

Sharon Township

Washtenaw County, Michigan

Ordinance Code Book

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Chapter I

Zoning

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PREAMBLE

An Ordinance enacted by the Township under Public Act 184 of 1943, as amended, to provide for the establishment of zoning districts within which the proper use of land and natural resources may be encouraged or regulated by Ordinance, and within which district provisions are adopted designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that shall be required for, and the maximum number of families that may be housed in dwellings, buildings, and structures; to provide for administration and amendments of said Ordinance; to provide for appeals and for the organization and procedures to be followed by the Zoning Board of Appeals; and to provide for penalties for the violation of said Ordinance.

Article 1
TITLE and PURPOSE

Section 1.01 Title

This Ordinance shall be known and cited as the Sharon Township Zoning Ordinance.

Section 1.02 Purpose

It is the purpose of this Zoning Ordinance to promote the public health, safety, and general welfare of the inhabitants of Sharon Township by encouraging the use of lands and natural resources in accordance with their character, adaptability and suitability for particular purposes; to enhance social and economic stability; to prevent excessive concentration of population; to reduce hazards due to flooding; to conserve and stabilize the value of property; to provide adequate open space for light and air; to prevent fire and facilitate the fighting of fires; to allow for a variety of residential housing types and commercial and industrial land uses; to lessen congestion on the public streets and highways; to facilitate adequate and economical provision of transportation, sewerage and drainage, water supply and distribution, education, recreation and other public services and facilities; to assure adequate provision of the state's citizens for food, fiber, energy and other natural resources, including the preservation of farmland resources; to ensure appropriate locations and relationships for uses of land; and to facilitate the expenditure of funds for adequate public facilities and services to conform with the most advantageous uses of land, resources, and property, and any other purpose permitted by the Township Zoning Act.

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End of Article 1

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Article 2
INTERPRETATION, SEVERABILITY, VESTED RIGHT,
REPEAL, and EFFECTIVE DATE

Section 2.01 Interpretation

A. In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements adopted for the promotion of the public health, safety, prosperity and general welfare. Unless specifically provided for, it is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of building or land, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or structures or land than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control.

B. This Ordinance is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provision of this Ordinance shall govern.

Section 2.02 Severance Clause

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision thereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid. Further, if any court shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot use building or structure not specifically included in said ruling.

Section 2.03 Vested Right

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

Section 2.04 Repeal

All ordinances and amendments thereto enacted and/or adopted by the Township by virtue of Act 184 of the Public Acts of 1943, as amended, are hereby repealed as of the effective date of this Ordinance. This repeal does not affect or impair any act done, offense committed or right accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time it was enforced, prosecuted or inflicted.

Section 2.05 Effective Date

This Ordinance shall take effect seven (7) days following adoption and upon publication of a notice of adoption in accordance with the provisions and procedures of the Township Zoning Act, PA 184 of 1943, as amended. Made and passed by the Township Board of the Township of Sharon, Washtenaw County, Michigan on this ____ day of _____, 2006.

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End of Article 2

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Article 3
ADMINISTRATION, ENFORCEMENT, and PENALTIES

Section 3.01 Purpose

It is the purpose of this Article to provide for the administration of this Ordinance and the creation of a review and permit process. The primary permit process shall require the issuance of one permit which shall be the Zoning Permit. Issuance of a Zoning Permit shall indicate that the uses and plans for which the Zoning Permit is requested comply with this Ordinance.

Section 3.02 Responsibility for Administration

The administration and enforcement of this Ordinance shall be the responsibility of the Township Board, the Planning Commission, and such personnel as designated by the Township Board in accordance with P.A. 184 of 1943, as amended, the "Township Zoning Act", and this Ordinance. The Township Board shall appoint a Zoning Administrator who shall act as an officer in the administration and enforcement of this Ordinance.

Section 3.03 Duties of the Zoning Administrator

A. It shall be the responsibility of the Zoning Administrator to enforce the provisions of this Ordinance and in doing so shall perform, at a minimum, the following:

1. **Issue Permits:** The Zoning Administrator shall issue permits when all applicable provisions of this Ordinance have been met and approval has been granted by the proper body or official.
2. **File of Applications:** The Zoning Administrator shall maintain files of all permit applications, and shall keep a record of all permits issued.
3. **Inspections:** The Zoning Administrator shall be empowered to make inspections of buildings or premises in order to carry out the enforcement of this Ordinance. No person shall molest, hinder, or interfere with the Zoning Administrator in the discharge of his/her duties.
4. **Record of Complaints:** The Zoning Administrator shall keep a record of every complaint of a violation of any of the provisions of this Ordinance, and of the action taken consequent to each complaint.
5. **Reports:** The Zoning Administrator shall report to the Planning Commission and Township Board periodically, as requested by such bodies, on activities pertaining to the issuance of Zoning Permits and complaints of violation and actions taken on such complaints.

B. Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance, nor to vary the terms of this Ordinance while carrying out the duties prescribed herein.

Section 3.04 General Permit Procedures and Regulations

A. Zoning Permit/Building Permit Required for Construction: No excavation shall be initiated, no building shall be erected, altered, moved or structural alterations initiated, including but not limited to porches, decks, or similar fixtures with a permanent location, and no building permit shall be issued, until a Zoning Permit has been issued by the Zoning Administrator and, where required, a Building Permit has been issued by the Building Inspector. No Zoning Permit shall be issued for any building or use of land where the construction, addition, alteration, or use thereof would be in violation of this Ordinance, except upon written order of the Zoning Board of Appeals (ZBA) or by order of a court of competent jurisdiction.

B. Plot Plan / Site Plan: An application for a Zoning Permit shall include the submittal of a Plot Plan or Site Plan. The preparation and review of such submittal shall comply with the provisions of Article 4. Upon approval of the plot plan or site plan, a Zoning Permit shall be issued except as may be provided otherwise in this Ordinance.

C. Special Land Use: In addition to meeting the site plan requirements of Article 4 (Plot Plan and Site Plan Review Procedures), a Zoning Permit application for a use classified as a "special land use" within the subject zoning district shall be processed according to the provisions of Article 5.

D. Application Fees: Fees for review of development proposals, inspections and the issuance of permits or certificates required under this Ordinance shall be deposited with the Township Clerk, or in the case of a dwelling with the Zoning Administrator, in advance of processing any application or issuance of any permit. No application for approval for which a fee is required shall be processed until the fee is deposited. The amount of such fees shall be established by the Township Board by resolution and shall cover the cost of inspection and administration

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resulting from the enforcement of this Ordinance. Such fees may include but are not limited to all costs associated with

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conducting a public hearing or inspection, including the newspaper notice, postage, photocopying, staff time, Planning Commission and/or ZBA time, mileage, and any costs associated with reviews by qualified professionals including professional planners and/or engineers.

E. Zoning Permit Issuance, Withholding, Expiration, and Revocation.

1. Issuance: Whenever the buildings, structures, and uses as set forth in any application are in conformity with the provisions of this Ordinance, or a variance granted by the ZBA, the Zoning Administrator shall issue the appropriate permit. A performance guarantee may be required as a condition to the issuance of any Zoning Permit in order to insure conformance with the requirements of this Ordinance (see Section 3.07). In any case where a permit is refused, the reasons shall be stated in writing to the applicant.
2. Withholding Permit: The Zoning Administrator may withhold any Zoning Permit pending verification that an applicant has received required county, state or federal permits including but not limited to septic and water well permits; soil erosion and sedimentation control permits; wetlands permits; flood plain and culvert permits; and driveway permits. Likewise, wherever this Ordinance authorizes permit approval by the Planning Commission or Township Board, the Planning Commission or Township Board may condition final approval of the requested development activity upon the receipt of any of the above mentioned county, state or federal approvals and/or direct the Zoning Administrator not to issue a Zoning Permit until said permits from other agencies have been obtained.
3. Expiration of Permit: A permit shall become null and void after one (1) year from the date of granting such permit unless the development proposed or activity authorized shall have passed its first building inspection by the Building Inspector. Upon expiration, the permit shall be renewable only upon reapplication, subject to the provisions of all ordinances in effect at the time of renewal. This subsection shall apply to all permits issued pursuant to this Ordinance.
4. Revocation: The Zoning Administrator shall have the power to revoke or cancel any Zoning Permit in case of failure or neglect to comply with any provisions of this Ordinance, or in the case of any false statement or misrepresentation made in the application. The owner or his agent shall be notified of such revocation in writing. Upon such revocation, all further construction activities and usage shall cease upon the site, other than for the purpose of correcting the violation. The Zoning Administrator may issue a stop work order to halt all construction activities and usage pending a decision on revocation of said permit. Failure to terminate the use for which the permit was revoked, other than for the purpose of correcting the violation is declared to be a nuisance per se and a violation of this Ordinance. Revocation of a permit issued for a special land use or variance shall not occur until a hearing has been held by the body which granted the permit.

F. Other Permits: The issuance of a Zoning Permit does not relieve an applicant of the obligation to apply for and obtain all other required permits whether required by the Township or any other government agency having jurisdiction.

G. Certificate of Occupancy: No structure or use shall be occupied without first receiving a Certificate of Occupancy from the Building Inspector. The Building Inspector shall confer with the Zoning Administrator prior to issuing a Certificate of Occupancy to confirm all site improvements conform to this Ordinance. In the case where the Building Code exempts certain structures or uses from requiring a Building Permit, such exempt structures and uses shall not be occupied without first receiving a Certificate of Occupancy from the Zoning Administrator certifying that such structures and uses are in conformance with this Ordinance.

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Section 3.05 Violations and Enforcement Procedures

- A. Violations are Nuisances Per Se:** Any violation of this Ordinance is declared to be a nuisance per se.
- B. Notice of Violation:** The Zoning Administrator shall inspect each alleged or apparent violation. Whenever the Zoning Administrator determines that a violation of this Ordinance exists, the Zoning Administrator shall issue a Notice of Violation, in writing, that specifies all circumstances found to be in violation. A Notice of Violation or stop order posted by the Zoning Administrator on a structure shall not be removed without written authorization from the Zoning Administrator.
- C. Service of Notice:** Such notice shall be directed to each owner of, or a party in interest, in whose name the property appears on the last local tax assessment records. All notices shall be served upon the person to whom they are directed personally, or in lieu of personal service, may be mailed by certified mail, return receipt requested, addressed to such owner or party in interest at the address shown on the tax records.
- D. Stop Work Order:** The Zoning Administrator may issue a stop work order to halt all construction activities and/or usage pending the resolution of the alleged violation. Failure to terminate such construction activities and/or usage, other than for the purpose of correcting the violation, is declared to be a nuisance per se and a violation of this Ordinance.
- E. Violation Correction Period:** All violations shall be corrected within the time period specified on the Notice of Violation, as deemed appropriate in the reasonable discretion of the Zoning Administrator, but not less than 5 days nor more than 6 months.
- F. Legal Action:** If the owner or party in interest fails to correct the violation within the time period specified by the Zoning Administrator or disregards a stop work order, the Zoning Administrator shall notify the Township Board and the Township Board shall thereafter direct the Township Attorney to take appropriate legal action. If the threat to public health and or safety necessitates immediate action, this procedure may be circumscribed and the Township Board may initiate injunctive action in Circuit Court or any such other remedy provided by Law (*see Section 3.06*).

Section 3.06 Penalties and Remedies

- A. Violations as Misdemeanors:** Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with variances, approved site plans, zoning permits, or other authorizations under this Ordinance, shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500) or imprisoned for not more than ninety (90) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
- B. Persons Liable:** The owner of record or tenant of any building, structure, premises, or part thereof, and any architect, building contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- C. Remedies:**
1. In addition to the filing of criminal proceedings for violations of this Ordinance, the Township Board may commence civil suit seeking injunction, specific performance, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any violations of this Ordinance. The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine, or jail sentence or both shall not exempt the violator from compliance with the provisions of this Ordinance.
 2. In the event the Township commences civil suit pursuant to this Section and it is determined that a zoning violation has occurred, in addition to any other remedies to which the Township shall be entitled, it shall also be entitled to recover from the violator its actual attorney fees and costs incurred in enforcing the provisions of this Ordinance.

Section 3.07 Performance Guarantee for Compliance

- A. Purpose:** Where required by this Ordinance, and in those situations where an applicant is required to perform some act, the non-performance of which will, in the opinion of the Township Board, adversely impact the health, safety or welfare of the community, the applicant shall be required to furnish the Township a performance guarantee to: (1) insure compliance with the requirements, specifications and conditions imposed with the grant of such approval, permit or variance; (2) insure the discontinuance of a temporary use by a stipulated time; and/or (3)

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provide sufficient resources for the Township to complete required improvements or conditions in the event the permit holder does not, or otherwise ensure the site does not pose a public health, safety, or welfare threat.

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B. Requirements of Guarantee: The performance guarantee shall meet the following requirements:

1. **Improvements Covered:** Improvements that shall be covered by the performance guarantee include, but are not necessarily limited to: streets and other roadways, utilities, fencing, screening, landscaping, common open space improvements, lighting, drainage and sidewalks
2. **Form:** The performance guarantee shall be in a form acceptable to the Township Clerk, which names the property owner as the obligor and the Township as the obligee. If appropriate, based on the type of performance guarantee submitted, the Township shall deposit the funds in an account in a financial institution with which the Township regularly conducts business.
3. **Amount and Time Required:** The amount of the performance guarantee should be sufficient to cover one hundred percent (100%) of the estimated cost of the improvements or conditions, according to a detailed cost estimate submitted by the applicant and approved by the requiring body or official. After approval of the detailed cost estimate by the requiring body or official, the performance guarantee shall be submitted at the time of issuance of the permit authorizing the activity of the project.

C. Return of Performance Guarantee: The following procedure shall be followed in the return of performance guarantees:

1. **Request for Payment:** As required improvements are completed, or when all of the required improvements have been completed, the applicant shall send written notice to the Zoning Administrator of completion of said improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and shall transmit recommendation to the Township Board indicating either approval, partial approval, or rejection of the improvements or conditions with a statement of the reasons for any rejections. If partial approval is indicated, the cost of the improvement or condition rejected shall be set forth.
2. **Approval of Payment:** The Township Board shall either approve, partially approve or reject the improvements or conditions with the recommendation of the Zoning Administrator's written statement and shall notify the obligor in writing of the action of the Township Board. Where approval or partial approval is granted, the Township Board shall release the approved payment to the applicant. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement or condition. The Township Board shall withhold thirty percent (30%) of the performance guarantee to be rebated until such time that the applicant submits an accurate set of "as-built" drawings upon project completion.
 - a. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion adequately sufficient to secure provision of the improvements not yet approved.

D. Record of Performance Guarantees: A record of authorized performance guarantees shall be maintained by the individual or body designated by the Township Board.

Section 3.08 Professional and Outside Agency Review of Applications

A. Review of Applications: For any application for a Zoning Permit, variance, or other use or activity requiring a permit or other approval under this Ordinance, a reviewing or approving body may obtain the input of qualified professionals and outside agencies, prior to taking action on such permit or approval, regarding information pertaining to the extent of the project's conformance or nonconformance with this Ordinance, and may identify problems which may create a threat to public health, safety or the general welfare, mitigation measures or alterations to a proposed design that may lessen or eliminate identified impacts, and recommendations for action. Such professionals and outside agencies may include, but are not limited to professional planners, engineers, attorneys, County Road Commission, County Drain Commissioner, Fire Department, and County Health Department. A professional review shall result in a report to the Township, a copy of which shall be forwarded to the applicant.

B. Fees: Where a reviewing or approving body desires the input of a qualified professional(s) in association with an approval under this Ordinance, such body may require the payment of a professional review fee. The fee schedule shall be established by Township Board resolution and the fee shall be paid prior to taking action on the permit or approval. The applicant is entitled to a refund of any unused professional review fee at the time a permit is either issued or denied. If actual professional review costs exceed the amount of the fee, the applicant shall pay the balance due prior to receipt of any permit or approval issued in response to the applicant's request.

End of Article 3

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Article 4
PROCEDURES for PLOT PLAN and SITE PLAN REVIEW

Section 4.01 Purpose

It is the purpose of this Article to specify standards, application and data requirements, and the review process which shall be followed in the preparation of site plans and plot plans as required by this Ordinance. These procedures are incorporated into the Zoning Permit application process to ensure that the Zoning Administrator, Planning Commission, and Township Board is afforded an opportunity to review and evaluate proposed uses of sites with regard to such considerations as parking and vehicular circulation, drainage, screening, signage, impacts on abutting and nearby properties, and conformance with all applicable provisions and standards of this Ordinance.

Section 4.02 Approval of Site Plan or Plot Plan Required

A. Township Board Approval for Site Plans: Prior to the issuance of a Zoning Permit, site plan approval is required by the Township Board for the following uses and associated structures and buildings, and the initiation of any construction activities in association with such uses, structures or buildings:

1. All uses permitted by right within any commercial or industrial zoning district.
2. All special land uses as specified in each zoning district.
3. All uses for which this Ordinance requires five (5) or more off-street parking spaces.
4. All non-residential principal uses in any District that permits residential or agricultural uses.
5. All developments in wetlands or one hundred (100) year floodplains, including individual single family homes, for which a permit is required by the Department of Environmental Quality.
6. All planned unit developments.
7. Multiple family dwellings.
8. All subdivisions subject to the platting requirements of P.A. 591 of 1996, the Land Division Act, as amended.
9. All condominium subdivisions subject to P.A. 59 of 1978, the Condominium Act, as amended.
10. All other uses as required elsewhere in this Ordinance.

B. Zoning Administrator Approval for Plot Plans: Prior to the issuance of a Zoning Permit, plot plan approval is required by the Zoning Administrator for all other uses and associated structures and buildings not listed in Section 4.02 (A) above, including single family and two-family dwellings not addressed under (A)(5) above, and the initiation of any construction activities in association with such uses, structures or buildings.

Section 4.03 Plot Plan Review Procedures

A. Data Required: An accurate, readable, scale drawing showing the following shall be submitted with applications for Zoning Permits for uses requiring plot plan review.

1. Name, address and telephone number of the applicant (and owner if different).
2. Legal description of the lot.
3. The location, shape, area and dimensions of the lot.
4. Dimensioned location, outline, and dimensions of all existing and proposed structures.
5. A description of proposed use(s) of the building(s), land and structures.
6. Any other information deemed necessary by the Zoning Administrator to determine zoning ordinance compliance and provide for the enforcement of this Ordinance.

B. Review: The Zoning Administrator shall review the application materials for completeness and compliance with the standards of this Ordinance. If such materials are not complete pursuant to Section 4.03(A) or do not adequately portray proposed construction and use of the property, the materials shall be returned to the applicant with a written notice identifying the inadequacies or otherwise disapproved. Upon receipt of completed and adequate application materials, the Zoning Administrator shall review the plot plan and determine its conformity with the applicable provisions of this Ordinance.

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C. Action: After conducting a review, the Zoning Administrator shall reject, approve, or conditionally approve the plot plan as it pertains to requirements and standards contained in the Zoning Ordinance. Any conditions required by the Zoning Administrator in association with an approved plot plan shall be stated in writing and shown on the plot plan, together with the reasons, and delivered to the applicant. The decision by the Zoning Administrator shall be made within thirty (30) days of the receipt of complete and adequate application materials. A plot plan shall be approved if it contains the information required by law, and is in compliance with this Ordinance.

D. Approved Plot Plans: At least three (3) copies of an approved plot plan, with any conditions contained within, shall be maintained as part of the Township records for future review and enforcement. One (1) copy shall be returned to the applicant. For identification of the approved plans, each copy shall be signed and dated with the date of approval by the Zoning Administrator. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals (ZBA), the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the plot plan and delivered to the applicant for information and direction.

Section 4.04 Site Plan Review Procedures

A. Preliminary Site Plan Application Required: Prior to preparing a detailed final site plan and seeking approval of such site plan, the applicant shall seek approval of a preliminary site plan for the purpose of receiving approval of the general design and layout of the project. A preliminary site plan shall be submitted as part of a Zoning Permit application for all uses listed in Section 4.02(A).

1. **Preapplication Meeting:** Prior to the submission of a preliminary site plan, the applicant may request a meeting with the Chairperson of the Planning Commission and the Township Supervisor, together with such consultants and local officials and staff as either the Township or the applicant deem appropriate. The purpose of the meeting is to inform township officials of the general theme for the proposed development and to provide the potential applicant with information regarding land development policies, procedures, standards and requirements of the Township in terms of the proposed development. Statements made in the course of a preapplication conference shall not be legally binding commitments. At a preapplication conference (or conferences) for a preliminary site plan, the applicant may present plans that provide an overview or concept of the proposed project.

B. Preliminary Site Plan Submittal, Distribution and Data: Applications for preliminary site plan approval shall be submitted to the Township Clerk on a form for that purpose. Upon receipt of the plans and zoning permit application forms, the Township Clerk shall record the date of their receipt and transmit copies to the Planning Commission, Township Board, and other agencies or individuals selected to review such plans. The preliminary site plan application shall include the following:

1. Twenty (20) copies of a completed Zoning Permit application form, available from the Township Clerk.
2. Twenty (20) copies of the preliminary site plan at a scale of not less than one (1) inch equals one-hundred (100) feet. The preliminary site plan shall be provided on a professional quality drawing and all information depicted shall be designed by a professional engineer, land surveyor, or landscape architect licensed in Michigan and the seal of such designer shall be affixed. The plan shall provide the following minimum information except where the Planning Commission determines that certain specific data is not necessary in rendering a sound and educated decision on the specific site plan before it. The waiving of such data requirements by the Planning Commission shall not preclude the Township Board from requiring such data be submitted. The required information shall be of such accuracy and clarity to afford officials the ability to determine the plan's conformance with this Ordinance. The Township Board may deny approval of the application if the site plan does not include the required information.
 - a. Name, address and telephone number of the applicant, owner (if different from applicant), and designer/engineer, and owner's signed consent for preliminary site plan approval application if the applicant is not the owner.
 - b. Scale, north arrow, and date of plan.
 - c. A legal description of the property in text form and a property line survey illustrating dimensions, bearings, and lot area.
 - d. Existing natural features such as soils, woodlands, streams, flood plains, wetlands, drains, lakes or ponds, and topography at two (2) foot intervals with a designation of grades in excess of 12%.
 - e. Existing and proposed public rights-of-way, private easements, and deed restrictions.
 - f. Existing and proposed accessory and principal structures and buildings including their approximate location, dimensions, height, number of floors, square footage, and use, and a designation of existing structures and buildings to be retained and removed.
 - g. Proposed open space and recreation areas, including location, size and use.

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- h. Proposed parking areas, including location, number and typical dimensions of spaces, aisle widths, angle of spaces, and surface type.
- i. Approximate areas of intended fill or cut.
- j. Existing zoning classification and use of the parcel and surrounding properties including the location of all buildings and drives within one hundred fifty (150) feet of the parcel, the delineation of the parcel's required yards and proposed lot coverage by percent, and the density of development and lot area per dwelling in the case of a residential development.
- k. Approximate location, shape and size of proposed signs.
- l. A conceptual landscape plan indicating the locations of plant materials to be preserved and locations of proposed planting and screening, fencing, and lighting.
- m. General description of proposed potable water and sewage disposal measures, and a conceptual plan addressing how storm water is to be collected and discharged, including general location of any retention and/or detention areas and approximate points of discharge for all drains.
- n. A local vicinity sketch showing the location of the site in relation to the surrounding street system.
- o. Description of ground-water recharge areas located on property and rough delineation of their borders.
- p. Identification of any significant views onto or from the site to or from adjoining areas.
- q. Conceptual elevation drawings of all buildings.
- r. Identification of the extent, quantities, and types of explosive, flammable, or otherwise hazardous materials that may be used or created, and the measures to be used for proper handling, storage, and disposal of such materials.
- s. Documentation of the availability and capacity of sewage facilities and potable water to handle the anticipated volumes and types of wastes and potable water needs.
- t. Such other information as is necessary to enable the Planning Commission or Township Board to determine whether the proposed site plan conforms to the provisions of this Ordinance. Such information may include the submittal of a report on the anticipated environmental impact of the project, prepared pursuant to the requirements of the National Environmental Protection Agency or other agency as determined appropriate.

C. Preliminary Site Plan Action:

1. After conducting a review, the Planning Commission shall recommend to the Township Board denial, approval, or conditional approval of the site plan as it pertains to requirements and standards contained in the Zoning Ordinance, including the standards of Section 4.05. Any recommended conditions for approval shall be stated in writing, together with the reasons.
2. The Township Board shall take final action on the preliminary site plan and shall deny, approve, or approve with conditions such plan. The preliminary site plan shall be approved if it contains the information required by, and is in compliance with this Ordinance, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes. Any conditions required by the Township Board for approval shall be stated in writing, together with the reasons, and delivered to the applicant.
3. Approval of the preliminary site plan is valid for a period of one (1) year. If a complete final site plan for the development, or any phase of the development, has not been submitted during that period, the approval of the preliminary site plan shall be null and void. This time limit may be extended by the Township Board upon its finding that no substantial changes have occurred to abutting properties or applicable regulations that suggest substantial revisions to the layout and/or design of the development. Preliminary site plans whose approval has expired shall be required to resubmit and be processed for approval according to this Section.
4. The Township Board shall have the authority to approve a preliminary site plan as a final site plan if it finds that the preliminary plan includes all necessary data and portrays such data in sufficient detail and accuracy to verify that such plans are in compliance with all standards of the Ordinance. However, such preliminary plan shall be submitted and acted upon by the Planning Commission prior to Township Board action.

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D. Final Site Plan Submittal, Distribution and Data: Applications for final site plan approval shall be submitted to the Township Clerk on a form for that purpose. Upon receipt of the plans and zoning permit application forms, the Township Clerk shall record the date of their receipt and transmit copies to the Planning Commission and Township Board, and other agencies or individuals selected to review such plans. The final site plan application shall include the following:

1. Twenty (20) copies of a completed application form, available from the Township Clerk.
2. Twenty (20) copies of the final site plan at a scale of not less than one (1) inch equals one-hundred (100) feet. The final site plan shall be provided on a professional quality drawing and all information depicted shall be designed by a professional engineer, land surveyor, or landscape architect licensed in Michigan and the seal of such designer shall be affixed. The plan shall provide the following minimum information in addition to that information required by Section (B) above except where the Planning Commission or Township Board determines that certain specific data is not necessary in rendering a sound and educated decision on the specific site plan before it. The waiving of such data requirements by the Planning Commission shall not preclude the Township Board from requiring such data be submitted. The required information shall be of such accuracy and clarity to afford officials the ability to determine the plan's conformance with this Ordinance. The Township Board may deny approval of the application if the site plan does not include the required information.
 - a. Final engineering plans for all proposed on-site and off-site improvements that adequately portray the manner in which the proposed improvements are to be constructed and the assurance of the public health, safety and welfare. Plans shall include, but shall not necessary be limited to:
 - 1) Storm water management plans and specifications addressing how storm water is to be collected and discharged, for both paved and unpaved surfaces, including but not limited to pipe dimensions, elevations of pipes, inverts, and discharge points, and retention and detention basins and grading thereof.
 - 2) Utility plans and specifications addressing facilities designed to provide, collect, store, dispose of, and/or transport potable water, waste water and sewage, including pipes, drains, sumps, holding tanks, and easements that exist or are proposed to be established for installation, repair and maintenance of such utilities.
 - 3) Utility plans not otherwise addressed in (2) above, and any easements that exist or are proposed to be established for installation, repair and maintenance of utilities.
 - 4) Soil erosion and sedimentation control plans.
 - 5) Road and parking lot plans including the location and alignment of all proposed streets, drives and parking areas; plan and profile specifications; surface type and width, and typical cross sections; location and typical details of curbs; turning lanes; surface elevations and grades of all entries and exits; and curve-radii.
 - 6) Grading plan, showing finished contours at a minimum interval of two (2) feet, and correlated with existing contours so as to clearly indicate cut and fill required and where finished contour lines connect to existing contour lines. Proposed spot elevations shall be illustrated at sufficient frequency to assure proposed storm water management measures.
 - 7) Lighting plans including location, type and height of all fixtures and measures to limit off-site illumination.
 - 8) Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by government authorities.
 - b. Elevation drawings of all buildings and structures.
 - c. Proposed location of free stranding and wall signs, including type, size, area, height and construction characteristics.
 - d. A landscaping plan indicating the locations of plant materials to be preserved and locations of proposed planting and screening, fencing, and lighting in compliance with the requirements of Article 17, Landscaping and Screening.
 - e. Location of proposed outdoor trash container enclosures including their size and typical elevation showing materials and dimensions.
 - f. Proposed easements to be recorded, including but not limited to easements for access, utilities, and conservation.
 - g. Such other information as is necessary to enable the Township Board to determine whether the proposed site plan will conform to the provisions of this Ordinance.

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E. Final Site Plan Recommendation by Planning Commission: The Planning Commission shall review the final site plan and determine its conformity with the applicable provisions of this Ordinance and the provisions of Section 4.05. After conducting a review, the Planning Commission shall recommend to the Township Board to deny, approve, or conditionally approve the final site plan as it pertains to requirements and standards contained in the Zoning Ordinance, including the standards of Section 4.05. Any conditions recommended by the Planning Commission for approval shall be stated in writing.

F. Final Site Plan Action by Township Board: The Township Board shall review the application and plans and determine their conformity with the applicable provisions of this Ordinance and the provisions of Section 4.05. After conducting a review, the Township Board shall deny, approve, or conditionally approve the final site plan as it pertains to requirements and standards contained in the Zoning Ordinance, including the standards of Section 4.05. A site plan shall be approved by the Township Board if it contains the information required by, and is in compliance with this Ordinance, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes. Any conditions required by the Township Board for approval shall be stated in writing, together with the reasons, and delivered to the applicant.

G. Approved Site Plans: Three (3) copies of the approved site plan, with any conditions contained within shall be maintained as part of the Township records for future review and enforcement. One (1) copy shall be returned to the applicant. Each copy shall be signed and dated with the date of approval by the Township Supervisor, for identification of the approved plans. If any variances from the Zoning Ordinance have been obtained from the ZBA, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the site plan and delivered to the applicant for information and direction.

Section 4.05 Plot Plan and Site Plan Approval Standards

A. Plot Plan: Each plot plan shall conform with all applicable provisions of this Ordinance.

B. Site Plan: Each preliminary and final site plan shall conform with the provisions of this Ordinance including requirements pertaining to lot area, setbacks, lot width, and permitted uses, and the standards listed below. A preliminary site shall be evaluated according to the level of information required at the preliminary site plan level.

1. All elements of the Plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings, and coordinated with existing and planned public improvements. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property.
2. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree, other vegetative material, and soil removal, and by topographic modifications which are in keeping with the general appearance of adjacent and surrounding uses and development. Organic, wet, or similar soils that present severe limitations to development shall remain generally undisturbed.
3. The removal of storm waters shall not increase off-site sedimentation or otherwise adversely affect neighboring properties due to flooding.
4. All buildings or groups of buildings shall be so arranged as to permit emergency access by some practical means to all sides.
5. The movement of vehicular and pedestrian traffic within the site and in relation to access streets and sidewalks shall be safe and convenient. Every principal building shall have access to a public or private road, walkway, or other area dedicated to common use.
6. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way according to the standards of the County Road Commission.
7. All parking areas shall be so designed to facilitate efficient and safe vehicular and pedestrian circulation, minimize congestion at access and egress points to intersecting roads, including the use of service drives as appropriate, and to minimize the negative visual impact of such parking areas.
8. Commercial and industrial development shall not include unnecessary curb cuts and shall use shared drives and/or service drives unless precluded by substantial practical difficulties.
9. All phased projects shall be phased in a logical sequence and no phase shall require the completion of another phase for adequate public services and utilities.
10. The site plan shall provide for the appropriate location of all necessary and proposed utilities. Locational requirements shall include underground facilities to the greatest extent feasible.
11. Site plans shall conform to all applicable requirements of state and federal statutes.

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12. The applicant shall demonstrate that reasonable precautions will be made to prevent hazardous materials from entering the environment including:
 - a. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan ground water discharge permit.
 - b. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to ground water, including direct and indirect discharges, shall be allowed without required local, state and federal permits.
13. A final site plan shall be in general conformance with the approved preliminary site plan.

Section 4.06 Conformity to Approved Site Plan and Plot Plan

Property which is the subject of plot plan or site plan approval shall be developed in compliance with the approved plan and any approved changes thereto. If construction and development does not conform with such approved plans, the approved Zoning Permit shall be revoked by the Zoning Administrator pursuant to Section 3.04(E)(4). Upon revocation of such approval, all construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation.

Section 4.07 Changes to Approved Site Plan and Plot Plan

A. Site Plan Changes: No changes shall be made to an approved site plan prior to, during, or after construction except according to the following procedures;

1. **Major Changes:** Major changes to an approved site plan shall include changes in excess of five (5) feet in the location of walkways, vehicular circulation ways and parking areas, or exterior building and structure walls; the number and location of accesses to public streets and alleys; a reduction or increase in the number of parking spaces; an increase in the gross floor area or heights of buildings or number of dwelling units; a reduction in open space; and similar changes. Major changes shall require approval in the same manner as the original site plan application was submitted, reviewed, and approved and subject to the finding of all of the following:
 - a. Such changes will not adversely affect the initial basis for granting approval;
 - b. Such changes will not adversely affect the overall project in light of the intent and purpose of such development as set forth in this Article; and
 - c. Such changes shall comply with applicable minimum standards of this Ordinance.
2. **Minor Changes:** Minor changes to an approved site plan shall include changes not otherwise included as a major change in (A)(1) above and may be approved by the Zoning Administrator. Approved changes shall be clearly specified in writing and signed by the Zoning Administrator. The Zoning Administrator shall keep accurate records of approved changes. The Zoning Administrator may defer action to the Township Board.

B. Plot Plan Changes: The Zoning Administrator shall review proposed changes to an approved Plot Plan in the same manner as the original plot plan application was submitted, reviewed, and approved.

Section 4.08 As-Built Drawings

A. The applicant shall provide as-built drawings of all roads, sanitary sewer, water, and storm sewer lines and all appurtenances, underground storage facilities and utilities which were installed on a site for which a final site plan was approved. The drawings shall be submitted to the Township Clerk and shall be approved by the Township Engineer prior to the release of any performance guarantee or part thereof covering such installation.

B. The as-built drawings shall show, but shall not be limited to, such information as road plan and profile specifications; the exact size, type, and location of pipes; location and size of manholes and catch basins; location and size of valves, fire hydrants, tees and crosses; depth and slopes of retention basins; and location and type of other utility installations. The drawings shall show plan and profile views of all sanitary and storm sewer lines and plan views of all water lines.

C. The as-built drawings shall show all work as actually installed and as field verified by a professional engineer or a representative thereof. The drawings shall be identified as "As-Built Drawings" in the title block of each drawing and shall be signed and dated by the owner of the development or the owner's legal representative and shall bear the seal of a professional engineer.

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End of Article 4

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Article 5
SPECIAL LAND USE PROCEDURES and STANDARDS

Section 5.01 Purpose

It is the purpose of this Ordinance to provide a set of procedures and standards for specific uses of land or structures that will allow, on one hand, practical latitude for the landowner or developer, but that will, at the same time, promote the intent and purpose of this Zoning Ordinance, and insure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land uses. In order to provide control and reasonable flexibility, this Article delineates procedures for the detailed review of certain specified types of land use activities which, because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. Land uses and structures possessing these characteristics may be authorized within certain zoning districts by the issuance of a Zoning Permit for a Special Land Use.

Section 5.02 Procedures

A. Application, Hearing, Standards, and Action: An application for a Zoning Permit for any special land use or structure identified as such in a particular zoning district shall be accompanied by a site plan according to Article 4. Action on the permit application and site plan shall be submitted and processed according to the same procedures for site plan approval pursuant to Article 4, including the forwarding of a recommendation by the Planning Commission to the Township Board for final action, except as otherwise specified or clarified below:

1. **Public Hearing:** Prior to the Planning Commission forwarding a recommendation of action to the Township Board regarding the application and preliminary site plan, the Planning Commission shall hold a public hearing on the application and preliminary site plan.
 - a. Upon certification that the application materials are complete, the Planning Commission shall publish a notice of public hearing on the special land use application which shall:
 - 1) Describe the nature of the special land use request.
 - 2) Indicate the property which is the subject of the special land use request.
 - 3) State when and where the request will be considered.
 - 4) Indicate when and where written comments will be received concerning the request.
 - b. Notice shall be published in a newspaper of general circulation in the Township and shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to which real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet. Notice shall be given not less than five (5) and not more than fifteen (15) days before the public hearing.
 - 1) If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
2. **Decision and Basis:** The Planning Commission's recommendation to the Township Board regarding action on the application and preliminary and final site plan, and the Township Board's action on the same, shall refer to and be guided by the site plan standards set forth in Section 4.05, the general special land use standards of Section 5.06, and the specific special land use standards included in other Sections of this Article. The Township Board shall deny, approve, or approve with conditions the application for special land use approval. Its decision shall be incorporated in a statement of conclusions relative to the special land use under consideration, and shall specify the basis for the decision and any conditions imposed.
 - a. No special land use application shall be approved that would result in more than one (1) special land use on a single parcel. The Township Board approval of a special land use application for a parcel on which a special land use already exists shall provide for the voidance of the existing permit.

B. Voidance of Permit due to Non-Use: A Zoning Permit for a special land use or structure shall become null and void upon a finding by the Township Board that the special use has been abandoned or otherwise not operated for a period of twelve (12) consecutive months.

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Section 5.03 Appeal to Circuit Court

An appeal on a special land use application is not subject to appeal to the Zoning Board of Appeals and shall be taken to the Circuit Court only.

Section 5.04 Reapplication

A. No application for a Zoning Permit for a special land use which has been denied wholly or in part shall be resubmitted until the expiration of one (1) year from the date of such denial, except on the grounds of newly-discovered evidence or proof of changed conditions that the Township Board finds has direct bearing upon the basis for the final action taken on the original application, and only then pursuant to the provisions of Section 5.02.

1. For the purposes of this Section, "changed conditions" shall be limited to one or more of the following:
 - a. a substantial change in the proposed intensity of the use of the site as reflected in gross floor area, building size(s), impervious surface, and or other site development features, where the Township Board finds that such changes have significant bearing upon the basis for the Township Board's previous action.
 - b. a substantial change in surrounding conditions, such as land use, development patterns, and infrastructure, where the Township Board finds that such changes have significant bearing upon the basis for the Township Board's previous action.
2. For the purposes of this Section, "newly discovered evidence" shall be evidence not previously submitted which the Township Board finds has significant bearing upon the basis for the Township Board's previous action.

Section 5.05 Changes

A. Site Plan: The site plan, as approved, shall become part of the record of approval, and subsequent actions shall be consistent with the approved site plan. Changes to the approved Site Plan shall comply with the application and review procedures of Section 4.07.

