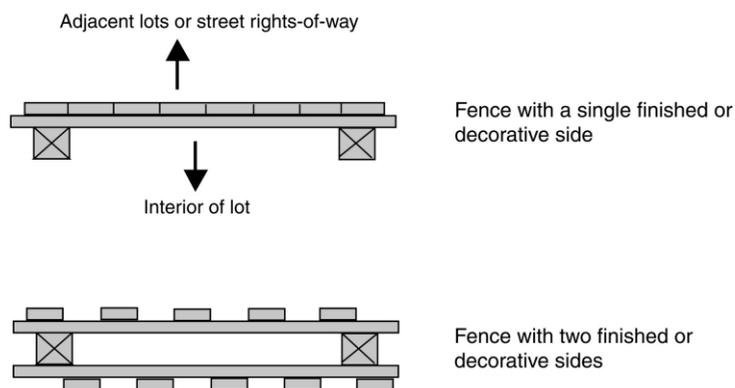
Commented [MM1]: Moved to general standards section



Accessory Structure Location on Corner Lot



Fence Height



Orientation of Finished Side - Top View

Section 13.03 Natural Features Protection.

This Section is intended to establish minimum regulations necessary to protect groundwater recharge and inflow areas, preserve quality of receiving surface waters and wetlands, minimize soil erosion and siltation, and preserve woodlands and individual trees.

A. Review Standards.

The Planning Commission shall consider and make findings of fact based upon the following criteria as part of the review of a development application subject to this Section:

1. Sufficient information has been provided to determine that the proposed development conforms to all applicable standards of this Section.
2. The standards for approval for the type of plan (e.g. preliminary site plan, final site plan, etc.) have been met by the applicant.
3. The protection and conservation of natural resources from pollution, impairment, or destruction is of paramount concern. Therefore, woodlands, trees, and other natural features regulated by this Section shall have priority over development when there are location alternatives on the development site for proposed structures and other improvements that would permit reasonable use and development of the land in accordance with this Ordinance and other Township ordinances.
4. The integrity of woodland areas and other natural features regulated by this Section will be maintained, regardless of whether such features cross property lines.
5. Where natural features regulated by this Section are proposed to be altered or removed, the applicant has demonstrated that all development options available under this Ordinance to preserve such features in a manner that would permit reasonable use and development of the land in accordance with this Ordinance and other Township ordinances, have been considered and pursued.
6. The proposed alteration and/or removal of natural features regulated by this Section is the minimum necessary to allow reasonable use and development of the parcel(s) in accordance with this Ordinance and other Township ordinances.
7. Proposed measures to mitigate the alteration and/or removal of natural features regulated by this Section are sufficient and conform to Ordinance requirements.

8. The proposed protection measures will minimize disturbance of preserved trees and woodlands and prevent damage to protected natural features from erosion and siltation and/or construction activities.
9. Where the proposed activity involves residential development, the residential structures shall be designed, located, and constructed in a manner that minimizes impacts upon and the need for mitigation of natural features.
10. Notwithstanding the foregoing, no application shall be denied solely on the basis that trees are growing on the parcel subject to review under this Section.

B. Watercourses and Wetlands.

The standards of subsection 13.03 B (Watercourses and Wetlands) shall apply to all parcels proposed for development requiring review and approval of a site plan, site condominium plan, subdivision plat, or Planned Community Development Plan under this Ordinance or other Township ordinances. The standards of this subsection shall also apply to development of a private road under the Township's Private Road Ordinance (Ord. No. 163) and any construction project requiring a certificate of zoning compliance under this Ordinance.

The following minimum setbacks from wetlands and certain watercourses shall be required for the purpose of protecting groundwater recharge and inflow areas, protecting the quality of receiving surface waters, and minimizing erosion and siltation:

1. **Setback from rivers and streams.** A minimum open space setback of fifty (50) feet shall be maintained from the ordinary high-water mark of any rivers and streams.
2. **Setback from wetlands.** A minimum open space setback of twenty-five (25) feet shall be maintained from the boundary or edge of any wetland, as defined and regulated in the Township Wetlands Ordinance (Ord. No. 135). Where a residential development subject to this Section includes common open space areas, the boundaries of individual single-family residential lots shall be located entirely outside of required wetland setback areas.
3. **Setback from county drains.** A minimum open space setback of twenty-five (25) feet shall be maintained from the boundary of any dedicated county drain easement not otherwise regulated by this subsection, or a minimum of fifty (50) feet from the centerline of any county drain without a dedicated easement. If a river or stream is also designated as a county drain, the standards for rivers and streams shall apply.
4. **Standards for such open space setback areas.** The following standards shall apply to all open space setback areas required under this subsection:
 - a. Detention basins and similar stormwater management facilities may be constructed within a required setback, provided that appropriate replacement plantings are provided and maintained.