B. Use or Activity: A change in the character of the use or activity from what the originally approved Zoning Permit authorized shall not occur until such change is applied for and approved according to the application and review procedures of this Article and all other applicable sections of this Ordinance. Changes requiring a new application and review procedure include, but shall not be limited to:

1. the addition or reduction of land to the legal description of the original special land use permit property;
2. the establishment of another special land use;
3. the addition of more sales or service area, or the addition of dwelling units; and
4. an expansion or increase in intensity of use.

Section 5.06 General Approval Standards

A. Each application for a special land use shall be reviewed for the purpose of determining that the land use or activity which may be authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use. An application for a special land use shall be denied except upon a finding that all of the following standards have been met by the application:

1. The proposed special use shall be harmonious with and in accordance with the general objectives, intent, and purposes of this ordinance.
2. The proposed special use shall be designed, constructed, operated, maintained, and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.
3. The proposed special use shall be served adequately by essential public facilities and services, such as: highways, streets, police and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
4. The proposed special use shall not be hazardous or disturbing to existing or future neighboring uses.
5. The proposed special use shall not create excessive additional requirements at public costs for public facilities and services.

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Section 5.07 Bed and Breakfast

A. The following site and developmental requirements shall apply:

1. No bed and breakfast use shall be permitted within a subdivision plat or condominium development, or on any property where there exists another bed and breakfast use within one thousand (1,000) feet, measured as a straight line distance between the closest lot lines.
2. One (1) parking space per room to be rented shall be provided on site, in addition to the parking required for a single family dwelling. Parking shall be arranged so as not to pose negative impacts on adjacent properties or necessitate on-street parking.

B. Special Performance Standards:

1. The bed and breakfast facility shall be a single family dwelling which is operated and occupied by the owner of the dwelling.
2. Meals may be served to overnight guests only. No separate or additional kitchen facilities shall be provided for the guests.
3. The number of bedrooms available for use by guests shall not exceed six (6).
4. No receptions, private parties or activities for which a fee is paid shall be permitted except as may be expressly authorized in association with a conditional approval.
5. The establishment shall contain at least two (2) exits to the outdoors.
6. Rooms utilized for sleeping must be part of the primary residential structure.
7. No transient occupant shall reside on the premises for more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) year.
8. Lavatories and bathing facilities shall be available to all persons using the premises.
9. Each sleeping room shall be equipped with a smoke detector.
10. The exterior appearance of the structure shall not be altered from its single family character.

Section 5.08 Commercial Stables

A. The following site and developmental requirements shall apply:

1. A commercial stable shall not be established on any lot less than ten (10) acres in area.
2. Commercial stables shall provide off-street parking at a minimum of one parking space per two (2) animals, based on the number of horse stalls or maximum number of horses that can be accommodated in the stable.
3. Commercial stables shall not be located in platted subdivisions or condominium subdivisions unless specifically designed as an equestrian community.
4. Stables and buildings housing horses shall be set back a minimum of fifty (50) feet from any lot line.
5. A vegetative strip of at least one-hundred (100) feet wide shall be maintained between any animal holding area, manure pile, or manure application area and any surface water or well head. In areas with slopes of over five percent (5%), the Township Board may increase setbacks in order to minimize runoff, prevent erosion, and promote nutrient absorption.

B. Special Performance Standards:

1. The facility shall be constructed and maintained so that dust and drainage from the stable will not create a nuisance or hazard to adjoining property or uses.
2. Manure shall be removed and/or applied in accordance with the Michigan Commission on Agriculture's Generally Accepted Agricultural Management Practices and County Health Department regulations.
3. No special events such as shows, exhibitions, and contests shall be permitted within one hundred (100) feet of a residentially used or residentially zoned property, including the parking of cars and viewing areas.

Section 5.09 Vehicle / Car Wash Establishment

A. The following site and developmental requirements shall apply:

1. All washing activities shall be carried on within an enclosed building, or under a covered structure with side walls separating individual washing bays.
2. Vacuuming activities shall be set back a minimum of seventy-five (75) feet from property zoned or used for residential purposes.
3. All maneuvering lanes and stacking lanes shall be located on the site and shall provide sufficient room to avoid waiting cars encroaching into a road right-of-way.

B. Special Performance Standards:

1. Each bay shall be graded and drained to collect run-off originating in the bay.

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2. Trash containers shall be provided and emptied as necessary to minimize the accumulation of litter.

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Section 5.10 Vehicle Repair Shops and Service Stations

- A.** The following site and developmental requirements shall apply:
1. The site shall be no less than two hundred (200) feet from any place of public assembly, including any hospital, sanitarium, school, church or other institution. Measurement shall be the closest distance between exterior lot lines.
 2. All underground storage tanks shall comply with all rules and regulations of the State of Michigan, including those pertaining to required setbacks from wells, secondary containment, and monitoring.
 3. No more than two (2) driveways onto a roadway shall be permitted per site. Driveway approach width shall not exceed thirty-five (35) feet.
 4. All gasoline pumps shall comply with the minimum setback requirements for principal buildings in the District.
 5. The entire area used for vehicle service shall be paved and adequately drained.
- B. Special Performance Standards:**
1. Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure.
 2. Vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall not be maintained on the property for more than thirty (30) days. Such vehicles shall not be parked or stored in a front or side yard, and shall be screened.
 3. A car wash may be established as part of the principal structure or as a separate structure but shall conform to all setback requirements for a principal structure.
 4. Vehicle renting or leasing in association with a repair facility may exist only as an accessory use to the principal repair activities, and only upon approval of a site plan delineating such rental/lease area and the type and maximum number of vehicles to be stored on the site for such purpose.

Section 5.11 Shooting Ranges

- A. Site, Development and Performance Standards for Shooting Ranges.**
1. Minimum lot area shall be forty (40) acres for outdoor shooting activities. The Township Board may require additional acreage where site characteristics, surrounding land uses, and/or the proposed type(s) of firearms warrant, in order to minimize the potential for a projectile to cross a property line.
 2. Minimum front, side and rear yard setbacks for outdoor shooting ranges shall be two hundred fifty (250) feet.
 3. A minimum eight (8) foot high fence shall be provided around the entire area devoted to or used for the outdoor shooting of firearms to assure that individuals will not unknowingly trespass on the property.
 4. A site plan for the range, whether indoor or outdoor, shall be submitted clearly indicating all safety provisions to assure that any projectile discharged within the confines of a shooting range shall not carry into or over an adjacent district or area.
 5. The Township Board may submit a copy of the site plan to law enforcement agencies for review and comment.
 6. All indoor and outdoor activities, including the shooting of projectiles and storage of projectiles, shall comply with the most current published standards and guidelines of the National Rifle Association.
 7. Hours of outdoor operation shall be between sunrise and sundown, according to such times as published by the National Weather Service.

Section 5.12 Extraction, Soil Removal and Mining Operations

- A.** Extraction, soil removal and mining operations may be permitted in certain districts, as specified in this ordinance, subject to the following:
1. Grant of a special land use approval and permit by the Planning Commission does not authorize the applicant to proceed with development of the site and commencement of mining activities. Should the Planning Commission grant special land use approval, the applicant shall proceed with application for a license to operate under the Mineral Extraction Ordinance.
 2. In the event a special land use permit is granted, the permit shall automatically lapse and be null and void, unless a mineral extraction license is issued within 12 months of the date of issuance of the special land use permit. This 12-month period can be extended for an additional 12 months upon application to the Planning Commission.

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3. Since an extractive operation requires the issuance of a mineral extraction license pursuant to the Sharon Township Mineral Extraction Ordinance and since the Mineral Extraction Ordinance requires site plan review as a part of the process of issuing a license, the site plan approval normally required by section 4.01 shall be deemed granted upon issuance of the mineral extraction permit.

Section 5.13 Day Care Facility, Group Home

A. The following site and developmental requirements shall apply:

1. A group home day care facility shall not be located closer than fifteen-hundred (1,500) feet to any of the following facilities as measured along a street, road, or other public thoroughfare, excluding an alley:
 - a. Another group home day care facility licensed by the State of Michigan.
 - b. A adult foster care group home licensed by the State of Michigan.
 - c. A facility offering substance abuse treatment and rehabilitation services to seven (7) or more people which is licensed by the State of Michigan.
 - d. A community correction center, resident home, halfway house or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.

B. Special Performance Standards:

1. All outdoor play areas shall be enclosed with fencing, a minimum of four (4) feet high.
2. The property, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the neighborhood. A group day care home should not require exterior modifications to the dwelling nor shall the front yard be the location of play equipment.
3. One identification sign shall be permitted. Such sign face shall not be greater the two (2) square feet, shall be mounted flush to a wall, made of a material that is compatible with the dwelling unit, and shall not be illuminated. Sign text shall be limited to the name of the facility and an address.
4. At least one (1) off-street parking space shall be provided for each non-family employee of the group day care home in addition to the parking normally required for the residence. A driveway may be used for this purpose. An off-street drop-off area is to be provided with the capability to accommodate at least two (2) automobiles in addition to the parking required for non-family employees of the dwelling and the parking normally required for the residence.
5. Hours of operation shall not exceed sixteen (16) hours in a twenty-four (24) hour period.

Section 5.14 Drive-In and Drive-Through Facilities

A. The following site and developmental requirements shall apply:

1. Access to and egress from a drive-in establishment shall be arranged for the free flow of vehicles at all times, so as to prevent the blocking or endangering of vehicular or pedestrian traffic through the stopping or standing of vehicles on sidewalks or streets.
2. Ingress and egress driveways shall be located at least seventy-five (75) linear feet from any corner when said property abuts an intersection of two streets. Further, no driveway shall be located nearer than fifty (50) feet, as measured along the property line, to any other driveway providing access to or from the drive-in business. All driveways providing ingress and egress to a drive-in business shall be not more than twenty-four (24) feet wide at the property line.
3. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of five (5) stacking spaces for the service ordering station shall be provided.

Section 5.15 Migrant Agriculture Labor Housing

A. The following site and developmental requirements shall apply:

1. Minimum parcel area used for agricultural production in association with the seasonal agricultural labor housing shall be sixty (60) acres, and the labor housing shall be located on such minimum sixty (60) acre agricultural production parcel.
2. Labor housing facilities shall be located a minimum of one hundred (100) feet from all property lines and in no case shall such housing be located in the front yard of a principal dwelling.

B. Special Performance Standards

1. The special land use permit shall terminate at such time as the occupants of such housing do not satisfy this Ordinance's definition for "migrant agriculture labor housing."

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Section 5.16 Junkyards

A. The following site and developmental requirements shall apply:

1. The minimum lot size shall be ten (10) acres.
2. A solid fence, wall or earthen berm at least eight (8) feet in height shall be provided around all sides of the area used to store junk. Such fence, wall or berm shall be of sound construction, painted or otherwise finished neatly and inconspicuously.
3. No portion of the enclosed area shall be located within 1,000 feet of a school, day care facility, church, hospital, convalescent or nursing home, or Residential District.
4. All enclosed areas shall be set back at least fifty (50) feet from any lot line. A landscaped buffer strip at least fifty (50) feet in width shall be provided adjacent to such enclosed areas.
5. Adequate parking and unloading facilities shall be provided at the site so that no loaded vehicle at any time stands on a public right-of-way awaiting entrance to the site.

B. Special Performance Standards:

1. All activities shall be confined to within the enclosed area including any: storage of materials; stockpiling of materials; disassembly of materials, parts, and vehicles; and the storage or parking of all equipment and inoperative vehicles. There shall be no stocking of material above the height of the fence, wall, or berm, except that moveable equipment used on the site may exceed that height.
2. All roads, driveways, parking lots, and loading and unloading areas within any junk yard shall be paved, watered, or chemically treated so as to limit the nuisance caused by wind-borne dust on adjoining lots and public roads.
3. The operation shall be licensed by the Michigan Secretary of State to sell used vehicle parts or tow non-operational vehicles.
4. Any materials listed on the Michigan Critical Materials Register require secondary containment and a Pollution Incident Protection Plan filed with the Michigan Department of Environmental Quality.
5. No inoperable vehicle shall be maintained on the site for more than forty-eight (48) hours except where all fluids in such vehicle, including but not limited to fuels, oils, and coolants, are fully drained. Such fluids shall be disposed of in accordance with all local, county, state and federal regulations.

Section 5.17 Kennels

A. The following site and developmental requirements shall apply:

1. The lot shall be at least ten (10) acres in size.
2. Kennels shall not be located in a subdivision plat or condominium subdivision.
3. Buildings where animals are kept, runs, and exercise areas shall not be located nearer than one-hundred feet (100) to a side or rear lot line and three hundred (300) feet to a public right-of-way.

B. Special Performance Standards:

1. All kennels shall be operated in conformance with all applicable county, state and federal regulations.
2. All animals must be licensed and maintained in a healthful and careful manner.
3. The kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized.
4. Habitual barking or unusual noise from the kennel which results in a nuisance to neighboring land owners or residents is prohibited.
5. Exercise yards, when provided for training or exercising, shall not be used between the hours of 10:00 p.m. and 7:00 a.m.
6. During the hours of 7 a.m. until 10 p.m. animals shall be permitted in outdoor runs or pens. Animals shall be kept confined and not allowed to run at large on the property, except as part of supervised training.
7. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease or offensive odor.

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Section 5.18 Mini Storage Facilities

A. The following site and developmental requirements shall apply:

1. One (1) parking space shall be provided for each twenty (20) rental units within the buildings, and one (1) parking space shall be provided for each employee.
2. There shall be a minimum of thirty-five (35) feet (forty-five (45) feet if the driveway is two-way) between warehouses for driveway, parking, and fire lane purposes. Where no parking is provided within the building separation areas, said building separation need only be twenty five (25) feet. Traffic direction and parking shall be designated by signaling or painting.

B. Special Performance Standards:

1. No retail, wholesale, fabrication, manufacturing, or service activities may be conducted from the storage units by the lessees.
2. Chain link security fencing shall be permitted along all property lines subject to any required setbacks.
3. Storage spaces shall not contain more than 400 square feet each.
4. All storage shall be within the enclosed building area unless specifically provided for otherwise as part of an approved site plan, as in the case of the storage of recreational vehicles. No outdoor storage shall occur within fifty (50) feet from any right-of-way.
5. The exterior of mini-storage buildings shall be of finished quality and maintained so as not to be offensive to adjacent property or abutting roads.
6. No storage of hazardous, toxic, or explosive materials shall be permitted at the facility. Signs shall be posted at the facility describing such limitations.

Section 5.19 Private Landing Strips

A. The following site and developmental requirements shall apply:

1. Landing strips shall be situated on a parcel of at least twenty (20) acres in size.
2. The landing strip shall be a minimum of one thousand two hundred feet in length and shall be free of obstructions for a minimum distance of fifty (50) feet to both sides of the landing strip, as measured from the centerline of the landing strip, and for a distance at the end of the landing strip to allow a clear approach slope of 20:1. The ends of a landing strip shall be a minimum of seven hundred (700) feet from a property line.

B. Special Performance Standards:

1. The private landing strip shall not be operated for commercial gain or in any way involve the payment of fees.
2. Approval of landing strips shall not be made prior to the submittal by the applicant of the Federal Aviation Authority's review of the proposed landing strip.

Section 5.20 Campgrounds

A. Site, Development and Performance Standards for Camping Facilities

1. Campgrounds shall be situated on a parcel of at least twenty (20) acres in size.
2. All campsites and principal and accessory buildings shall be setback a minimum distance of one hundred fifty (150) feet from all right-of-way and lot lines.
3. A common use area shall be provided on the parcel at a rate of five hundred (500) square feet per campsite, except that a minimum of ten thousand (10,000) square feet shall be provided.
4. There shall be no permanent storage of tents, campers, travel trailers or mobile home units in the development unless specifically permitted.
5. At least one public telephone shall be provided in the facility.
6. No more than one permanent dwelling shall be allowed in a campground which shall only be occupied by the owner, manager or an employee.
7. Each campsite shall have a picnic table and designated place for fires.
8. All campgrounds shall be licensed as required by local, state, and federal regulations.
9. All provisions for water, laundry, sanitary facilities, fire protection, and electrical services shall be installed and maintained in accordance to all applicable township, county and state laws and ordinances.
10. No commercial enterprises shall be permitted to operate on the campground parcel, except that a convenience goods shopping building may be provided where more than forty (40) camp sites are provided. Such building shall be located to discourage use of the facility by non-campers.

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11. Each campsite made available as a travel trailer space shall contain at least 2,000 square feet. Each space shall be clearly defined on the ground by stakes or markers, and no parking space shall be closer than thirty (30) feet to another space.
12. All entrances and exit lanes within a campground shall be lighted.

Section 5.21 Home Occupation, Class 2

A. The following site and developmental requirements shall apply:

1. Minimum lot size shall be one-half (1/2) acre, except that the minimum lot size for a home occupation located in a detached garage or other detached accessory structure shall be two (2) acres.
2. Accessory buildings housing home occupations shall be a minimum of seventy-five feet (75) feet from all lot lines except where the home occupation is to occupy an accessory building existing on the effective date of this Ordinance and no alterations are made to increase its height or area.

B. The following special performance standards shall apply:

1. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
2. The home occupation shall not employ more than two (2) persons not residing in the home.
3. No article shall be sold or offered for sale on the premises except such as is produced within the accessory building, or is provided as an incidental activity associated with the principal service offered by the home occupation.
4. A special land use application for a Class 2 home occupation shall specify, at a minimum, the following information in addition to that required by Section 4.04(B).
 - a. The type and frequency of vehicular traffic to be generated by the home occupation and the location of all outdoor parking and storage areas, if proposed.
 - b. Proposed landscaping/screening in association with any parking and outdoor storage areas.
 - c. The number of full-time and part-time employees of the business and the frequency at which such employees will be present at the site.

Section 5.22 Adult Entertainment Business

The purpose of this Section is to clearly define what constitutes an adult entertainment business and regulate the location and concentration of such businesses, but not exclude such businesses. These regulations are created with the understanding that Sharon Township acknowledges that there are some uses which, because of their very nature, have serious objectionable impacts when concentrated in location, causing deleterious effects upon adjacent residential and commercial use areas. The Township recognizes that regulation of adult entertainment businesses is necessary to insure that adverse effects will not contribute to the blighting or downgrading of surrounding residential neighborhoods and commercial areas.

A. The following site and developmental requirements shall apply:

1. No adult entertainment business shall be established on any premises where there exists another adult entertainment business within one thousand (1,000) feet, measured as a straight line distance between the closest property lines.
2. The property on which an adult entertainment business is located shall be situated at least one thousand (1,000) feet from a state licensed child care facility, religious institution, public school, public building, public park, or any Residential District or residential use, measured as a straight line distance between the closest property lines.

B. Special Performance Standards

1. Signs shall contain no photographs, silhouettes, drawings or pictorial representations of any manner which include "specified anatomical areas" or "specified sexual activities."
2. Adult entertainment businesses shall not be located within, or otherwise be attached to, a building in which one (1) or more dwelling units or sleeping quarters are located, or on the same lot where one (1) or more dwelling units or sleeping quarters are located.
3. Operational hours are permitted between 11:00 a.m. and 1:00 a.m. only.
4. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, at an illumination of not less than one (1) foot candle measured at floor level.

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5. The applicant shall submit a diagram of the premises showing a plan thereof and specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and illumination intensity of each. A manager's station shall not exceed thirty (30) square feet of floor area.
6. The premises shall be so configured and designed to provide an unobstructed view of each area of the premises to which any person is permitted access for any purpose from at least one (1) of the manager's stations.
7. Activities conducted within buildings housing the aforementioned uses shall be shielded in such a manner that no person outside the building can see said activities, provided however that such shielding shall not consist of a curtain alone, shall not obstruct the exit sign or directional or instructional signs regarding emergency egress, nor be constructed in such a way as to block an exit.
8. All changing of attire by employees or performers shall be within a completely enclosed room into which access by patrons is prohibited.

Section 5.23 Golf Courses, Country Clubs, and Driving Ranges

A. The following site and developmental requirements shall apply:

1. Regulation length 18-hole golf courses shall have a minimum lot size of 120 acres, of which a minimum of 110 acres of usable land shall be allocated to fairways, roughs, and greens. Eighteen-hole par-3 courses, and nine-hole courses with regulation length fairways, shall have a minimum lot size of 60 acres.
2. No parking areas shall be located within seventy-five (75) feet of a property line.
3. No temporary sanitary facility or trash receptacle shall be located within two hundred (200) feet of an existing dwelling.
4. All principal and accessory buildings shall be not less than one hundred (100) feet from any lot line.
5. A golf driving range shall maintain a seventy-five (75) foot setback from all property lines. The area shall be buffered by vegetation to minimize the impact upon adjoining properties. Additional buffering conditions necessary to minimize the impact or safety threats upon adjacent land uses may be imposed.
6. The site shall have direct access onto a public road.

B. Special Performance standards:

1. A minimum fifty (50) foot buffer zone between turf areas and natural water bodies, watercourses or wetlands shall be maintained. The buffer zone may be selectively pruned or thinned, and weeds and dead plant material may be removed. However, the buffer shall consist of natural vegetation and shall not be chemically treated.
2. A hydrogeological study shall be completed and submitted to document the anticipated impact of the golf course on groundwater quality and quantity. This study shall inventory and analyze well logs from surrounding properties, giving consideration to the depth of the wells and quality of water. The study shall further estimate the quantity of water that will be used on a daily basis during the peak watering periods and shall evaluate the impact of watering operations on surrounding wells. The study shall be performed by an engineer or hydrologist licensed in the State of Michigan, or a geologist certified by a nationally recognized organization with a minimum of five (5) years of current and applicable experience.
3. Detailed plans for hazardous materials storage shall be provided. Buildings in which hazardous materials are stored shall be designed to contain spills, shall not have floor drains that discharge into a septic system or other pathway to the groundwater, shall be lockable, and shall be kept locked. An inventory manifest of stored hazardous materials must be posted at the entrance of the storage building and filed with the Township. Plans for emergency containment and clean-up shall also be provided.
4. All operations of the golf course, including the use and storage of all hazardous materials, shall comply with all applicable local, county, state and federal rules and regulations.
5. Accessory uses may include clubhouse/pro shop, managerial facilities, maintenance sheds, toilets, lockers, and other accessory uses directly incidental to the golf course. Accessory uses shall not include restaurants and drinking establishments; tennis, racket sport, or swimming facilities; or other uses having no direct reliance upon the sport of golf.
 - a. This subsection (5) shall not prohibit concession stands and grills provided no food or beverages are sold to the general public.
6. The design of the clubhouse and other accessory buildings shall be of a residential character and exterior materials shall be primarily wood or brick.

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7. Fairways and Driving Ranges: Fairways and driving ranges shall have sufficient width and shall be oriented in such a manner and set back a sufficient distance to prevent golf balls from being hit outside the perimeter of the golf course. The minimum width for fairways shall be one hundred (100) feet, unless the golf course designer can demonstrate that, because of the location of trees, sand traps, berms, or other features, a narrower fairway will not compromise safety. The minimum length of a driving range shall be three hundred (300) yards, measured from the tee to the end of the range.
8. Toilet facilities for use by patrons shall be conveniently located and shall comply with all County Health Department rules and regulations.
9. Golf course hours, including those for general operations and public admission, shall not exceed dawn to dusk.
10. All motorized equipment, excluding golf carts and equipment of lesser size, shall be stored within a building when not in use.
11. A golf course may integrate residential development on the same parcel provided such development is in conformance with all review procedures and standards of this Ordinance.

Section 5.24 Communication Towers, Class 1

A. Additional Application Requirements: In addition to submitting the information required for all special land uses, including a site plan pursuant to Article 4, each applicant for a communication tower shall provide the following additional information. Any information of an engineering nature that the applicant submits, whether civil, mechanical, electrical, or structural, shall be certified by a licensed professional engineer registered in the State of Michigan.

1. An inventory of existing towers, antennae, or sites approved for towers or antennae, that are either within the jurisdiction of Sharon Township or within one (1) mile of the border thereof, including specific information about the location, height, and design of each tower. Such information may be shared with other applicants applying for approvals under this Section or other organizations seeking to locate towers or antennae within the jurisdiction of Sharon Township, provided, however, that the sharing of such information in no way constitutes a representation or warrant by the Township that such sites are available or suitable.
2. Elevation drawings of the proposed tower and any other structures.
3. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
4. The separation distance from other towers described in the inventory of existing sites submitted pursuant to (A)(1) above shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner(s)/operator(s) of the existing tower(s), if known.
5. Method of fencing and finished color and, if applicable, the method of camouflage and illumination.
6. A notarized, sworn statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennae for future users.
7. For wireless communication systems, identification of the entities providing the backhaul network (i.e., the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, and/or the public switched telephone network) for the tower(s) described in the application and other sites owned or operated by the applicant in the Township.
8. A description of the suitability of the use of existing towers, other structures, or alternative technology not requiring the use of towers or structures to provide the services proposed through the use of the proposed new tower.
9. A description of the feasible location(s) of future towers or antennae within Sharon Township based on existing physical, engineering, technological, or geographical limitations.

B. The following site and development requirements shall apply:

1. Separation Distances and Setbacks: The following minimum separation distances and setbacks shall apply:
 - a. No tower shall be located within two (2) miles of another commercial communication tower. This requirement may be waived in the sole discretion of the Township Board if one (1) of the following conditions are met:
 - 1) The proposed tower would more effectively minimize negative impacts of telecommunication facilities on the Township as a whole; or
 - 2) The tower is of an exceptional design so as to create a positive architectural and/or environmental feature which is compatible with the character of the surrounding area and community.
 - b. No tower shall be located closer than eight hundred (800) feet from the boundary of any Residential District, including any PUD District incorporating residential uses.

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- c. A tower shall have a minimum setback from all property boundaries and road right-of-ways equal to the height of the tower.

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- d. Guys and accessory buildings must satisfy the minimum zoning district regulations.
- e. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located irrespective of municipal, township and county jurisdictional boundaries.
2. Fencing and Landscaping: The tower and appurtenant apparatus building shall be secured by fencing a minimum of six (6) feet in height. The fencing and apparatus building shall be screened with a landscape strip at least twenty (20) feet wide along each side of such fencing and/or building. The landscape strip shall be maintained in good condition at all times so as to continue its effectiveness. Existing mature on-site vegetation and natural land forms shall be preserved to the maximum extent feasible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may provide sufficient buffer, in which case the Township Board may waive the landscaping requirements of this subsection.
3. Lighting
 - a. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. Strobe lights are prohibited except where required by the FAA or other applicable authority.
 - b. Lighting in, on or around the site, or any ancillary buildings, shall be designed, mounted, shaded and/or shielded so that no direct light from any emitter, bulb, globe, envelope, or reflector, and no light reflected from any surface within three (3) feet of any such emitter, bulb, globe, envelope, or reflector, shall be visible from outside the site when the site is unattended.
4. Height: Tower height shall be measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna. The maximum height of a communication tower shall not exceed one hundred eighty (180) feet. Accessory buildings shall be limited to the maximum height for accessory structures within the respective district.
5. Advertising, signs, and identification of any kind intended to be visible from the ground or other structures shall be prohibited, except as required for emergency purposes.
6. The base of the tower shall occupy no more than five hundred (500) square feet.
7. The minimum lot area for a commercial communication tower and antennae shall be four (4) acres.

C. Special Performance Standards:

1. All communications towers shall be required to provide to the Zoning Administrator an annual report of total radiation output from all channels and all antennae on the tower.
2. No employees shall be located on the site on a permanent basis to service or maintain the antennae. Occasional or temporary repair and service activities are excluded from this restriction.
3. Owners and/or operators of towers or antennae shall certify that all franchises required by law for the construction and/or operation of a wireless communication system have been obtained and shall file a copy of all required franchises with Sharon Township.
4. Collocation: No new tower shall be permitted unless the applicant demonstrates that no existing tower, structure or alternative technology that does not require the use of new towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information 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 may consist of any of the following:
 - a. No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
 - b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - e. 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.
 - f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

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- g. 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.
5. Structural Design and Installation
- a. The plans for the tower construction shall be certified by a registered structural engineer, and the applicant shall submit verification that the installation is in compliance with all applicable codes. All towers must meet all applicable standards of the Federal Aviation Administration and the Federal Communications Commission.
 - b. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and other agencies of the state or federal government with the authority to regulate towers and antennae. If such standards and regulations are changed, then the owners of the towers and antennae governed by this Section shall bring such towers and antennae into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennae into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
 - c. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with all applicable local, state, and federal statutes, regulations, and standards, and the applicable standards published by the Electronic Industries Association, as amended. If, upon inspection, Sharon Township concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
 - d. Antennae and metal towers shall be provided with protection against strikes by lightning. The electrical wiring and connections on all towers shall comply with all applicable local, state, and federal statutes, regulations, and standards.
 - e. Towers with antennae shall be designed to withstand a uniform wind loading as prescribed in the Building Code.
 - f. Towers and structures shall be subject to any state and/or federal regulations concerning nonionizing electromagnetic radiation. If more restrictive state and/or federal regulations are adopted in the future, the operator of the tower shall bring the antennae into conformance with such standards within sixty (60) days of its adoption, or the Special Use Permit shall be subject to revocation by the Township Board. The operator of the tower shall bear the costs for testing and verification of compliance.
 - g. All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antennae and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.
 - h. The base of the tower shall occupy no more than five hundred (500) square feet.
 - i. An annual report of total radiation output from all channels and all antennae on the tower shall be provided to the Zoning Administrator.
6. Design
- a. Metal towers shall be constructed of, or treated with, corrosion resistant material.
 - b. Advertising, signs, and identification of any kind intended to be visible from the ground or other structures shall be prohibited, except as required for emergency purposes.
 - c. The antennae shall be painted to match the exterior treatment of the tower. The paint scheme of the tower and antennae shall be designed to minimize off-site visibility of the antennae and tower.
 - d. At a tower site, the design of the buildings and related structures shall, to the maximum extent possible, use materials, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
 - e. If an antenna is installed on a structure other than a tower (such as a clock tower, bell steeple, or light pole), the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

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7. Removal

- a. A condition of every approval of a communication tower is the removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
 - 1) When the facility has not been used for ten (10) months or more. For purposes of this subsection, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use.
 - 2) Six months after new technology is available at reasonable cost as determined by the Township, which permits the operation of the communication system without the requirement of the support structure, or with a support structure which is lower and/or less incompatible with the area.
 - b. In the case where removal of the facility is required, such removal shall apply to the tower, tower foundation(s), fencing, building(s), ancillary facilities, and roadway(s), except where the Township Board determines, in its sole discretion, that specific elements need not be removed. Removal of the facility, or parts thereof, shall be followed by restoration of the site to its original condition prior to tower construction.
 - c. Upon the occurrence of one or more of the events requiring removal, specified in subsection (a) above, the property owner or persons who had used the facility shall immediately proceed with and complete the demolition/removal and restoration of the premises to an acceptable condition as reasonably determined by the Township Board. Such removal and restoration shall be completed within twelve months of cessation of operation.
 - d. If the required removal of a facility or a portion thereof has not been completed within ninety (90) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn, collected and/or enforced from or under the security posted at the time application was made for establishing the facility.
8. Replacement of Towers: Approval of a tower of a particular design or configuration shall not be construed as approval of a replacement tower of a different design or configuration should the approved tower be destroyed or removed.

D. Performance Guarantee:

1. As part of the permit review process hereof, the Township Engineer, at the expense of the applicant, shall provide an estimate of the cost of removal and restoration activities required to return the site to its original condition and an annual cost escalation factor.
2. Performance guarantee as used herein shall mean a cash deposit, certified check or irrevocable bank letter of credit in the amount of the Township Engineer's estimate of the cost of removal and restoration activities plus twenty-five (25) years of cost escalation.
3. Said performance guarantee shall be deposited with the Township Treasurer prior to the approval of a permit.
4. Upon satisfactory completion of the removal and restoration activities for which the performance guarantee was required, as determined by the Zoning Administrator, the Township Treasurer shall return to the applicant the performance guarantee deposited plus any interest earned thereon.
5. In the event the applicant defaults in performing the removal and restoration activities for which the performance guarantee was required, as determined by the Zoning Administrator, the Township of Sharon shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the removal and restoration activities through contract or otherwise, including specifically the right to enter upon the subject property to perform the work. If the performance guarantee is not sufficient to allow the Township of Sharon to complete the work for which it was deposited, the applicant shall be required to pay the Township of Sharon the amount(s) by which the cost(s) of completing the work exceeds the amount of the performance guarantee deposited. Should the Township use the performance guarantee, or a portion thereof, to complete the work, any remaining amount after said completion shall be applied first to the Sharon Township administrative cost in completing the work, with any balance remaining refunded to the applicant.
6. The terms of this subsection shall be embodied in a written contract between the Township of Sharon, the owner(s) of the land on which the tower is to be constructed, their heirs and assigns, the owner(s) of the tower, their heirs and assigns, and the operator(s) of the tower, their heirs and assigns.

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Section 5.25 Recreational Facilities

A. The following site and developmental requirements shall apply:

1. The minimum lot size shall be ten (10) acres.
2. The operation of vehicles shall not encroach into any front, side or rear yard setbacks for principal buildings as delineated in Table 9-4.

B. Special Performance Standards:

1. The following are prohibited unless expressly authorized as part of a site plan approval, and accurately depicted on such site plan:
 - a. Events open to the general public and off-street parking associated therewith.
 - b. Observation decks or stands.
 - c. Buildings for the storage or repair of vehicles or for any other accessory aspect of the facility operations.
2. See Section 18.07 regarding noise.

Section 5.26 Open Space Communities

See Article 10.

End of Article 5

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Article 6
ZONING BOARD OF APPEALS (ZBA)

Section 6.01 Purpose

The purpose of this Article is to assure adequate means for the competent interpretation of this Ordinance, appeals of administrative decisions, and flexibility in the strict application of this Ordinance where such flexibility is considered appropriate to assure that the spirit of the Ordinance be observed, public safety secured, and substantial justice done, through the duties of the Zoning Board of Appeals (ZBA).

Section 6.02 Creation and Membership

A. Establishment and Appointment of Members: The ZBA established by the Sharon Township Zoning Ordinance adopted on January 20, 1983, as amended, is hereby retained in accordance with Act 184 of the Public Acts of 1943, as amended, and shall consist of five members: a member of the Planning Commission; and the remaining members appointed by the Township Board from the electors residing in the Township outside of incorporated cities and villages. A member of the Township Board may serve on the ZBA but not serve as the chairperson. The Zoning Administrator or other employee or contractor of the Township Board may not serve on the ZBA.

1. **Alternate Members:** The Township Board may appoint not more than two (2) alternate members for the same term as regular members of the ZBA. No alternate member may be either a member of the Township Board or the Planning Commission. The alternate members may be called as needed, on a rotating basis, to sit as regular members of the ZBA in the absence of a regular member if the regular member is absent from or will be unable to attend two (2) or more consecutive meetings of the ZBA or is absent from or will be unable to attend meetings for a period of more than 30 consecutive days. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. An alternate member shall serve on a case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the ZBA.

B. Terms of Office: Members shall be appointed for three (3) year terms except in the case of the Planning Commission and Township Board members, whose terms shall be limited to the time they are members of the Planning Commission or Township Board. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term. Members may be reappointed. Members of the ZBA may be removed by the Township Board for nonperformance of duty or misconduct in office upon written charges and after a public hearing.

C. Conflict of Interest: A member shall disqualify himself or herself from deliberations and a vote in which the member has a conflict of interest. Failure to do so shall constitute misconduct in office.

Section 6.03 Organization

A. Rules of Procedure and Officers: The ZBA shall adopt rules of procedure for the conduct of its meetings and the implementation of its duties. The Board shall annually elect a chairperson, a vice-chairperson, and a secretary.

B. Meetings and Quorum: Meetings of the ZBA shall be held at the call of the chairperson and at such other times as the Board in its Rules of Procedure may specify. A majority of the total membership of the Board shall comprise a quorum. The Board shall not conduct official business unless it has a quorum. All meetings shall be open to the public and conducted pursuant to the requirements of the Open Meetings Act.

C. Oaths and Witnesses: The chairperson may administer oaths and compel the attendance of any witness in order to insure a fair and proper hearing.

D. Records: The minutes of all meetings shall contain the grounds for every determination made by the Board including all evidence and data considered, all findings of fact and conclusions drawn by the Board for every case, along with the vote of each member and the final ruling on each case. The ZBA shall file its minutes in the office of the Township Clerk.

E. Legal Counsel: An attorney for the Township shall act as legal counsel for the ZBA pursuant to procedures established by the Township Board.

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Section 6.04 Jurisdiction

The ZBA shall act upon questions as they arise in the administration of this Ordinance and take other actions as specified in this Ordinance. The Board shall perform its duties and exercise its powers as provided in Act 184 of the Public Acts of 1943, as amended. The ZBA shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance, but does have the power to act on those matters so specified in this Ordinance including appeals regarding an administrative review, interpretation, and variance. Within this capacity the ZBA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the Zoning Administrator, Planning Commission, or any official administering or enforcing the provisions of this Ordinance as set forth in Section 6.05. The ZBA shall have all the powers of the officer or body from whom the appeal is taken.

Section 6.05 Authorized Appeals and Standards

The ZBA shall hear the following specified categories of appeals in accordance with the following standards:

A. Administrative Review: The ZBA shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or by any other body or official in administering or enforcing the provisions of this Ordinance. The ZBA shall reverse or otherwise modify the decision of such body or official only if it finds that the action or decision appealed:

1. was arbitrary or capricious, or
2. was based upon an erroneous finding of a material fact, or
3. constituted an abuse of discretion, or
4. was based upon erroneous interpretation of the Zoning Ordinance or zoning law, or
5. did not follow required procedures.

In hearing and deciding appeals under this sub-section, The Zoning Board of Appeal's review shall be based upon the record of the administrative decision being appealed, and the ZBA shall not consider new information which had not been presented to the administrative official, board, or commission from whom the appeal is taken.

B. Interpretation of the Ordinance: The ZBA shall hear and decide upon requests to:

1. Interpret the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning. In deciding upon such request the ZBA shall insure that its interpretation is consistent with the intent and purpose of the Ordinance, the Article in which the language in question is contained, and all other relevant provisions in the Ordinance.
2. Determine the precise location of the boundary lines between zoning districts (*see Section 10.04*).
3. Classify a use which is not specifically mentioned as a part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district. Where there is no comparable permitted or prohibited use, the ZBA shall so declare, the effect being that use is not permitted in the Township until or unless the text of the Ordinance is amended to permit it.
4. Determine the parking space requirements of any use not specifically mentioned either by classifying it with one of the groups listed in Article 21, Off Street Parking and Loading or by an analysis of the specific needs. If no comparable use is found, the ZBA shall so inform the petitioner and indicate that the parking space requirements will have to be established by amendment of the Ordinance.

Prior to deciding a request for an interpretation, the ZBA shall confer with Township staff and consultants to determine the basic purpose of the provision subject to interpretation and any consequences which may result from differing decisions. A decision providing an interpretation may be accompanied by a recommendation for consideration of an amendment of the Ordinance.

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C. Variances: The ZBA shall have the power to authorize specific variances from site development requirements such as lot area and width regulations, building height and bulk regulations, setback regulations, off-street parking and loading space requirements, and sign requirements of this Ordinance.

1. **Required Findings:** The ZBA shall have the power to authorize specific variances from site development requirements provided that all the required findings listed below are met and the record of proceedings of the ZBA contains evidence supporting each conclusion.
 - a. That there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this Ordinance. These difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
 - b. That a genuine practical difficulty exists because of unique circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district, and shall not be recurrent in nature.
 - c. That the special conditions or circumstances do not result from actions of the applicant.
 - d. That the variance will relate only to property under control of the applicant.
 - e. That the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district.
 - f. That strict compliance with area, setbacks, frontage, height, bulk, density or other standards would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
 - g. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.
2. **Evidence:** In all variance proceedings, it shall be the responsibility of the applicant to provide information, plans, testimony and/or evidence from which the ZBA may make the required findings. Administrative officials and other persons may, but shall not be required to, provide information, testimony, and/or evidence on a variance request.
3. **Use Variances:**
 - a. A use variance is defined as any variance that would permit the establishment of any use in a zoning district that is not a principal permitted use within that zoning district.
 - b. The ZBA is not authorized to grant a use variance.
 - c. If an application seeking a use variance is received by the ZBA, the ZBA shall notify the applicant that it does not have the authority to issue use variances and it shall not schedule or hold any further hearings with respect to that application.

Section 6.06 Appeal Procedures

- A. Appeal Request:** Appeal requests shall be made to the ZBA by completing and filing a written notice of appeal with the Township Clerk on forms established for that purpose and accompanied with such information as is necessary to decide such appeal. Upon receipt of a notice of appeal, the Township Clerk shall promptly transmit records concerning the appeal, as well as any related information to the chairperson of the ZBA.
1. An appeal of an administrative decision shall be made within fourteen (14) days of such administrative decision.
 2. An appeal for a variance shall be accompanied by the plot plan or site plan, according to Article 4, for which the variance is being appealed.
- B. Fee:** A fee as established by the Township Board shall be paid at the time the petitioner files a notice of appeals. The purpose of such fee is to cover, in part, the necessary advertisements, investigations, hearing records and other expenses incurred by the Board in connection with the appeal.
- C. Hearings and Notices:** The ZBA shall fix a reasonable time for the hearing of the appeal, give due notice thereof to the parties, and decide the appeal within a reasonable time.

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D. Decision: The decision of the ZBA shall be in the form of a resolution containing a full record of the findings and determination of the Board of Appeals. The concurring vote of a majority of the members of the ZBA shall be necessary to grant a variance, make an interpretation of the Ordinance, or reverse an order, requirement, decision, or determination of an administrative official or body. The ZBA shall state the grounds for each decision.

1. Conditions: In granting any variance, the ZBA may prescribe appropriate conditions and safeguards in conformity with this Ordinance (See Section 20.12). Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.
2. Variance Authorization Period: Each variance granted under the provisions of this Ordinance shall become null and void unless the construction or other actions authorized by such variance have commenced within one hundred eighty (180) days of the granting of such variance. The Zoning Administrator may grant an extension for good cause shown for a period not to exceed six (6) months.

E. Reapplication: No appeal which has been denied wholly or in part by the ZBA, shall be resubmitted for a period of one (1) year from the date of the last denial, except on proof of changed conditions found upon inspection by the ZBA to be valid and have direct bearing on such appeal.

Section 6.07 Stay

An appeal shall stay all proceedings in furtherance of the action appealed unless the Zoning Administrator certifies to the ZBA after notice of appeal has been filed, that by reason of facts stated in the certificate a stay would, in the Administrator's opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed other than by a restraining order, which may be granted by the ZBA, or, on application, by court of record.

End of Article 6

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Article 7
PROCEDURES FOR AMENDMENTS

Section 7.01 Purpose

The purpose of this Article is to establish the procedures for amending this Ordinance, including application requirements and the review of such applications. It is not intended that this Ordinance be amended except to correct an error in the Ordinance, to address changed or changing conditions in a particular area in the Township, to conform with the planned future land use pattern for the Township and changes to other ordinances of the Township, to meet public need for new or additional land uses in areas so contemplated by the Township, or to further protect the environment, neighborhoods, public infrastructure or other public investment in the Township.

Section 7.02 Initiation of Amendments

Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment. Only the Township Board may amend this Ordinance.

Section 7.03 Filing Fee

The Township Board shall establish by resolution, a fee to be paid in full at the time of receipt of any application to amend this Ordinance. Said fee shall be collected by the Township Clerk.

Section 7.04 Procedures

A. Application: A petitioner shall submit fifteen (15) copies of a completed application for ordinance amendment to the Township Clerk on a form established for that purpose, which shall include a detailed description of the proposed amendment including the name and address of the applicant and the desired change(s) and reason(s) for such change(s).

1. When the petition involves a change in the Zoning Map, an application shall be submitted for each parcel of land which is not contiguous to any adjacent parcel of land being proposed for the same amendment, and the applicant shall also submit the following information:
 - a. A legal description of the property and its street address.
 - b. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
 - c. The applicant's name and address and interest in the property, and if the applicant is not the owner, the name and address of the owner.
 - d. The existing and desired zoning classification of the property.
 - e. A vicinity map showing the location of the property in relation to nearby roads, parcels, and land uses, and the existing zoning classification of such parcels.
 - f. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.
2. When the petition involves a change in the text of the Zoning Ordinance, the applicant shall submit a detailed statement addressing the specific amendments proposed, by Ordinance section number, and the reasons for such proposed amendments.

The Township Clerk shall forward the applications to the Planning Commission and Township Board.

B. Planning Commission Action

1. **Review for Completeness:** The Planning Commission shall review the application form and supporting materials. Any application not properly filed or complete shall be returned to the applicant.
2. **Public Hearing:** Upon finding that the application is complete, the Planning Commission shall establish a date for at least one (1) public hearing on the application and hold such hearing. The Planning Commission shall give notice of the public hearing in the following manner:
 - a. By two (2) publications in a newspaper of general circulation in the Township, the first to be printed not more than thirty (30) days, nor less than twenty (20) days and the second no more than eight (8) days before the date of the hearing.

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- b. For any proposed amendment to the Zoning Map affecting an individual property or several adjacent properties, written notice of the time and place of the hearing shall be delivered by mail, or personally, to the owner or owners of the property in question, to all persons to whom any real property within three hundred (300) feet of the premises in question is assessed, and to the occupants of single and two family dwellings within three hundred (300) feet of the premises in question. The notice shall be delivered at the address given in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used. The notice shall be made at least eight (8) days prior to the hearing. Requirements of written notice to property owners shall not apply to comprehensive revisions to the Zoning Ordinance.
 - c. Written notice of the time and place of the hearing shall also be provided not less than twenty (20) days before the hearing to each electric, gas, pipeline, and telephone public utility company who registers its name and mailing address with the Planning Commission for the purpose of receiving the notice.
 - d. All notices shall also include the places and times at which the tentative text and any maps of the Zoning Ordinance may be examined.
 - e. An affidavit of all mailings shall be maintained.
3. Planning Commission Review: In reviewing any application for an amendment to this Ordinance, the Planning Commission shall identify and evaluate all factors relevant to the application. Findings of fact shall be gathered and shall be made a part of the public records of the meetings of the Planning Commission.
- a. If the petition involves an amendment to the Zoning Map, matters to be considered by the Planning Commission shall include, but shall not be limited to, the following:
 - 1) What, if any, identifiable conditions related to the application have changed which justify the proposed amendment?
 - 2) What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?
 - 3) What is the impact of the amendment on the ability of the Township and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?
 - 4) Would approval adversely affect environmental conditions?
 - 5) Would approval adversely affect the value of surrounding properties?
 - 6) Is the site's physical, geological, hydrological and other environmental features compatible with the host of uses permitted in the proposed district?
 - 7) Is the subject property able to be put to a reasonable economic use in the zoning district in which it is presently located?
 - 8) Does the petition generally comply with the adopted planning goals and policies of the Township and other impacted governmental bodies?
 - 9) Is the proposed rezoning consistent with the zoning classification of surrounding land?
 - 10) Can all requirements in the proposed zoning classification be complied with on the subject parcel?
 - b. If the petition involves an amendment to the text of the Ordinance, matters to be considered by the Planning Commission shall include, but shall not be limited to, the following:
 - 1) Is the proposed amendment supported by documentation, such as from the ZBA, that the proposed amendment would minimize problems or conflicts with specific sections of the Ordinance?
 - 2) Is the proposed amendment supported by reference materials, planning and zoning publications, information gained at seminars or experiences of other communities to more effectively deal with certain zoning issues?
 - 3) Is the proposed amendment supported by significant case law?
 - c. In determining the above mentioned findings of fact, the Planning Commission may solicit information and testimony from, but not limited to, the County Health Department, County Road Commission, County Drain Commission, County Sheriff Department, any school district affected, County Planning Department, and planning and/or engineering consultants.
4. Planning Commission Recommendation: The Planning Commission shall transmit its findings of fact, recommendations for disposition of the application, and a summary of comments received at the public hearing to the Township Board. The Planning Commission shall simultaneously transmit its recommendations for disposition of the application to the Washtenaw County Board of Commissioners or other designated County office if the county has chosen to exercise its authority to comment on such amendments. If the County has exercised such authority, the County shall notify the Township Clerk of its disapproval with the proposed amendment within thirty (30) days of receipt of the Planning Commission's recommendation, or approval of the proposed amendment shall be conclusively presumed.

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C. Township Board Actions

1. After receiving and reviewing the findings and recommendations of the Township Planning Commission, and the recommendations of the County if so submitted, the Township Board at any regular meeting or at any special meeting called for that purpose, shall consider said findings of fact and recommendations and vote upon the adoption of the proposed amendment. Such action shall be by Ordinance, requiring a majority vote of the Township Board.
 - a. The Township Board may hold additional public hearings if the Township Board considers it necessary. Notice of a public hearing held by the Township Board shall be published in a newspaper which circulates in the township. The notice shall be published not more than fifteen (15) days nor less than five (5) days before the hearing.
2. The Township Board shall not deviate from the recommendation of the Township Planning Commission without first referring the application back to the Township Planning Commission to make further recommendation to the Township Board, after which the Township Board shall take such action as it determines. In the event that the Township Board refers an application back to the Planning Commission, the Township Board shall make specific mention of its objections to results of the Planning Commission's findings and recommendations and the date by which the Planning Commission is to resubmit its report.
 - a. After receiving the report specified in (C)(2) above, the Township Board shall grant a hearing on the proposed amendment to any property owner who has filed a written request to be heard. This written request shall take the form of a certified mail letter from the property owner to the Township Clerk. The Planning Commission shall be requested to attend the hearing, which may be held at a regular meeting or at a special meeting called for that purpose.

D. Publication Of Notice Of Ordinance Amendments: Following adoption of subsequent amendments to this Ordinance by the Township Board, one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. The notice shall include the following information:

1. Either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
2. The effective date of the amended Ordinance.
3. The place and time where a copy of the amended Ordinance may be purchased or inspected.

E. Timely Action: See Section 3.09

Section 7.05 Reapplication

No application for an amendment which has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly-discovered evidence or proof of changed conditions, found upon inspection by the Township Board to be valid and have direct bearing on the proposed amendment.

Section 7.06 Comprehensive Review Of Zoning Ordinance

The Planning Commission shall, from time to time, examine the provisions of this Ordinance and the location of zoning district boundary lines and shall submit a report to the Township Board recommending changes and amendments, if any, which are deemed to be desirable in the interest of public health, safety and general welfare.

Section 7.07 Court Decree

Any amendment for the purpose of conforming a provision of this Ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the township board and the notice of the adopted amendment published without referring the amendment to any other board or agency.

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End of Article 7

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Article 8
(Reserved For Future Use)

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End of Article 8

SHARON TOWNSHIP ZONING ORDINANCE

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Article 9 ZONING DISTRICTS, REGULATIONS, and MAP

Section 9.01 Establishment of Districts

For the purpose of this Ordinance, the Township is hereby divided into the following zoning districts, which shall be known by the following respective symbols and names, and shall have boundaries as delineated on the Official Zoning Map.

Agriculture Districts

A-1 General Agriculture District

Conservation Districts

RC Resource Conservation District

Residential Districts

R-1 Low Density Residential District

R-2 Medium Density Residential District

R-3 High Density Residential District

R-MF Multiple Family Residential District

R-MHC Manufactured Housing Community District

Commercial Districts

C-1 Retail Commercial District

C-2 Office Commercial District

Industrial Districts

I-1 Light Industrial District

Special Districts

PUD Planned Unit Development District (See Article 11)

Section 9.02 Purposes of Zoning Districts

See Table 9-1.

Section 9.03 Zoning District Map

A. The boundaries of the respective Districts enumerated in Section 9.01 are defined and established as depicted on the Official Zoning Map entitled SHARON TOWNSHIP ZONING MAP which is an integral part of this Ordinance. This map, with all notations and explanatory matter thereon, shall be published as part of this Ordinance as if fully described herein.

B. This Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bearing the following: *This is to certify that this is the Official Zoning Map of the Sharon Township Zoning Ordinance adopted on the ___th day of _____, 2006.* If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map.

C. The Official Zoning Map shall be held by the Township Clerk and shall be the final authority with regard to the current zoning status of all land in the Township, along with supporting minutes of Township Board meetings regarding zoning district changes, regardless of the existence of copies of the Official Zoning Map which may be made and published from time to time.

D. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Township Board may, by Ordinance, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bear the following words: *This is to certify that this is the Official Zoning Map of the Sharon Township Zoning Ordinance adopted on the ___th day of _____, 2___, and replaces and supersedes the Official Zoning Map which was adopted on the ___th _____, 2___, and any amendments made thereon.* Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved together with all available records pertaining to its adoption or amendment.

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Section 9.04 Interpretation Of District Boundaries

A. Where, due to the scale, lack of details, or illegibility of the Official Zoning Map, there is an uncertainty, contradiction, or conflict as to the intended location of any zoning district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, to the Zoning Board of Appeals (ZBA). The ZBA, in arriving at a decision on such matters, shall apply the following standards:

1. Boundaries indicated as approximately following roads or highways shall be construed as following the right-of-way center lines of said roads or highways.
2. Boundaries indicated as approximately following section lines, quarter section lines, quarter-quarter section lines, or lot lines shall be construed as following such lines.
3. Boundaries indicated as approximately following Township boundary lines shall be construed as following such boundary lines.
4. Whenever any fill is placed in any lake or stream, the land thus created shall automatically and without further governmental action thenceforth acquire and be subject to the same zoning regulations as are applicable for lands to which the same shall attach or be adjacent.
5. Boundaries indicated as approximately parallel to the center lines of streets or highways shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Official Zoning Map.
6. Boundaries following the shoreline of a stream, lake, or other body of water shall be construed to follow such shorelines, and in the event of change in the shorelines shall be construed as moving with the actual shorelines; boundaries indicated as approximately following the thread of streams, canals, or other bodies of water shall be construed to follow such threads.
7. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two (2) Districts, the regulations of the more restrictive District shall govern.

Section 9.05 Compliance with Zoning Regulations

Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of, or addition to an existing use, building and structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the Zoning District in which such use, building, or structure shall be located.

Section 9.06 Use Regulations of Zoning Districts

A. Table 9-2 and 9-3 identifies the principal land uses permitted in each of the zoning districts enumerated in Section 9.01. No use of land shall occur except in conformance with Table 9-2 and 9-3. In order to insure all possible benefits and protection for the zoning districts in this Ordinance, the Table delineates whether a land use permitted in a particular Zoning District is a "Use Permitted by Right" or a "Special Land Use".

1. Uses Permitted by Right: Uses permitted by right are the primary uses and structures specified for which the District has been established. Site Plan or Plot Plan approval is required for such uses (see Article 4).
2. Special Land Uses: Special land uses are uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within the District, but could present potential injurious effects upon the primary uses and structures within the District or are otherwise unique in character, and therefore require special consideration in relation to the welfare of adjacent properties and to the Township as a whole. All such proposed uses shall be subject to the application review procedures of Article 5, including a public hearing, and Site Plan approval according to Article 4.
3. Accessory Uses: Unless otherwise specified in this Ordinance, accessory uses which are clearly incidental to, and customarily associated with the principal use of the property are permitted in all Districts and shall conform to all applicable standards of this Ordinance, including Section 20.18.
4. Prohibited Uses: Any use of land not specifically authorized by this Ordinance is prohibited. The ZBA shall have the power to classify a use which is not specifically identified, according to a comparable permitted or prohibited use, for the purpose of clarifying the use regulations in any District, if so petitioned and in accord with the requirements of Sections 6.05(B)(3) and 6.06. If the ZBA finds no comparable uses based on an examination of the characteristics of the proposed use, it shall so state and the Planning Commission may be petitioned to initiate an amendment to the text of the Ordinance

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to establish the appropriate District(s) and/or type of use (use permitted by right or special land use),
and

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criteria that will apply for that use. If the Ordinance is amended to include the new regulations, then an application can be processed to establish that use.

Section 9.07 Site Development Requirements of Zoning Districts

A. All land uses shall comply with the site development requirements in Table 9-4, unless specified or authorized otherwise by this Ordinance including Article 5 – Procedures for Special Land Uses and Article 20 – General Provisions. In addition, all uses shall comply with all other applicable site development provisions of this Ordinance including, but not limited to:

1. Article 15: Signs
2. Article 16: Off-Street Parking and Loading
3. Article 17: Landscaping and Screening
4. Article 18: Environmental Standards
5. Article 20: General Provisions

B. Variances from required site development standards may be granted by the ZBA according to Section 6.05(C). Owners of nonconforming lots of record, structures, or uses should refer to Article 14.

C. No part of a setback area, yard, or other open space required about or in connection with any use, building or structure, for the purpose of complying with this Ordinance, shall be included as part of a setback area, yard, or other open space similarly required for any other use, building or structure.

D. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein, including lot size and lot width.

E. No portion of one lot, once established and/or improved with a building or structure, shall be used in the creation of another lot unless each lot resulting from each such reduction, division, or sale, shall conform with all of the requirements established herein.

Section 9.08 Special Provisions for Specified Districts

A. Manufactured Housing Community District

1. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Michigan Mobile Home Commission Act, a preliminary plan shall be submitted to the Township for review by the Planning Commission. The preliminary plan shall include the location, layout, general design, and general description of the project. The preliminary plan shall not include detailed construction plans. In preparing the preliminary plan and when reviewing the plan, the developer and Planning Commission shall generally follow the procedures of P.A. 96 of 1987, as amended, or the Manufactured Housing Commission Rules. Pursuant to such Act, the Planning Commission shall take action of the preliminary plan within 60 days after the Township receives the preliminary plan.
2. The construction of a manufactured home community shall not be initiated, nor shall a mobile home community be inhabited or operated until all necessary permits have been acquired from the Michigan Department of Environmental Quality, Michigan Department of Consumer and Industry Services, and all other agencies pursuant to the Mobile Home Commission Act.
3. All manufactured home communities shall be constructed and maintained in accordance with P.A. 96 of 1987, as amended, and the rules and regulations promulgated by the Manufactured Housing Commission pursuant to the authority vested in the Manufactured Housing Commission by such Act, including applicable standards and provisions regarding but not limited to road design, setbacks, parking spaces, and dedicated open spaces, and shall comply with the following additional standard:
 - a. Minimum Parcel Size: A minimum of ten (10) acres shall be required for the development of a manufactured home community.
 - b. Minimum Site Size: The manufactured home community shall be developed with sites averaging 5,500 square feet per manufactured home unit. This 5,500 square foot standard for any site may be reduced by twenty (20) percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space.

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B. Resource Conservation District Natural Feature Setback

1. Intent and Purpose: It is the intent of this subsection (B) to require a minimum setback from natural features, and to regulate property within such setback in order to prevent physical harm, impairment and/or destruction of or to a natural feature. It has been determined that, in the absence of such a minimum setback, intrusions in or onto natural features would occur, resulting in harm, impairment and/or destruction of natural features contrary to the public health, safety and general welfare. It is the purpose of this subsection (B) to establish and preserve minimum setback from natural features in order to recognize and protect the special interrelationship and interdependency between the natural feature and the setback area. Components of the interrelationship which this section is intended to protect include: (1) the spatial relationship; (2) interdependency in terms of physical location, plant species, animal species and encouragement of diversity and richness of plant and animal species; (3) overland and subsurface hydrology; (4) water table; (5) water quality; (6) prevention of erosion or sediment deposition.
2. Regulation: A natural feature setback shall be maintained in relation to all areas defined in this ordinance as being a "natural feature," unless and to the extent, it is determined to be in the public interest not to maintain such setback, in accordance with the standards set forth in this subsection (B).
3. Definitions: For the purposes of this subsection (B), the following terms and phrases shall have the following meaning:
 - a. NATURAL FEATURE shall mean, for the purposes of establishing setback standards in this Ordinance, a protected wetland, watercourse or steep slope as defined below.
 - b. PROTECTED WETLANDS shall mean any of the following:
 - 1) All wetlands subject to regulation by the Michigan Department of Environmental Quality (MDEQ) including:
 - a) Wetlands, regardless of size, which are contiguous to any lake, stream, river, or pond whether partially or entirely contained within the project site.
 - b) Wetlands, regardless of size, which are partially or entirely within five hundred (500') feet of the ordinary high water mark of any lake, stream, river or pond unless it is determined by the MDEQ that there is no surface water or groundwater connection between the wetland and the water body.
 - c) Wetlands which are larger than five (5) acres, whether partially or entirely contained within the project site, and which are not contiguous to any lake, stream, river, or pond.
 - d) Wetlands, regardless of size, which are not contiguous to any lake, stream, river, or pond, if the MDEQ determines the protection of the wetland is essential to the preservation of the natural resources of the state from pollution, impairment or destruction.
 - 2) All wetlands subject to regulation by the Township including:
 - a) Wetlands two (2) to five (5) acres in size, whether partially or entirely contained within the site of proposed alteration, which are not contiguous to any lake stream, river or pond.
 - b) Wetlands smaller than two (2) acres in size which are not contiguous to any lake, stream, river or pond and are determined to be essential to the preservation of the natural resources of the Township
 - c. STEEP SLOPE shall mean a rise of 25 or more feet over a distance of 100 feet.
 - d. WATERCOURSE shall mean any waterway including a river, stream, lake, pond or any body of surface water having definite banks, a bed and visible evidence of a continued flow or continued occurrence of water. A watercourse may or may not be serving as a drain as defined by Act 40 of the Public Acts of 1956, as amended.
 - e. WETLAND shall mean land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp or marsh.
4. Authorization and Prohibition
 - a. The natural feature setback shall be determined in accordance with the standards and provision in subsection (5), in relation to the respective types of natural features. The applicant requesting approval is responsible for determining whether natural features, as defined above, exist on the site and determining the boundaries of such natural features. This determination can be made by outside professional consultants retained by the applicant. Sources of information on natural features within Sharon Township include, but are not limited to, the Township Wetland Map, Washtenaw County Planning Commission Fragile Lands Study Maps and Washtenaw County Soil

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Maps. Township staff and Planning Commission will confirm these determinations during the review process.

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- b. The individual or body responsible for building permit or site plan approval shall determine the appropriate natural feature setbacks, in accordance with subsection (5) below, whenever a plan is submitted to develop property or undertake an operation in, on or adjacent to a natural feature.
 - c. Within an established natural feature setback there shall be no: construction; deposit of any material, including structures; removal of any soils, minerals and/or vegetation; dredging, filling or land balancing; constructing or undertaking seasonal or permanent operations; except as authorized pursuant to subsection (6) below.
5. Setback Standards: The following setbacks shall apply:
- a. A twenty-five (25) foot vegetated strip setback from the boundary or edge of a protected wetland, as defined and regulated in the Township Wetland Ordinance and as shown on the Township Wetland Map.
 - b. A twenty-five (25) foot vegetated strip setback from the highwater mark of any watercourse.
 - c. A one-hundred (100) foot building and construction setback from the highwater mark of any watercourse or outside of the 100 year floodplain, whichever is greater.
 - d. Construction and building activity shall be outside of any area with steep slopes or highly erodible soils, as defined by Washtenaw County Soil Maps.
6. Natural Features Setback Use Permit
- a. Under certain conditions defined below a natural features setback use permit may be authorized by the Planning Commission to allow limited construction, activity, use or operations within the natural feature setback.
 - b. Application for a natural feature setback use permit shall be made by filing an application form approved by the Township Board with the required information and the required fee with the Township Clerk. The fee shall be set by resolution of the Sharon Township Board. No part of such fee shall be returnable to the applicant. The Clerk shall transmit a copy of the application form and the required information to the Zoning Administrator and Chairperson of the Planning Commission within five (5) days of the filing date. The Zoning Administrator will determine within the following five (5) days the completeness of the application and shall inform the applicant of any additional information required to begin the process.
 - c. An application for a natural features setback use permit shall contain the following information:
 - 1) The applicant's name, address and telephone number.
 - 2) The names and addresses of all owners of record and proof of ownership.
 - 3) The applicant's interest in the property, and if the applicant is not the fee-simple owner, the owner's signed authorization for the application.
 - 4) Legal description, address and tax parcel number of the property.
 - 5) A scaled and accurate survey drawing, correlated with the legal description, and showing all existing buildings, drives and other improvements.
 - 6) A detailed description of the proposed use.
 - 7) A site plan, meeting the requirements of a preliminary site plan, as set forth in Section 4.04(B), herein.
 - d. In determining whether to grant a natural features setback use permit the Township Planning Commission shall determine if the proposed construction or operations are in the public interest. The benefit which would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the construction or other operation, taking into consideration the local, state and national concern for the protection and preservation of the natural feature in question. The following general criteria shall be applied in undertaking this determination:
 - 1) The relative extent of the public and private need for the proposed activity.
 - 2) The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity.
 - 3) The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public and private use to which the area is suited, including the benefits the natural feature and/or natural feature setback provides.
 - 4) The probable impact of each proposal in relation to the cumulative effect created by other existing and anticipated activities in the watershed.
 - 5) The probable impact on recognized historic, cultural, scenic, ecological, or recreational values, and on fish, wildlife and the public health.
 - 6) The size and quantity of the natural feature setback being considered.
 - 7) The amount and quantity of the remaining natural feature setback.

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- 8) Proximity of the proposed construction and/or operation in relation to the natural feature, taking into consideration the degree of slope, general topography in the area, soil type and the nature of the natural feature to be protected.
 - 9) Economic value, both public and private, of the proposed construction and/or operation, and economic value, both public and private, if the proposed construction and/or operation were not permitted.
 - 10) The necessity for the proposed construction and/or operation.
7. Conditions of Approval
- a. All operations permitted or approved by natural features setback use permits shall be conducted in such a manner as will cause the least possible damage and encroachment or interference within the natural feature setback and with the natural resources and natural processes within the watercourses and wetland areas in the Township as defined in this section.
 - b. The Township Planning Commission in granting authorization to conduct an activity within a natural feature setback, may:
 - 1) Impose such conditions in the manner and extent of the proposed operation/development use or structure or use activity as are necessary to ensure that the intent of this subsection (B) is carried out;
 - 2) Fix a reasonable time for the undertaking and completion of all operations; and
 - 3) Require a cash bond or irrevocable letter of credit, in such form and amount as determined necessary by the Planning Commission to ensure compliance with the use permit.
 - c. The review and approval of an application to conduct an activity within a natural feature setback may be done concurrently with the review and approval of site plans, subdivision plats, site condominiums, or Planned Unit Development. Use permits approved under this subsection (B) shall expire within twenty-four (24) months of approval of said permit by the Planning Commission, the date of issuance of such permit notwithstanding.
 - d. Prior to commencement of work on the site and continuing throughout the duration of the project, a copy of the approved use permit which contains the conditions of issuance shall be posted on the site in a conspicuous manner such that the wording of said permit will be available for public inspection.
 - e. Use permits for seasonal operations need not be renewed annually unless otherwise stated in the permit.
 - f. Any change which increases the size, scope, use or hours of operation shall be considered as a new operation and shall require the filing of a new use permit application.
 - g. Any temporary or permanent operation which is discontinued for two (2) years or any seasonal operation which is discontinued for two (2) seasons shall be considered terminated and the use permit automatically voided.
 - h. A natural features setback use permit shall be obtained prior to the issuance of any building permits necessary for construction.
8. Appeal of Approval or Denial: A decision on an application regarding a use permit application under this subsection (B) may be appealed only to the Sharon Township Board provided such appeal is received in writing by the Township Clerk within twenty-one (21) days of such decision.

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**Table 9-1
PURPOSES of ZONING DISTRICTS**

DISTRICTS	PURPOSE
ALL DISTRICTS	It is the purpose of all Districts to protect environmental resources that may be part of a development site, and that all uses be adequately served by facilities and services including sewage disposal, potable water, fire protection, and roads, and recognize natural constraints where public sewer and water is not present.
AGRI-CULTURE DISTRICT	The A-1 (General Agriculture) District is to encourage and provide opportunities for agriculture and retention of land in Sharon Township which is well suited for production of food and fiber, while also providing opportunities for comparatively low density rural residential lifestyles and development patterns that encourage the preservation of open spaces, agricultural and other natural resources, and the Township's rural character. The District boundaries include land that supports farming operations due to, in part, soil and topographic conditions, the extent of and proximity of nonfarm development, and/or typical parcel sizes. Persons considering residing within this district should be aware that hunting and associated gun fire, and the traditional smells, noises, soil and plant applications, and other generally recognized agricultural activities associated with responsible farming, will continue on a long term basis in this District. This District is intended to provide the basis for land tax assessments which reflect its existing agricultural nature and owing to these regulations, its limited use for other purposes.
RESOURCE CONSER-VATION DISTRICT	The RC (Resource Conservation) District is to protect special and important natural resources, the enjoyment and protection of which is of great public interest to Sharon Township and the State of Michigan. The majority of lands within this District are characterized by wetlands, woodlands, steep-sloped areas and/or floodplain environments. Together, these resources are critical in providing for wildlife habitat, water and air purification, flood control, and recreation opportunities including hunting, and support the overall rural character of the Township. In addition, some of these resources present severe limitations to development. It is the intent of this District to limit the introduction of land uses and development densities that will negatively affect the intent, quantity, quality and value of the resources contained within or otherwise be inappropriate due to the physical limitations of the District.
RESI-DENTIAL DISTRICTS	The R-1 (Low Density Residential) District is to provide opportunities for comparatively low density single family residential development patterns often associated with rural and suburban lifestyles, and to assure that the such development provides a stable and sound residential environment with suitable open spaces.
	The R-2 (Medium Density Residential) District is to provide opportunities for residential development patterns and lifestyles of somewhat greater densities than the R-1 District and often associated with suburban lifestyles, including both single family and two-family dwellings, and to assure that such development provides a stable and sound residential environment with suitable open spaces.
	The R-3 (High Density Residential) District is to provide opportunities for single family and two-family residential development patterns and lifestyles of a more urban character than the R-2 District, and to assure that such residential development provides a stable and sound residential environment with suitable open spaces. In light of the comparatively small lot sizes authorized in this District, this District is not intended to be established except upon evidence of public sewer availability, or to recognize such land division patterns already in existence.
	The R-MF (Multiple Family Residential) District is to provide alternative urban housing opportunities in the form of multiple family dwellings, and that such development provides a stable and sound residential environment with suitable open spaces. In light of the development densities associated with multiple family developments authorized by this District, this District is not intended to be established except upon evidence of public sewer availability.
	The R-MHC (Manufactured Housing Community) District is to provide opportunities for the development of a manufactured housing community to meet the varied housing needs of the Township's present and future residents while similarly limiting excessive public costs and demands placed on public facilities and services which may be associated with such housing developments. The regulations established by the Mobile Home Commission Act (Michigan Public Act 96 of 1987, as amended) and the Manufactured Housing Commission Rules govern all manufactured home communities and shall apply to a manufactured home community in the Township. In light of the comparative speed at which a manufactured home community can be constructed and the resulting rapid increased demands on public infrastructure and community services, it is the intent that this District be established only where development of such acreage will not outpace the Township's ability to effectively manage and accommodate these demands while preserving the current quality of life and local identity of the Township.

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(Table 9-1 Continued)

DISTRICTS	PURPOSE
COMMERCIAL DISTRICTS	<p>The <i>C-1 (Retail Commercial) District</i> is primarily intended to provide opportunities for business establishments that address the day-to-day retail needs of local residents and visitors. Development must assure safe vehicular and pedestrian traffic within the project and along the public roads that it relies upon for access. This District is intended to accommodate commercial development in a manner that encourages the preservation of the community's rural character through appropriate architectural design and building scale, building materials, signage, landscaping, buffering, open spaces and lighting. This District is not generally intended to address the retail needs of the regional population or otherwise provide comparison shopping opportunities.</p>
	<p>The <i>C-2 (Office Commercial) District</i> is primarily intended to provide opportunities for business establishments that predominantly address office-service needs. Development must assure safe vehicular and pedestrian traffic within the project and along the roads that it relies upon for access. This District is intended to accommodate commercial development in a manner that encourages the preservation of the community's rural character through appropriate architectural design and building scale, building materials, signage, landscaping, buffering, open spaces and lighting. This District is not intended to address the retail needs of the regional population or otherwise provide comparison shopping opportunities.</p>
INDUSTRIAL DISTRICTS	<p>The <i>I-1 (Light Industrial) District</i> is primarily intended to provide for a variety of manufacturing and other industrial uses that can be generally characterized as being of low intensity with the absence of objectionable external affects such as noise, fumes, vibrations, odors and traffic patterns, and which are characterized by activities and operations which are typically contained wholly within enclosed structures and buildings. Manufacturing uses are intended to be generally limited to those operations primarily involved in the making of products from previously prepared materials, rather than reliance on raw materials. This District is intended to accommodate industrial development in a manner that encourages the preservation of the community's rural character through appropriate architectural design and building scale, building materials, signage, landscaping, buffering, open spaces and lighting.</p>
OTHER DISTRICTS	<p>See Section 11.01, PUD (Planned Unit Development) District.</p>

End of Table 9-1

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Table 9-2
PERMITTED PRINCIPAL USES
in GENERAL AGRICULTURE, RESOURCE CONSERVATION,
and RESIDENTIAL DISTRICTS

“**BR**” = Use Permitted by Right; “**S**” = Special Land Use; “-” = Prohibited Use
(See Section 9.06 for clarification of Uses Permitted by Right and Special Land Uses)

Footnotes at End of this Table

PRINCIPAL USES		ZONING DISTRICTS & PERMITTED PRINCIPAL USES ¹						
		A-1	RC	R-1	R-2	R-3	R-MF	R-MHC
Uses of a Primarily Agricultural, Outdoor Recreation, or Natural Resource Based Character								
1	Agriculture.	BR	BR	-	-	-	-	-
2	Agricultural service establishment.	S	-	-	-	-	-	-
3	Greenhouses and sales of ornamental trees, shrubs, and nursery and greenhouse stock, provided such materials are grown on the premise.	S	S	-	-	-	-	-
4	Commercial stables, hunt clubs, outdoor shooting ranges, and campgrounds.	S	S	-	-	-	-	-
5	Public or private conservation areas, areas set aside for the protection of wildlife and natural resources, wildlife management areas, nature preserves, game refuges, and similar uses.	BR	BR	-	-	-	-	-
6	Golf courses, country clubs and driving ranges.	S	-	-	-	-	-	-
7	Retreat center.	S	S	-	-	-	-	-
8	Mineral extraction, pursuant to Sharon Township Ordinance #22.	S	S	-	-	-	-	-
9	Recreational Facility.	S	-	-	-	-	-	-
Uses of a Primarily Residential Character								
1	Single family dwellings.	BR	BR	BR	BR	BR	-	-
2	Two family dwellings.	-	-	-	BR	BR	-	-
3	Day care, family home.	BR	BR	BR	BR	BR	-	-
4	Day care, group home.	S	S	S	S	S	-	-
5	Foster care facility, family home.	BR	BR	BR	BR	BR	-	-
6	Foster care facility, group home.	S	S	S	S	S	-	-
7	Nursing home.	S	-	S	S	S	S	-
8	Multiple family dwelling.	-	-	-	-	-	BR	-
9	Manufactured housing community.	-	-	-	-	-	-	BR
10	Migrant agriculture labor housing.	S	-	-	-	-	-	-
11	Open space community (OSC)	S	S	S	S	S	-	-
Uses of a Primarily Commercial Character ¹								
1	Funeral homes and mortuaries.	S	-	-	-	-	-	-
2	Day care center.	S	S	S	S	S	S	S
3	Hospitals and medical clinics.	S	-	-	-	-	-	-
4	Kennels.	S	S	-	-	-	-	-
5	Commercial stables.	S	S	-	-	-	-	-
6	Veterinarian clinics.	S	-	-	-	-	-	-
7	Communication towers, Class 2.	S	S	-	-	-	-	S
8	Communication towers, Class 1.	BR	BR	BR	BR	BR	BR	BR
9	Bed and breakfast establishments.	S	-	-	-	-	-	-
10	Landscaping businesses.	S	-	-	-	-	-	-

See Footnotes at End of this Table

(Table 9-2 Continued on Next Page)

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(Table 9-2 Continued)

PRINCIPAL USES		ZONING DISTRICTS & PERMITTED PRINCIPAL USES ¹						
		A-1	RC	R-1	R-2	R-3	R-MF	R-MHC
	Other Uses not Listed Above							
1	Public assembly facilities such as, but not limited to, cemeteries, parks, schools, libraries, religious facilities, and museums.	S	S	S	S	S	-	-
2	Utility substations, jails, and public parking lots.	S	-	S	S	S	S	S
3	Public facilities not otherwise included in (1) and (2) above such as, but not limited to, fire stations; police stations; and ambulance stations, whether operated by a governmental body or a contracted service.	S	S	S	S	S	S	S
4	Clubs.	S	-	S	S	S	S	-

Footnotes for Table 9-2

1. Irrespective of the particular labeling of a cell in this table, the following uses are classified as a Special Land Use and subject to the provisions of Article 5, Special Land Use Procedures and Standards:
 - a. Any use that has a principal function or principal operational characteristic of the storage and/or sale of toxic or explosive material including, but not limited to, the storage and/or sale of fuels, pesticides, fertilizers, and fireworks.
 - b. Any non-residential use that exceeds a gross floor area of 4,000 sq. ft.
 - c. Any use that requires the extraction of water located below the surface of the earth contained in pervious soils and rock strata, including springs, in excess of 5,000 gallons annually, for irrigation, sale, fire suppression, animal or human waste handling and/or any other commercial use.