Special Development Regulations Environmental Standards

- b. Docks and similar waterfront structures may be constructed within a required setback, subject to Michigan Department of Environmental Quality (MDEQ) regulations and applicable Township ordinances.
- c. Trails, paths, boardwalks, and similar passive recreational improvements may be constructed within a required setback, provided that appropriate measures are taken to minimize soil erosion.
- d. Farming operations and agricultural activities as regulated by the Right to Farm Act (P.A. 93 of 1981, as amended) and the Generally Accepted Agricultural Management Practices (GAAMPS) established by the Michigan Department of Agriculture shall be permitted within a required setback.
- e. The following activities shall be restricted within any open space setback area required under this subsection:
 - (1) Removal of trees and other vegetation shall be limited to removal of invasive or poisonous species and dead or diseased trees, and minimal land clearing and grubbing for activities permitted by this subsection.
 - (2) Fences may be placed within required setback areas, provided that no fence shall impede surface drainage or water flow.
 - (3) No road, driveway, sidewalk or similar improvement shall be located in a required open space setback, except to cross in a more or less perpendicular direction for the purpose of providing access to the property from an adjacent street right-of-way.
- f. The following activities shall be prohibited within any open space setback area required under this subsection:
 - (1) Drainage by ditching, underdrains, or other systems.
 - (2) Deposition of any materials, including soil, compost, gravel, garbage, concrete or asphalt debris, and other fill materials.
 - (3) Removal of soils or minerals.
 - (4) Construction or relocation of any parking lot, ground sign, dwelling, building, or other permanent structure.
- g. Before development, land clearing, filling, or any property alteration, the developer or builder shall provide and maintain suitable barriers such as snow fencing, cyclone fencing etc., to protect open space setback areas required under this subsection.

C. Slopes.

The standards of subsection 13.03 C (Slopes) shall apply to all parcels proposed for development requiring review and approval of a site plan, site condominium plan, subdivision plat, or Planned Community Development Plan under this Ordinance or other Township ordinances. The standards of this subsection shall also apply to the development of a private road under the Township's Private Road Ordinance (Ord. No. 163).

No development shall be permitted in areas where the soil is highly erodible, or in any area with existing steep slopes of twenty-five percent (25%) or greater. Land areas with slopes of at least twelve percent (12%) but less than twenty-five percent (25%) shall be subject to the following:

1. Where such land areas contain other natural features to be preserved in accordance with applicable provisions of this Section, the integrity and profile of such slopes shall also be maintained.
2. Where parcels containing such land areas abut rivers and streams, the integrity and profile of such slopes shall be maintained. Buildings may be built into such slopes, subject to compliance with the applicable requirements of this Ordinance, the State Construction Code, other Township ordinances, and Township engineering standards.
3. Other land areas with such slopes may be developed in accordance with this Ordinance, subject to the following:
 - a. Buildings may be built into such slopes, subject to the applicable requirements of the State Construction Code, other Township ordinances, and Township engineering standards.
 - b. Cut and fill activities within existing and planned road rights-of-way, and for public utility and other public improvements, shall be limited to the minimum necessary to comply with the applicable engineering standards of the Township and outside agencies with jurisdiction.
 - c. Retaining walls may be used to maximize preservation of existing slopes.
 - d. Except as otherwise provided in the foregoing subsections of this Section _____, the integrity and profile of the slope shall be maintained.

D. Floodplains.

The standards of subsection 10.03 D (Floodplains) shall apply to all parcels proposed for development requiring review and approval of a site plan, site condominium plan, subdivision plat, or Planned Community Development Plan under this Ordinance or other Township ordinances. The standards of this subsection shall also apply to the development of a private road under the Township's Private Road Ordinance (Ord. No. 163).

Where a description and delineation of floodplains is required in accordance with this Ordinance or other Township ordinances, the following shall apply:

1. Development shall be prohibited within the one hundred (100) year floodplain of any existing watercourse or wetland.
2. It shall be the applicant's responsibility to delineate the one hundred (100) year floodplain boundaries. Where there is any uncertainty, contradiction, or conflict as to the location of the floodplain boundaries, the final determination of the boundaries shall be made by the Township Engineer or designated wetlands consultant after referral from the Planning Commission.

E. Groundwater Recharge Areas.

The standards of subsection 10.03 E (Groundwater Recharge Areas) shall apply to all parcels proposed for development requiring review and approval of a site plan, site condominium plan, subdivision plat, or Planned Community Development Plan under this Ordinance or other Township ordinances.