End of Table 9-2

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**Table 9-3
PERMITTED PRINCIPAL USES
in COMMERCIAL and INDUSTRIAL DISTRICTS**

“**BR**” = Use Permitted by Right; “**S**” = Special Land Use; “-” = Prohibited Use
(See Section 9.06 for clarification of Uses Permitted by Right and Special Land Uses.)

Footnotes at End of this Table

	PRINCIPAL USES	ZONING DISTRICTS & USES PERMITTED ¹		
		C-1	C-2	I-1
	Uses of a Primarily Commercial or Business Character ¹			
1	Any generally recognized retail business, excluding adult entertainment facilities, which supplies commodities on the premises within a completely enclosed building including, but not limited to, foods, drugs, liquor, furniture, clothing, dry goods, notions, books, flowers, jewelry or hardware.	BR	BR	-
2	Personal service establishments which perform services on the premises within a completely enclosed building, such as, but not limited to, shoe repair shops, and barber and beauty shops.	BR	BR	-
3	Agricultural service establishments.	S	-	-
4	Day care center.	-	S	-
5	Service station, standard.	S	S	-
6	Service station, multiple use.	S	S	-
7	Vehicle repair shop and Contractor Yards	S	-	S
8	Standard restaurants and other establishments which provide food or drink for consumption by persons seated within a building, but do not serve alcohol or provide entertainment.	BR	-	-
9	Standard restaurants and other establishments which provide food or drink for consumption by persons seated within a building, and may serve alcohol and/or provide entertainment, but excluding adult entertainment businesses.	S	-	-
10	Drive-in, drive-through, take-out, pick-up, and other forms of in-vehicle retail or service establishments including drive-through restaurants, financial institutions, dry cleaning businesses, and similar facilities.	S	-	-
11	Indoor and outdoor commercial recreation such as theaters, bowling alleys, skating rinks, shooting ranges, swimming pools, and arcades.	S	S	-
12	Adult entertainment businesses.	S	-	-
13	Hospitals and medical clinics.	-	S	-
14	Office establishments which perform services on the premises including but not limited to; financial institutions, insurance offices, real estate offices, artist offices and galleries, professional offices for accountants, doctors, lawyers, engineers, and architects, and similar office uses.	-	BR	-
15	Arcade.	S	-	-
16	Open air businesses, limited to sales of vehicles, landscape supplies including plant materials, and lumber.	S	-	-
17	Motels and hotels.	S	S	-
18	Funeral homes and mortuaries.	S	S	-
19	Mini-storage facilities.	-	S	S
20	Veterinarian clinics.	S	-	-
21	Communication towers, Class 1.	S	S	S
22	Communication towers, Class 2.	BR	BR	BR
23	Towing Service.	S	-	S

See Footnotes at End of Table.

(Table 9-3 Continued on Next Page)

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(Table 9-3 continued)

	PRINCIPAL USES	ZONING DISTRICTS & USES PERMITTED ¹		
		C-1	C-2	I-1
	Uses of a Primarily Commercial Character ¹ (Continued)			
24	Offices and showrooms of plumbers, electricians, decorator, or similar trades in connection with which not more than twenty-five (25) percent of the floor area of the building or part of the building occupied by said establishment is used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products or merchandise, and provided that the ground floor premises facing upon, and visible from any abutting street shall be used only for entrances, offices, or display.	S	S	S
25	Sale of new or used cars, farm machinery, and other vehicles and equipment, including items intended for tow, and the service and repair of such vehicles and equipment provided such service and repair is an accessory use.	S	-	-
26	Athletic clubs, physical exercise establishments, health studios, self-defense clubs.	S	S	-
27	Car wash facilities.	S	S	-
28	Photographic studios.	S	S	-
29	Dry cleaners.	S	S	-
30	Landscaping businesses.	BR		BR
	Uses of a Primarily Industrial Character ¹			
1	Bulk storage and warehousing establishments.	-	-	BR
2	Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts such as condensers, transformers, crystal holders, and the like.	-	-	BR
3	Building material sales yards, including retail lumber yards and incidental millwork; storage facilities for building materials, sand, gravel, stone, lumber, and contractor's equipment; storage and transfer establishments; distribution plants; and parcel delivery services.	S	-	BR
4	Plastic molding and extrusion, tool and die manufacturing, and monument and art stone production establishments.	-	-	S
5	Junkyards.	-	-	S
6	The manufacturing, compounding, processing, treatment, fabrication or packaging of such products as: drugs, perfumes, pharmaceuticals, toiletries, bakery goods, candy, ceramics, clothing, jewelry, hardware, instruments, optical goods, cutlery and food products (except fish, sauerkraut, vinegar, yeast, rendering or refining of fats and oils, and similar food products involving odors or other offensive impacts),.	-	-	S
7	The manufacturing, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, fur, glass, canvas, cork, felt, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood, sheet metal, wax, and wire. Previously prepared materials are materials that were processed, manufactured or created at another location and shipped to the manufacturers permitted in this district for assembly into new products.	-	-	S

See Footnotes at End of Table.

(Table 9-3 Continued on Next Page)

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(Table 9-3 continued)

	PRINCIPAL USES	ZONING DISTRICTS & USES PERMITTED ¹		
		C-1	C-2	I-1
	Other Uses Not Listed Above			
1	Public assembly facilities such as, but not limited to, cemeteries, parks, schools, libraries, religious facilities, and museums.	S	S	S
2	Public facilities not otherwise included in (1) above such as, but not limited to, fire stations, police stations, substations, jails, and public parking lots.	S	S	S
3	Clubs, lodges, and similar social centered organizations.	S	S	-

Footnotes for Table 9-3

- 1 Irrespective of the particular labeling of a cell in this table, the following uses are classified as a Special Land Use and subject to the provisions of Article 5, Procedures for Special Land Use Procedures and Standards:
- a. Any use that exceeds 4,000 sq. ft. in gross floor area in a Commercial District or 10,000 sq. ft. in gross floor area in an Industrial District .
 - b. Any use that has a principal function or operational characteristic consisting of the storage and/or sale of toxic or explosive material including, but not limited to, the storage and/or sale of fuels, pesticides, fertilizers, and fireworks.
 - c. Any use that requires the extraction of water located below the surface of the earth contained in pervious soils and rock strata, including springs, in excess of 5,000 gallons annually, for irrigation, sale, fire suppression, animal or human waste handling and/or any other commercial use.

End of Table 9-3

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**Table 9-4
SITE DEVELOPMENT REQUIREMENTS (1)**

Zoning District	Minimum Lot Area	Minimum Lot Width & Frontage (2)	Maximum Building Height	Minimum Floor Area Per Dwelling	Maximum Lot Coverage	Minimum Yard Setback		
						Front(3)	Side	Rear
A-1	10 acres	300 ft.	35 ft. (4)	1,000 sq. ft.	10%	75 ft.	50 ft.	50 ft.
RC	10 acres	300 ft.	35 ft. (4)	1,000 sq. ft.	5%	75 ft. (9)	50 ft. (9)	50 ft. (9)
R-1	43,560 sq. ft. (1 acre)	150 ft.	35 ft.	1,000 sq. ft.	15%	50 ft.	10 ft.	35 ft.
R-2	43,560 sq. ft. (1 acre) without public sewer, otherwise 20,000 sq. ft. (5)	150 ft. without public sewer, otherwise 90 ft.	35 ft.	1,000 sq. ft. (6)	15% without public sewer, otherwise 30%	30 ft.	10 ft.	35 ft.
R-3	43,560 sq. ft. (1 acre) without public sewer, otherwise 10,000 sq. ft. (5)	150 ft. without public sewer, otherwise 70 ft.	35 ft.	1,000 sq. ft. (6)	20% without public sewer, otherwise 35%	20 ft.	10 ft.	30 ft.
R-MF	1 acre for the first six dwelling units, plus an additional 2,500 sq. ft. for each additional unit.	100 ft. for six or less dwelling units, otherwise 150 ft.	35 ft. (8a)	See Footnote (8b)	30%	40 ft.	15 ft. (8c)	50 ft.
R-MHC	See Section 9.08(A)							
C-1	10,000 sq. ft. with public sewer, otherwise 1 acre.	100 ft. with public sewer, otherwise 150 ft.	35 ft.	NA	30%	35 ft.	10 ft. (7)	10 ft. (7)
C-2	43,560 sq. ft. (1 acre)	150 ft.	35 ft.	NA	30%	35 ft.	20 ft. (7)	20 ft. (7)
I-1	2 acres	200 ft.	35 ft.	NA	30%	50 ft.	20 ft. (7)	50 ft. (7)
I-2	See Section 9.08(B)							

Footnote Numbers in (__). See Following Page for Footnotes

SHARON TOWNSHIP ZONING ORDINANCE

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Footnotes for Table 9-4

1. See other Articles of this Ordinance for additional applicable standards.
2. The following additional minimum lot width, lot depth and frontage provisions shall apply:
 - a. The minimum required lot width shall be maintained for the entire lot depth.
 - b. The depth of a lot shall comply with the following:
 - 1) The lot depth shall not be more than four (4) times longer than its width except that, in the case of lots of ten (10) acres or more in size, lot depth shall not be more than four and a quarter (4.25) times longer than its width.
 - 2) The lot depth shall not be less than the minimum required lot width nor shall the lot depth be less than twenty-five percent (25%) of the actual width of the lot.
3. Front yard setback shall be measured from the front lot line. A front yard setback shall be maintained on a corner lot on both sides of the lot that abut a public road. The minimum front yard setback along M-52 shall be 75 feet.
4. The maximum height of farm buildings and structures shall be 75 feet.
5. In the case of two-family dwellings in the R-2 District, the minimum lot area shall be 60,000 sq. ft. without public sewer and 30,000 sq. ft. with public sewer. In the case of two-family dwellings in the R-3 District, the minimum lot area shall be 60,000 sq. ft. without public sewer and 15,000 sq. ft. with public sewer.
6. In the case of two-family dwellings in the R-2 or R-3 District, the minimum floor area for each dwelling unit comprising the two-family structure shall be 800 sq. ft.
7. Minimum setback to be increased by 30 feet where the yard abuts a General Agriculture, Resource Conservation, or Residential District.
8. The following additional site development standards shall apply to multiple family dwellings:
 - a. Maximum building heights shall not exceed thirty-five (35) feet, except that maximum building heights shall not exceed twenty-five (25) feet where such buildings exceed two-hundred (200) feet in length.
 - b. The minimum floor area of dwelling units shall comply with the following: Efficiencies: 400 sq. ft.; One bedroom units: 600 sq. ft.; Two bedroom units: 750 sq. ft.; Three bedroom units: 950 sq. ft.; Four or more bedroom units: 1,250 sq. ft.
 - c. The minimum fifteen (15) foot side yard required for a multiple family dwelling shall be increased beyond fifteen (15) feet at a rate of one (1) foot for each ten (10) feet or part thereof by which the length of the multiple family building exceeds forty (40) feet in overall dimension.
 - d. The distance between any two (2) multiple family structures shall be not less than thirty (30) feet if both of the walls facing each other contains windows, and not less than twenty (20) feet for all other situations.
 - e. There shall be provided easily accessible and usable open space in the development in an amount of ten percent (10%) or more of the site area or five hundred (500) square feet per four dwelling units, whichever is greater, but in no case shall less than ten thousand (10,000) square feet be provided.
9. Setbacks in the RC District may be reduced to no less than fifty (50) feet from the front lot line and no less than twenty-five (25) feet from the side or rear lot line upon review and recommendation of the Resource Conservation Board and approval by the Sharon Township Board. The Resource Conservation Board shall be composed of the Zoning Administrator, the Chair of the Planning Commission, and the Township Board Planning Commission Representative.

End of Footnotes

End of Article 9

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Article 10 OPEN SPACE COMMUNITY (OSC)

Section 10.01 Purpose

It is the purpose of this Article to establish the review procedures and standards for an Open Space Community (OSC). The provisions of this Article provide opportunities for residential development which, because of the more flexible standards available to OSCs under this Article, more effectively encourage the preservation of the Township's agricultural land and other natural resources, sensitive environmental areas, open spaces, and rural character. The regulations of this Article propose to accomplish these purposes, in part, by providing for the grouping or clustering of new homes on smaller lots than typically required by the District within which the OSC is proposed to be located, so that the remainder of the site can be largely undisturbed or available for agricultural or other open space preservation purposes. Required dedicated open space shall be provided in large contiguous areas.

Section 10.02 Special Land Use

An OSC is classified as a special land use and permitted in districts according to Table 9-2 of Article 9.

Section 10.03 Procedures For Open Space Communities

A. Approval of an OSC must be obtained before any construction is performed. The process for application, review, and action on an OSC application shall follow the procedures and requirements of Article 5, Special Land Uses, except as provided below:

1. **Conventional Plan:** At the time the applicant submits a preliminary site plan for the OSC, the applicant shall also submit a conventional plan which shall illustrate a practical and reasonable manner for developing the project parcel according to the underlying District provisions. Conventional plans shall identify the total number of lots and dwellings reasonably attainable. The Planning Commission shall review the conventional plan and, as part of its recommendation on the preliminary plan application to the Township Board, the Planning Commission shall advise the Township Board regarding what the Commission believes to be the number of dwellings and lots reasonably attainable by conventional design. The Township Board shall be the determining body regarding the number of dwellings and lots reasonably attainable by conventional design after considering the recommendation of the Planning Commission. This information shall be used when determining the number of lots and dwellings permissible in the OSC plan (See Section 10.05(A)(1)).
 - a. The conventional plan need not be an engineered set of construction drawings, but shall be of such detail and clarity to demonstrate conformity with fundamental site development requirements such as adequate lot areas and widths, sewage disposal, storm water management including necessary detention and retention ponds, road design and construction, and the feasibility of each lot as a home site without the reliance on variances. The conventional plan shall demonstrate the feasibility of the proposed plan both in regard to its construction and its negligible impact upon sensitive environmental resources including wetlands and drainage courses and, in doing so, shall include the following: natural features such as wetlands, woodlands, flood plains, streams, rivers, county drains, lakes, ponds, and topography (at two-foot intervals); and man-made features such as existing roads, structures, utilities, easements, and adjacent land use conditions. In no case shall a conventional plan rely on year-round submerged wetlands or other year-round submerged land to comply with the underlying District's lot area requirements. A conventional plan shall not be considered by the Planning Commission or Township Board if such body determines that it does not provide the necessary level of detail or information to assess such conventional plan for the purposes of subsection (1) above.
2. **Recording of Approval Action and Permit Issuance:** The applicant shall record an affidavit with the County Register of Deeds containing the full legal description of the project site, specifying the date of final Township approval, and declaring that all improvements will be carried out in accordance with the approved OSC plan unless a change is approved by the Township Board. In addition, all deed restrictions and easements shall be duly filed with the Register of Deeds of the County. Copies of recorded documents shall be presented to the Township Clerk. Upon final project approval by the Township Board, and upon receipt of the recorded documents by the Township Clerk, the Township Clerk shall direct the Zoning Administrator to issue a Zoning Permit for the OSC project.

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Section 10.04 Approval Standards

A. Site/Parcel Standards:

1. Unified Control: The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
2. Minimum Project Size: The minimum size of an OSC shall be ten (10) acres in the R-1, R-2 and R-3 District, twenty (20) acres in the RC District, and forty (40) acres in the A-1 District.

B. Design and Compatibility Standards: An application for an OSC shall place emphasis on the following:

1. Compliance with OSC Concept: The proposed development shall be consistent with the purpose of this Article, as prescribed in Section 10.01.
2. Section 4.05(B), Site Plan Approval Standards.
3. Section 5.06, General Approval Standards for Special Land Uses.
4. Section 10.05, OSC Design Standards.

Section 10.05 OSC Design Standards:

A proposed OSC shall comply with the following design standards:

A. Regulatory Flexibility: To encourage flexibility and creativity consistent with the OSC concept, modifications from the regulations of the base District may be permitted, subject to review and approval by the Township Board. For example, such modifications may include but are not limited to lot dimensional standards, setback requirements, and lot area requirements. However, in no case shall such modifications exceed the standards of this Section except as may be authorized by Section 10.06. Modifications may be permitted only if the proposed OSC shall result in a higher quality of development than would be possible without the modifications, and that the proposed OSC shall be a recognizable and substantial benefit to the ultimate users of the project and to the community. All proposed modifications shall be specified in the OSC application materials. However, in no case shall such modifications exceed the standards below:

1. Number of Lots/Dwellings: In no case shall the number of dwellings and lots exceed that number attainable by the Conventional Plan, according to Section 10.03(A)(1).
2. Building Setbacks: Setbacks shall comply with the conventional standards of the District in which the OSC is located except along lakes, ponds, rivers, streams, and wetlands, where setbacks shall be a minimum of one hundred (100) feet.
3. Lot Size: The minimum lot size for a dwelling shall be two (2) acres in A-1 and RC Districts and, when located in a Residential District, shall comply with the minimum lot size typically required by such District. However, in the case where public sewer is available in Residential Districts, lots may be one-half (1/2) the minimum lot size typically required by such District.

B. Permitted Principal Uses: The following principal uses shall be permitted within an OSC:

1. Dwellings, as authorized by the base District's requirements.
2. Dedicated open space for agriculture, resource conservation and/or preservation in an undeveloped state.

C. Permitted Accessory Uses:

1. Accessory buildings, structures and uses on a residential lot shall be limited to uses customarily incidental and subordinate to a dwelling.
2. Accessory buildings, structures and uses on dedicated open space shall be limited to uses customarily incidental and subordinate to the intended purpose of such open space as delineated on the approved site plan.

D. Location of Lots: The arrangement of lots on the OSC parcel shall be clustered or grouped on the site to maximize continuous areas of open space, based upon the following standards:

1. Preservation of land resources for agriculture, resource conservation, wildlife habitat, and/or other open space preservation purposes.
2. Minimize visual impact of new dwellings on surrounding properties.
3. Preservation of the rural character of existing public roads abutting the OSC parcel.
4. Minimize interruptions of scenic vistas, as viewed from abutting public roads.

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E. Guarantee of Open Space: An OSC shall include permanently dedicated open space. The dedicated open space shall forever remain open space, subject only to uses approved by the Township Board on the approved site plan. Further subdivision of open space land or its use for other than conservation, or agricultural uses or preservation in an undeveloped state, except for easements for utilities, shall be strictly prohibited. The applicant shall guarantee to the satisfaction of the Township that all open space portions of the development will be maintained in perpetuity and 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 notice of such transfer is provided to the Township and the land uses continue as approved in the OSC plan.

1. The OSC shall include permanently dedicated open space consisting of a minimum of sixty percent (60%) of the OSC parcel in the A-1 and RC District, and a minimum of fifteen percent (15%) in the R-1, R-2, and R-3 District.
2. All land within a development that is not devoted to a building, dwelling unit, required yard, an accessory use, vehicle access, vehicle parking, a roadway, or an approved land improvement, shall be set aside as permanently dedicated open space for conservation, agricultural uses, or preservation in an undeveloped state.
3. The dedicated open space shall be set aside by the owner through an irrevocable conveyance that is found acceptable to the Township Attorney, such as recorded deed restrictions, covenants that run perpetually with the land, transfer to a non profit land trust, or a conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended. Such conveyance shall assure that the open space will be protected from all forms of development, except as specifically delineated on an approved site plan. All subsequent use and improvements to the dedicated open space shall comply with the approved site plan. Changes to the authorized uses or improvements to the open space are prohibited except where the Township Board approves a revised site plan upon finding that the applicant's proposed changes shall not alter the essential character of the open space or undermine the purpose and spirit of the OSC concept as presented in this Article. Such conveyance shall:
 - a. Indicate the proposed allowable use(s) of the dedicated open space.
 - b. Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
 - c. Provide standards for scheduled maintenance of the open space.
 - d. Provide for maintenance to be undertaken by the Township in the event that the dedicated open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.
4. Dedicated open space may include flood plain areas, but dedicated open space established to meet the minimum open space area requirements of this Article shall not include required yard setback areas; road rights-of-way; year round submerged lands irrespective of their wetland status; above or below ground utility easements and right-of-ways except those established for storm water management purposes; or land subject to oil, gas, or mineral extraction rights whether by lease, easement, or other manner.

F. Utilities:

1. The OSC shall provide for underground installation of all utilities.
2. An OSC permit shall not be issued unless public water and sanitary sewer service is provided to the development if such service is available.
3. Provisions shall be made for appropriate storm water management, including the construction of necessary storm water facilities. The storm water system may include the establishment of detention or retention basins, and associated infrastructure. Storm water management systems shall minimize alterations to the natural topography and drainage patterns of the site.
4. Fire protection measures shall be provided in all OSCs which provide public water, and in OSCs which are generally characterized by lots of approximately one half (1/2) acre or less in size where such lots are clustered or otherwise generally adjacent to one another. Fire protection measures shall include an adequate on-site source of water for use by the local fire department and associated infrastructure to enable the local fire department to effectively respond to a fire emergency.

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G. Access and Circulation:

1. Access:
 - a. The nearest edge of any entrance or exit drive for a OSC shall be located no closer than two hundred (200) feet from any existing street or road intersection (as measured from the nearest intersection right-of-way line).
 - b. All dwellings shall gain access from an interior road within the OSC.
 - c. An OSC may include private roads provided such roads meet the review and approval requirements of this Ordinance (see Section 19.05).
2. Pedestrian Circulation: A pedestrian circulation system may be required along one or both sides of the internal roads of the OSC. The exact location, alignment and design features of the pedestrian ways shall be jointly agreed upon by the applicant and the approving body, and shall be coordinated with existing or planned pedestrian ways and roads in the area. The pedestrian circulation network shall assure ease of access from residences to the designated open space areas.

H. Natural Features: The development shall be designed to promote the preservation of natural features such as mature woodlands, wetlands, floodplains, stream corridors, and special plant and animal habitats.

I. Scheduled Phasing:

1. Scheduled Phasing: When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the open space development and the residents of the surrounding area.
2. Timing of Phases: Each phase of the project shall be commenced within twelve (12) months of the schedule set forth on the approved final site plan. If construction of any phase is not commenced within the approved time period, an extension may be granted following review of a formal request for extension by the owner and approval of same by the Township Board. Such approval may be withheld only where harm to adjacent lands or uses would occur, there have been significant changed conditions in the area, or in the case of fraud or violation of the terms of the original approval.

Section 10.06 Waiver of Standards

A. The Township Board may waive any of the Article 10 standards for an OSC where the applicant can demonstrate, within the discretion of the Township Board, the following:

1. No good public purpose will be achieved by requiring conformance with the standards sought by the applicant to be waived.
2. The spirit and intent of the open space development provisions will still be achieved.
3. No nuisance will be created.

The Township Board shall not consider any waiver of standards unless the applicant has submitted written justification for those standards to be waived, according to 10.06(A)(1),(2), and (3) above. Such justification shall address each requested waiver individually.

End of Article 10

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Article 11 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

Section 11.01 Purpose

The provisions of this Article provide enabling authority and standards for the submission, review and approval of applications for planned unit developments (PUD). It is the intent of the Article to authorize the use of PUD regulations for the purpose of: encouraging the use of land in accordance with its character and adaptability; conserving natural resources and natural features and energy; encouraging innovation in land use planning; providing enhanced housing, employment, shopping, traffic circulation and recreational opportunities for the people of the Township; and bringing about a greater compatibility of design and use between neighboring properties. The provisions of this Article are not intended as a device for ignoring this Ordinance or the planning upon which it is based. To that end, the provisions of this Article are intended to result in land use development substantially consistent with the underlying zoning, with modifications and departures from generally applicable requirements made in accordance with standards provided in this Article to insure appropriate, fair, and consistent decision making.

Section 11.02 PUD Is A Separate District

A PUD is permitted as a separate zoning district only when determined to be in compliance with the regulations of this Article. The approval of a PUD shall require an amendment of the Zoning Map constituting a part of this Ordinance so as to designate the property "PUD" and subject of the approved application for PUD.

Section 11.03 Minimum Eligibility Criteria

- A. The following minimum eligibility criteria shall be met in order for PUD approval:
1. **Recognizable and Substantial Benefit**: The PUD shall result in a recognizable and substantial benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved. Such benefit must otherwise be unfeasible or unlikely under the regulations of the existing or other District.
 2. **Availability and Capacity of Public Services**: The proposed type and intensity of use shall not result in an unreasonable burden in the use of existing public services, facilities, and utilities.
 3. **Compatibility with the Land Use Plan**: The proposed development shall be in accordance with the goals and policies of the Sharon Township Land Use Plan.
 4. **Compatibility with the PUD Intent**: The proposed development shall be consistent with the intent and spirit of these regulations, as stated in Section 11.01.
 5. **Economic Impact**: The proposed development shall not impede the continued use or development of surrounding properties for uses that are permitted in the existing District.
 6. **Unified Control of Property**: The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance and the specifications of the PUD approval.

Section 11.04 Project Design Standards

PUDs shall comply with the following project design standards:

A. General Site Development Requirements and Waivers: The site development standards for all proposed individual land uses and facilities in a PUD shall conform to this Ordinance, including such standards pertaining to lot area and dimensions, density, lot coverage, setbacks, parking, loading, landscaping and screening, signage and similar requirements, except that the Township Board may waive such standards for any, or all, of the specific uses and facilities proposed to be part of the PUD where such modifications will result in a higher quality of development than would be possible without the modifications. The waiving of development standards may be authorized only upon a finding by the Township Board that there are adequate features or planning mechanisms designed into the project to achieve the objectives intended to be accomplished with respect to each of the standards from which a departure is sought.

1. In the absence of such waivers, the following site development regulations shall apply:
 - a. Residential components of a PUD shall comply with the regulations of the R-1 District.
 - b. Commercial retail components of a PUD shall comply with the regulations of the C-1 District.
 - c. Commercial office components of a PUD shall comply with the regulations of the C-2 District.

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- d. Industrial components of a PUD shall comply with the regulations of the I-1 District.

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B. Permitted Uses and Mix of Uses: Any land use authorized in this Ordinance is permitted in a PUD as a principal or accessory use, irrespective of the existing zoning of the proposed PUD site, provided that public health, safety, and welfare are not impaired and the essential character of the proposed PUD meets the general intent of the existing District and/or the Sharon Township Land Use Plan.

Section 11.05 Approval Standards

- A.** Each application for a PUD shall conform to the following:
1. The use and design standards of this Article.
 2. Site Plan Approval Standards, Section 4.05.
 3. General Approval Standards for Special Land Uses: Section 5.06.

Section 11.06 Procedure for Review and Approval

PUD applications shall be submitted in accordance with the following procedures and requirements.

A. Optional Preapplication Conference: Prior to the submission of a preliminary site plan for PUD approval, the applicant may request a meeting with the Chairperson of the Planning Commission and the Township Supervisor, together with such consultants and local officials and staff as either the Township or the applicant deem appropriate. The purpose of the meeting is to inform township officials of the general theme for the proposed development and to provide the potential applicant with information regarding land development policies, procedures, standards and requirements of the Township in terms of the proposed development. Statements made in the course of a preapplication conference shall not be legally binding commitments. At the preapplication conference (or conferences), the applicant may present a general sketch plan of the proposed PUD which provides an overview of the proposed project.

B. Preliminary Site Plan/Rezoning: Application, Public Hearing, and Action:

1. The applicant shall submit to the Township Clerk twenty (20) copies of a preliminary site plan and a application form available from the Township Clerk. The Township Clerk shall forward copies to the Planning Commission. The preliminary site plan shall comply with the requirements of Section 4.04(B) and include a detailed text description of the proposed development and all Ordinance standards that the applicant is seeking a waiver for.
2. Following review of the preliminary site plan submittal, the Planning Commission shall act on the preliminary plan as if it were an application for rezoning, and in doing so, shall follow the rezoning procedures of Section 7.04.
3. Following the public hearing required by Section 7.04 and any fact finding and additional studies, the Planning Commission shall prepare written findings regarding the preliminary plan's conformance with the applicable requirements of this Article and Ordinance, including the approval standards of Sections 4.05 and 5.06.
4. The Planning Commission shall review the preliminary plan and shall be entitled to make reasonable inquiries of and receive answers from the applicant. The Planning Commission shall recommend to the Township Board to approve, deny, or approve with conditions the preliminary plan and proposed PUD District rezoning. The Planning Commission shall prepare and transmit a report to the Township Board stating its conclusions and recommendation, the basis for its decision, and any recommended conditions relating to an affirmative decision.
5. The Township Board shall take final action to approve, deny, or approve with conditions the preliminary plan and proposed PUD District rezoning. In reviewing the preliminary plan, the Township Board shall consider the applicable requirements of this Article and Ordinance, including Sections 4.05 and 5.06. The Township Board shall prepare and transmit a report to the applicant stating its conclusions and decision, the basis for its decision, and any recommended conditions relating to an affirmative decision. The effect of a Township Board approval shall be:
 - a. to authorize the fundamental PUD character and layout embodied in the preliminary plan, including any conditions applied to the approval, prior to the preparation of a final site plan; and
 - b. to authorize a change on the Zoning Map to classify the subject property as "PUD District".

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C. Final Plan and Permit Issuance

1. Within eighteen (18) months following receipt of preliminary site plan approval, the applicant shall submit to the Township Clerk twenty (20) copies of a final plan, or phase one of a final plan, including a final site plan conforming with Section 4.04(D) and including a detailed text description of the proposed development and all Ordinance standards that the applicant is seeking a waiver for. If the final plan has not been submitted within such period, the preliminary plan approval shall become null and void unless the Township Board extends the time for submission of the final plan upon a showing by the applicant that no material change of circumstances has occurred.
2. The Township Clerk shall forward copies to the Planning Commission and any other public agency or consultant for the purposes of determining compliance of the submitted plan with the standards and regulations of this Article and Ordinance and the approved preliminary site plan.
3. The Planning Commission shall review the final plan and shall be entitled to make reasonable inquiries of and receive answers from the applicant. The Planning Commission shall recommend to the Township Board to approve, deny, or approve with conditions the final plan. In reviewing the final plan, the Planning Commission shall consider the applicable requirements of this Article and Ordinance, including Sections 4.05 and 5.06. The Planning Commission shall prepare and transmit a report to the Township Board stating its conclusions and recommendation, the basis for its decision, and any recommended conditions relating to an affirmative decision.
4. The Township Board shall take final action to approve, deny, or approve with conditions the final plan. In reviewing the final plan, the Township Board shall consider the applicable requirements of this Article and Ordinance, including Sections 4.05 and 5.06. The Township Board shall prepare and transmit a report to the applicant stating its conclusions and decision, the basis for its decision, and any recommended conditions relating to an affirmative decision.
5. If and when the final site plan is approved, all improvements and use of the property shall be in conformity with the final site plan and any conditions imposed. The applicant shall record an affidavit with the Register of Deeds containing the legal description of the entire project, specifying the date of approval, and declaring that all future improvements will be carried out in accordance with the approved PUD unless a site plan amendment is approved by the Township Board upon request or approval of the applicant or applicant's transferee and/or assignees. Upon receipt of the recorded documents, the Zoning Administrator shall issue a permit for that portion of the PUD project receiving final site plan approval. No construction activities shall be initiated for a PUD prior to the receipt of such permit.

Section 11.07 Phasing

A. Scheduled Phasing: When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the open space development and the residents of the surrounding area.

1. In developments which include separate residential and nonresidential components where the residential component is intended to be the principal use of the PUD site, the phasing plan shall provide for completion of at least fifty percent (50%) of all proposed residential units prior to the initiation of any nonresidential construction; and the completion of at least seventy-five percent (75%) of all proposed residential construction prior to such nonresidential facilities being occupied. For purposes of carrying out this provision, the percentages shall be approximations as determined at the discretion of the Township Board. Such percentages may be modified should the Township Board determine that the applicant has presented adequate assurance that the residential component or components of the project shall be completed within specified time periods.

B. Timing of Phases: Each phase of the project shall be commenced within twelve (12) months of the schedule set forth on the approved final site plan. If construction of any phase is not commenced within the approved time period, an extension may be granted following review of a formal request for extension by the owner and approval of same by the Township Board. Such approval may be withheld only where harm to adjacent lands or uses would occur, there have been significant changed conditions in the area, or in the case of fraud or violation of the terms of the original approval.

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End of Article 11

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Article 12
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End of Article 12

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Article 13
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End of Article 13

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Article 14 NONCONFORMING LOTS, USES of LAND, and STRUCTURES

Section 14.01 Purpose

It is recognized that there exist lots, structures and uses of land and structures within the districts established by this Ordinance and subsequent amendments, which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated or restricted under the terms of this Ordinance or amendment thereto. It is the purpose of this Article to permit legal nonconforming lots, structures and uses to continue until they are removed, as provided under the terms of this Article, but not to encourage their survival.

Section 14.02 District Changes

Whenever the boundaries of a District shall be changed so as to transfer an area from one district to another district of another classification, the provisions of this Article shall also apply to any existing lots, uses, and structures that become nonconforming as a result of the boundary changes.

Section 14.03 Nonconforming Lots

A principal use and structure and associated accessory uses and structures may be erected on any single lot recorded with the Register of Deeds at or before the effective date of adoption or amendment of this Ordinance, even though such lot fails to meet the minimum requirements for area and/or width that are generally applicable in the District, provided such uses and structures are authorized by the District in which such lot is located (see Table 9-2 and 9-3) and provided that yard dimensions, setbacks and other requirements not involving lot area or width shall conform to the regulations for the District, unless a yard requirement variance is obtained through approval of the Zoning Board of Appeals (ZBA).

Section 14.04 Nonconforming Uses of Land

A. Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming use shall be enlarged, expanded, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
2. No such nonconforming use shall intensify in its operational characteristics including, for example purposes, the degree of vehicular traffic, general hours of operation, signage, and lighting.
3. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
4. A change of tenancy or ownership of a nonconforming use is allowed provided there is no increase in the degree of nonconformance of the nonconforming use.
5. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
6. Irrespective of other requirements of this Article, if no structural alterations are made, any nonconforming use of a structure and premises may be changed to another nonconforming use of less nonconformance, provided that the ZBA, by making findings in the specific case, shall find that the proposed use is more appropriate to the District than the existing nonconforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Article. Where a nonconforming use, structure, or use and structure in combination is hereafter changed to a less nonconforming character, it shall not thereafter be changed to a greater nonconforming character.
7. If a nonconforming use of a parcel or lot ceases for any reason for a period of more than one hundred and eighty (180) consecutive days, the subsequent use of such parcel or lot shall conform to the regulations and provisions of this Ordinance for the District in which such lot or parcel is located.

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Section 14.05 Nonconforming Structures

A. Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance or subsequent amendment by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such structure may be enlarged or altered in any way which increases its nonconformity, but the use of a structure and/or the structure itself may be changed to a use permitted in the district in which it is located, provided that all changes are also in conformance with the requirements of the District in which it is located. Furthermore, any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Article, but no such use shall be extended to occupy land outside such building.
2. Should such structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement value, exclusive of foundations, it shall not be reconstructed except in conformity with the provisions of this Ordinance, including the site development standards for the District in which it is located. This subsection shall not apply in the case where the replacement of the nonconforming structure is commenced within eighteen (18) months of the damage, the replacement is pursued diligently, and the replacement structure's location and form is to generally be the same, or less nonconforming, than the previous structure.
3. Should such structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
4. Where nonconforming status applies to a structure and use in combination, and upon removal or destruction of the structure, all subsequent uses and structures on the land shall conform to the applicable District regulations. For the purposes of this subsection, "destruction" shall mean "destroyed to an extent of more than fifty percent (50%) of its replacement value, exclusive of foundations."

Section 14.06 Repairs and Maintenance

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding ten percent (10%) of the nonconforming structure's, or nonconforming portion of said structure's, replacement value exclusive of foundations, as of the effective date of this Ordinance, provided that the cubic content of the building as it existed at the time of passage or amendment of this Article, or the number of families housed therein, shall not be increased. No structural alterations shall be made, except that nothing in this Article shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 14.07 Hardship Cases

Limitations established by this Article on structural changes, alterations, enlargements and expansions of nonconforming uses and structures may be waived by the ZBA, through the issuance of a variance, when the ZBA finds that the request is a case of exceptional hardship in which failure to grant the relief requested would unreasonably restrict continued use of the property or would restrict valuable benefits that the public currently derives from the property as used in its nonconforming status. However, no such variance shall be granted except upon a finding by the ZBA that approval will not have an adverse affect on surrounding property, that it will be the minimum necessary to relieve the hardship, and that the public health, safety and welfare shall be maintained. Issuance of such a variance does not relieve the applicant of the necessity to seek and acquire an approved plot plan or site plan pursuant to Article 4.

End of Article 14

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Article 15 SIGNS

Section 15.01 Purpose

The purpose of this Article is to provide a framework within which the identification and informational needs of all land uses can be harmonized with the desires and aesthetic standards of the general public. It is intended through the provisions contained herein to give recognition to the legitimate needs of business, industry and other activities, in attaining their identification and informational objectives. It is a basic tenet of this Article that unrestricted signage does not support the existing character of the Township and does not benefit either private enterprise or the community-at-large as it creates traffic safety hazards, visual clutter, confusion for vehicle drivers and visual blight. It is similarly the purpose of this Article to protect the character of residential neighborhoods by discouraging the encroachment of signage which undermines the intended character of such areas.

Section 15.02 Definitions

A. Business Center: A grouping of two or more business establishments on one (1) or more parcels of property which may share parking and access and are linked architecturally or otherwise developed as a unified grouping of businesses. A business center shall be considered one use for the purposes of determination of the maximum number of free-standing signs.

B. Business Sign: A sign advertising the name, services, goods or any other aspect or feature of a commercial or industrial business.

C. Changeable Copy Sign: A sign designed to allow for message changes, either automatically (as in the case of electric time and temperature signs) or manually (as in the case of physically replacing letters).

D. Freestanding Sign: A sign which is not attached to a principal or an accessory structure, including center pole signs, posts and panels, or monument signs, but excluding off-premises signs.

E. Non-Commercial Sign: A sign that contains non-commercial messages such as designation of public telephones, restrooms, restrictions on smoking, or political or religious philosophies.

F. Off-Premises Advertising Sign (Billboards): A sign which identifies goods, services, facilities, events, or attractions which are available or provided at a location other than the lot or parcel upon which such sign is located (commonly referred to as "billboards").

G. Portable Sign: Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building, including but not limited to "A-frame", "T-frame", or inverted "T-shaped" structures, including those signs mounted on wheeled trailers, hot-air and gas filled balloons, sandwich boards, banners, pennants, streamers, festoons, ribbons, tinsel, pinwheels, non-governmental flags and searchlights, but excluding political signs, construction signs, signs pertaining to the sale, lease or rent of real estate, permanent changeable message signs, and regulatory/governmental signs.

H. Real Estate Sign: A temporary sign advertising a property or structure's availability for sale, lease, or rent.

I. Roof Sign: A sign mounted on the roof of a building or structure, lying either flat against the roof or upright at an angle to the roof pitch.

J. Sign: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or other representation, or combination thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity or product, which is located upon any land or on or in any building, in such manner as to attract attention from outside the premises.

K. Temporary Sign: Any sign not intended or designed for permanent display or attachment to the ground or a structure.

L. Wall Sign: A sign which faces an adjacent parking area and/or public street and is attached directly to a building wall, or rigid or nonrigid fabric marquee or awning-type structure attached to a building, and is generally parallel to the building wall, including signs painted on any building wall, or extending from the wall in the case of a canopy, awning, or marquee-type structure.

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M. Window Sign: A sign located in or on a window which is intended to be viewed from the outside.

Section 15.03 General Standards

A. Sign Area: The area of a sign shall be computed by calculating the square footage of a sign face as measured by enclosing the most protruding points or edges of all sign faces of the sign within a single parallelogram, rectangle, triangle, or circle, including any framing. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where (2) such similarly shaped faces are placed back-to-back, parallel to one another and less than eighteen (18) inches apart from one another, the area of the sign shall be the area of one (1) face. Sign area shall comply with the provisions of this Article except where otherwise regulated by this Ordinance.

B. Sign Setbacks: Unless otherwise specified, the following setback requirements shall apply:

1. All setbacks shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground, to the right-of-way or property line.
2. All freestanding signs shall comply with the minimum setback distances for buildings within the said district. No sign for a non-residential use shall be located closer than one hundred (100) feet from any A-1, RC, or Residential District.

C. Sign Dimensions:

1. The height of a freestanding sign shall be measured from the highest point of the sign, including all frame and structural members of the sign, to the ground elevation directly below the sign. Berms or other artificial means intended to increase the height of a sign by increasing the ground elevation below the sign is prohibited.
2. No wall sign shall extend more than one (1) foot from a wall nor have the lowest portion of the sign less than eight (8) feet above the ground surface below except where such sign extends less than three (3) inches from the wall.

D. Lighting:

1. The source of illumination upon a sign shall be shielded from traffic and adjacent properties and shall not be visible beyond the property line of the parcel on which the lighted sign is located.
2. Beacon and search lights are prohibited as signs.
3. See Section 18.04.

E. Sign Materials and Maintenance: Signs shall be designed to be compatible with the character of building materials and landscaping to promote an overall unified and aesthetic effect in accordance with the standards set forth herein, and shall be appropriate in appearance with the existing and intended character of their vicinity. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose. Every sign shall be constructed and maintained in a manner consistent with building code provisions and maintained in good structural and aesthetic condition at all times. All signs shall be kept neatly painted, stained, sealed or preserved including all metal parts and supports.

Section 15.04 Signs Permitted in All Districts

A. The following signs are permitted in any zoning district provided all standards of this Article and Ordinance are met and a zoning permit for such sign is issued where required so (see Section 15.08):

1. Decorative flags or flags with the insignia of a nation, state, community organization, college, university, or corporation, provided such flags include an English translation of any words that are visible from the abutting road, and provided that where such flags exceed twelve square feet in area, either individually or collectively, such flags shall be subject to site plan approval except where the flag is a national flag on residentially-used property.
2. Miscellaneous signs affixed to vending machines, gas pumps, and ice containers indicating the contents or announcing on-premises sales, provided each sign does not exceed two (2) square feet in area.
3. Political advertising signs related to a candidate running for office or a proposition up for public vote, provided each sign shall not exceed sixteen (16) square feet in area.
4. Warning signs such as no trespassing and warning of electrical current or animals, provided that such signs do not exceed six (6) square feet, or if more than one such sign is posted, each sign shall not exceed two (2) square feet and shall be spaced no closer than necessary to alert the public of the restriction.

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5. Regulatory, direction, and street signs erected by a public agency.
6. Residential identification signs provided only one (1) sign shall be permitted per dwelling unit and shall not exceed two (2) square feet in sign area. The subsection shall not prohibit the display of an additional address identification sign posted along the abutting road for postal and emergency identification purposes where such sign complies with the guidelines published by the U.S. Postal Service.
7. Residential development consisting of a platted subdivision, condominium subdivision, multiple family development, mobile home park, or other unified residential development consisting of at least five (5) dwelling units is permitted one (1) sign per vehicle entrance, no closer than fifteen (15) feet to the right-of-way of a street, and having a sign area not exceeding eighteen (18) square feet and a height not exceeding five (5) feet. Such sign shall be subject to site plan approval.
8. Real estate signs advertising the sale or lease of a single lot or residence not exceeding an area of six (6) square feet. A platted subdivision, condominium subdivision, multiple family development, mobile home park, or other unified residential or non-residential development consisting of at least five (5) dwelling units, or three (3) acres of land in the case of a non-residential development, is permitted one real estate sign no closer than fifteen (15) feet to the right-of-way of a street, and having a sign area not exceeding eighteen (18) square feet and a height not exceeding five (5) feet. Such sign shall be removed within one (1) year after the sale of ninety percent (90%) of all lots, units, or buildings within said development.
9. Construction signs are permitted in any district with a maximum height of six (6) feet and not exceeding eighteen (18) square feet in area for all districts, and provided only one (1) such sign per lot. Such signs shall be setback a minimum of fifteen (15) feet from any property line or street right-of-way and shall be erected only during the construction period and removed within fourteen (14) days of the issuance of an occupancy permit.
10. Signs directing the public to a model home or unit, or the rental office in a multiple family development, provided no more than two (2) signs shall be placed upon a single lot or parcel and each sign does not exceed six (6) square feet.
11. Signs carved into stone, concrete, or similar material, or made of bronze, aluminum, or other noncombustible material, which identify the name of a building, a building's date of erection, or monumental citations, provided such signs do not exceed ten (10) square feet in area and are an integral part of the structure.
12. Historical markers, plaques, or signs describing state or national designation as an historic site or structure and/or containing narrative, not exceeding sixteen (16) square feet in area.
13. Any temporary signs announcing any government or governmental body, or public, charitable, educational, or religious event or function, located entirely on the premises of that institution and set back not less than fifteen (15) feet from all property lines. Maximum sign area shall be twenty-four (24) square feet and such sign shall be allowed no more than twenty-one (21) days prior to the event or function and must be removed within seven (7) days after the event or function. Wall signs shall not project above the roof line. Freestanding signs shall not exceed six (6) feet in height.
14. Garage sale and estate sale signs provided such signs shall not exceed six (6) square feet in area, are not erected more than seven (7) days prior to the sale, and are removed within one (1) business day of such sale.
15. One bulletin board sign is permitted on a site in any District which is used for a church or other religious institution, school, museum, library, or other similar institution. Such sign shall have a maximum height of six (6) feet and shall not exceed forty-eight (48) square feet. Such sign shall be setback a minimum of ten (10) feet from any property line or street right-of-way.
16. Seed identification signs specifying the type and/or manufacturer of seed products being harvested, provided such signs are located on a farm utilizing such seed and no sign is greater than four (4) square feet in area.

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Section 15.05 Signs in Commercial and Industrial Districts

In addition to the signs permitted pursuant to Section 15.04, the following business signs shall be permitted in Commercial and Industrial districts subject to the following restrictions, except where otherwise regulated by this Ordinance.

A. Type and Usage: Signs shall be wall signs and/or freestanding signs and shall pertain exclusively to the business or businesses located on the lot on which the sign is located.

B. Wall Signs:

1. **Number:** There is no limitation on the number of wall signs placed upon a building provided all maximum sign area requirements are met.
2. **Area:** The maximum total sign area of all wall signs upon a building facade shall not exceed one (1) square foot for each foot of length or height of the wall to which it is affixed, whichever is the greater. In the case of a business center, any wall signs used to identify the business center and/or individual businesses shall be applied toward meeting this maximum standard. The sign area shall not exceed ten percent (10%) of the wall area.
 - a. The maximum total sign area of all wall signs upon a building facade may be increased to two (2) square feet for each foot of length or height of the wall to which it is affixed, whichever is the greater, where no freestanding sign is located on the site. The sign area shall not exceed twenty percent (20%) of the wall area.
 - b. **Window Signs:** Window signs shall constitute a wall sign and the area of such window signs shall be counted in the determination of the above referenced maximum wall sign area standards. However, in no case shall the area of a window sign exceed ten percent (10%) of the window area on which it is attached or faces except in the case of the advertising of the grand opening of a business for a period not to exceed forty-five (45) days.
3. **Dimensions:** The maximum vertical dimension of any wall sign shall not exceed one third (1/3) of the building height, and shall not project above the roof line or cornice of the building to which it is attached. The maximum horizontal dimension of any wall sign shall not exceed two-thirds (2/3) of the building width.

C. Freestanding Signs:

1. **Number:** No more than one (1) freestanding sign shall be permitted on a lot or parcel.
2. **Area:** The maximum total sign area of a freestanding sign shall not exceed thirty-six (36) square feet. In the case of a business center, this standard may be increased to forty-eight (48) square feet.
3. **Height:** Freestanding signs shall not exceed a height of six (6) feet except where such sign is intended to be visible from M-52 and is within one-hundred (100) feet of the M-52 right-of-way, in which case the maximum height shall not exceed twelve (12) feet.

Section 15.06 Signs in A-1 and RC Districts

In addition to the signs permitted pursuant to Section 15.04, signs for institutions, public facilities, special land uses and businesses authorized in the A-1 District, and signs for agricultural uses authorized in the RC District, shall be permitted in such Districts for such uses subject to the following restrictions, except where otherwise regulated by this Ordinance.

A. Type and Usage: Signs shall be wall signs and shall pertain exclusively to the business(s) or use(s) located on the lot on which the sign is located.

B. Wall Signs:

1. **Number:** There is no limitation on the number of wall signs placed upon a building provided all maximum sign area requirements are met, and all such signs are located on a single building unless expressly authorized otherwise in association with an approved site plan.
2. **Area:** The maximum total sign area of all wall signs upon a building facade shall not exceed ten percent (10%) of the area of such façade, but in no case shall exceed thirty-two (32) square feet.
3. **Dimensions:** The maximum vertical dimension of any wall sign shall not exceed one third (1/3) of the building height, and shall not project above the roof line or cornice of the building to which it is attached. The maximum horizontal dimension of any wall sign shall not exceed one half (1/2) of the building width.

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Section 15.07 Signs Prohibited

- A. The following signs are prohibited in all Districts:
1. Any sign not expressly permitted.
 2. Signs that incorporate flashing or moving lights, excluding time or temperature signs.
 3. Banners, pennants, festoons, spinners and streamers, except where in association with the advertising of the grand opening of a business or special community events associated with a governmental entity, religious institution, or non-profit entity, for a period not to exceed forty-five (45) days.
 4. Signs affixed to a parked vehicle or truck trailer that is being used principally for advertising purposes, rather than for transportation purposes.
 5. Roof and portable signs.
 6. Any sign which revolves or has any visible moving parts, visible revolving parts or visible mechanical movement of any type, or other apparent visible movement achieved by electrical, electronic or mechanical means, except where expressly authorized as part of an approved site plan that specifies such signage. Flags, banners or strings of flags, which move due to wind or mechanical devices and which are intended to draw attention to a location are considered moving signs and are prohibited, except where expressly authorized as part of an approved site plan that specifies such signage.
 7. Any sign that obstructs free and clear vision, or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; or which makes use of the words "stop", "look", "danger" or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.
 8. Any sign that includes flashing, blinking or moving illumination.
 9. Any sign that projects into any air space so as to interfere with public safety, including vehicular or pedestrian movement.

Section 15.08 Off-Premises Signs

- A. Off-premises signs are permitted provided such signs comply with all provisions of the Highway Advertising Act, P.A. 106 of 1972, as amended, and all rules promulgated pursuant to such Act, and the following provisions:
1. Outdoor advertising signs shall be permitted on a parcel in a Commercial or Industrial District where such parcel abuts the M-52 right-of-way.
 2. The following setbacks shall apply:
 - a. Except where otherwise required by this Section, outdoor advertising signs are required to have the same setback as other principal buildings in the District in which they are located, and shall be set back a minimum of one hundred (100) feet from all right-of -ways.
 - b. No off-premises sign shall be located within three hundred (300) feet of a park, school, church, hospital, cemetery, government building, or a General Agriculture, Resource Conservation, or Residential District.
 3. There shall be a minimum of one-thousand (1,000) feet between any two off-premise advertising signs along the same side of the highway. A double face (back-to-back) to a V-type structure shall be considered a single sign.
 4. An outdoor advertising sign's total surface area shall not exceed three hundred (300) square feet, nor exceed a height of twenty (20) feet.
 5. No outdoor advertising sign shall be erected on or over the roof of any building, nor have a sign above another sign.

Section 15.09 Nonconforming Signs

It is the intent of this Section to permit the continuance of a lawful use of any sign or outdoor advertising structure existing at the effective date of adoption of this Section, although such sign or outdoor advertising structure may not conform with the provisions of this Article. It is also the intent that nonconforming signs and outdoor advertising structures shall not be enlarged upon, expanded or extended. Further, it is the intent that nonconforming signs and outdoor advertising structures shall be gradually eliminated and terminated upon their natural deterioration or accidental destruction. The continuance of all nonconforming signs and outdoor advertising structures within the Township shall be subject to the conditions and requirements set forth herein.

- A. **Structural Changes:** The faces, supports, or other parts of any nonconforming sign or outdoor advertising structure shall not be structurally changed, altered, substituted, or enlarged unless the resultant changed,

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altered, substituted, or enlarged sign or outdoor advertising structure conforms to the provisions of this Article for the use it is intended, except as otherwise provided for.

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B. Damages: Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its appraised replacement cost, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

Section 15.10 Signs Requiring Permits

All signs larger in area than twenty (20) square feet, including wall signs, shall require a zoning permit prior to erection and/or placement. If site plan review is required for a proposed project which a proposed sign shall be part of, the site plan reviewing bodies shall review the proposed signage as part of the site plan review procedure for the entire project, pursuant to Article 4. If the proposed sign is to be part of an existing development for which site plan approval has already been granted or was not necessary, the Zoning Administrator shall review the application to assure all applicable ordinance standards have been met prior to issuing a sign permit. The Zoning Administrator may defer action on proposed signage to the Township Board.

End of Article 15

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Article 16 OFF-STREET PARKING and LOADING

Section 16.01 Purpose

It is the purpose of this Article to establish standards and requirements to assure that parking spaces shall be adequately provided and maintained by each property owner in every zoning district for the off-street storage of motor vehicles as may be necessary, including in association with the receiving and distribution of goods by motor vehicle, and to prevent undue interference and hazards with the public use of such parking areas, receiving and distribution areas, roads, and other vehicle access areas.

Section 16.02 General Requirements

A. Fractional Space: When units of measurement determining the number of required parking spaces result in a fractional space, any fraction to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.

B. Requirements for a Use Not Mentioned: In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is mentioned and which is most similar to the use not listed shall apply. The Township Board shall make this determination during site plan review proceedings following a recommendation by the Planning Commission, and a record of the rationale applied shall be documented in a file established for that purpose.

C. Use of Off-Street Parking Areas: Off-street parking areas shall be reserved for the parking of vehicles used to service the establishment to which it is accessory and by its patrons. No commercial repair work, servicing, storage or selling of any kind shall be conducted in an off-street parking area.

D. Building Additions or Other Increases in Floor Area: Whenever a use requiring off-street parking is increased in area, or when interior building modifications result in an increase in capacity for any premise use, additional parking shall be provided and maintained in the proper ratio to the increased floor area or capacity.

E. Location and Joint Use of Parking Areas: All off-street parking areas shall be located on the same lot, or on the adjacent premises in the same district as the use they are intended to serve. The joint use of parking facilities by two or more uses may be granted by the Township Board whenever such use is practical and satisfactory to each of the uses intended to be served, and when all site development requirements of Section 16.04 are met.

1. **Computing Capacities:** In computing capacities of any joint use, the total space requirement is the sum of the individual requirements that will occur at the same time. If space requirements for individual uses occur at distinctly different times, the total of such off-street parking facilities required for joint or collective use may be reduced below the sum total of the individual space requirements.
2. **Record of Agreement:** A copy of a proposed agreement between joint users shall be filed with the application for a zoning permit and a copy shall be recorded with the Register of Deeds of the Washtenaw County upon approval of the application. The agreement shall include a guarantee for continued use of the parking facility by each party and a provision requiring written approval by all joint users and the Township Board for termination of such agreement.

F. Queued Vehicles: There must be a minimum of fifty (50) linear feet of on-site storage to accommodate queued vehicles waiting to park or exit the site without using any portion of a public street right-of-way or in any other way interfering with road traffic. The Township Board may increase this length where it feels the minimum required fifty (50) foot distance will not adequately address public safety issues due to anticipated traffic patterns and/or types of vehicles. This subsection shall not apply to single family and two family dwellings.

G. Decrease in Parking Areas: No off-street parking area which exists at the time this Ordinance becomes effective, or which subsequent thereto is provided for the purpose of complying with this Ordinance, shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance unless additional parking area or space is provided sufficient to meet the requirements of this Article and Section 4.07.

H. Barrier-Free Parking Spaces: Barrier-free parking spaces shall be provided in accordance with the most current standards and rules of the Michigan Department of Labor, Construction Code Commission, Barrier Free Design Division. Such spaces shall be placed in the most convenient locations to facilitate access into a building. Such spaces shall be clearly identified by both adequate paint striping and wall or post signs.

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Section 16.03 Site Development Requirements for Off-Street Parking

All off-street parking areas, except for single family and two family dwellings, shall be designed, constructed and maintained in accordance with the following standards and requirements.

A. Marking and Designation: Parking areas shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles.

B. Driveways: Adequate ingress and egress to the parking area by means of clearly limited and defined drives shall be provided. Two-way drives for ingress and egress to a parking area shall be not less than twenty-five (25) feet wide and all turning radii shall comfortably accommodate vehicle turning patterns. Each entrance to and exit from an off-street parking area shall be at least twenty-five (25) feet from any adjacent lot within a residential district.

C. Surface: All required off-street parking areas shall be paved with concrete, bituminous asphalt or similar material, approved by the site plan approval body. The site plan approval body may waive this requirement for special land uses in General Agriculture, Resource Conservation and Residential Districts upon its determination that such paving is not in character with the surrounding and intended land use pattern, and the lack of paving will not cause a nuisance to current and future residents. Paved parking spaces shall be marked with striping.

D. Drainage: All required off-street parking areas shall provide adequate surface drainage facilities to collect and properly discharge storm water runoff. Off-street parking areas shall be drained so as to prevent direct drainage onto abutting properties and public streets. See Section 18.02(D)(3).

E. Location/Setback: No off-street parking area shall be located in a required front, side or rear yard setback. This requirement shall not prohibit the placement of a driveway crossing such setback areas in a generally perpendicular manner.

F. Lighting: All parking lot lighting shall comply with the applicable provisions of Section 18.04.

G. Parking Spaces and Maneuvering Lanes: Each parking space within an off-street parking area shall be provided with adequate access by means of maneuvering lanes. Backing directly onto a public road right-of-way shall be prohibited. The layout of off-street parking areas shall be in accord with the following minimum standards:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length
0° (Parallel)	10 ft.	9 ft.	23 ft.
30° to 53°	13 ft.	9 ft.	20 ft.
54° to 74°	18 ft.	9 ft.	20 ft.
75° to 90°	22 ft.	9 ft.	18 ft.

1. All maneuvering lane widths shall permit one-way traffic movement only, except for ninety (90) degree and parallel parking patterns which may provide for two-way traffic movement.

H. Number of Spaces: See Section 16.04.

I. Landscaping/Screening: See Section 17.05.

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Section 16.04 Parking Space Requirements

A. Compliance with Required Number of Parking Spaces:

1. This Section identifies the number of required off-street parking spaces in all districts, by land use type. Such parking spaces shall be located on the lot or parcel upon which the land use is located unless joint use of parking areas is permitted according to Section 16.02(E).
2. In recognition that certain commercial uses generate significantly heightened demands for parking spaces during seasonal or holiday shopping periods, the Township Board may, upon request by the applicant, waive up to twenty-five percent (25%) of the required number of parking spaces as a reserved parking area for possible future use. However, the Township Board may subsequently require the applicant to construct such parking spaces upon a determination by the Township Board that the reduced number of parking spaces is not adequate to meet the parking needs of the use and public safety and welfare is at risk. Upon such a determination by the Township Board, the applicant shall convert the reserve parking area into available parking spaces, meeting all requirements of this Article, within 6 months of such determination. The approved site plan shall clearly identify the location of this reserve parking area including parking spaces and aisles, and no buildings, structures, or similar improvements shall be established in the reserve parking area. This subsection shall apply only to commercial uses that are required to provide more than thirty (30) parking spaces.

B. Residential Uses:

1. **One and Two Family Dwellings:** Two (2) spaces for each single family dwelling unit.
2. **Multiple Dwellings:** Two (2) spaces for each multiple family dwelling unit plus one space per five (5) units for guest parking, and one (1) additional parking space shall be provided for each employee of the largest work shift.
3. **Manufactured Housing Community:** Two (2) spaces for each mobile home site plus one (1) space per three (3) units for guest parking.
4. **Group Homes (adult foster care):** One (1) space for every three (3) residents of the home, and one (1) additional parking space shall be provided for each employee of the largest work shift.

C. Commercial Uses: In addition to the parking spaces required below, an additional one (1) parking space shall be provided for each employee of the largest work shift.

1. Housing, Lodging, and Care Facilities:

- a. **Hospital, Nursing Facility, Home for the Aged:** One (1) space for each two (2) beds.
- b. **Motels, Hotels, and Bed and Breakfasts:** One (1) space for each sleeping unit, plus spaces required by this Section for accompanying bars, restaurants, banquet rooms, and other associated facilities.
- c. **Day Care Centers, Child Care Center, Nursery School, School of Special Education:** One (1) parking space for each 350 square feet of usable floor space or one (1) space for each seven children, whichever is greater.

2. Recreation:

- a. **Miniature or Par 3 Golf Courses:** Three (3) spaces for each hole.
- b. **Par 4 or Greater Golf Courses:** Four (4) spaces for each hole.
- c. **Roller Skating Rinks and Pool and Billiard Rooms:** One (1) space for every three (3) persons allowed based on the maximum capacity of the facility as determined by the State Fire Marshall.
- d. **Bowling Alleys:** Three (3) spaces for each alley.
- e. **Athletic Clubs, Physical Exercise Establishments, Health Studios, Self-Defense Clubs:** One (1) parking space per three (3) patrons based on the occupancy load established by the State Fire Marshall.

3. Retail Sales:

- a. **Automobile or Machinery Sales:** One (1) space for each 200 square feet of showroom floor area. Spaces used for storage of vehicles for sale shall not be used to meet parking requirements.
- b. **Clothing, Furniture, Appliance, Hardware, Automobile, and Machinery Sales.** One (1) space per four hundred (400) feet of gross floor area.
- c. **Service Stations:** Two (2) spaces for each repair and service stall (a service stall is not considered a parking space).
- d. **Restaurant, Standard:** One (1) space for every four (4) seats, plus an additional one (1) space for each 75 square feet of usable floor area.

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- e. **Restaurant, Drive-Through:** One (1) space for every four (4) seats, plus sufficient area for eight (8) stacking spaces for drive-in windows.
- f. **Restaurant, Drive Through (no indoor eating facilities):** One (1) space for every 15 square feet of usable floor area except that a minimum of ten (10) spaces is provided.
- g. **Restaurant, Carry-Out (no indoor eating facilities):** One (1) space for every fifteen (15) square feet of usable floor area, provided a minimum of five (5) spaces are provided.
- h. **Supermarket, Self-Service Food Store:** One (1) space for every one-hundred (100) square feet of gross floor area, excluding walk-in refrigeration units.
- i. **Retail Stores and Facilities, (not otherwise specified above):** One (1) space for every two hundred (200) square feet of gross floor area.

4. Services:

- a. **Banks and Financial Institutions:** One (1) parking space for every 250 square feet of usable floor area plus sufficient area for eight (8) stacking spaces for the first drive-through window and two (2) spaces for each additional window.
- b. **Barber Shops and Beauty Parlors:** Two (2) spaces for each beauty/barber chair.
- c. **Automobile or Machinery Service Garages:** Two (2) spaces for each service bay, provided at least ten (10) spaces are provided.
- d. **Car Wash, Automatic:** For those systems which do not operate as a continuous conveyor system accommodating multiple vehicles at a single time, reserve parking or storage for eighty (80) percent of the manufacture's hourly rated capacity for the system in use shall be required.
- e. **Car Wash, Self-Service:** Reserve parking required to accommodate up to five (5) times the maximum number of vehicles able to be undergoing some phase of washing at the same time, determined by dividing the awaiting wash line(s) by twenty (20) feet.
- f. **Medical Clinics:** Two (2) spaces for each examination or treatment room.
- g. **Funeral Homes and Mortuaries:** One (1) space for every fifty (50) square feet of floor area of chapels and assembly rooms.
- h. **Kennels:** One (1) space for each five (5) animals of the facility's capacity.
- i. **Laundromat:** One (1) space for every three (3) washing or drying machines.
- j. **Offices and Professional:** One (1) space for every two hundred (200) square feet of gross floor area.
- k. **Personal Service Establishments (not otherwise specified above):** One (1) space per four hundred (400) feet of gross floor area.

D. **Industrial Uses:**

- 1. **Industrial or Manufacturing Establishments:** One (1) space for every employee of industry's largest working shift.
- 2. **Warehouses, Wholesale Stores:** One (1) space for every eight-hundred (800) square feet of floor area.

E. **Other Uses:** In addition to the parking spaces required below, an additional one (1) parking space shall be provided for each employee of the largest work shift.

- 1. **Church, Synagogue, Chapel, Temple:** One (1) space for each three (3) seats or five (5) linear feet of pew or bench seating in the main unit of worship.
- 2. **Auditorium, Theater, Assembly Hall:** One (1) space for each three (3) seats or five (5) linear feet of bench seating, or one (1) space for each three (3) persons based on the occupancy load as established by the State Fire Marshall, which ever is greater.
- 3. **Private Civic, Fraternal Club or Lodge:** One (1) space for each three (3) members, based upon the load capacity as determined by the State Fire Marshall.
- 4. **Elementary and Middle Schools:** See requirements for auditoriums.
- 6. **High Schools:** One (1) space for each five (5) students (based on the capacity of the facility as determined by the Fire Marshall), plus one (1) space for every four (4) seats where the school contains an auditorium and/or stadium or gym.
- 8. **Libraries, Museums, Post Offices:** One (1) space for every five hundred (500) square feet of floor area.
- 9. **Outdoor Theaters and Other Outdoor Entertainment Facilities:** One (1) space for every four fixed seats and one (1) additional space for every five hundred (500) square feet available to accommodate additional attendees not otherwise restricted to a fixed seating area.

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Section 16.05 Loading and Unloading Space Requirements

A. Additional Parking Space: Loading space required under this Section shall be provided as area additional to off-street parking space as required under Section 16.04 and shall not be considered as supplying off-street parking space.

B. Space Requirements: There shall be provided an adequate space for standing, loading, and unloading service adjacent to the building opening for loading and unloading. Each space shall be a minimum of twelve (12) feet in width and twenty-five (25) feet in length, and fifteen (15) feet in height, open or enclosed. The Township Board may require a greater space length where the anticipated type of truck traffic will not be adequately accommodated by a twenty-five (25) foot space.

<u>Institutional, Commercial, and Industrial Uses</u>	<u>Spaces Required</u>
Up to 5,000 square feet of gross floor area:	1 space, if determined necessary during site plan review.
5,001 to 60,000 square feet of gross floor area:	1 space, plus 1 space per each 20,000 sq. ft.
60,001 square feet of gross floor area and over:	4 spaces, plus 1 space per each additional 20,000 square feet.

<u>Industrial Uses</u>	<u>Spaces Required</u>
Up to 1,400 square feet of gross floor area:	0 spaces.
1,401 to 20,000 square feet of gross floor area:	1 space.
20,001 to 100,000 square feet of gross floor area:	1 space, plus 1 space per each 20,000 sq. ft. of gross floor area in excess of 20,000 sq. ft.

C. Access: Access to a truck standing, loading, and unloading space shall be provided directly from a public road or alley and such space shall be so arranged to provide sufficient off-street maneuvering space as well as adequate ingress and egress to and from a road or alley.

D. Screening: All loading and unloading areas which are adjacent to another District or residential property, or face or are visible from residential properties or public thoroughfares, shall be screened.

E. Location: A loading-unloading area shall not be located within any front yard. A loading-unloading area may be located within a required side or rear yard setback where such yard adjoins a Commercial or Industrial District. However, in no case shall the loading-unloading area be located closer than fifty (50) feet to a residential lot line.

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End of Article 16

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Article 17 LANDSCAPING and SCREENING

Section 17.01 Purpose

It is the purpose of this Article is to establish standards and requirements to assure adequate provisions are made for landscaping and screening so that land uses minimize noise, air, and visual pollution; improve the appearance of off-street parking and other vehicular use areas; assure adequate buffering between incompatible uses; support the desired community character along property adjoining public rights-of-way; prevent soil erosion and soil depletion; and protect and preserve the appearance, character, and value of the community as a whole and its residential and business areas.

Section 17.02 Application

The requirements of this Article shall apply to only those uses for which site plan approval is required under Article 4, Procedures for Site Plan & Plot Plan Review, and any other use so specified in this Ordinance. No site plan shall be approved unless said site plan shall show landscaping, buffer areas, and screening consistent with the requirements set forth in this Article. This Article shall not apply to single family and two-family dwellings.

Section 17.03 Landscape Plan Required

A. A detailed landscape plan is required to be submitted as part of a site plan (see Article 4). The landscape plan shall be prepared at a minimum scale of 1" = 50' and shall identify all buffer areas (see Section 17.04) and parking lot landscaping (see Section 17.05). The landscape plan shall include, but not necessarily be limited to, the following items:

1. Proposed plant location, spacing, and size and descriptions for each plant type proposed for use to meet the requirements of this Article.
2. Identification of grass and other proposed ground cover and method of planting.
3. Existing and proposed contours on-site and 150 feet beyond the site at intervals not to exceed two (2) feet.
4. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
5. Planting and staking details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
6. Identification of existing trees and vegetative cover to be preserved and those areas of trees six (6) inches or larger in diameter, measured five (5) feet from ground surface, to be removed.

Section 17.04 Buffer Areas

A. Side and Rear Yard Buffer Areas: All uses for which a site plan is required shall be screened by a buffer area along all adjoining side and rear yard boundaries. The buffer area shall not be used for storage purposes or used in any other manner except for the purposes of a buffer.

1. The buffer area shall be equal to the minimum required setback for the District, but in no case shall such buffer yard be less than ten (10) feet in width. The buffer yard shall include a berm or solid wall or fence or a combination thereof, and be of at least (5) feet in height. The buffer area shall be planted and maintained with evergreens such as spruce, pines, or firs, and deciduous trees. While such plantings need not be evenly spaced, the trees shall be provided at a rate of at least one (1) evergreen tree per fifty (50) linear feet and one (1) deciduous tree per one hundred fifty (150) linear feet. Heights of walls shall be measured on the side of the proposed wall/fence having the higher grade. At the time of their planting, evergreen trees shall be a minimum of five (5) feet in height and deciduous trees shall have a caliper of at least two and a half (2 1/2) inches, measured five (5) feet above the ground surface, and be a minimum of twelve (12) feet in height.
 - a. A buffer area need not include a berm, wall or fence where the abutting parcel is in the same District as the buffer yard, except where such a measure is determined necessary during site plan review proceedings. However, all plant material required by (1) above shall be provided.

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- B. Front Yard Buffer Areas:** A buffer area with a minimum width equal to the front yard setback of its zoning classification shall be located adjoining the right-of-way of a public road, and shall be landscaped with a minimum of one (1) tree meeting the minimum size requirements specified in Section 17.04(A) above for each seventy-five (75) lineal feet, or portion thereof, of frontage adjoining said right-of-way. The remainder of the front yard buffer area shall be landscaped in grass, shrubs, trees and/or other ground cover. Access ways from public rights-of-way through required buffer areas shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of required trees.

Section 17.05 Parking Lot Landscaping and Screening

- A.** Parking lots shall be landscaped and screened as follows:
1. There shall be provided a minimum of one (1) deciduous tree of at least two and a half (2 1/2) inch caliper for every eight (8) parking spaces. Such trees shall be located within parking islands or within fifteen (15) feet of the edge of the parking lot. A minimum distance of three (3) feet shall be established between proposed tree or shrub plantings and the edge of curbing and pavement.
 2. Where a parking lot contains six (6) or more parking spaces and is within two hundred (200) feet of a General Agriculture, Resource Conservation or Residential District, or is within view from a residence or public road, a berm, fence, wall and/or vegetative screen shall be installed to screen views to the parking area. All shrub materials shall be a height of at least three (3) feet at the time of their planting.

Section 17.06 Minimum Standards of Landscape Elements

A. Quality: Plant material and grasses shall be of generally acceptable varieties and species, free of insects and diseases, hardy to the climate, conform to the current minimum standard of the American Association of Nurserymen, and shall have proof of any required governmental regulations and/or inspections. Plant species which are generally considered undesirable due to limited disease tolerance, low wood strength, and/or high tendencies toward splitting of wood, such as boxelder, mulberry, and willows, are not permitted unless specifically authorized otherwise by the site plan approving body.

B. Composition: A mixture of plant material, such as evergreen, deciduous trees and shrubs, shall be required as a protective measure against insect and disease infestation. A limited mixture of native hardy species shall be required to produce a more aesthetic, cohesive design and avoid a disorderly appearing arrangement.

C. Existing Trees:

1. If existing plant material is labeled "To Remain" on site plans by the applicant or required by the site plan approval body, protective techniques, such as, but not limited to, fencing or barriers placed at the dripline around the perimeter of the plant material, shall be installed during construction. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to be saved. Other protective techniques may be used provided such techniques are approved by the site plan approving body.
2. In the event that existing healthy trees which are used to meet the minimum requirements of this Ordinance, or those labeled to remain are cut down, destroyed, damaged, or excavated at the dripline, as determined by the Planning Commission, the applicant shall replace them with trees which meet Ordinance requirements.

Section 17.07 Installation, Maintenance And Completion

A. All landscaping required by this Ordinance shall be planted prior to obtaining a Certificate of Occupancy or, where the applicant can demonstrate to the Township Board that seasonal conditions prohibit the installation of the plant material prior to desired occupancy, the plant material shall be installed within six months of receipt of such Certificate.

B. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner and according to accepted good planting and grading procedures.

C. The owner of property required to be landscaped by this Ordinance shall maintain such required landscaping in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first.

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Section 17.08 Fencing and Walls Construction

- A. Fencing:** Required fencing shall consist of solid board fences with wood posts not less than three and one half inches (3 1/2" x 3 1/2") and solid board cover not less than three quarters (3/4) inch thick. Masonry piers may be substituted for wood posts. Posts or piers shall be spaced not more than eight (8) feet on center. The finished side of fencing shall face adjacent properties. Fencing consisting of tree trunks and/or limbs anchored into the ground is not permitted. All fencing materials shall be weather/rot resistant.
- B. Walls:** Required walls shall be of masonry design and constructed to facilitate maintenance and not modify natural drainage in such a way as to endanger adjacent property. The faces of such walls are to be of face brick, poured-in-place simulated face brick, precast brick panels having simulated face brick, stone, embossed or pierced concrete block, or other decorative masonry material.

Section 17.09 Waivers and Modifications

Any of the requirements of this Article may be modified through site plan review proceedings, provided the approving body first makes a written finding that specifically identifies characteristics of the site or site vicinity that would make required buffer areas, fencing, or screening unnecessary, inappropriate, or ineffective, or where it would impair vision at a driveway or street intersection.

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End of Article 17

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Article 18 ENVIRONMENTAL PROTECTION

Section 18.01 Purpose

The purpose of this Article is to promote a healthy environment in Sharon Township as it relates to the Township's natural resources; sensitive ecosystems; the integrity of the Township's land, water, and air; the quality of the Township's visual environment, including the management of outdoor lighting and its impact upon traffic safety, adjacent land uses and the night sky; and the provision of adequate sewage disposal and potable water. All provisions of this Article apply to all structures and uses unless otherwise noted.

Section 18.02 Natural Resources

A. Compliance with Local, County, State, and Federal Regulations: All land uses and construction activities shall conform with the provisions of this Ordinance and all county, state and federal regulations including, but not limited to, the following:

1. Applicable fire safety and emergency vehicle access requirements of the state construction code and State Fire Marshall.
2. Requirements of the Michigan Department of Consumer and Industry Services and the Washtenaw County Health Department.
3. Requirements of the Michigan Department of Environmental Quality including those applying to air and water quality protection, wetlands, stream crossings, fills in or near water bodies or in flood plains, and waste disposal.
4. All local, county, state and federal regulations related to loading/unloading, transport, storage, use and/or disposal of hazardous substances.
5. Applicable rules and regulations of the Federal Communications Commission.

B. Discharges

1. No dust, fumes, or noxious, odorous matter shall be discernible at or beyond the property line. Any atmospheric discharge requiring a permit from the Michigan Department of Environmental Quality or federal government shall have said permit(s) as a condition of approval for any use in this district. The escape of or emission of any gas which is injurious or destructive or explosive is prohibited. This subsection shall not apply to farm operations in compliance with most current published Generally Accepted Agricultural Management Practices of the Michigan Commission of Agriculture.
2. It shall be unlawful to discharge at any point any materials in such a way or of such nature or temperature as can contaminate any surface waters, land or aquifers, or otherwise cause the emission of dangerous or objectionable elements, except in accord with standards approved by the Michigan Department of Environmental Quality.
3. The storage of any soil, fertilizer, or similar loosely packaged materials, in association with commercial outdoor landscape supply operations, shall be sufficiently contained to prevent any adverse affect on adjacent properties, water bodies, wetlands, groundwater and drainage ways.

C. Sensitive Lands:

1. Where a portion of a parcel is characterized by sensitive or fragile environmental features, including marshes, hydric soils, or flood plains, new development on the parcel shall only occur on those portions of the parcel void of such features where reasonably feasible.
2. Except where required to do so by state or federal law, the Township shall not approve any land use which requires a county, state, or federal permit until such permit has been obtained and satisfactory evidence has been submitted verifying the acquisition of the necessary permits, or satisfactory evidence has been submitted to the Township's approving body verifying the acquisition of such permit is not necessary.
3. The Township may require mitigation measures be taken to replace those resources disturbed or destroyed by a land use, or to otherwise lessen the impact of a new land use upon natural resources and sensitive areas.