Where a description and delineation of groundwater recharge areas is required in accordance with this Ordinance or other Township ordinances, the following shall apply:

1. Stormwater management facilities shall be designed to maintain or improve natural retention and infiltration characteristics of groundwater recharge areas.
2. Site plans shall delineate the location and extent of any contaminated soils or groundwater on the site or that may affect the proposed development.
3. The applicant shall demonstrate how the proposed site design and layout of uses on the development site will:
 - a. Preserve the groundwater recharge areas and the infiltration capacity of the soils;
 - b. Prevent polluted materials from infiltrating into groundwater;
 - c. Minimize impervious areas through site planning that makes most efficient use of paved, developed space and that maximizes open space areas; and
 - d. Manage stormwater runoff to maximize on-site infiltration and provide adequate pre-treatment and filtering of sediments and other impurities.
4. The Planning Commission may require the use of buffer zones to protect surface vegetation, or the installation and use of such other techniques it deems necessary to mitigate or retain stormwater runoff or protect groundwater recharge areas.

F. Woodlands and Tree Preservation.

The standards of subsection 10.03 F (Woodlands and Tree Preservation) shall apply to all parcels proposed for development requiring review and approval of a site plan, site condominium plan, subdivision plat, or Planned Community (PC) development plan under this Ordinance or other Township ordinances. The following tree and woodland preservation and mitigation standards shall apply to all developments subject to this Section:

1. **Intent.** Rapid growth and increasing demands upon natural resources have encroached upon, despoiled or eliminated many of the trees and other forms of vegetation, and associated processes, that constitute important physical, aesthetic, recreational, and economic assets to existing and future residents of the Township. Specifically, the Township finds that woodlands and trees:
 - a. Protect public health and safety by reducing noise and the mental and physical impacts of noise pollution; absorbing air pollutants and carbon dioxide; reducing flood risk and conserving surface water quality by minimizing soil erosion and siltation; providing buffering to reduce wind and storm impacts; and maintaining visual screening with its accompanying summer cooling effect.
 - b. Contribute significantly to the Township's general welfare by maintaining natural beauty, providing recreational and educational opportunities, and representing an irreplaceable heritage for existing and future residents.
 - c. Are matters of paramount public concern, as provided by the Michigan Constitution (1963, Article IV, Section 52), and the Natural Resource and Environmental Protection Act of 1994 (P.A. 451 of 1994, as amended).
2. **Purpose.** The woodlands and landmark tree preservation and mitigation standards of this Section are hereby established to:
 - a. Provide for the protection, preservation, replacement, proper maintenance, and use of trees and woodlands located in the Township; minimize disturbance; prevent damage from erosion and siltation and/or construction activities; and prevent loss of wildlife habitat and vegetation. In this regard, it is the intent of this Section to protect the integrity of woodlands as a whole, recognizing that woodlands serve as part of an ecosystem, and to place priority on preservation of woodlands and trees.
 - b. Protect the woodlands and trees of the Township, support local property values, and promote the natural beauty of the Township.
 - c. Prevent owners or developers of property from removing trees from land prior to or in anticipation of development.

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- d. Provide for the replacement of trees removed, where no reasonable alternative site development is available.
- e. Respond to public concern for preservation of natural resources in the interest of public health, safety and general welfare of Township residents.

3. **Required plan information.** The following required information shall be incorporated into the applicable development review processes of this Ordinance or other Township ordinances:

<u>Required Development Plan Information for Woodlands and Tree Preservation</u>	<u>Preliminary Plan</u>	<u>Final Plan</u>
<u>Required information shall be provided by a registered land surveyor, engineer or landscape architect, or a certified arborist, who shall verify the contents by seal or signature, whichever applies.</u>	●	●
<u>The most current available aerial photograph of the site, at a scale not less than one (1) inch equals one hundred (100) feet.</u>	●	●
<u>General evaluation of the quality of woodland areas and trees on and around the site by means of a reasonable sampling, including:</u> 1. <u>Diversity of tree species.</u> 2. <u>Tree sizes and density.</u> 3. <u>Health and vigor of the trees, including general documentation of dying and diseased trees by species and condition.</u> 4. <u>Soil conditions and drainage characteristics of the site.</u> 5. <u>Other factors such as the value of the woodland area as a scenic asset, wind block, noise buffer, or other environmental benefit.</u>	●	
<u>General assessment of trees in adjacent road-rights-of-way, and trees located beyond the lot boundaries that may be affected by development-related access or utility improvements, grading, or other changes; by means of a reasonable sampling with trees identified by location, size, and species.</u>	●	