D. Clearing, Grading, and Drainage: In order to protect soil resources, adjacent properties, public roads, and public watercourses, and to provide for adequate drainage of surface water, the following rules shall apply to all construction activities requiring permits pursuant to this Ordinance.

1. **Removal of Topsoil:** Stripping and removal of topsoil from a site is prohibited prior to the completion of all approved site improvements and the seeding, sodding, and landscaping of all disturbed areas except

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where expressly authorized pursuant to an approved site plan. "Disturbed areas" shall be interpreted to mean any area of a lot which is altered by grading or other construction activities and which area is not proposed to be paved or otherwise built upon.

2. **Flow Restrictions:** The final grade surface of ground areas surrounding a building or structure shall be designed and landscaped such that surface waters flow away from the building or structure and are managed in a manner which avoids increased flow onto adjacent properties or public roads, the erosion or filling of a roadside ditch, the blockage of a public watercourse, or the creation of standing water over a private sewage disposal drainage field.
3. **Drainage:** All lots shall retain storm water runoff on-site, or detain it so as to allow discharge without any impact on adjacent lands, streams or water bodies above the existing pre-development runoff impact. No land uses shall be permitted which will increase the rate of runoff discharge from a lot or parcel or otherwise cause erosion or direct sedimentation upon adjacent properties including an adjacent street. No land uses shall be permitted which will reduce the level of service currently being provided by existing storm water management infrastructure or existing drainage patterns unless necessary improvements to such infrastructure or natural drainage pattern are first made.

Section 18.03 Potable Water And Sewage Disposal

Any structure intended for human occupancy and used for dwelling, businesses, industrial, recreational, institutional, or mercantile purposes shall not be erected, altered, used or moved upon any premises after the effective date of this Ordinance unless said structure shall be provided with a potable water supply and waste water disposal system that ensures a safe and effective means of collection, treatment, and disposal of generated wastes. All on-site sewage disposal and potable water facilities shall be constructed and maintained in accordance with the requirements and standards of the Washtenaw County Public Health Department as well as those of other applicable local, county, state, or federal agencies.

Section 18.04 Lighting

- A. No lighting shall in any way impair the safe movement of traffic on any road or highway.
- B. In a commercial, industrial, or other non-residential use, a wall, fence, or berm, at least five (5) feet in height shall be erected to prevent headlight glare from commercial or industrial land uses from shining onto adjacent residential property. No wall/fence shall in any way impair safe vertical or horizontal sight distance for any moving vehicles.
- C. In all zoning districts:
 1. Lighting shall be designed and constructed to insure that direct and reflected light is confined to the lot or parcel upon which the light source is located.
 2. Exterior lighting shall be so installed that the surface of the source of light shall be hooded or louvered to the greatest extent practical so that the light source shall not be visible and shall be so arranged to reflect light away from adjacent properties.
 3. No light source shall exceed the height of the tallest structure on the lot or parcel, and in no case shall a light source exceed a height of twenty-five feet, measured from the ground or pavement closest to the light source.
- D. Neon lighting and other bare-bulb lighting associated with an approved sign need not comply with the standards of (A), (B) and (C) above.

Section 18.05 Vibration

Operating any devices that creates vibration which 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.

Section 18.06 Glare and Heat

Any operation which produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an operation, it shall be so insulated as to not raise the temperature at any property line at any time.

Section 18.07 Noise

Outdoor broadcasting of voice or music in association with a commercial or industrial operation shall be prohibited. All uses shall comply with all township, county, state and federal regulations regarding noise.

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End of Article 18

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Article 19 ACCESS PROVISIONS

Section 19.01 Purpose

The purpose of this Article is to provide standards which will facilitate safe and efficient traffic movement and vehicular access in the Township. The standards contained herein are intended to protect the public health, safety, and welfare, including minimizing congestion and potential for accidents, and better assuring accessibility to property under emergency conditions. The regulations and standards of this Article apply to all properties in the Township. The requirements and standards of this Article shall be applied in addition to the requirements of the Michigan Department of Transportation, Washtenaw County Road Commission, and other provisions of this Ordinance.

Section 19.02 Lots To Have Access

All parcels and lots and every use, building, or structure created or established hereinafter in the Township shall have frontage on a public road, private road, or have access to a public or private road by means of an access easement. Such access easement shall be a least sixty-six (66) feet wide unless a lesser width was established and recorded prior to the effective date of this Ordinance. All private roads, driveways, and shared driveways shall be constructed and approved according to this Ordinance, and take their access from such frontage so as to provide safe, convenient access for fire protection, other emergency vehicles, and any required off-street parking.

Section 19.03 Driveways

A. Driveways: All plans for structures to be erected, altered, moved or reconstructed, and use of premises within the Township shall contain a plan for the proposed driveway access to the premises which shall be part of the plot plan or site plan pursuant to Article 4. Said plan shall be approved prior to the issuance of a zoning permit. No such plan shall be approved unless such driveway access is onto a public road or approved private road. Driveways and curb cuts shall, at a minimum, meet the following standards:

1. Driveways shall be within ten (10) degrees of perpendicular to the road.
2. No driveway shall serve more than one (1) single family dwelling or more than one (1) dwelling unit in a two family dwelling unless specifically otherwise approved.
3. Residential driveways shall be a minimum of twelve (12) feet in clear unobstructed width, be clear and unobstructed to a minimum height of fifteen (15) feet, and have a surface designed and maintained to permit emergency access.
4. Non-residential driveway ingress and egress points shall not be closer than one-hundred (100) feet to the intersection of any two (2) public streets, or closer than one hundred (100) feet to an adjacent driveway within a Commercial or Industrial district.
5. No driveways providing access to non-residential uses or structures shall cross residentially-zoned property.
6. A driveway providing access to more than one (1) Industrial or Commercial Use must meet road standards as required by the Township Board.

Section 19.04 Shared Driveways

A. Zoning Permit Required: No shared driveway as defined in this Ordinance, including a new shared driveway or a shared driveway existing on the effective date of this Ordinance, shall be established, extended, or relocated after the effective date of this Ordinance unless a Zoning Permit has been issued for such activity by the Zoning Administrator.

B. Application and Review:

1. **Application:** Shared driveways require approval, subject to an application. An application for a shared driveway shall include the following:
 - a. A plot plan drawn to a scale of not less than one inch equals 50 feet (1" = 50') delineating the proposed alignment of the driveway and the lots it is to serve, soil conditions, and existing and proposed grades.
 - b. Draft maintenance agreement signed by applicant/owner(s) to be recorded with the Township Clerk and County Register of Deeds providing for:
 - 1) A method of financing such shared driveway in order to keep the shared driveway up to the specifications of this Section.

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- 2) A workable method of apportioning the costs of maintenance and improvements to current and future lots along such shared driveway.
- c. Draft easement agreement signed by the applicant/owner(s) to be recorded with the Township Clerk and County Register of Deeds providing for:
 - 1) Easements to the public for purposes of emergency and other public vehicles for whatever public services are necessary.
 - 2) A provision that the owners of any and all of the property using the shared driveway shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress, public utilities, and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitee, vendors, tradesman, delivery persons, and others bound to or returning from any of the properties having a need to use the driveway. In all cases there should be no obstructions within twelve (12) feet on either side of the driveway's center line.
2. Review: The approving body for an application for a shared driveway shall be the Zoning Administrator. The Zoning Administrator shall forward all relevant application materials for review and comment to the Fire Chief and Township Attorney and, where the Zoning Administrator considers necessary, to the Township Engineer.
3. Action: Upon a finding that the application materials conform to the requirements and standards of this Section and Ordinance, the Zoning Administrator shall approve, or approve with conditions, the application. No approval shall be granted until the Zoning Administrator has received copies of the approved shared driveway easement agreement and maintenance agreement recorded with the Washtenaw County Register of Deeds.

C. Standards: Shared driveways shall comply with the following standards in addition to all other applicable standards of this Ordinance:

1. The shared driveway surface shall be a uniform minimum twelve (12) feet wide, measured edge to edge, with segments twenty (20) feet wide and forty (40) feet long, every three hundred (300) feet, to accommodate passing vehicles, and have a surface designed and maintained to permit emergency access.
2. Shared driveways shall not serve more than four (4) dwelling units.
3. All addresses served by the shared driveway shall be clearly marked at its point of intersection with a road, and such addresses shall also be clearly marked at any location a private driveway splits from the shared driveway.
4. No shared driveway shall be posted with a name.

Section 19.05 Private Roads

A. Private Roads Permitted: Private roads are permitted in Sharon Township provided such roads comply with the regulations and standards of this Ordinance.

B. Zoning Permits Required:

1. No private road, including a new private road or a private road existing on the effective date of this Ordinance, shall be constructed, extended, improved, or relocated after the effective date of this Ordinance unless a Zoning Permit has been issued for such construction by the Zoning Administrator, after approval of the Township Board.
2. No building or zoning permits shall be issued for any use, structure or building that relies upon a private road for access until such road has received final approval from the Township Board through the issuance of a zoning permit for the use of such road.

C. Application: Application for a private road shall require site plan approval according to Article 4. In addition to the data required by Article 4 for site plan approval, the following additional information shall be provided:

1. A general property development plan identifying the following:
 - a. Project description, in both narrative and map form, including the location of the proposed private road easement and approximate location of proposed land divisions to gain access from said private road.
 - b. The legal description of the proposed private road easement.
 - c. Construction plans and drawings illustrating the proposed design and construction features of the proposed private road and easement, including existing and proposed elevation contours within all areas to be disturbed or altered by construction of the private road. Proposed traffic control measures (including signs) and proposed road names shall also be indicated.

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- d. A signed statement by a civil engineer licensed in Michigan certifying that the plans and drawings for the private road, submitted for review, meet or exceeds the provisions of the Sharon Township Zoning Ordinance.
2. Road easement agreement signed by the applicant/owner(s) to be recorded with the Township Clerk and Washtenaw County Register of Deeds providing for:
 - a. Easements to the public for purposes of emergency and other public vehicles, and easements for utilities.
 - b. A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, vendors, tradesman, delivery persons, and others bound to or returning from any of the properties having a need to use the road.
 - c. A provision that substantially conforms to the following:

"This parcel of land has private road access across a permanent easement which is a matter of record and a part of the deed. This notice is to make Purchaser aware that this parcel of land has egress and ingress over this easement only. Neither Washtenaw County nor Sharon Township has any responsibility for maintenance or upkeep of any improvement across this easement, except as may be provided by an established special assessment district. Maintenance is the responsibility of the owners of record. The United States mail service and the local school district are not required to traverse this private improvement and may provide service only to the closest public access. (Michigan P.A. 134 of 1972, as amended.)"
 - d. Draft road maintenance agreement signed by applicant/owner(s) to be recorded with the Township Clerk and County Register of Deeds providing for:
 - 1) A method of initiating and financing of such road in order to keep the road up to properly engineered specifications and free of snow or debris.
 - 2) A workable method of apportioning the costs of maintenance and improvements to current and future uses.
 - 3) A notice that if repairs and maintenance are not made, the Township Board may perform the necessary repairs and maintenance, and bring the road up to established County Road Commission standards, and assess owners of parcels on the private road for the improvements, plus administrative fees.
 - 4) A notice that no public funds of the Township are to be used to build, repair, or maintain the private road.

D. Zoning Permit for Use of Private Road Required: Upon completion of the construction of a private road as authorized by an approved site plan and zoning permit, the Township Board shall grant final approval for the use of the private road to provide access to structures and uses when the following conditions have been met:

1. The applicant's civil engineer shall certify to the Township Board, in writing, that the required improvements were made in accordance with this Article and Ordinance and all approved plans. The applicant's engineer shall be registered in the State of Michigan.
2. The Township Board has received copies of the approved road easement agreement and road maintenance agreement recorded with the Washtenaw County Register of Deeds.

E. Design Standards: All private roads shall be designed and constructed to the most current standards of the Washtenaw County Road Commission. However, the Township Board may waive one or more of such standards where the following findings are documented along with the rationale for the decision:

1. No good public purpose will be achieved by requiring conformance with the standards sought by the applicant to be waived.
2. The spirit and intent of this Section will still be achieved.
3. No nuisance will be created.

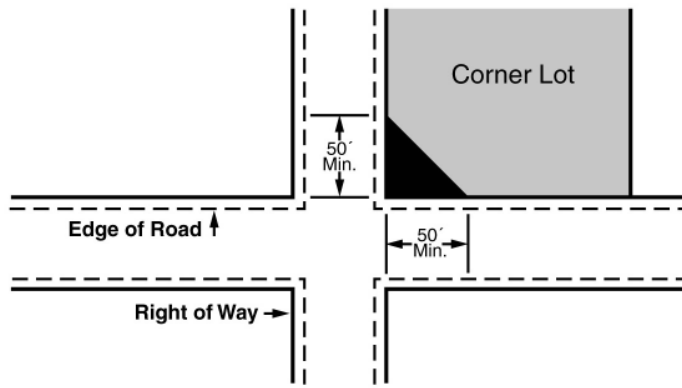
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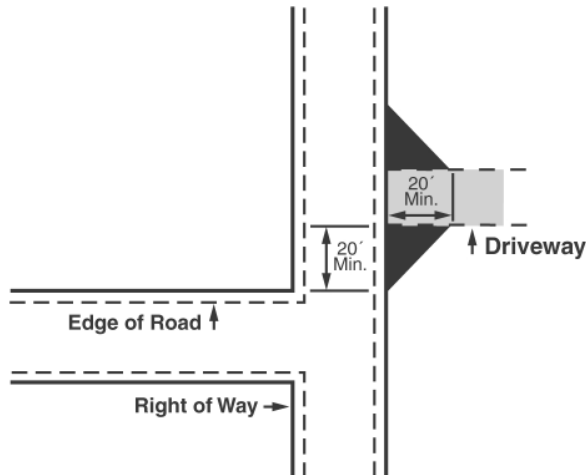
Section 19.06 Clear Vision Zone

- A. Roads:** No fence, wall, hedge, screen, sign, structure, vegetation or other obstruction shall be located so as to impede vision between the height of two and one-half (2 1/2) and ten (10) feet above road grade on any corner lot within the triangular area formed by the intersection of any road right-of-way lines and a diagonal line connecting them at points fifty (50) feet from their intersection (See Figure 19.04-1).
- B. Driveways:** No fence, wall, hedge, screen, sign, structure, vegetation or other obstruction shall be located so as to impede vision between the height of two and one-half (2 1/2) and ten (10) feet above road grade on any lot or parcel within the triangular area formed by the intersecting lines of a driveway edge and road right-of-way line and a diagonal line connecting them at points twenty (20) feet from their intersection (See Figure 19.04-2).

**Figure 19.04-1
Clear Vision Area Along Road Intersections**



**Figure 19.04-2
Clear Vision Area for Driveways**



End of Article 19

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Article 20 GENERAL PROVISIONS

Section 20.01 Purpose

The purpose of this Article is to recognize that there are certain conditions concerning land uses that warrant specific exceptions, regulations, or standards in addition to the requirements of the zoning district which they are permitted to be located. The following general provisions establish regulations which are applicable to all zoning districts unless otherwise indicated.

Section 20.02 Conditional Approvals

A. Conditions on Discretionary Decisions: The Planning Commission, Zoning Board of Appeals, and Township Board may attach conditions to the approval of a site plan, special land use, variance or other discretionary approval. Such conditions shall be based upon standards in this Ordinance and may be imposed to:

1. Insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
2. Protect the natural environment and conserve natural resources and energy.
3. Insure compatibility with adjacent uses of land.
4. Promote the use of land in a socially and economically desirable manner.

B. Requirements for Valid Conditions: Conditions imposed shall meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

C. Record of Conditions and Changes: Any conditions imposed shall be recorded in the record of the approval action. These conditions shall not be changed except upon the mutual consent of the approving authority and the property owner.

D. Performance Guarantees: Performance guarantees may be required to insure compliance with conditions on discretionary decisions pursuant to the requirements of Section 3.07.

Section 20.03 Essential Services

Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance. This provision shall not apply to administrative buildings, communication towers, public utility storage yards, and similar above-ground structures and uses associated with such essential services. See Article 21 for definition of "essential services."

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Section 20.04 Temporary Dwellings

A. Authorization: Temporary dwellings are prohibited except as provided for by this Section.

B. Emergency Housing and New Home Under Construction: The Zoning Administrator shall have the authority to approve a Temporary Structure Permit to use a mobile home, recreational vehicle or an existing dwelling as a temporary dwelling. Said permit shall be in effect for twelve (12) months and the Planning Commission may grant extensions upon a finding that, in the case of (1) and (2) below, the applicant has made a good faith effort to initiate and complete construction. Such permit shall be issued only on the following basis:

1. **Emergency Housing:** When a dwelling is destroyed by fire, collapse, explosion, Acts of God, or acts of a public enemy to the extent that it is no longer safe for human occupancy, as determined by the Building Official, a temporary zoning permit may be issued to allow a mobile home or recreational vehicle to be placed on the property upon the request of the owner. In no case shall a garage or accessory structure be used or authorized as a temporary dwelling.
2. **New Home Under Construction:** When a new dwelling is being constructed on a vacant lot, a temporary zoning permit may be issued to allow a mobile home or recreational vehicle on the same lot. In no case shall a garage or accessory structure be used or authorized as a temporary dwelling. When a new dwelling is being constructed on the same lot as an existing dwelling, the Zoning Administrator may approve a Temporary Structure Permit with the same timing and bonding requirements. This permit shall only be issued after a contract is executed between the applicant and Sharon Township to insure the removal of the original dwelling.

C. Exception for Use of Recreational Vehicle: A recreation vehicle may be used as a temporary dwelling on a parcel void of a dwelling under construction or repair as otherwise permitted by (B) above, where the following conditions are met:

1. The parcel is a minimum of ten (10) acres in area.
2. The vehicle is registered to the owner of the parcel.
3. No more than one (1) recreational vehicle may be present on the parcel at any single time and the parcel shall not be used for the storage or parking of the same or different recreational vehicle for more than thirty (30) days in any twelve month period.

D. Temporary Dwellings: Temporary dwellings authorized by this Section shall comply with the following standards. A temporary zoning permit shall not be granted unless the Zoning Administrator determines compliance with these standards.

1. The mobile home or recreational vehicle shall comply with all setback requirements of the District for a principal dwelling and shall not interfere with emergency access to the principal dwelling.
2. Adequate measures are available for potable water and sewage disposal, in compliance with all applicable county and state health department rules and regulations.
3. A performance guarantee in the amount established by the Township Board is made available from the property owner prior to placing the temporary dwelling, to ensure removal of the temporary dwelling at termination of the permit.

E. Recreation Vehicles: Nothing in this Section shall prohibit the use of a recreational vehicle as a temporary dwelling for a period not to exceed four (4) days in any fourteen (14) day period where such vehicle is parked on a residential lot on which a permanent dwelling is located and to which the occupants of the recreational vehicle have access for potable water and sewage disposal needs. Where parked in a side or rear yard, such vehicle shall comply with all applicable setback standards for the District for principal dwellings.

Section 20.05 One Single-Family Dwelling to a Lot

No more than one (1) single family dwelling unit may be permanently established on a lot or parcel, unless specifically provided for elsewhere in this Ordinance.

Section 20.06 Moving Buildings

No existing building or structure within or outside of the Township shall be relocated upon any parcel or lot within the Township unless the building or structure meets all applicable provisions of this Ordinance, including but not limited to required setbacks, and the building and all materials therein are approved by the Building Inspector.

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Section 20.07 Height Requirement Exceptions

A. The following are exempted from height limit requirements of this Ordinance, provided that no portion of the exempted structure may be used for human occupancy:

1. Those features that are purely ornamental in purpose such as church spires, belfries, cupolas, domes, ornamental towers, flagpoles and monuments, and the resulting structure does not exceed a total height of seventy-five (75) feet.
2. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, elevator and stairwell penthouses, ventilators, bulkheads, radio towers, masts and aerials, television antennas, fire and hose towers, wire transmission structures, cooling towers, or other structures where the manufacturing process requires a greater height but do not exceed seventy-five (75) feet in height.

Section 20.08 Earth Sheltered Homes

The bottom edge of an earth berm abutting a wall or roof of a dwelling shall meet the height and setback requirements for the District in which it is located.

Section 20.09 Fences

A. Residential Fences: Fences erected on residential properties shall be subject to the following provisions:

1. Fences within or along any rear or side yard shall not exceed six (6) feet in height as measured from the surface of the ground.
2. Fences located within or along the required front yard shall not exceed four (4) feet in height as measured from the surface of the ground.
3. The finished side of a fence shall face the adjoining lot when such fence is within twenty (20) feet of a lot line.

B. Non-residential Fences: Fences that are proposed as part of a commercial, industrial, institutional, or other non-residential use shall be subject to review as part of the normal site plan review proceedings for the use, at which time the Township Board shall determine the appropriateness of any proposed fencing in regard to height, setbacks, materials, and design.

C. Dangerous Fences: No fence with barbs, spikes, nails, or other sharp or electrified devices shall be permitted in any District except for the purpose of confining farm animals, or otherwise approved during site plan review proceedings.

Section 20.10 Home Occupations

A. The regulation of home occupations as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance; but such flexibility is not intended to allow the essential residential character of residential districts, in terms of use and appearance, to be changed by the occurrence of non-residential activities. Class 2 Home Occupations, as defined in Article 21 of this Ordinance, shall be permitted pursuant to Article 5, Special Land Uses, and Section 5.22. Class 1 Home Occupations, as defined in Article 21, shall comply with the following conditions:

1. The home occupation shall be conducted entirely within the dwelling and shall not occupy more than twenty (20) percent of the total floor area of the dwelling.
2. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
3. The operation of the home occupation shall not involve the presence of more than one (1) person not residing in the home.
4. All activities shall be carried on indoors. No outdoor storage or display shall be permitted.
5. There shall be no change in the exterior appearance of the dwelling, or other visible evidence of the conduct of such home occupation.
6. Traffic generated by a home occupation shall not be greater in volume than is normally associated with a single family dwelling. Any need for parking generated by the home occupation shall be met off the street, and other than in a required front yard, although motor vehicles may be parked in an existing driveway if it is of sufficient size. No additional off-street parking demand shall be created.

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7. No article shall be sold or offered for sale on the premises except such as is produced within the dwelling, or is provided as an incidental activity associated with the principal service offered by the home occupation.
8. The home occupation shall not entail the use or storage of explosive, flammable, or otherwise hazardous materials or waste in excess of quantities normally customary and incidental to a single family dwelling and lot.

Section 20.11 Condominium Subdivisions

A. Intent: The intent of this Section is to provide regulatory standards for condominium subdivisions similar to those required for projects developed under other forms of ownership. This section is not intended to prohibit or treat proposed or existing condominium projects different than projects developed under another form of ownership.

B. Applicability of District Regulations: A condominium unit, including single family detached units, shall comply with all applicable site development standards of the district within which it is located, including use, setback, height, coverage and area requirements, and all other provisions of this Ordinance. A condominium unit in a condominium subdivision is that portion of the project intended to function generally similar to a platted subdivision lot and shall comply with the minimum lot area, width and yard setbacks of the District within which it is located.

C. Review and Approval Procedures:

1. **Zoning Permit Required:** No grading or any other form of construction shall be initiated for a condominium subdivision prior to the approval of a final site plan and issuance of a zoning permit. The future erection of any dwelling or other structure or building in the site condominium, not expressly approved as part of and illustrated on the final site plan, shall require an additional zoning permit prior to erection.
2. **Site Plan Approval Required:** The issuance of a zoning permit shall require the submittal and approval of a preliminary and final site plan pursuant to Article 4, Plot Plan and Site Plan Review, and master deed and bylaw documents. The Township Board shall be the approving body and shall act after receiving a recommendation from the Planning Commission.
3. **Condominium Subdivision Plan Required:** In addition to the preliminary and final site plan information required by Article 4, the applicant shall also submit information constituting a condominium subdivision plan, including the size, location, area, width, and boundaries of each condominium unit; building locations; the nature, location, and approximate size of common elements; and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.
4. **Master Deed/Bylaws Approval Required:** The applicant shall furnish the Planning Commission with fifteen (15) copies of the proposed master deed and bylaws. These shall be reviewed for compliance with Township ordinances and to ensure that an assessment mechanism has been included to guarantee adequate funding for maintenance of all common elements. The common area funding responsibility of the association shall include any necessary drainage ways and the cost to periodically clean out such drainage ways to keep them functioning as intended in the approved plans. The master deed shall clearly state the responsibility of the owner and co-owners and shall state that all amendments to the master deed must conform with Township, county, and state laws and regulations. The master deed shall also include any variances granted by Township, county, or state authorities and include a hold harmless clause from these variances. All provisions of the condominium subdivision plan which are approved by the Township Board shall be incorporated, as approved, in the master deed for the condominium subdivision.
5. **Issuance of Zoning Permit:** Upon approval of the final site plan, by-laws and master deed, the applicant shall furnish the Township Clerk a copy of the final bylaws and master deed, and a copy of the approved site plan on a mylar sheet of at least twenty-four inches by thirty-six inches (24" x 36"). Upon the satisfactory submittal of these documents, the Clerk shall direct the Zoning Administrator to issue a zoning permit.
6. **Changes:** Any changes to an approved site condominium including changes in the by-laws, master deed, or site plan, including changes in lot line or road configuration and the addition or relocation of buildings, shall require approval by the Township Board prior to such change.

D. Building Permit: No building shall be erected prior to the issuance of a zoning permit by the Zoning Administrator, and a building permit by the Building Inspector.

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E. Utilities: The condominium subdivision shall provide for dedication of easements to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains and other installations of a similar character for the purpose of providing public utility services, including conveyance of sewage, potable water and storm water runoff across, through and under the property subject to said easement, and excavation and refilling of ditches and trenches necessary for the location of such installations.

F. Roads: All roads within a condominium subdivision shall be designed and constructed in conformance with the adopted Private Road Standards of the Washtenaw County Road Commission and shall conform to the provisions and standards of the Sharon Township Private Road Ordinance.

G. As-Built Plan and Occupancy: Submission of an as-built plan of a condominium subdivision is required. The Zoning Administrator may allow occupancy of the project before all required improvements are installed provided that a financial performance guarantee in the form of a cash deposit or irrevocable letter of credit is submitted to the Township Clerk, sufficient in amount and type to provide for the installation of improvements. The amount of the financial guarantee shall be determined by the Township Board based on an estimate by the Township Engineer.

H. Monuments: All condominium units which are building sites shall be marked with monuments as if such units were lots within a platted subdivision, and such monuments shall comply with the requirements of the P.A. 591 of 1996, the Land Division Act, as amended.

Section 20.12 Single Family Dwelling Standards

A. All single family detached dwellings shall comply with the following standards, provided that the following standards shall not apply to temporary dwellings, or mobile homes located in a licensed mobile home park, except to the extent required by state and federal law.

1. A single family dwelling shall have a minimum floor area of one thousand (1,000) square feet, excluding basement and garage areas, and a minimum front, side, and rear elevation of twenty-four (24) feet in length.
2. A single family dwelling shall comply in all respects with the state construction code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with federal or state standards or regulations for construction (as in the case of mobile homes) and where such standards or regulations for construction are different than those imposed by the state construction code, then and in that event such federal or state standard or regulation shall apply.
3. A single family dwelling shall be firmly attached to a permanent foundation constructed on the site in accordance with the state construction code.
 - a. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device, and shall be set on a concrete footing with a masonry wall extending from perimeter to ground, or on a concrete footing with fireproof supports and shall have a continuous skirt extending from perimeter to ground, made of commercial quality or equivalent, and comply with the rules and regulations of the Michigan Mobile Home Commission, the Public Health Department, and HUD Regulations 24 CFR 3280, being the "Mobile Home Construction and Safety Standards".
 - b. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
 - c. In the event that a dwelling is a mobile home as defined herein, such mobile home shall not be removed from a foundation unit until a permit therefor has been issued by the building official, in accordance with the state construction code.
4. A single family dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the Washtenaw County Health Department.
5. A single family dwelling shall contain storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure similar to or of better quality than the principal dwelling, which storage area shall be equal to ten (10) percent of the square footage of the dwelling or one-hundred (100) square feet, whichever shall be less.

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6. A single family dwelling shall contain either a roof overhang of not less than twelve (12) inches on all sides, or alternatively, window sills and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling.
7. A single family dwelling shall be aesthetically compatible in design and appearance with other single family dwellings in the vicinity. The compatibility of design and appearance shall be determined by the Zoning Administrator upon review of the plans submitted for a particular dwelling. Any determination of compatibility shall be based upon the standards set forth in this Section as well as the character, design and appearance of one or more residential dwellings located in the Township within three hundred (300) feet of the subject dwelling where such area is developed with dwellings; or, where said area is not so developed, by the general character, design and appearance of residential dwellings located in the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
8. All subsequent additions to a dwelling shall be of similar quality workmanship as the original structure, including construction of a foundation as required herein.
9. All construction required for a single family dwelling shall be commenced only after a building permit has been obtained in accordance with the applicable state construction code provisions and requirements.

Section 20.13 Outdoor Storage

A. Commercial Display and Sales: Outdoor display and sales of merchandise intended for sale shall be permitted only where expressly authorized pursuant to an approved site plan for a business predominantly characterized by retail sales.

1. In the case of the display and sales of motor vehicles, items intended for tow, retail and wholesale landscape materials, or other items customarily requiring outdoor display and sales, the display and sales shall not extend beyond the District's required setbacks for principal buildings nor be located in a front yard. In all other cases, the display and sales shall not extend beyond (30) feet from the principal building but in no case extend beyond the District's required setbacks for principal buildings.
2. Except in the case of the display and sales of motor vehicles, items intended for tow, retail and wholesale landscape materials, or other items customarily requiring outdoor display and sales, the maximum permitted outdoor display or sales area shall be a total of ten percent (10%) of the use's indoor retail sales floor area.

B. Commercial and Industrial Storage: All storage of materials or products in association with a commercial or industrial use that are not intended for display or sales, including lumber piles, crates, boxes, building materials, discarded materials, and junk shall be completely enclosed or otherwise screened by an opaque fence or wall of not less than six (6) feet in height. The height of the wall or fence shall be increased to equal the height of any equipment, vehicles, or materials within the enclosed area. Such enclosure or screen shall be subject to site plan approval. This subsection (B) shall not apply to the storage of motor vehicles, items intended for tow, or retail and wholesale landscape materials, or other items customarily requiring outdoor storage, but in no case shall such storage area extend beyond the District's required setbacks for principal buildings.

C. Residential Storage: There shall be no outdoor storage in association with a residential lot except for those items customarily incidental to the continued maintenance and operation of the dwelling or otherwise for use by the occupants of the dwelling, and designed and intended for outdoor use and storage. In no case shall this provision be interpreted to permit the outdoor accumulation or storage of unlicensed inoperative vehicles, appliances, toys or furniture, or wood or other building materials not actively being used on the lot for construction purposes. Such storage shall comply with all setbacks applicable to dwellings in the District except as provided below in (1). In no case shall the total area occupied by such storage exceed fifty percent (50%) of the ground floor area of the dwelling.

1. Storage of Recreational Equipment: Recreation vehicles, boats and boat trailers, snowmobiles, trail-cycles, all terrain vehicles and similar equipment, and trailers, cases, and boxes used for transporting recreational equipment whether occupied by such equipment or not, shall not be parked or stored in any required front yard setback of a residential lot except that such equipment may be parked on a driveway for a period not to exceed four (4) days in any fourteen (14) day period. Such equipment shall not be used for living, sleeping, or housekeeping purposes except as may be authorized by Section 20.05(E). Such items shall be licensed, insured, and in operating condition.

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2. Storage of Unlicensed Operative Vehicles: No more than one (1) unlicensed operative vehicle shall be located on a residential lot except where such additional vehicles are contained within a fully enclosed building.

Section 20.14 Limitations on Vehicles in A-1, RC and Residential Districts

A. No more than one (1) commercial vehicle may be stored on a lot in a Residential District. "Commercial vehicle" shall be defined as a vehicle primarily designed or used to transport goods, materials, equipment, tools, or other items. Under no conditions are tow-trucks, semi-tractors or trailers, sand and gravel hauling trucks, bulldozers, graders and similar earth moving equipment permitted to be stored in a Residential District, indoors or outdoors, except in association with a home occupation in conformance with a valid zoning permit, or upon a lot currently under construction according to a valid zoning permit and such construction requires the use of such vehicles.

B. Vehicles used for commercial purposes, including tow-trucks, semi-tractors or trailers, sand and gravel hauling trucks, bulldozers, graders and similar earth moving equipment, are permitted to be stored in an A-1 and RC District within a fully enclosed building.

C. This Section shall not prohibit the parking or storing of agricultural vehicles and machinery on a parcel devoted to agriculture for which the vehicles and/or machinery is used, nor shall this provision prohibit the storing of buses for school or church use on lots or parcels upon which the school or church is located.

Section 20.15 Temporary Uses

A. The following temporary uses and buildings are permitted according to the regulations of this Section.

1. Transient and Amusement Enterprises: Circuses, carnivals, other transient amusement enterprises, music festivals, rodeos, and similar temporary gatherings of people, may be permitted in any District upon approval by the Township Planning Commission and issuance of a zoning permit for such temporary use. The applicant shall submit a detailed description of the proposed activity including a drawing clearly identifying how the site is to be used including parking areas, location of all proposed equipment, stages, seating, restroom facilities, and similar features of the proposed use. Such enterprises shall be permitted only on the finding by the Planning Commission that the activity and its location will not adversely affect adjoining properties or the public health, safety, or general welfare, including a finding that the activity will be adequately served by potable water, sewage disposal, and emergency services. For the purposes of this subsection, a large public gathering shall be defined as a gathering of more than one-hundred (100) persons for the purposes of entertainment of an outdoor nature such as, but not limited to circuses, carnivals, theatrical exhibitions, public shows, displays, and musical festivals, but shall not include gatherings devoted to family functions including reunions.
2. Roadside Stands:
 - a. For the purposes of this Section, a roadside stand shall be interpreted as a structure operated only for the purpose of the retail sale of produce raised or produced on the farm where such stand is situated. A roadside stand is classified as an accessory use to such farm and in no case shall a roadside stand constitute a rezoning of land nor be deemed a commercial activity.
 - b. Roadside stands shall be permitted according to the following:
 - 1) A roadside stand shall be seasonal in nature and shall not operate for more than six (6) months out of any calendar year.
 - 2) Adequate parking spaces shall be provided outside of the road right-of-way.
 - 3) A single sign advertising the roadside stand is permitted on the parcel and shall not exceed sixteen (16) square feet in area nor six (6) feet in height.
3. Garage Sales: Garage sales, rummage sales, yard sales, moving sales, and similar activities shall be considered temporary accessory uses within any General Agriculture, Resource Conservation or Residential District subject to the following conditions:
 - a. Any single garage sale, rummage sale or similar activity shall not to exceed four (4) days in operation.
 - b. In no instance shall more than three (3) garage sales, rummage sales or similar activity be held on any one lot within any twelve (12) month period.
 - c. All such sales shall be conducted a minimum of thirty (30) feet from the front lot line and fifteen (15) feet from a side lot line.
 - d. No garage sale or similar activity shall be conducted before 8:00 a.m. or continue later than 9:00 p.m.

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- e. Items purchased specifically for the sale are prohibited.

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- f. All signs advertising a garage sale shall be removed within twenty-four (24) hours of the conclusion of said garage sale or similar activity.

Section 20.16 Keeping of Animals

A. Vicious Animals: No vicious animal shall be kept permanently or temporarily in any District in the Township. For the purposes of this Section, a "vicious animal" shall be defined as any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.

B. Household Pets: The keeping of household pets, including dogs cats, fish, birds, hamsters and other animals generally regarded as household pets is permitted as an accessory use in any Residential District provided such activities do not constitute a kennel as defined in this Ordinance, and the keeping of such animals does not constitute a nuisance due to excessive noise or the lack of adequate containment and supervision.

C. Private Stables and Livestock: The raising and keeping of livestock or other animals generally not regarded as household pets and which do not meet this Ordinance's definition for "vicious animal," may be conducted as accessory to the principal residential use of a lot according to the following conditions. This subsection (C) shall apply only to the keeping of livestock or other animals as accessory to the principal residential use of a lot, including private stables, and shall not apply to a farm.

1. Animals shall be managed by the occupants of the premises.
2. Such keeping of animals shall be permitted in the General Agriculture and Resource Conservation Districts only, but in no case shall occur in platted or condominium subdivisions unless specifically designed to incorporate an equestrian center.
3. All such raising and keeping or killing and dressing of poultry and animals processed upon the premises shall be for the use or consumption by the occupants of the premises.
4. The occupants of the premises shall keep the odor, sounds and movement of the animals from becoming a nuisance to adjacent properties.
5. Manure piles shall be stored, removed, and/or applied to the soil in accordance with the Generally Accepted Agricultural and Management Practices of the Michigan Agriculture Commission for manure management and utilization, and with Michigan Department of Agriculture and County Health Department regulations. No storage of manure, odor, or dust producing materials, shall be permitted within one hundred (100) feet of any adjoining lot line.
6. Maintenance of animals and operation of private stables shall be in conformance with all applicable county, state, and federal regulations.
7. All animal facilities shall be constructed and maintained so that dust and drainage from the facilities shall not create a nuisance or hazard to adjoining property or uses.
8. No living quarters shall be located in any private stable.

D. Compliance with Regulations: The keeping, maintaining, and/or raising of animals shall comply with all county, state, and federal regulations.

Section 20.17 Accessory Uses, Buildings, and Structures

A. Scope: Accessory buildings, structures and uses, except as otherwise permitted in this Ordinance, shall be subject to the regulations of this Section. This Section shall not apply to accessory uses, buildings and structures part of a farm operation.

B. Placement/Setbacks:

1. An accessory building or structure, including carports which are attached to the principal building, shall comply in all respects with the requirements of this Ordinance applicable to the principal building, including yard setbacks.
2. Breezeways, as an attachment between the garage or carport and the main building, shall be considered a part of the main building.
3. An accessory building or structure, unless attached and made structurally a part of the principal building, shall not be closer than five (5) feet to any other building on the lot.

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C. Height:

1. In Residential Districts, and on lots in a platted or condominium subdivision in General Agriculture and Resource Conservation Districts, accessory buildings and structures shall not exceed twenty-two (22) feet in height.
2. In General Agriculture and Resource Conservation Districts, but excluding lots in a platted or condominium subdivision, accessory buildings and structures shall not exceed thirty-five (35) feet in height.
3. Detached accessory structures in Commercial or Industrial Districts may be constructed to equal the permitted maximum height of principal structures in said Districts, subject to site plan approval.