<u>Required Development Plan Information for Woodlands and Tree Preservation</u>	<u>Preliminary Plan</u>	<u>Final Plan</u>												
<p>Tree inventory of all regulated trees as specified in Section _____, in a form acceptable to the Planning Commission, as follows:</p> <ol style="list-style-type: none"> 1. A topographical map at the same scale as the related site plan, plat or survey drawing for the division of the land. 2. All regulated trees shall be inventoried by field survey and shown on the topographical map by identifying tag number, type, location, and crown spread drawn to scale. 3. Existing trees and woodlands shall be superimposed on the related site plan, plat or survey drawing for division of land. 4. Groups of trees whose individual bases are located at a ground elevation within one (1) foot of each other may be shown as a group with the overall crown spread drawn to scale, with estimated number and size of each predominant species. 5. General outline and evaluation of woodlands outside the development site and not otherwise impacted by the development. Detailed inventory of such trees shall only be required where necessary to verify compliance with the minimum tree preservation requirements of this Section. 	●	●												
<p>Identify all regulated trees to be removed, relocated or preserved.</p>	●	●												
<p>Proposed locations of any existing trees to be relocated, together with a description of how such trees are to be removed, protected, and transplanted during land clearance, development, and construction; and how they are to be maintained after construction.</p>	●	●												
<p>A statement of compliance setting forth how existing trees to be preserved will be protected during land clearance and construction and on a permanent basis, thereafter, including proposed use of tree wells, protective barriers, directional drilling, retaining walls, etc.</p>	●	●												
<p>Invasive species information, including the general locations of the following invasive species, a description of the extent of growth, the condition and size range of such species on the site, and percentage of the site covered by such species:</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="text-align: center; padding: 5px;"><u>Common Name</u></th> <th style="text-align: center; padding: 5px;"><u>Species</u></th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;">Common (European) and Glossy Buckthorn</td> <td style="padding: 5px;"><i>Rhamnaceae family</i></td> </tr> <tr> <td style="padding: 5px;">Autumn Olive</td> <td style="padding: 5px;"><i>Elaeagnus umbellata</i></td> </tr> <tr> <td style="padding: 5px;">Honeysuckle</td> <td style="padding: 5px;"><i>Lonicera tartarica</i></td> </tr> <tr> <td style="padding: 5px;">Multiflora Rose</td> <td style="padding: 5px;"><i>Rosa multiflora</i></td> </tr> <tr> <td style="padding: 5px;">Phragmites</td> <td style="padding: 5px;"><i>Phragmites australis</i></td> </tr> </tbody> </table>	<u>Common Name</u>	<u>Species</u>	Common (European) and Glossy Buckthorn	<i>Rhamnaceae family</i>	Autumn Olive	<i>Elaeagnus umbellata</i>	Honeysuckle	<i>Lonicera tartarica</i>	Multiflora Rose	<i>Rosa multiflora</i>	Phragmites	<i>Phragmites australis</i>	●	●
<u>Common Name</u>	<u>Species</u>													
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Honeysuckle	<i>Lonicera tartarica</i>													
Multiflora Rose	<i>Rosa multiflora</i>													
Phragmites	<i>Phragmites australis</i>													
<p>A plan for eradication and control of these four (4) invasive species as part of the development project.</p>	●	●												

<u>Required Development Plan Information for Woodlands and Tree Preservation</u>	<u>Preliminary Plan</u>	<u>Final Plan</u>
<u>A general grading plan prepared by a registered engineer or land surveyor showing the anticipated drainage patterns, including the location of any areas where cut and fill operations are likely to occur and their potential impact on the viability of the existing trees.</u>	● —	● —
<u>A statement of compliance with the tree preservation and replacement tree requirements of this Section, including the numbers of regulated trees to be preserved and removed, percentages of regulated trees on the site before and after any removal, and all required calculations.</u>		● —
<u>Such other information and detail as may be required to demonstrate compliance with the requirements of this Section.</u>		● —

[amended 2/21/2017, Ord. 174-19]

4. Landmark and sovereign tree standards. A landmark tree, as regulated by this Section, shall be any tree that has a diameter at breast height (D.B.H.) of twenty-four (24) inches or greater; or that is of a type and D.B.H. equal to or greater than that shown on the following table. A sovereign tree, as regulated by this Section, shall be any tree that is registered on the National Big Tree Registry or a similar national or state registry accepted by the Planning Commission; that has been documented by the Township, a historian, or other means accepted by the Planning Commission to be closely associated with an event, person, or place of historical significance to the Township; or that is of a species and diameter at breast height (D.B.H.) equal to or greater than that shown on the following table:

<u>Common Name</u>	<u>Species</u>	<u>Landmark Tree D.B.H.</u>	<u>Sovereign Tree D.B.H.</u>
<u>Any tree species that has a diameter at breast height (D.B.H.) of at least:</u>		<u>24 inches</u>	
<u>Basswood</u>	<u><i>Tilia americana</i></u>	<u>18 inches</u>	<u>54 inches</u>
<u>Beech</u>	<u><i>Fagus grandifolia</i></u>	<u>18 inches</u>	<u>45 inches</u>
<u>Buckeye, Ohio</u>	<u><i>Aesculus glabra</i></u>	<u>18 inches</u>	
<u>Catalpa</u>	<u><i>Catalpa spp.</i></u>	<u>18 inches</u>	<u>45 inches</u>
<u>Cherry, Black</u>	<u><i>Prunus serotina</i></u>	<u>18 inches</u>	<u>54 inches</u>
<u>Elm, American</u>	<u><i>Ulmus americana</i></u>	<u>18 inches</u>	<u>50 inches</u>
<u>Fir</u>	<u><i>Abies spp.</i></u>	<u>18 inches</u>	
<u>Fir, Douglas</u>	<u><i>Pseudotsuga menziesii</i></u>	<u>18 inches</u>	
<u>Kentucky Coffee Tree</u>	<u><i>Gymnocladus dioicus</i></u>	<u>18 inches</u>	<u>40 inches</u>
<u>Pine</u>	<u><i>Pinus spp.</i></u>	<u>18 inches</u>	
<u>Sycamore or London Plane</u>	<u><i>Platanus spp.</i></u>	<u>18 inches</u>	<u>54 inches</u>
<u>Spruce</u>	<u><i>Picea spp.</i></u>	<u>18 inches</u>	
<u>Tulip-tree</u>	<u><i>Liriodendron tulipifera</i></u>	<u>18 inches</u>	<u>54 inches</u>
<u>Walnut, Black</u>	<u><i>Juglans nigra</i></u>	<u>18 inches</u>	<u>54 inches</u>
<u>Hickory, various</u>	<u><i>Carya spp.</i></u>	<u>16 inches</u>	<u>35 inches</u>
<u>Maple</u>	<u><i>Acer spp.</i></u>	<u>16 inches</u>	<u>48 inches</u>
<u>Oak</u>	<u><i>Quercus spp.</i></u>	<u>16 inches</u>	<u>48 inches</u>
<u>Birch</u>	<u><i>Betula spp.</i></u>	<u>12 inches</u>	<u>36 inches</u>
<u>Cherry</u>	<u><i>Prunus spp.</i></u>	<u>12 inches</u>	<u>36 inches</u>
<u>American Chestnut</u>	<u><i>Castanea dentata</i></u>	<u>Six (6) inches</u>	<u>18 inches</u>
<u>Butternut</u>	<u><i>Juglans cinerea</i></u>	<u>Six (6) inches</u>	<u>18 inches</u>

5. Tree preservation and replacement. Any development subject to this Section shall not conduct land clearing or grubbing activities; or remove, replace, transplant, damage, or destroy any woodland or individual tree regulated by this Section, except in accordance with the following:

<u>Standards for Tree Preservation and Replacement</u>		<u>Existing Trees</u>	<u>Replacement Trees</u>
<p>The following trees located within the lot boundaries, along with trees adjacent to the lot boundaries or in adjacent road rights-of-way where the drip line overlaps a lot boundary or right-of-way line, shall be considered to be regulated trees for purposes of this Section, and shall be replaced if removed in accordance with the following schedule:</p>			
<u>Regulated Trees</u>	<p style="text-align: center;"><u>Replacement Ratio</u> (number of replacement trees per removed tree)</p>	●	●

Special Development Regulations Environmental Standards

Standards for Tree Preservation and Replacement		Existing Trees	Replacement Trees
Coniferous (height)			
10.0 to 15.0 feet	one to one (1:1)		
15.01 to 30.0 feet	three to one (3:1)		
More than 30.0 feet	six to one (6:1)		
Landmark coniferous tree	one (1) tree per inch of removed tree D.B.H.		
Deciduous (D.B.H.)			
8.0 to 12.0 inches	one to one (1:1)		
12.01 to 16.0 inches	three to one (3:1)		
More than 16.0 inches	six to one (6:1)		
Landmark deciduous tree	one (1) tree per inch of removed tree D.B.H.		
Sovereign (D.B.H.)			
Sovereign tree	two (2) trees per inch of removed tree D.B.H.		
<p>A minimum of thirty percent (30%) of the total number of regulated trees as currently existing or that have existed on the subject site within the last five (5) years shall be preserved and left standing. This calculation shall be made based upon the number of regulated trees either within the:</p> <ol style="list-style-type: none"> 1. Defined area of the development site as shown on the development plan, where woodlands outside of this area and not otherwise impacted by the development will not be disturbed; or the 2. Lot boundaries of the development parcel, where all such trees have been included in the detailed tree inventory. <p>The Planning Commission shall consider preserved woodlands outside of the development site as part of determining whether the development plans conform to this requirement.</p>		●	
<p>No replacements shall be required for following trees otherwise regulated by this Section, subject to documentation and verification as part of the required plan information, and such trees shall not count towards the minimum required percentage of preserved trees:</p> <ol style="list-style-type: none"> 1. Dying and diseased trees. 2. Any invasive woody shrub species listed in Section _____. 3. Any of the following species of trees: Box Elder (acer negundo), Silver Maple (acer saccharinum), Cottonwood (populus deltoids), and Red Cedar (juniperus virginiana). 		●	●
<p>If regulated trees were removed within the past five (5) years, the Township Planner or designee shall use historical aerial photos and other available data to determine the number, characteristics, and extent of such trees; and the amount of additional tree mitigation required for such removed trees.</p>		●	●

Special Development Regulations Environmental Standards

Standards for Tree Preservation and Replacement	Existing Trees	Replacement Trees
<p>Regulated tree removal shall be limited to any of the following:</p> <ol style="list-style-type: none"> 1. When necessary for the location of a structure or site improvement where no reasonable alternative location for the structure or improvement can be identified, after consideration of all development options available under this Ordinance. 2. When necessary for the location of a structure or site improvement where no reasonable alternative location for the structure or improvement can be identified, after consideration of all development options available under this Ordinance. 3. Where necessary, as determined by the Township Engineer, to provide reasonable drainage on the site, and when no reasonable alternative drainage is available without the removal of the trees. <p>Land clearing shall be minimized and limited to designated road rights-of-way, drainage and utility easements, minimum building and driveway envelopes, and other minimum areas necessary for site improvements, considering the development options available under this Ordinance.</p>	● —	
<p>The Planning Commission may require that sovereign trees on a development parcel subject to this Section be preserved and incorporated into the proposed development and will consider creative arrangements and clustering of lots or development areas to preserve additional landmark and sovereign trees.</p>	● —	
<p>Regulated trees shall be tagged in the field, using non-corrosive metal tags, with by the identifying number designated on the required tree inventory.</p>	● —	
<p>All trees to be removed shall be so identified on site by fluorescent orange spray paint (chalk base) or by red flagging tape prior to any activity. Trees selected for transplanting shall be flagged with a separate distinguishing color.</p>	● —	
<p>Replacement trees shall be of the same or a more desirable species suitable for the habitat and location that is on the list of landmark trees in this Section or otherwise native to Michigan, except those listed in Section 14.10H (Prohibited Plant Materials).</p> <p>Trees of such species that are otherwise required by this Ordinance for screening or buffering purposes may also be used to satisfy up to fifty percent (50%) of the replacement tree requirements of this Section.</p>		● —
<p>Replacement trees shall conform to Section _____ (General Plant Material Standards) and Section _____ (Standards for Size and Variety of Plant Materials). Such trees shall be:</p> <ol style="list-style-type: none"> 1. Nursery grown or comparable relocated from the same lot. 2. Tree spade transplanted while in the dormant state or, if not in the dormant state, balled and burlapped with a solid, well laced root ball when in the dormant state. Burlap to be removed or cut open at planting. 3. Number I grade, with a straight, unsecured trunk and a well-developed uniform crown (park grade acceptable). 		● —

Special Development Regulations Environmental Standards

Standards for Tree Preservation and Replacement	Existing Trees	Replacement Trees
The location of any replacement tree shall be on the same parcel as the removed tree wherever feasible, as determined by the Township. If tree replacement on the same parcel is not feasible, the Township may: <ol style="list-style-type: none"> Accept an alternative planting location in the Township; or Allow a deposit into a tree-planting fund maintained by the Township in an amount acceptable by the Township, based upon the current retail market value for the tree replacement, to be utilized for planting, maintenance, and preservation of trees and woodland areas in the Township. 		● —
Replacement trees shall be approved through inspection by the Zoning Inspector or designated representative.		● —

6. **Installation and maintenance.** Installation, care, and maintenance of all existing trees and replacement trees subject to the requirements of this Section shall conform to the requirements of Section _____ (Plant Material Installation and Maintenance), and the following:

Installation and Maintenance Requirements	Existing Trees	Replacement Trees
Replacement and transplanted trees shall be staked, fertilized, watered, and mulched to ensure their survival in a healthy, growing condition and replaced at the developer’s expense if they die within three (3) years.	● —	● —
Prior to the issuance of the first building permit, the developer shall post a performance guarantee with the Township [per Section (Performance Guarantee)] in an amount estimated by the developer and approved by the Township Engineer to ensure preservation or installation of required trees for a period of three (3) years from the date of receiving written notification from the developer that the last required tree has been planted or preserved, and has been inspected by the designated Township official.	● —	● —
The developer shall be responsible for replacing any tree used to satisfy the replacement requirements of this Section determined by the developer, Zoning Inspector or designated Township representative to be diseased, dead or dying within three (3) years after installation.	● —	● —
The developer shall be responsible for replacing any regulated tree determined by the developer, Zoning Inspector or designated Township representative to have been damaged due to on-site construction activity, or that is determined to be diseased, dead, dying, or otherwise destroyed or removed within three (3) years after final approval of a site plan or subdivision plat. Such identified tree(s) shall be replaced in accordance with the replacement ratio specified in this Section.	● —	● —