D. Lot Coverage:

1. In Residential Districts, and on lots in a platted or condominium subdivision in General Agriculture and Resource Conservation Districts, accessory buildings and structures shall not occupy more than a cumulative total of twenty-five (25) percent of the rear or side yard in which they are located, and in no case shall the total area of such accessory buildings or structures exceed the ground floor area of the dwelling.
2. In General Agriculture and Resource Conservation Districts but excluding lots in a platted or condominium subdivision, the total area of such accessory buildings or structures shall not exceed two (2) times the ground floor area of the dwelling or three thousand (3,000) square feet, whichever is greater.

E. Habitation of Accessory Structures: No accessory building or structure shall be used or occupied as a dwelling. See Section 20.05, Temporary Dwellings.

F. Prior to a Principal Structure: Accessory buildings and structures may be erected on a lot or parcel prior to the establishment of a principal structure provided the landowner submits a plot plan or site plan to the Zoning Administrator pursuant to Article 4 and the Zoning Administrator finds that such building or structure will not hinder the future erection of a principal building(s) in conformance with all setback and other site development requirements of this Ordinance. Accessory buildings and structures approved for erection on a lot or parcel prior to the establishment of the principal structure shall be appropriately landscaped to be harmonious in appearance and character with surrounding properties. Such landscaping shall be identified on the plot plan or site plan and shall be installed within four (4) months of substantial completion of construction of the accessory buildings or structures.

G. Storage in Vehicles Prohibited: The use of a vehicle or parts thereof, including a mobile home, trailer, truck or car, for the purposes of storage of building materials, household items, scrap materials, garments, garbage, refuse and similar materials is prohibited as an accessory use, structure or building except as may be expressly authorized during site plan approval for non-residential uses. This subsection shall not apply in the case of storage of materials for construction activities on the same parcel and for which a zoning permit has been issued for new construction. However in no case shall such vehicles or parts thereof be of a structurally unsound condition or reflect exterior conditions that would prohibit its safe and lawful use for the purpose of its original design.

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End of Article 20

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Article 21 DEFINITIONS

Section 21.01 Construction of Language

For the purpose of this Ordinance, certain rules of construction apply to the text as follows:

- A. Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
- B. The word "person" includes a corporation, association, partnership, trust, firm, or similar activity as well as an individual.
- C. The word "building" includes the word "structure" and both include any part thereof.
- D. The word "lot" includes the word "plot", "tract", or "parcel".
- E. The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
- F. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended to be used or occupied," "arranged to be used or occupied," "maintained to be used or occupied," or "designed to be used or occupied."
- G. The words "this Ordinance" means the text of this Ordinance as well as all maps, tables, graphics, and schedules, as included or attached as enacted or subsequently amended.
- H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
 - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - 2. "Or" indicates the connected items, conditions, provisions or events may apply singly or in any combination.
 - 3. "Either/or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.
- I. The "Township" is the Township of Sharon in the County of Washtenaw, State of Michigan; the "Township Board", "Zoning Board of Appeals" and "Planning Commission" are, respectively, the Township Board of Trustees, Zoning Board of Appeals, and Planning Commission of the Township.
- J. Any word or term not interpreted or defined by this Ordinance shall be used with a meaning of common or standard utilization. A dictionary may be consulted.
- K. Where a specific agency, department, law, or rule is referred to in this Ordinance, such reference shall include any successor agency, department, law or rule.

Section 21.02 DEFINITIONS

Accessory Building or Structure: A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building.

Accessory Use: A use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

Adult Entertainment Business: Any business, club or organization where one or more persons display "*specified anatomical areas*" or engage in "*specified sexual activities*", either in person or by photograph, motion picture, television or other type of image. This definition includes the following: "*adult book store,*" "*adult cabaret,*" "*adult motel,*" "*adult novelty shop,*" "*adult theater,*" "*massage parlor,*" "*public bath*" and "*taxi dance hall.*" Additional terms and definitions applicable to "adult entertainment business" shall be as follows:

- 1. **Adult Book Store:** An establishment partly or wholly devoted to the display, sale or rental of books, magazines or other periodicals, video tapes, photographs or motion picture films which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "*specified sexual activities*" or "*specified anatomical areas*" as defined by this Section, where the floor area or shelf space devoted to such material and accessible to customers exceeds fifteen percent (15%) of the total floor area or shelf space accessible to customers, or where more than thirty percent (30%) of the total floor area is devoted to such material, irrespective of the public's ability to access all such floor area or shelf space.

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2. Adult Cabaret: A nightclub, bar, restaurant, or similar commercial establishment which regularly features:
 - a. persons who appear in a state of semi-nudity or nudity; or
 - b. live performances which are characterized by the exposure of "specified sexual activities" or by "specified anatomical areas;" or
 - c. films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction of "specified sexual activities" or by "specified anatomical areas;" or
 - d. persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.
3. Adult Motel: A hotel, motel or similar commercial establishment which:
 - a. offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas", and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or
 - b. offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
 - c. allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twenty-four (24) hours.
4. Adult Novelty Shop: Any establishment where the floor area or shelf space devoted to the sale of devices which stimulate human genitals or devices designed for sexual stimulation accounts for more than fifteen percent (15%) of the total floor area or shelf space accessible to customers, or where more than thirty percent (30%) of the total floor area is devoted to such material, irrespective of the public's ability to access all such floor area or shelf space.
5. Adult Theater: Any establishment where, for any form of consideration:
 - a. films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;" or
 - b. regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified sexual activities" or "specified anatomical areas".
6. Massage Parlor: An establishment in which a substantial or significant portion of the business conducted involves the administration of non-therapeutic massage, erotic touching, or fondling of such body areas as human genitals, pubic region, buttock, or breasts. The term "*massage parlor*" does not include medical or therapeutic massage services or any state licensed practitioners or medical or related services such as chiropractors or physical therapists.
7. Nudity or State of Nudity: The appearance of less than completely and opaquely covered human genitals, pubic region, buttock, anus or female breast below a point immediately above the top of the areola; in addition to human genitals in a discernibly turgid state even if completely and opaquely covered.
8. Public Bath: An establishment providing common bathing facilities or hot tubs for use for a fee. Shower facilities, swimming pools, saunas and similar facilities intended as accessory uses in a school, health club, motel, or similar facility are not "*public baths*."
9. Semi-Nudity: A state of dress in which clothing covers no more than the human buttock, anus, male genitals, female genitals, or female breast below a point immediately above the top of the areola; or human male genitals in a discernible turgid state even if completely and opaquely covered.
10. Specified Anatomical Areas: Less than completely and opaquely covered human genitals, pubic region, buttock, anus or female breast below a point immediately above the top of the areola; in addition to human genitals in a discernibly turgid state, even if completely and opaquely covered.
11. Specified Sexual Activities: Human genitals in a state of stimulation or arousal; acts of human or animal masturbation, sexual intercourse (homosexual or heterosexual), or sodomy; fondling of or erotic touching of human genitals, pubic region, buttock or female breast; bestiality; fellatio or cunnilingus; sadomasochistic abuse; and human excretory functions.
12. Taxi Dance Hall: An establishment which provides dance partners for one or more dances as the direct or indirect result of payment of a fee.

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- Agriculture:** The act or business of cultivating land or using land, including associated buildings and machinery, for the commercial production of farm products; including but not limited to pasturage, floriculture, dairying, horticulture, forestry, and livestock or poultry husbandry, but not including concentrated livestock operations as defined in this Ordinance.
- Agricultural Service Establishments:** Establishments which engage in performing agricultural, animal husbandry or horticultural services on a fee or contractual basis, including but not limited to centralized bulk collection, refinement, storage and distribution of farm products to wholesale and retail markets (such as grain cleaning and shelling; sorting, grading, and packing of fruits and vegetables for the grower; and agricultural produce milling and processing); the storage and sale of seed, feed, fertilizer and other products essential to agricultural production; hay baling and threshing; crop dusting; fruit picking; harvesting and tilling; veterinary services; and facilities used in the research and testing of farm products and techniques; and livestock auction facilities.
- Alteration:** Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams or girders; or any change which may be referred to herein as altered or reconstructed.
- Ambulance Station:** The place from which a service is provided or operations directed by the use of medical emergency vehicles.
- Arcade:** Any establishment which provides on its premises six (6) or more machines which may be operated or used as a game, contest or for amusement of any description, not including devices used solely for playing music.
- Bed and Breakfast:** A structure which was constructed for single family residential purposes but which may be used for the purpose of renting bedrooms on a nightly basis to tourists or travelers, including the provision of bathing and lavatory facilities and a breakfast meal for overnight guests only.
- Basement:** That portion of a building that is partially or wholly below the finished ground elevation but so located that the average vertical distance from such elevation to the floor is equal or greater than the vertical distance from such elevation to the ceiling.
- Berm:** A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes.
- Building:** Any structure, either temporary or permanent, having a roof supported by columns, walls, or any other supports, which is used for the purpose of housing, sheltering, storing, or enclosing persons, animals, or personal property, or carrying on business activities. This definition includes but is not limited to: mobile homes, tents, sheds, garages, greenhouses, and other principal or accessory structures.
- Building Height:** The vertical distance measured from the finished ground elevation at the center of the building facade where the building abuts the front yard to the highest point of the roof surface.
- Building Inspector:** The individual or agency, designated by the Township Board, responsible for ensuring that construction complies with applicable building codes and standards.
- Campground:** A parcel or tract of land under the control of a person, business, corporation or public body on which two (2) or more sites are offered for the use by the public, either free of charge or for a fee, for the establishment of temporary living quarters for recreation, education, or vacation purposes. Temporary living quarters means a tent, recreational vehicle, or any portable structure designed to be carried or towed by a vehicle and placed for temporary living quarters.
- Cemetery:** Property, including crematories, mausoleums, and/or columbiums, used or intended to be used solely for the perpetual interment of deceased human beings or customary household pets.
- Certificate of Occupancy:** A document signed by the Building Inspector as a condition precedent to the commencement of a use or the construction/reconstruction of a structure or building which acknowledges that such use, structure or building complies with the provisions of this Ordinance and the county and state building codes.
- Change of Use:** A use of a building, structure or parcel of land, or portion thereof which is different from the previous use in the way it is classified in this Ordinance or in the state building code, as amended.
- Church:** A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.
- Club:** A facility that is used to house an organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, agriculture, community service or similar activity, but not operated for profit nor open to the general public.

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Collocation: The location by two or more communication providers on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the Township.

Communication Tower: A relay structure, including both antenna and structural supports, attached directly to the ground or to another structure, used for the transmission or reception of radio, television, telephone, microwave, or any other form of telecommunications signals. Not included within this definition are: citizen band radio facilities; radio and television citizen band radio facilities; short wave receiving facilities; federally licensed amateur (ham) radio facilities; satellite dishes; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

1. **Class 1:** A communication tower proposed to be newly established and not otherwise meeting the definition of a Class 2 communication tower.
2. **Class 2:** A communication tower meeting either of the following requirements:
 - a. A communication tower to be affixed to an existing structure, such as existing building, tower, water tank, utility pole, and the like, where the proposed tower structure and antenna does not extend the height of the existing structure by more than twenty percent (20%) or fifteen (15) feet, whichever is less.
 - b. A proposed collocation upon an existing communication tower which had been pre-approved for such collocation as part of an earlier approval by the Township.

Concentrated Livestock Operations/Animal Unit: A farm operation that, at any one time, houses or confines farm animals whose numbers total one thousand (1,000) or more animal units. Notwithstanding any provisions of this definition, any farm operation may be designated as a "concentrated livestock operation" by the Sharon Township Board where it is determined by tests to be a significant contributor to pollution as a result of animals associated with such farm operation. For the purposes of this definition, one "animal unit" shall be equivalent to one (1) beef or slaughter cattle; seven-tenths (0.7) mature dairy cattle (whether milked or dry cows); two and one-half (2.5) swine, each weighting 55 pounds or more; one-half (0.5) horses; ten (10) sheep, lamb, or goats; fifty-five (55) turkeys; one-hundred (100) laying hens or broilers (if the facility has a continuous overflow watering system); thirty (30) laying hens or broilers (if the facility has a liquid manure handling system); or five (5) ducks.

Condominium Documents: The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.

Condominium Project: A plan or project consisting of two (2) or more condominium units established and approved in conformance with the Condominium Act (Act 59, 1978).

Condominium Subdivision ("Site Condo"): A division of land on the basis of condominium ownership, which is not subject to the provisions of the Subdivision Control Act of 1967, Public Act 288 of 1967, as amended.

Condominium Subdivision Plan: The drawings attached to the master deed for a condominium subdivision which describe the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location and size of common elements.

Condominium Unit: That portion of a condominium project or condominium subdivision which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. A condominium unit may consist of either vacant land or space which either encloses or is enclosed by a building structure. Any "condominium unit", or portion thereof, consisting of vacant land shall be equivalent to the term "lot" for the purposes of determining compliance of the condominium subdivision with the provisions of this ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratio.

Contractor's Yard: A parcel or portion of a parcel used for the enclosed or unenclosed storage and maintenance of construction equipment and other materials customarily used in the trade carried on by a construction or excavation contractor, and may also include a business office in association with such business.

Day Care Center: A facility, other than a private residence, receiving 1 or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Day care center includes a facility which provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Day care center does not include any of the following:

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1. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than 3 hours per day for an indefinite period, or not greater than 8 hours per day for a period not to exceed 4 weeks during a 12-month period.
2. A facility operated by a religious organization where children are cared for not greater than 3 hours while persons responsible for the children are attending religious services.

Day Care, Family Home: A private home in which the operator permanently resides as a member of the household in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

Day Care, Group Home: A private home in which the operator permanently resides as a member of the household in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to more than six unrelated minor children for more than 4 weeks during a calendar year.

District: An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height regulations. A "district" is also known as a "zone" or "zoning district".

Drive-in Establishment: A business establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

Driveway: A means of access for vehicles from a road or approved alley across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot, that complies with the provisions of this Ordinance.

Dwelling: Any building, or portion thereof, which is designed or used exclusively for residential purposes. In no case shall a motor home, trailer coach, automobile chassis, tent or portable building be considered a permanent residential dwelling.

Dwelling, Multiple Family: A building containing three or more dwelling units designed for residential use for three or more families living independently of each other.

Dwelling, Single Family: A detached building or portion thereof designed and used exclusively as the home, residence or sleeping place of one family. In the case of a mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for purposes of this Ordinance and shall comply with the provisions herein relative to dwellings.

Dwelling, Two Family (Duplex): A building containing not more than two separate dwelling units designed for residential use.

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

Easement: A right granted to a person to use the land of another person for a specific limited purpose, or a limitation placed upon the use of a person's land, contained within a legal document recorded with the County Register of Deeds. An easement may provide for, but not be limited to, utilities, access and conservation of open space.

Erected: The word "erected" means built, constructed, reconstructed, moved upon, or any physical activity upon a premises or lot required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection when done in conjunction with a structure.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including towers, or office buildings, substations, or structures which are enclosures or shelters for service equipment, or maintenance depots. Communication towers shall not be interpreted as essential services.

Excavation: Any breaking of ground, except common household gardening, general farming and ground care.

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Family:

1. An individual or group of two or more persons related by blood, marriage, or adoption, including foster children and servants, together with not more than one (1) additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit; or
2. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period. Said definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 395 of 1976, as amended.

Farm: Land and associated buildings and machinery used for agriculture comprising at least ten (10) contiguous acres, and which may contain other non-contiguous acreage, all of which is operated by a sole proprietorship, partnership, or corporation and including all necessary farm buildings, structures, and machinery.

Farm Operation: Any activity which occurs on a farm in conjunction with the commercial production of farm products, including, but not limited to: marketing of products at roadside stands or farm markets; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; the employment and use of labor; and any conditions arising from such activities including, but not limited to noise, odors, dust, and fumes.

Farm Products: Those plants and animals useful to man, including but not limited to: forages and sod crops; grains and feed crops; dairy and dairy products; poultry and poultry products; livestock including feeding and grazing; fruits, vegetables, flowers, seeds, grasses, trees; apiaries; equine and other similar products; or any other product which incorporates the use of food, feed, fiber or fur except for the products of an intensive animal feeding operation.

Filling: The depositing or dumping of any matter into or onto the ground.

Fireworks: A device made from explosive or flammable compositions used primarily for the purpose of producing a visible display or audible effect, or both, by combustion, deflagration, or detonation. However, those devices not requiring a state permit for the sale thereof pursuant to the Michigan Fireworks Law (PA 328 of 1931, as amended), including certain flat paper caps, sparklers, and cone and cylinder fountains, shall not be deemed as fireworks.

Floodway: The channel of any watercourse and those portions of the flood plain adjoining the channel which are reasonably required to carry and discharge flood water.

Flood Plain: The area adjoining a river, stream, water course, or lake which is inundated by a flood discharge which results from a 100-year storm of a twenty-four (24) hour duration. The flood plain shall include the stream channel and overbank area (the floodway) and the fringe areas of the floodway.

Floor Area, Gross: The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed and uncovered porches, unenclosed and covered porches, court yards, or patios shall not be considered as part of the gross area except where they are utilized for commercial purposes such as the outdoor sale of merchandise.

Floor Area, Usable: For the purposes of computing parking requirements, usable floor area shall be considered as that area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for restrooms and janitorial service rooms, shall be excluded from this computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls, and total usable floor area for a building shall include the sum of the usable floor area for all floors.

Foster Care Facility: An establishment which provides supervision, assistance, protection, or personal care, in addition to room and board, to persons. A foster care facility does not include a home for the aged or nursing home, licensed under PA 139 of 1956, as amended, or a mental hospital for mental patients licensed under PA 151 of 1923.

1. **Family Home:** A facility which provides foster care to six (6) or fewer persons.
2. **Group Home:** A facility which provides foster care to seven (7) or more persons.

Frontage: The total continuous length of the line separating said lot from the public or private right-of-way, and frequently identical to the front lot line. In the case of a lot that gains access from a shared driveway, the frontage shall be the line separating said lot from the shared driveway.

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Funeral Home: A building or part thereof used for human funeral services. Such building may contain space and facilities for: a) embalming and the performance of other services used in preparation of the dead for burial; b) the performance of autopsies and other surgical procedures on the dead; c) the storage of caskets, funeral urns, and other related funeral supplies; d) the storage of funeral vehicles; and e) a funeral chapel. This definition shall not be interpreted to include facilities for cremation.

Garage: An accessory building or an accessory portion of a principal building designed or used primarily for the storage of non-commercial motor vehicles, boats, motor homes, snowmobiles, and similar vehicles owned and used by the occupants of the building to which it is accessory.

Garage Sale: The temporary sale or offering for sale to the general public of items of personal property on any portion of a residential lot, whether within or outside a residence.

Golf Course/Country Club: A facility, whether public or private, where the game of golf is played, including accessory uses and buildings authorized by this Ordinance, but excluding golf driving ranges as a principal use.

Greenhouse: A building or structure constructed primarily of glass, glass-like or translucent material, cloth or lath, which is devoted to the protection and cultivation of plant materials.

Hazardous Material: Any solid, liquid or gas that is corrosive, reactive, flammable, toxic or otherwise dangerous to the health and safety of any living organism or the environment.

Home Occupation: An occupation or profession conducted entirely within a dwelling or accessory building which is clearly incidental and secondary to the residential use of the lot, does not change the character of the dwelling, and meets all applicable provisions of this Ordinance.

Class 1 Home Occupation: An occupation or profession conducted entirely within a dwelling, excluding an attached garage.

Class 2 Home Occupation: An occupation or profession conducted within an accessory building on the same lot as the dwelling in which the owner of such business resides, and/or where such occupation does not comply with the definition or required standards for Class 1 Home Occupations.

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

Hotel: See "Motel."

Junk Yard: Any land or building used for: 1) the abandonment, storage, keeping, collecting, selling, exchange or baling of junk including paper, rags, scrap metals, tires, wood or other scrap or discarded materials; and/or 2) the abandonment, demolition, dismantling, storage, keeping, collecting, selling, exchanging or salvaging of machinery, automobiles, boats, or other vehicles not in normal running condition, or parts thereof.

Kenel: A lot or premise on which four (4) or more dogs, cats, fowl, or other domestic animals or pets, six (6) months of age or older, are kept either permanently or temporarily. This term shall not apply to those animals raised as part of a farm operation.

Land Use Plan: The statement of policy by the Township Planning Commission relative to the agreed upon and officially adopted guidelines for future community development and preservation. The plan, adopted pursuant to the Township Planning Act, as amended, consists of a series of maps, charts and written material representing in summary form the soundest concept for community growth and preservation.

Landscaping Business: A business providing services that change of the natural scenery of a place, including design and field installation services and the use of trucks and other transport and installation equipment. A landscaping business may provide, as an accessory activity to such design and installation service, the sale of plant materials and other landscape supplies such as soil, mulch, rocks and timber.

Livestock: Cattle, sheep, goats, swine, poultry, and other similar domestic animals or fowl normally kept or raised on a farm.

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

Lot: A lot is a parcel of land, including any street or other right-of-way, with at least sufficient size to meet the minimum requirements for use, coverage, and lot area and to provide such yards and open spaces as herein required. Such lot may consist of:

- a. a single lot of record;
- b. a portion of a lot of record;
- c. any combination of complete and/or portions of lots of record if contiguous;

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- d. a parcel of land described by metes and bounds provided that in no case of division or combination shall the area of any lot or parcel created, including residuals, be less than that required by this ordinance.

Lot Area: The area of the horizontal plane within the lot lines of a lot, exclusive of the area of a lake or any public or private road right-of-way adjoining any portion of the lot, except in the case of lots of ten (10) acres or more in size in which case the area of any public or private road right-of-way may be considered part of the lot area.

Lot, Corner: Any lot having at least two (2) contiguous sides adjoining upon one or more roads, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot adjoining a curved street(s) shall be a corner lot if the arc has a radius less than one hundred and fifty (150) feet.

Lot Coverage: The amount of a lot, stated in terms of percentage, that is covered by all buildings, and/or structures located thereon. This shall be deemed to include all buildings, roofed porches, arbors, breezeways, patio roofs, whether open box types and/or lathe roofs, or fully roofed, but shall not be deemed to include fences, walls, or hedges used as fences, unroofed decks or patios or swimming pools. Lot coverage shall be measured from the drip line of the roof or from the wall or foundation if there is no projecting portion of the roof.

Lot Depth: The distance from the front lot line of the lot to its opposite rear line, measured midway between the side lot lines.

Lot Lines: The lines bounding a lot or parcel.

1. **Lot Line, Front:**
 - a. In the case of a lot not located on a corner, the line separating said lot from the public or private road right-of-way.
 - b. In the case of a corner lot or through lot, the front lot line shall be that line that separates said lot from the right-of-way for the road which is designated as the front on the plot plan or site plan review application, subject to approval.
 - c. In the case of a lot that gains access from a shared driveway, the front lot line shall be the lot line that intersects or is adjacent to the driveway easement. However, if the lot that is served by a shared driveway also has frontage on a public or private road, the front lot line shall be the lot line separating said lot from the public or private road right-of-way.
2. **Lot Line, Rear:** The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least ten feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line.
3. **Lot Line, Side:** Any lot line other than a front or rear lot line.

Lot, Through: A lot having frontage on two (2) roads other than a corner lot.

Lot of Record: A lot which is part of a platted subdivision shown on a map thereof which has been recorded in the office of the Register of Deeds of Washtenaw County, or a lot described by metes and bounds, the description of which has been recorded in said office.

Lot Width: The straight line horizontal distance between the side lot lines, measured at the two (2) points where the minimum required front setback line intersects the side lot lines.

Manufactured Housing Community (Mobile Home Park): A parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

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

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

Migrant Agriculture Labor Housing: Housing located on the farm that is utilized for seasonal temporary labor in association with the farm, for a period not to exceed 240 days during a calendar year, the occupant of which is either:

1. in direct family relationship with the occupant of the principal dwelling on such farm; or
2. a bona fide employee of the occupant of the principal dwelling on such farm, and engaged in an agricultural occupation on the premises.

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Mineral Extraction: Mining, quarrying, excavation, or other removal or processing of sand, gravel, soil, or other minerals from the location of the mineral extraction site. The term shall not include common household gardening, general farming, ground care, and excavation preparatory to the construction of a building, structure, roadway, or pipeline pursuant to an approved zoning permit.

Mini Storage (warehouse) Facilities: A building or group of buildings that contains individual compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares which are generally not used on a daily basis, including recreational vehicles and water craft.

Mobile Home: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term mobile home shall not include pick-up campers, travel trailers, motor homes, dwellings consisting of prefabricated units transported to a site on a removable undercarriage or flat-bed and assembled for permanent location on a lot (modular homes), recreational vehicles, converted buses, tent trailers, or other transportable structures designed for temporary use.

Modular (Pre-Manufactured) Home: A dwelling unit constructed solely within a factory, as a single unit, or in various sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.

Motel: A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "motel" shall include buildings designated as hotels, auto courts, tourist courts, motor courts, motor hotel, and similar appellations which are designed as integrated units of individual rooms under common ownership. A motel shall not be considered or construed to be a multiple family dwelling.

Motor Home: A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreational activities and temporary occupancy.

Nonconforming Building or Structure: A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of this Ordinance relative to height, area, placement or yards for the zoning district in which it is located.

Nonconforming Lot (Substandard Lot): A lot lawfully existing at the effective date of this Ordinance or subsequent amendment thereto, and which fails to meet the area and/or dimensional requirements of the zoning district in which it is located.

Nonconforming Use: A use of a building or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the zoning district in which it is situated.

Nuisance: Any offensive, annoying, unpleasant, or obnoxious thing or practice or a cause or source of annoyance, which prevents the free use of one's property, or which renders its ordinary use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts which give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endangers life and health.

Nursery: A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for wholesale or retail sales including products used for gardening and landscaping. "Nursery" shall not be interpreted to mean any space, building, or structure used for the sale of fruits, vegetables, or Christmas trees.

Nursing Home: An installation other than a hospital, having as its primary function the rendering of nursing care for extended periods of time to persons afflicted with illness, injury, or an infirmity.

Off-Street Parking Area: A land surface providing vehicular parking spaces, along with adequate drives and aisles for maneuvering and access, for the parking of three (3) or more automobiles or trucks or other vehicles.

Owner: The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property, or his or her duly authorized agent.

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Parcel: A lot described by metes and bounds or described in a recorded plat.

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

Planned Unit Development: A tract of land or lot, developed under single ownership or management as a separate neighborhood community unit, or non-residential use, based on an approved site plan which allows flexibility of design not available under normal zoning district requirements.

Plat: A map of a subdivision of land recorded with the Register of Deeds pursuant to the Land Division Act, P.A. 571 of 1996, as amended, or a prior statute.

Plot Plan: A plan showing basic features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A plot plan depicts less detailed information compared to a site plan.

Principal Building: The main building on a lot in which the principal use exists or is served by.

Principal Use: The main use to which the premises are devoted and the main purpose for which the premises exist.

Private Landing Strip: A cleared and level area used by the owner or lessee of the premises for the operation and maintenance of personal aircraft only, and recognized by a state authorized body.

Prohibited Use: A use of land which is not permitted within a particular zoning district.

Public Assembly Facility: A public or semi-public facility or institution whose principal function involves the regular gathering of members of the general public, as opposed to gatherings associated with a restricted membership. Examples of public assembly facilities include, but are not limited to, theaters, places of religious worship, parks, and museums.

Public Facility: Land and associated structures and buildings used to carry out a governmental function(s) or provide a governmental service(s), such as a use or service owned or managed by a city, village, township, county, state, or public school board, and including commissions or other arms of such entities. Examples of such facilities include, but are not necessarily limited to, municipal parks and cemeteries, police and fire protection facilities, courts of justice, and government offices.

Public Sewer: A system of pipes and structures, including pipes, channels, conduits, manholes, pumping stations, sewage or waste treatment works, diversion and regulatory devices, outfall structures, and appurtenances, collectively or severally actually used or intended for use by the public for the purposes of collecting, conveying, transporting, treating or otherwise handling human sanitary sewage or industrial liquid wastes of such nature as to be capable of adversely affecting the Public health, owned and operated by a municipality.

Public Utility: Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telephone, telegraph, or water.

Recreational Facility: A place designed and equipped for the conduct of sports and other leisure activities.

Recreation Vehicle: The term recreation vehicle shall include, among others, such commonly named vehicles as travel trailer; travel camper; pickup camper; tent camper; motor home; vehicles commonly referred to as "off-road" vehicles including 4x4s, motorcycles, and snowmobiles; and "on road" vehicles when used in an "off-road" manner including pick-up trucks and dune buggies. A mobile home shall not be considered a Recreational Vehicle.

Recycling Center: A collection point for small refuse items, such as bottles and newspapers, located either in a container or small structure.

Restaurant, Drive-In: A restaurant in which all or a substantial portion of the business consists of serving foods and beverages in a ready-to-consume state from a drive-through window to patrons in motor vehicles. A drive-in restaurant may or may not also have indoor seating, and may also be referred to as a drive-through restaurant.

Restaurant, Standard: An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics:

1. customers, normally provided with an individual menu, are served their food and beverage by a restaurant employee, at the same table or counter at which food and beverage are consumed;
2. a cafeteria-type operation where food and beverage generally are consumed within the restaurant building.

The term "standard restaurant" shall not be interpreted to mean or include a drive-through restaurant.

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- Restoration:** The reconstruction or replication of an existing building's original architectural features.
- Retreat Center:** A facility used for professional, educational, or religious conclaves, meetings, conferences, or seminars and which may provide meals, housing and recreation for participants during the period of the retreat or program only, and provided all kitchen facilities are limited to a single centrally located building and not within individual sleeping quarters. This term shall not apply to facilities utilized by the general public for meals or overnight accommodations.
- Right-of-Way:** A public or private street, road, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries referred to as right-of-way lines.
- Road:** A thoroughfare, classified as either a "public" or "private" road, which affords the principal means of access to adjoining property, and complies with the provisions of this Ordinance. The term "road" also includes the term "street."
- Road, Private:** Any private way or means of approach, not dedicated for general public use.
- Road, Public:** Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Washtenaw County Road Commission or other public entity.
- Service Station, Standard:** A place used primarily for the retail sale and dispensing of fuel or lubricants together with the fixed equipment from which the fuel is dispensed directly into motor vehicles. Such places may also perform minor automobile repair, limited to engine tune-ups and servicing of brakes, air conditioning, and exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises overnight. Standard service stations may also include up to four hundred (400) square feet of floor area used for the sale of convenience items such as food products, magazines, and similar convenience items.
- Service Station, Multiple Use:** A standard service station as defined in this Ordinance, which also includes other accessory or principal uses and/or services such as, but need not be limited to, a restaurant, shower facilities, and/or convenience store. Such places may also perform minor automobile repair, limited to engine tune-ups and servicing of brakes, air conditioning, and exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises overnight.
- Setback:** The minimum distance by which any building or structure must be separated from the front, side or rear lot line.
- Shooting Range:** Any indoor or outdoor facility, whether operated for profit or not, and whether public or private, which is principally designed or used for the shooting of bow and arrow or firearms that are aimed at targets. Depending upon the type of shooting range, such shooting range may also be commonly referred to as a gun club, hunt club, sportsman club, rifle range, pistol range, trap/skeet range, sporting clay range, and archery range. A shooting range shall not be interpreted to include the use of bow and arrow or firearms by the occupants of a dwelling on the same parcel on which the dwelling is located.
- Sign:** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or other representation, or combination thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity or product, which is located upon any land or on or in any building, in such manner as to attract attention from outside the premises. *(Refer to Article 15: Signs, for additional definitions pertaining to signs.)*
- Site Plan:** A plan showing all physical features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance.
- Special Land Use:** Uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within a zoning district, but could present potential injurious effects upon the primary uses and structures within the zoning district and therefore require special consideration in relation to the welfare of adjacent properties and to the community as a whole. All such proposed uses shall be subject to a public hearing. Refer to Article 5, Special Land Uses.
- Stable, Commercial:** A structure and/or land use where horses are bred, reared, trained, cared for, and/or boarded and does not meet all of the definition requirements of a private stable, as defined in this Ordinance.
- Stable, Private:** An accessory structure and/or land use where no more than five (5) horses are bred, reared, trained, cared for, and/or boarded, irrespective of remuneration. A private stable may provide horse care and/or riding lessons but a private stable shall not be interpreted to include a facility providing horse shows, training exhibitions, or any other activity typically characterized by the gathering of spectators or observers.
- Stop Work Order:** An administrative order which is either posted on the property or mailed to the property owner which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this Ordinance.

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Structural Alteration: Any change in the supporting elements of a building or structure such as, but not limited to, bearing walls or partitions, columns, beams or girders, or any substantial change in the roof.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having such location on the ground including but not limited to all buildings, independently supported decks, satellite dishes and free-standing signs; excepting anything lawfully in a public right-of-way including but not limited to utility poles, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities and utilities defined as essential public services. Fences shall not be considered as "structures," but must comply with all applicable standards of this Ordinance.

Temporary Use: A use of land which is authorized for a limited duration of time pursuant to Section 20.23.

Tent Camper: A vehicular, portable structure, built on a non-motorized chassis and designed to be used as a temporary dwelling for travel and recreational purposes, and whose sides and top are made of tent-type or hard surface material that fold down into a compact trailer unit during travel.

Towing Service: A facility whose principal function is to provide for the transport and temporary storage of vehicles but does not include disposal, disassembly, salvage, repair or accessory storage of inoperable vehicles.

Travel Camper: A vehicular, portable structure, built on a non-motorized chassis and designed to be used as a temporary dwelling for travel and recreational purposes, having a body width of not exceeding eight (8) feet.

Use: The purpose for which land or a building is arranged, designed or intended, or for which land or a building may be occupied.

Variance: A modification of the literal provisions of the Zoning Ordinance authorized by the Zoning Board of Appeals according to the provisions of this Ordinance.

Vehicle/Car Wash: Any facility where the washing and cleaning of passenger vehicles, recreational vehicles, trucks, or other motorized vehicles occurs for remuneration, including self-service facilities, automated facilities, and assembly line facilities.

Vehicle Repair Shop: A business which provides for sale to the motoring public, operations and services to restore damaged and/or wrecked automobiles to driving condition including bumping, welding, reshaping, resurfacing, sanding, cleaning, undercoating, and paint spraying.

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

Yard: An open space, on the same lot with a principal building, unoccupied and unobstructed from the ground upward by a building or structure, except as otherwise permitted in this Ordinance and as defined herein:

1. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the principal building. There shall be maintained a front yard on each street side of a corner lot and through lot.
2. **Rear Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the principal building. In the case of corner lots, there shall only be one rear yard which shall be determined by the owner.
3. **Side Yard:** An open space between the principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest line of the principal building.

Zoning Administrator: The authorized individual or agency charged with the responsibility of administering this Ordinance and appointed by the Township Board.

Zoning District (District): A portion of the Township within which specific regulations and requirements, or various combinations thereof apply as provided in this Ordinance.

End of Article 21

Chapter II

General Provisions

Article 1. FISCAL YEAR

Section 1.1 Fiscal Year. Commencing in 1979, the fiscal year of the Township shall extend from July 1st of each year until June 30th of the following year. Any preexisting Township budget lawfully adopted by the Township Board shall be proportionately extended to coincide with the foregoing new fiscal year periods.¹

Section 1.2 Settlement Day. The annual settlement day meeting of the Township Board shall hereafter be held on the 15th day of the last month of the fiscal year of the Township unless said day falls on a Saturday, Sunday or legal holiday whereupon said meeting shall be held on the following Monday which is not a legal holiday.²

Section 1.3 Annual Meeting of Electors. The annual meeting of the electors of the Township, where the same has not been abolished, shall be held on the last Saturday in the last month of the aforesaid fiscal year at such time and place as is determined by the Township Board.³

Article 2. CEMETERY

Section 2.1 Definitions of Cemetery Burial Spaces and Lots.

- a. An adult burial space consists of land 42 inches wide and 10 feet long. An adult burial is any burial that involves a burial box greater than four feet in length.
- b. A stillborn, infant or child burial space consists of land three feet wide and four feet long. A stillborn, infant or child burial is any burial that involves a burial box less than four feet in length.
- c. A cremains burial space consists of land 42 inches wide and four feet long. A cremains burial is the burial of ashes of a cremated body.
- d. A cemetery lot shall consist of space sufficient to accommodate 6 burial spaces.⁴

Section 2.2 Sale of Burial Spaces or Lots.

- a. Cemetery burial spaces or lots shall be sold only to township residents or taxpayers for the purpose of the burial of the purchaser or the purchaser's relatives. No sales shall be made to anyone, including a funeral director, who plans to resell the space. The township clerk has the authority to suspend restrictions on sales on a per case basis if special circumstances are involved. For example, a clerk may allow a non-resident to purchase burial space if the person once lived in the township for an extended time period.
- b. All sales shall be recorded on a form approved by the township board. The form grants only

¹Ord. No. 2, §1, adopted March 1, 1979

²Ord. No. 2, §2, adopted March 1, 1979

³Ord. No. 2, §3, adopted March 1, 1979

⁴Ord. No. 3, §2, adopted December 4, 1997

the right of burial and does not convey any other right to the lot or burial space sold. The township clerk shall complete the form.

- c. Burial rights may only be transferred to people eligible to be original purchasers of burial spaces or lots. Burial rights may only be changed if the township clerk assigns a new burial permit to replace an original, endorses the new permit and officially records the transaction. At this time, the clerk should issue the new permit to the assignee and cancel the original permit.⁵

Section 2.3 Purchase Prices and Transfer Fees. The Sharon Township Board, by resolution, will set fees for burial space costs, transfer fees, and interment fees on an annual basis. The township board may periodically alter these fees to accommodate increased costs and needed reserve funds for cemetery management and land acquisition.⁶

Section 2.4 Markers, Monuments and Mausoleums.

- a. All markers, monuments and other memorials must be made of granite or another approved, equally-durable composition.
- b. Any large upright monuments or other memorials must be located upon an approved foundation to maintain the monument in an erect position.
- c. Only one monument, marker or other approved memorial is permitted per burial space.
- d. No monument, marker or other memorial shall be installed without the specific approval of the township board, unless the proposed memorial meets the following requirements:
 - (1) The location is at the head of the burial space, parallel to the head of the burial space line.
 - (2) The height of the memorial is not greater than 48 inches, the depth of the memorial is not greater than 12 inches, and the length of the memorial is not greater than 80 inches.
- e. Monuments, markers and other memorials are not allowed to be installed on burial spaces or lots that have not been fully paid for.
- f. No mausoleum shall be erected without the specific approval of the township board.
- g. Inscriptions on monuments, markers, mausoleums or other memorials must not be offensive or improper, as judged by the township board. The owner of any such memorial will be responsible for all expenses for removal.
- h. The township board has the authority to deem a marker, monument, mausoleum or other memorial to be inappropriate and thus prohibit it from being placed in the cemetery.
- i. If a marker, monument, other memorial or mausoleum becomes unsafe in the opinion of the cemetery sexton, notice of the condition will be sent to the last know address of the owner, and the structure will be removed or repaired at the owners expense.⁷

Section 2.5 Interment, Disinterment and Reinterment Regulations.