Special Development Regulations Environmental Standards

<u>Installation and Maintenance Requirements</u>	<u>Existing Trees</u>	<u>Replacement Trees</u>
<u>Three (3) years after all trees have been planted within the development, the Township shall release the guarantee, less any funds needed to complete required tree replacement.</u>	● —	● —
<u>After this initial three (3) year period, the developer or any successor entity responsible for common area maintenance shall be responsible for replacing any healthy regulated tree or replacement tree within a general common element or other common area of the development determined by the Zoning Inspector or designated Township representative to have been damaged, destroyed or otherwise removed from the site. Such identified tree(s) shall be replaced in accordance with the replacement ratio specified in this Section. No replacements shall be required for dead or diseased trees.</u>	● —	● —
<u>Road rights-of-way, utility easements, and large land areas separate from the construction or land-clearing area may be cordoned by placing stakes a minimum of fifty (50) feet apart and tying ribbon, plastic tape, or other brightly visible materials at least thirty (30) inches above the ground from stake to stake along the outer perimeter of areas to be cleared.</u>	● —	
<u>Protected area around preserved trees shall be defined by the drip line of all woodlands and individual trees designated to remain, plus an area outside of the drip line defined by a parallel boundary line placed a minimum of five (5) feet outward from the drip line. Such areas around preserved trees shall be protected before and during development, filling, land clearing, or any property alteration or construction activity.</u>	● —	
<u>Protective barriers of wood, metal, or other suitable materials (such as snow fencing, cyclone fencing, etc.) acceptable to the Township Engineer shall be placed parallel to the outer perimeter of each protected area.</u>	● —	
<u>No person shall conduct any construction activity; place, park or store solvents, building materials, equipment, soil, gravel, debris, vehicles, trailers, temporary structures or similar items; or attach a device or wire to any remaining tree within such protected areas except to cordon off such areas as required.</u>	● —	
<u>Protective barriers shall remain in place and be maintained in proper condition until the Township authorizes their removal or issues a final certificate of occupancy, whichever occurs first.</u>	● —	
<u>Removal of brush, invasive species, and other land grubbing activities within the protected area of a landmark tree or sovereign tree shall be done by hand. No tracked or motorized vehicles or machinery shall be permitted within this area.</u>	● —	

7. Additional tree removals. Additional removal of regulated trees resulting from review or approval of construction plans or outside agency permits or approvals, or any action by the developer following final development plan approval, shall be subject to the requirements of this Section. Tree

replacement shall not be required for removal of regulated trees from within a road right-of-way by written order of the county or state road authority with jurisdiction for traffic safety purposes; or from within the boundaries of an adjoining parcel of land by the independent action of a landowner not associated with the development subject to this Section.

8. **Woodland protection.** In accordance with Master Plan objectives and policies for woodlands protection, developers of land subject to this Section are encouraged to conserve woodlands through the use of conservation easements, inclusion of such areas within the development's general common elements or other common areas, or by other methods of long-term protection.

~~—The official Township Woodland Map is on file at the Township offices, and all notations, references, and information shown thereon shall be as much a part of this Section as if fully described herein.~~

~~—If, because of problems with scale or detail, there is any ambiguity as to whether a particular area is a part of a woodland, that determination shall be made by or through the direction of the Planning Commission.~~

9. **Verification of plan information.** The Township may engage the services of a landscape architect, certified arborist or other consultant whose expertise the Township values to confirm the accuracy of the tree survey and related documentation of compliance with this Section before a final decision is made. Such expenses shall be subject to reimbursement by the applicant per Section 13.09 (Fees and Performance Guarantees).

10. **Inspections.** To ensure compliance with this Section, the Township may perform periodic inspections of subject lots or parcels prior to mass grading and during all phases of construction and development, as well as for up to three (3) calendar years after completion of the development project. The Township may employ a landscape architect, certified arborist or other consultant whose expertise the Township values to verify compliance with the approved final site plan, and to inspect and verify the health and condition of any tree designated to remain, any transplanted tree, and any replacement trees under this Section. The applicant shall incur all costs associated with such inspections [amended 6/16/2014, Ord. 174-15].

Section 13.04 Water Supply and Sanitary Sewerage Facilities.

Dwellings, lots, and principal buildings for which provision of a potable water supply or a sanitary sewage disposal facility is required by state or county regulation or otherwise necessary before occupancy by any use permitted under this Ordinance shall be subject to the following:

1. **Connection to public water and sewer required.** The following structures and uses shall be connected to publicly owned and operated sanitary sewage and water supply systems:
 - a. All dwelling units in the Urban Residential Districts.
 - b. All buildings in the Medical Services (MS) District.
 - c. All buildings in the ~~Business Districts~~, Neighborhood Commercial district, Planned Manufacturing (PM) District, and all other zoning districts located within an Urban Service Area as defined in the adopted Growth Management Plan.

Individual lots in such zoning districts in existence at the time of adoption of this Ordinance may use independent, on-site wells and septic systems approved by the Washtenaw County Environmental Health Division if publicly owned and operated sanitary sewerage and water supply systems are not available.

2. **Private community wastewater systems (PCWS).** Private wastewater systems (PCWS) for sanitary sewage treatment shall be prohibited in all zoning districts except as part of a Planned Community (PC) District and in compliance with the Private Community Wastewater System Ordinance (Ord. No. 166, as amended.)
3. **Screening standards for sewage treatment and disposal facilities.** In addition to any state or county requirements, all private community wastewater facilities and publicly owned and operated sewage treatment and disposal facilities and operations shall be completely enclosed by a fence not less than six (6) feet high. Such facilities and operations shall be surrounded on all sides by a buffer strip at least two hundred (200) feet wide within which dense evergreen screening shall be placed in accordance with Section 12.03 (Landscaping, Screening and Land Use Buffers) to screen the installation from view.

Section 13.05 – Fleming Creek Area Developments.

The intent of this Section is to provide for additional evaluation of new development projects for RESIDENTIAL USES or COMMERCIAL USES on land within the Fleming Creek Watershed. This Section is not intended to stifle creativity in site design, or to restrict development that conforms to the requirements of this Ordinance.

A. Scope.

The Fleming Creek Advisory Council may evaluate and make advisory recommendations to the Planning Commission regarding development plans for new RESIDENTIAL USES or COMMERCIAL USES on sites within the Fleming Creek Watershed, as defined in Article 2.0 (Definitions).

~~Development plans subject to this Section shall include applications for preliminary site plan or preliminary condominium site plan approval per Article _____ (Site Plan Review); and applications for tentative approval of a preliminary plat per the requirements of the Township's Subdivision Ordinance (Ord. No. 42).~~

B. Evaluation of Development Projects:

~~The Township Clerk shall promptly transmit a copy of the application and plans for any development project subject to this Section to the Fleming Creek Advisory Council, along with an invitation to provide written comments or advisory recommendations to the Planning Commission.~~

~~Where a Council member is determined to have a conflict of interest associated with the project, a summary of the conflict and any Council actions taken in response should be noted in the communication to the Planning Commission.~~

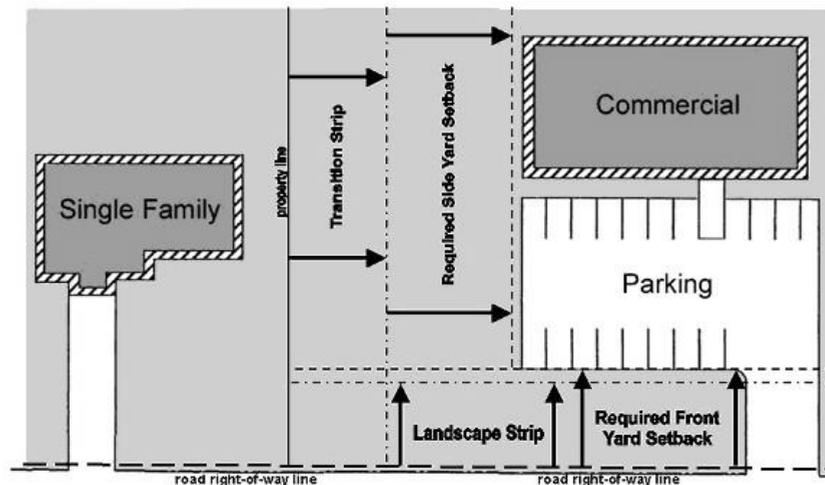
~~Any Fleming Creek Advisory Council comments, or advisory recommendations received by the Township Clerk in accordance with this Section shall be forwarded to the Planning Commission for consideration as part of the review process for the development project.~~

~~The Planning Commission may defer consideration of the Council's comments or advisory recommendations to review of a final site plan, final condominium site plan or final approval of a preliminary subdivision plat for the development project upon determination that the project has limited potential to adversely impact water resources in Fleming Creek.~~

[amended 6/18/2018, Ord. 174-21]

ILLUSTRATIONS

Commented [MM2]: Moved to landscaping section



Transition and Landscape Strips