⁵Ord. No. 3, §3, adopted December 4, 1997

⁶Ord. No. 3, §4, adopted December 4, 1997

⁷Ord. No. 3, §5, adopted December 4, 1997

- a. Only one body may be buried in a burial space, except for a mother and infant or two children buried at the same time.
- b. A maximum of two cremains shall be allowed to be placed in one burial space, unless permission is otherwise is granted by the township board.
- c. The cemetery sexton shall receive at least 48 hour notice of the time of a funeral to allow for the opening of the burial space.
- d. The appropriate permit for the burial space and appropriate identification of the person to be buried, where necessary, shall be presented to either the cemetery sexton or the township clerk prior to interment. If a permit has been lost or destroyed, the township clerk shall be satisfied, from his or her records, that the person to be buried in the space is an authorized and appropriate one before starting any interment.
- e. All burial spaces shall be located in an orderly and neat-appearing manner within the confines of the space involved.
- f. All burials shall be within a standard vault of concrete, fiberglass or other material approved by the township board, installed or constructed in each burial space before interment.
- g. No burial shall take place unless the burial space fee for services required to open and close the grave, and all other fees have been paid in full.
- h. No cemetery spaces shall be opened or closed except under the direction and control of the cemetery sexton. This provision shall only apply to proceedings for the removal and reinterment of bodies and remains; this matter is under the control of the local health department.
- i. The township assumes no responsibility for errors in opening graves when such errors are caused by others.
- j. Scattering cremains over a family lot or anywhere in the cemetery is prohibited.⁸

Section 2.6 Cemetery Maintenance and Care.

- a. No grading, leveling, or excavating upon a burial space shall be allowed without permission from the cemetery sexton or the township clerk.
- b. No flowers, shrubs, trees or vegetation of any type may be planted without the approval of the cemetery sexton or the township clerk. Any of these planted without approval may be removed by the cemetery sexton.
- c. The township board reserves the right to remove or trim any tree, plant or shrub located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery.
- d. Mounds which hinder the free use of a lawn mower or other lawn-mowing device are prohibited.
- e. The sexton shall have the right and authority to remove and dispose of vases and a growth emblems, displays or containers that have become unsightly source of liter or a maintenance problem.
- f. Surfaces other than earth or sod are prohibited.

⁸Ord. No. 3, §6, adopted December 4, 1997

- g. Dried flowers, wreaths, papers, flower containers and all other refuse must be removed or deposited in containers located within the cemetery.
- h. Cemetery care only includes seeding; top dressing; cutting and trimming grass, shrubs and trees, and the general upkeep of the cemetery. Cemetery care does not include the maintenance of markers, monuments, and memorial mausoleums.⁹

Section 2.7 Forfeiture of Vacant Cemetery Burial Spaces or Lots.

- a. Cemetery burial spaces or lots sold after the effective date of this ordinance and remaining vacant for 40 years from the date of sale shall automatically revert to the township if the following events occur:
 - (1) Notice is sent by the township clerk by first class mail to the last known address of the last owner of record informing him or her of the expiration of the 40 year period and that all the rights with respect to the burial spaces or lots will be forfeited if the owner does not indicate in writing to the township clerk within 60 days from the date of mailing the notice, the desire to retain the burial lots.
 - (2) A written response indicating the desire to retain the burial spaces or lots in question is not received by the township clerk from the last owner of record, the owner's heirs, or the owner's legal representative of the spaces or lots within 60 days from the date of mailing the notice.
- b. Upon written request by an owner, an owner's heirs, or an owner's legal representative, the township will repurchase any cemetery lot or burial space from the owner for the original price paid to the township.¹⁰

Section 2.8 Records. The township clerk shall maintain records concerning all burials, issuance of burial permits and perpetual care funds separate from any other records of the township. The records shall be open to the public during reasonable business hours.¹¹

Section 2.9 General Regulations.

- a. The cemetery shall be open to the general public from one-half hour before sunrise to one-half hour after sunset.
- b. No one shall be permitted in the township cemetery at any other time unless he or she has the permission of the township board or cemetery sexton,
- c. Animals, except leader dogs, are not permitted in the cemetery.
- d. No person shall obstruct any drive, walk or alley.
- e. No person shall injure, deface or destroy any burial space, marker, monument, mausoleum, building fence, seat, flower, tree, shrub or other item in the cemetery.
- f. Alcohol is not permitted in the cemetery.
- g. No vehicles should drive faster than 5 miles per hour on cemetery roads.
- h. Driving off the established roads is prohibited.

⁹Ord. No. 3, §7, adopted December 4, 1997

¹⁰Ord. No. 3, §8, adopted December 4, 1997

¹¹Ord. No. 3, §9, adopted December 4, 1997

- i. No firearms are allowed in the cemetery without written permission from the township clerk or cemetery sexton, except in the case of military funerals or ceremonies by official veterans organizations on federal holidays.¹²

Section 2.10 Penalties.

- a. Any person, firm or corporation who violates any of the provisions of the ordinance shall be subject to a fine of up to \$500 and/or imprisonment for up to 90 days in jail.
- b. Each day that a violation continues to exist shall constitute a separate offense.¹³

¹²Ord. No. 3, §10, adopted December 4, 1997

¹³Ord. No. 3, §11, adopted December 4, 1997

Chapter III

Public Safety

Article 1. FIRE ORDINANCE

Section 1.1 Applicability. This ordinance is adopted in the interest of public safety and is designed to promote the general peace, health, safety and welfare of the Township of Sharon. ¹

Section 1.2 Permits - Hours to Burn. This ordinance provides for the control of fires, burning of trash and rubbish, obtaining of permit, hours to set fires and the prevention of foul odors caused by burning.²

Section 1.3 Permits - Where to Obtain. No person, partnership, firm, association or corporation shall, within the limits of the Township of Sharon, (when the ground is not snowcovered), start or have an open fire, except for domestic purposes, or set or cause to be set, burn or cause to be burned at any time, any structure, debris from structure torn down, brush limbs, or trees on any lot or parcel of ground within the Township of Sharon notwithstanding burning for domestic purposes unless such person shall first obtain from the fire chief of the district wherein the burning is proposed, a permit for such fire or fires. (See Section 8, Domestic Fires).³

Section 1.4 Permits - Request For. Any person, partnership, firm, association or corporation designed to set a fire prohibited by the above provisions shall make application to the fire chief, as aforementioned, which application shall state the name and residence of the applicant, the location of the lands and premises where such fire is to be set and the time contemplated for setting such fire. Such application shall also state the reason for setting such fire and such other information as the township board may, from time to time, require. If such application is approved, said fire chief shall issue a permit to said applicant.⁴

Section 1.5 Permits - Special. The fire chief may grant permission to authorized persons for the burning of trash, rubbish or similar waste material in open, supervised burning areas.⁵

Section 1.6 Foul Odors. No person shall burn garbage, animal carcasses, refuse, trash, rubbish or like material giving off foul odors, at any time. This section applies to domestic, commercial and industrial fires.⁶

Section 1.7 Permits - Commercial and Industrial. No person shall set or cause to be set, burn or cause to be burned, any papers, trash, rubbish, leaves, cut grass or weeds, unless confined within a fireproof container constructed of metal or masonry with an approved spark arrestor with openings no larger than three-fourths of an inch. Hours of burning shall be from sunrise to sunset. Burners of the metal drum or portable type shall not be located less than fifty feet from any building or less than five feet from the adjoining property line. Masonry or heavy metal constructed burners or incinerators

¹Ord. No. 4, §1, adopted August 5, 1976

²Ord. No. 4, §2, adopted August 5, 1976

³Ord. No. 4, §3, adopted August 5, 1976

⁴Ord. No. 4, §4, adopted August 5, 1976

⁵Ord. No. 4, §5, adopted August 5, 1976

⁶Ord. No. 4, §6, adopted August 5, 1976

shall be constructed to withstand the heat of twelve hundred degrees Fahrenheit and shall be located not less than fifty feet from a combustible building or property line, except as provided in Section 8. Masonry or heavy metal burners or incinerators shall be constructed with or attached to a suitable stack, the top of which stack is to be at least three feet above the eave line of adjoining building stacks are to be properly capped with approved spark arrestors.⁷

Section 1.8 Domestic Fires. A "domestic fire" is any fire around the home, within the curtilage of the dwelling where the material to be burned has been properly placed in a debris burner constructed of metal or masonry with an approved spark arrestor with openings no larger than three fourths of an inch. Burners of the metal drum or portable type shall not be located less than fifty feet from any structure or less than five feet from the adjoining property line. No permit shall be required for domestic fires.⁸

Section 1.9 Penalties. Any person, partnership, firm, association, or corporation who shall set or start an open fire without a permit as required by this ordinance shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be subject to a fine of \$500.00, or by imprisonment in the County Jail of Washtenaw County not to exceed ninety days, or both such fine and imprisonment; or who sets an open fire which necessitates calling any fire department. And the Township of Sharon may sue in any court of competent jurisdiction for civil damages and may recover such costs and expenses incurred by them from any person, partnership, firm, association or corporation who sets such an open fire.⁹

Article 2. TRESPASS

Section 2.1 Trespass Is Prohibited. It shall be unlawful for any person, firm or corporation to commit a trespass within this municipality upon either public or private property and entry upon the land of another without express or implied permission to do so shall be a trespass.¹⁰

Section 2.2 Specifically Enumerated Trespases. Without constituting any limitation upon the provisions of Section I hereof, any of the following acts by the person, firm or corporation shall be deemed included among those that constitute trespases in violation of the provisions of said Section I and appropriate action may be taken thereunder at any time or from time to time to prevent or punish any violation or violations of this ordinance. The aforesaid enumerated act shall include:

- a. Any entry upon the premises or any part thereof or another, including any public property in violation of a notice, posted or exhibited at the main entrance to said premises, or at any point of approach or entry or in violation of any notice, warning or protest given in writing by any owner or occupant thereof; or
- b. The pursuit of a course of conduct or action incidental to the making of an entry upon the land of another in violation of a notice posted or exhibited at the main entrance to said premises, or at any point or approach or entry or in violation of any notice, warning or protest given in writing by any owner or occupant thereof; or
- c. A failure or refusal to depart from the premises of another in case of being requested by any owner or occupant thereof; or
- d. Any entry into or upon any vehicle, aircraft or watercraft made without the written consent of the person having the right to possession or control thereof or failure or refusal to leave any

⁷Ord. No. 4, §7, adopted August 5, 1976

⁸Ord. No. 4, §8, adopted August 5, 1976

⁹Ord. No. 4, §9, adopted August 5, 1976

¹⁰Ord. No. 5, §1, adopted August 5, 1976

such vehicle, aircraft or watercraft after being requested to leave by the person having such right.¹¹

Section 2.3 Penalties. An person, firm or corporation, violating any of the provisions of this ordinance shall, upon conviction thereof, be fined in an amount not exceeding one hundred dollars (\$100.00) or imprisonment in the Washtenaw County Jail for a period not to exceed ninety (90) days or both.¹²

Article 3. UNIFORM TRAFFIC CODE

Section 3.1 Adoption of Uniform Traffic Code by Reference. The Uniform Traffic Code for Cities, Townships, and Villages as promulgated by the Director of the Michigan Department of State Police pursuant to the Administrative Procedures Act of 1969, 1969 Public Act 306, as amended (MCL 24.201 et seq) and made effective October 30, 2002 is hereby adopted by reference. All references in said Uniform Traffic Code to a "governmental unit" shall mean the Township of Sharon.¹³

Section 3.2 Adoption of Provisions of Michigan Vehicle Code by Reference. The following provisions of the Michigan Vehicle Code, 1949 Public Act 300, as amended (MCL 257.1 et seq.) are hereby adopted by reference:

- a. Chapter I (Words and Phrases Defined): MCL 257.1-257.82.
- b. Chapter II (Administration, Registration): MCL 257.223, 257.225, 257.228, 257.243, 257.244, 257.255, 257.256.
- c. Chapter III (Operator's and Chauffeur's License): MCL 257.301, 257.310e, 257.311, 257.312, 257.312a, 257.324, 257.325, 257.326, 257.328.
- d. Chapter VI (Obedience to and Effect of Traffic Laws): MCL 257.601-257.601b, 257.602-257.606, 257.611-257.616, 257.617a-257.622, 257.624a-257.624b, 257.625 (except felony provisions), 257.625a, 257.625m, 257.626-257.626b, 257.627-257.627b, 257.628, 257.629b, 257.631-257.632, 257.634-257.645, 257.647-257.655, 257.656-257.662, 257.667-257.675d, 257.676-257.682b, 257.683-257.710e, 257.716-257.724.
- e. Chapter VIII (License Offenses): MCL 257.904-257.904a, 257.904e, 257.905.¹⁴

Section 3.3 Adoption of Other State Laws by Reference. Section 3102 of the Michigan Insurance Code of 1956, 1956 Public Act 218, as amended, pertaining to required insurance (MCL 500.3102) is hereby adopted by reference.¹⁵

Section 3.4 Penalties. The penalties provided by the Uniform Traffic Code and the provisions of the state laws hereinabove adopted by reference are hereby adopted as the penalties for violations of the corresponding provisions of this Ordinance.¹⁶

¹¹Ord. No. 5, §2, adopted Ord. No. 4, §9, adopted August 5, 1976 amended September 11, 1976

¹²Ord. No. 5, §4, adopted August 5, 1976

¹³Ord. No. 6, §2, adopted June 2, 2005

¹⁴Ord. No. 6, §3, adopted June 2, 2005

¹⁵Ord. No. 6, §4, adopted June 2, 2005

¹⁶Ord. No. 6, §5, adopted June 2, 2005

Article 4. VEHICLE WEIGHT LIMIT AND MOTOR CARRIER SAFETY

Section 4.1 Vehicle Weight Limit. MCL Sections 257.722, 257.724, 257.726 and 257.726 b; MSA Sections 9.2422, 9.2424, 9.2426 and 9.2426 (2) (Vehicle Weight Limit), as amended, are hereby adopted and incorporated herein by reference.¹⁷

Section 4.2 Motor Carrier Safety. MCL Sections 480.11 et seq.; MSA Section 9.1666 et seq.: (Motor Carrier Safety), as amended, are hereby adopted and incorporated herein by reference.¹⁸

Article 5. FIRE SERVICE FEES

Section 5.1 Purpose. This ordinance is adopted for the purpose of recovering from those persons receiving fire protection services and/or other emergency services from those receiving direct benefits from the service available.¹⁹

Section 5.2 Definitions. As used herein these words shall have the following meaning:

- a. *Fire department* means the Manchester Fire Department.
- b. *Township* means Sharon Township, Washtenaw County Michigan.
- c. *Responsible party* means any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity responsible for a public safety or fire emergency incident or any owner, tenant, occupant or party in control of real and personal property from which, onto which or related to which there is a public safety or fire emergency incident and their heirs, estates, successors and assigns.²⁰

Section 5.3 Charges.

- a. The Treasurer shall bill any Responsible Party of fire or emergency medical services provided by the Township an amount equivalent to the Township's average cost per run for providing fire and/or emergency service. This cost shall established by resolution of the Township Board and the amount charged shall be based upon a twelve (12) month average cost per run using information provided by the Manchester Township Fire Department. This cost shall be adjusted annually by no later that the February meeting of the Township Board.
- b. In addition to the foregoing, in the event of an incident involving hazardous materials, the responsible party shall not only be liable for the regular cost for services as herein established, but any additional costs and expenses incurred by the Fire Department in responding to the incident²¹

Section 5.4 Billing, Time for Payment, Collection Remedies and Assessments.

- a. It shall be the responsibility of the Township Treasurer, or such person or other entity as may be designated by the Township Board, to send a bill to the Responsible Party by first class

¹⁷Ord. No. 7, §3, adopted September 4, 1997

¹⁸Ord. No. 7, §3, adopted September 4, 1997

¹⁹Ord. No. 8, §1, adopted August 4, 2009

²⁰Ord. No. 8, §2, adopted August 4, 2009

²¹Ord. No. 8, §3, adopted August 4, 2009

mail as soon as practical after the services are rendered.

- b. All of the foregoing charges shall be due and payable within 30 days of the date invoice is rendered.
- c. In the event of default in payment, the amount due, together with costs, interests and actual attorney fees expended in the collection process, shall be collectable through proceedings in District Court or in any other court of competent jurisdiction as a matured debt.
- d. The Township Board may also order the assessment of all delinquent fire run bills to be levied against property owners determined to be delinquent²²

Section 5.5 Exemptions. The following properties and services shall be exempt from the foregoing charges:

- a. False alarms, unless it is determined that the false alarm was called in by owner or occupier of the building or structure to which the fire department was called.
- b. Fires involving Township buildings, grounds and/or property.
- c. Fires of unknown origin on road right of ways.

Section 5.6 Non-exclusive Charge. The foregoing rates and charges shall not bar other charges that may be made by the Township for the costs of expenses of maintaining and operating fire protection service, but shall only be supplemental thereto. Charges may additionally be collected by the Township through general taxation after a vote of the electorate approving the same or by special assessment established under the applicable Michigan statutes. General fund appropriations may also be made to cover such additional costs and expenses.²³

Section 5.7 Multiple Property Protection. When a particular service rendered by the contracted Fire Department directly benefits more than one person or property, the owner of each property so benefitted and each person so benefitted where property protection is not involved shall be liable for the payment of the full charge for such service herein before outlined. The interpretation and application of the within section is hereby delegated to the Township Treasurer subject only to appeal, within the time limit for payment, to the Township board and shall be administered so that charges shall only be collected from the recipients of the service.²⁴

Section 5.8 Appeal. Any person aggrieved by the charges imposed pursuant to this ordinance may appeal those charges to the board of Trustees. The appeal must be initiated by filing a protest letter with the Township Clerk within 60 days of the notification of the charges. The Township Board shall then conduct a due process hearing and make a decision within 60 days of the hearing.²⁵

Article 6. DUMPING

Section 6.1 Maximum Height of Fill. There shall be no dumping of materials used for fill allowed to exceed by 3 feet the elevation of the nearest public highway or the elevation of the highest point of the parcel on which the dumping permit has issued.²⁶

²²Ord. No. 8, §5, adopted August 4, 2009

²³Ord. No. 8, §6, adopted August 4, 2009

²⁴Ord. No. 8, §7, adopted August 4, 2009

²⁵Ord. No. 8, §8, adopted August 4, 2009

²⁶Ord. No. 9, §1, adopted November 6, 1997

Section 6.2 Proximity to Drains, Highways Drains, Catch Basin Rights of Ways and Public Roads. There shall be no fill or dumping allowed within 25 ft. of any county drain, highway drain, any drain catch basin, rights of ways and public roads.²⁷

Section 6.3 Permitted Fill Materials. Materials allowed to be used for fill shall be limited to concrete or earth.²⁸

Section 6.4 Prohibited Fill Materials. Any materials not specifically permitted to be used for fill in Section 3 above shall not be dumped or stored on any land parcels in the Township of Sharon.²⁹

Section 6.5 Required Cover. Within 30 days after expiration of a dumping permit, concrete used for fill must at all times be covered by a minimum of 12 inches, of dirt (earth). The cover required by this section shall be graded to provide a slope no greater than 1 foot vertical drop for every 4 feet of horizontal grade.³⁰

Section 6.6 Permit Required. Any dumping or fill activity must obtain a permit before work is started. A dumping permit issued by the Township shall only be good for 30 days from the date of issuance.³¹

Section 6.7 Permit Requirements. Prior to receiving a permit, all persons must submit the following to the Township:

- a. An application for dumping permit. Applications shall be obtained from and filed with the Township Clerk. The completed application shall provide the following information:
 - (1) Name, address and telephone number of the applicant
 - (2) Location of where the dumping is to occur
 - (3) Name address and telephone number of the person owning the land where the dumping is to occur, if different than the applicant.
 - (4) Name address and telephone number of the person(s) owning the material to be dumped and the land from which the material to be dumped being is to be removed, if different than the applicant.
 - (5) Identify the types of materials to be dumped.
 - (6) Identify the source of the material to be dumped.
 - (7) Indicate whether any dumping has occurred on the subject property within the past 10 years.
- b. A sketch drawing showing the area where the material is to be dumped.
- c. Applicant's acknowledgment that he has an obligation to remove from the property any illegal fill placed on the property and if,

²⁷Ord. No. 9, §2, adopted September 5, 2002

²⁸Ord. No. 9, §3, adopted September 5, 2002

²⁹Ord. No. 9, §4, adopted September 5, 2002

³⁰Ord. No. 9, §5, adopted September 5, 2002

³¹Ord. No. 9, §6, adopted September 5, 2002

- d. If the applicant is not the owner of the property where the dumping is to occur, a written agreement executed by the owner authorizing the dumping of materials and acknowledging the obligation of the land owner to remove from the property any illegal fill placed on the property and if, such illegal fill is not removed in a timely fashion by either the applicant or land owner, authorizing the Township to enter onto the premises to undertake the removal of such illegal fill, agreeing to reimburse the Township for the cost associated with such a clean up and authorizing the Township to assess the costs of clean up against the property by placing them on the tax rolls, if the costs of cleaning up the property is not reimbursed to the Township within 30 days after an invoice is presented to either the applicant or land owner.
- e. A permit fee as hereafter set by the Sharon Township Board in the Sharon Township Fee Schedule.³²

Section 6.8 Testing.

- a. In all cases where the application for a dumping permit indicates that the source for the material being dumped is coming from property other than the property on which the material is to be dumped, the Township may, at the applicant's expense, test the property where the dumping is to occur for the presence of illegal fill which shall consist of:
 - (1) Non-permitted materials and/or
 - (2) Hazardous wastes as defined by the United States Environmental Protection Agency and/or the Michigan Department of Environmental Quality.
- b. If such testing is required by the Township, the results of the test shall be forwarded to the applicant and the owner of the land where the dumping is to occur.
- c. In the event the testing demonstrates that dumped materials contain any illegal fill, the applicant and/or land owner, at his own expense, shall immediately remove and properly dispose of such illegal fill.
- d. If the applicant and/or land owner fails to take steps to remove the illegal fill within 30 days of the date that notification of its presence, the Township is authorized to enter onto the subject property and to contract to have the illegal fill removed and properly disposed. In such instances, the applicant and land owner shall be jointly and severally liable to reimburse the Township for any costs associated with clean up efforts. If the Township does not receive reimbursement within 30 days of invoicing the applicant and/or land owner for the cost of clean up, the Township may bring civil action against the applicant and/or land owner to recover the cost and all attorney fees incurred in connection with the clean-up process and in addition, the Township is authorized to assess such costs, including attorney fees, against the real property by placing them on the tax rolls.³³

Section 6.9 Residential Property. All property zoned residential shall be exempt from obtaining dump and fill permit if the only fill be dumped is uncontaminated soil and the fill does not exceed 12 inches in depth.³⁴

Section 6.10 Penalties. Every person convicted of a violation of any provision of this ordinance or any rule or regulation adopted or issued in pursuance thereof shall be punished by a fine of not more than one hundred (\$100.00) dollars and cost of prosecution or imprisonment for not more than ninety (90) days or by both such fine and imprisonment. Each act of violation and every day upon which any such violation shall occur shall contribute a separate offense. In particular, each day that illegal fill

³²Ord. No. 9, §7, adopted September 5, 2002

³³Ord. No. 9, §8, adopted September 5, 2002

³⁴Ord. No. 9, §9, adopted September 5, 2002

material dumped or stored on property in the Township remains on site shall constitute a separate offense under this ordinance. The imposition of any such sentence shall not exempt the offender from compliance with the ordinance.³⁵

Section 6.11 Construction. Wherever the word "person" is used in this ordinance it shall also be deemed to include all firms, associations, organizations, partnerships, trust companies and/or corporations as well as individuals; wherever the singular is used it shall also include the plural; wherever the masculine is used it shall also include the feminine and neuter.³⁶

Article 7. NUISANCE AND JUNK ORDINANCE

Section 7.1 Public Nuisance Prohibited. No person shall commit, create or maintaining any public nuisance.³⁷

Section 7.2 Public Nuisance Defined. Any act or acts or omission to act on the part of any person which creates or permits the existence of a situation which annoys, injures or endangers the peace, welfare, order, health or safety of the public in their persons or property is deemed to be a public nuisance. As defined herein, a public nuisance includes, but is not limited to, those conditions specifically forbidden by the provisions of this Ordinance and all such other conditions which render persons insecure in life or in the use and enjoyment of their property, such as effects and emanations from noise, glare, lights, vibration, dust, smoke, odor, gas, steam, fly-ash, soot, acids, chemicals, fumes, cinders, worms, insects, rodents, flies, barking dogs, decaying matter, whether such effects and emanations are natural or result from human or mechanical alteration or manipulation of materials. A public nuisance also include residues or leaching from deposits of matter which seep into water on the surface or in the ground thereby making it unfit or unpalatable for human consumption, or for use by domestic animals. A public nuisance includes a condition which is indecent, obnoxious, or offensive to the senses.³⁸

Section 7.3 Additional Definitions. The meaning of terms used in this Ordinance shall be as follows:

- a. "Appliance" shall mean any mechanism which is operated by gas, electric current or motor, including, but not limited to, an ice box, refrigerator, or stove.
- b. "Garbage" shall mean all putrescible wastes, except sewage and body wastes, including vegetable and animal offal and carcasses of dead animals, but excluding recognizable industrial by-products, and shall include all such substances from all public and private establishments and from all residences.
- c. "Motor Vehicles" are hereby defined as any wheeled vehicles which are self-propelled or intended to be self-propelled.
- d. "Inoperable Motor Vehicles" are defined as motor vehicles which by reason of dismantling, lack of repair, or other cause are incapable of being propelled under their own power.
- e. "Dismantled or Partially Dismantled Motor Vehicles" are defined as motor vehicles from which some part or parts which are ordinarily a component of such motor vehicle has been removed or is missing.

³⁵Ord. No. 9, §10, adopted September 5, 2002

³⁶Ord. No. 9, §11, adopted September 5, 2002

³⁷Ord. No. 10, §1, adopted _____, 2005

³⁸Ord. No. 10, §2, adopted _____, 2005

- f. "Person" or "persons" shall mean a natural person and also includes corporations, partnerships and associations and their officers and officials existing under or authorized to exist under the laws of the State of Michigan or of any other state or any foreign country and all other entities of any kind capable of being sued.
- g. "Rubbish" shall mean dirt, leaves, grass trimming, tin cans, wastepaper, ashes, straw, shavings, junk and in general, non-putrescible wastes, normally incident to the lawful use of the premises on which accumulated.³⁹

Section 7.4 Littering and Accumulation of Garbage, Rubbish and Other Materia Prohibited.

No person shall place, deposit, throw, scatter or leave in any street, alley or public place, or on the private property of another, any refuse, waste, garbage, dead animal, rubbish, wash water or other noxious or unsightly material which interferes with the operation and use of motor vehicles in streets, alleys or public places. It shall be the duty of every occupant of property and the owner of unoccupied property at all times to maintain the premises occupied or owned by him, in a clean and orderly condition, permitting no deposit or accumulation of garbage or rubbish upon such premises, unless stored or accumulated as hereinafter provided. It shall be the duty of every occupant of property and the owner of unoccupied property to place any rubbish and/or garbage accumulated or stored outside of a dwelling or building of any premises in containers which shall be placed at the rear or side of buildings in a place which is reasonable inconspicuous and away from street and places occupied by other persons. Such containers, when used for the storage or accumulation of garbage or rubbish which is contaminated by garbage shall be constructed of nonabsorbent materials, shall be kept in a clean and sanitary condition and shall be covered. Such containers used for the accumulation and storage of rubbish shall be covered if there is a likelihood that rubbish will be carried therefrom by wind or other natural causes. Garbage and rubbish accumulated as aforesaid must be disposed of within a reasonable period of time in a manner not inconsistent with the provisions of this Ordinance.⁴⁰

Section 7.5 Abandoned or Inoperable Motor Vehicles and Appliances. The owner and/or occupant of any occupied premises and the owner of any unoccupied premises shall not keep or permit to be kept on such premises dismantled, partially dismantled or inoperative motor vehicles or appliances unless the same shall be stored or placed in a wholly enclosed garage or other wholly enclosed structure. Provided, however, that the owner of such motor vehicles or appliances may store on the premises of which he is owner, co-owner, or tenant, any such vehicles that are properly licensed that are not deemed excessive in number. Provided further, that the occupant and/or owner of every occupied premises and the owner of unoccupied premises shall not leave in any place accessible to children any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind which has an air tight door, or lock which may not be released or opened from the inside of said icebox or refrigerator or container unless the said lock or door has been removed therefrom.⁴¹

Section 7.6 Duty of Owner, Lessee or Occupant. It shall be the duty of any owner, lessee or occupant of any land within the Township to abate any nuisance existing on property located within the township under the owner's, lessee's or occupant's control. This includes, but is not limited to:

- a. The cessation of any activity creating a nuisance;
- b. The removal of all forbidden items as set forth above and the cutting and removing by lawful means all such brush, weeds, grass or other poisonous or harmful vegetation as often as may be necessary to comply with the provisions of this ordinance.⁴²

Section 7.7 Township to Do Work. If any owner, lessee or occupant of any land within the

³⁹Ord. No. 10, §3, adopted _____, 2005

⁴⁰Ord. No. 10, §4, adopted _____, 2005

⁴¹Ord. No. 10, §5, adopted _____, 2005

⁴²Ord. No. 10, §6, adopted _____, 2005

Township, fails to comply with the provisions of ordinance, the Township Board shall serve either personally, or by certified or regular mail, written notice upon the owner, lessee, or occupant or any person having the care or control of any such land to comply with the provisions of this Ordinance. If the person upon whom the notice is served fails to abate the nuisance within five (5) days after receipt of such notice, or if no owner can be found of such land, the Township Board shall cause the nuisance to be abated and the actual cost doing so shall be certified by the Township Board and shall become and be a lien upon the land where the nuisance was located and shall be assessed and collected in the same manner provided by law for collection of taxes.⁴³

Section 7.8 Penalty. Every person convicted of a violation of any provision of this Ordinance or any rule or regulation adopted or issued in pursuance thereof shall be punished by a fine of not more than one hundred (\$100.00) dollars and costs of prosecution or imprisonment for not more than ninety (90) days or by both such fine and imprisonment. Each act of violation and every day upon which any such violation shall occur shall contribute a separate offense. The imposition of any such sentence shall not exempt the offender from compliance with the Ordinance.⁴⁴

Section 7.9 Enforceability or Mandatory Injunction. As a cumulative remedy to Section 8 any person who violates any provision of this Ordinance or any rule or regulation adopted or issued in pursuance thereof, may be made a Party defendant in a suit in the Circuit Court for the County of Washtenaw; the Township of Sharon shall have the power, through its attorneys, to request that said Circuit Court issue a Mandatory Injunction compelling the said Party Defendant in violation of this Ordinance to forthwith comply with said Ordinance.⁴⁵

⁴³Ord. No. 10, §7, adopted _____, 2005

⁴⁴Ord. No. 10, §8, adopted _____, 2005

⁴⁵Ord. No. 10, §10, adopted _____, 2005

Chapter IV

Building Regulations

Article 1. CONSTRUCTION CODES

Section 1.1 Responsibility for Enforcement. Pursuant to the provisions of Section 8b(6) of the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, as amended, Sharon Township hereby assumes responsibility for the administration and enforcement of the State Construction Code, including the building code, electrical code, mechanical code and plumbing code provisions, throughout its corporate limits.¹

Section 1.2 Agency Designation. Sharon Township hereby designates the following agencies as having responsibility for the administration and enforcement of the building, electrical, mechanical and plumbing code provisions of the the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, as amended, throughout its corporate limits:

- a. The Building Code Official of Sharon Township is hereby designated as the enforcing agency to discharge the responsibility of the Township of Sharon under the building code;
- b. The Electrical Code Official of Sharon Township is hereby designated as the enforcing agency to discharge the responsibility of the Township of Sharon under the electrical code;
- c. The Mechanical Code Official of Sharon Township is hereby designated as the enforcing agency to discharge the responsibility of the Township of Sharon under the mechanical code;
- d. The Plumbing Code Official of Sharon Township is hereby designated as the enforcing agency to discharge the responsibility of the Township of Sharon under the plumbing code.²

Article 2. SOIL EROSION CONTROL

Section 2.1 Enforcement and Agency Designation. Pursuant to the provision of the part 91 Soil and Sedimentation Control of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Part 91), the Building Department of the Township of Sharon is hereby designated as the enforcing agency to discharge the responsibility of the Township of Sharon under Part 91, and all the rules promulgated thereunder. All such rules are incorporated by reference. The Township of Sharon assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.³

¹Ord. No. 11, §2, adopted April 4, 2002

²Ord. No. 11, §3, adopted April 4, 2002

³Ord. No. 12, §2, adopted November 6, 2003

Chapter V

Land Use Regulations

Article 1. LAND DIVISION

Section 1.1 Definitions. For the purposes of this ordinance certain terms and words used herein shall have the following meaning:

- a. "Applicant" - a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.
- b. "Designated Official" - Person or Persons appointed by the Sharon Township Board.
- c. "Divide" or "Division" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of the building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the Michigan Land Division Act. "Divide" and "Division" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the Michigan Land Division Act, this ordinance, and other applicable ordinances.
- d. "Exempt split" or "exempt division" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than 40 acres or the equivalent; provided all resulting parcels are accessible for vehicular traffic and utilities from existing public roads through existing adequate roads or easements, or through areas owned by the owner of the parcel that can provide such access.
- e. "Forty acres or the equivalent" - either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.
- f. "Governing body" - the Sharon Township Board.¹

Section 1.2 Prior Approval Requirement for Land Divisions. Land in the Township shall not be divided without the prior review and approval of the designated official, in accordance with this ordinance and the Michigan Land Division Act; provided that the following shall be exempted from this requirement:

- a. A parcel proposed for subdivision through a recorded plat pursuant to the Michigan Land Division Act and which complies with the minimum requirements of the zoning district therein located.
- b. A lot in a recorded plat proposed to be divided in accordance with the Michigan Land Division Act
- c. An exempt split as defined in this ordinance, or other partitioning or splitting that results in parcels of 20 acres or more if each is not accessible and the parcel was in existence on

¹Ord. No. 13, §3, adopted September 4, 1997

March 31, 1997 or resulted from exempt splitting under the Michigan Land Division Act.²

Section 1.3 Application for Land Division Approval. An applicant shall file all of the following with the Township Clerk or other official designated by the governing body for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development:

- a. A completed application form on such form as may be approved by the Township Board.
- b. Proof of fee ownership of the land proposed to be divided.
- c. A tentative parcel map drawn to scale including an accurate legal description of each proposed division, and showing the boundary lines, approximate dimensions, and the accessibility of each division for automobile traffic and public utilities.
- d. Proof that all standards of the Michigan Land Division Act and this Ordinance have been met.
- e. The history and specifications of any previous land divisions of which the parcel to be divided was a part sufficient to establish that such parcel was lawfully in existence on March 31, 1997 or the earliest effective date of the Michigan Land Division Act, and that the number of divisions permitted under this Land Division Ordinance or the Michigan Land Division Act have not been exhausted.
- f. If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- g. The fee as may from time to time be established by resolution of the governing body of the Township for land division reviews pursuant to this ordinance to cover the costs of review of the application and administration of this Ordinance and the Michigan Land Division Act.³

Section 1.4 Procedure for Review of Applications for Land Division Approval. The Township shall approve or disapprove the land division applied for within 45 days after receipt of a complete application conforming to this Ordinance's requirements and the Michigan Land Division Act, and shall promptly notify the applicant of the decision, and if denied, the reasons for denial.

- a. Any person or entity aggrieved by the decision of the designated official may, within 30 days of said decision appeal the decision to the Sharon Township Zoning Board of Appeals which shall consider and resolve such appeal by a majority vote of said Board at its next regular meeting or session affording sufficient time for a 20 day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.
- b. The Zoning Board of Appeals shall obtain written reports from the designated official, and others who the Zoning Board of Appeals deems necessary to provide information relevant to the appeal. The Zoning Board of Appeals shall review the decision and grant relief if it finds that the decision is arbitrary or capricious, an erroneous application of this Ordinance
- c. An appeal shall only be granted if all the following standards are met:
 - (1) Special conditions and circumstances exist which are unique to the land, structures or buildings involved, and do not result from actions of the applicant;
 - (2) Literal interpretation of the Ordinance would deprive the applicant of rights commonly enjoyed by other property owners under the terms of this Ordinance;

²Ord. No. 13, §4, adopted September 4, 1997

³Ord. No. 13, §5, adopted September 4, 1997

- (3) Granting the appeal will not confer upon the applicant any special privilege that is denied by this ordinance to other lands
 - (4) The existence of nonconforming parcels or uses of parcels, structures or building under the Township Zoning Ordinance or other regulatory ordinances shall not be considered grounds for the issuance of an appeal;
 - (5) An appeal granting a waiver or variance of the Ordinance shall be the minimum variance that will make possible a reasonable division of land in accordance with this Ordinance and would not compromise to the public interest.
- d. The designated official shall maintain an official record of all approved and accomplished land divisions or transfers.
 - e. Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.
 - f. The Township and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities or otherwise, and any notice of approval shall include a statement to this effect.⁴

Section 1.5 Standards for Approval of Land Divisions. A proposed land division shall be approved if the following criteria are met:

- a. All parcels to be created by the proposed land division(s) fully comply with all applicable requirements of the Township Zoning Ordinance, including but not limited to, minimum lot (parcel) frontage/width, minimum road frontage, minimum lot (parcel) area, and maximum lot (parcel) coverage and minimum setbacks for existing buildings/structures or have received a variance from such requirement(s) from the Township Zoning Board of Appeals.
- b. The proposed land division(s) comply with all requirements of the Michigan Land Division Act and this Ordinance.
- c. All parcels created and remaining have existing adequate accessibility, or an area available therefor, to a public road for public utilities and emergency and other vehicles.
- d. Proof of approval by the Sharon Township Board for any public road that is to be constructed to provide access to any of the lots created by the proposed land division.
- e. The ratio of depth to width of any parcel created by the division does not exceed a four to one ratio exclusive of access roads, easements, or non-development sites. The depth of a parcel created by a land division shall be measured within the boundaries of each parcel from the abutting road right-of-way to the most remote boundary line point of the parcel from the point of commencement of the measurement. The width of a parcel shall be measured at the abutting road of right-of-way line, or as otherwise provided in any applicable ordinances.⁵
- f. Easements serving more than one parcel must be at least 1000 feet apart. The Sharon Township Board may relax this requirement if the applicant can demonstrate that specific conditions unique to this property split would warrant further consideration.

Section 1.6 Consequences of Noncompliance with Land Division Approval Requirement. Any division of land in violation of any provision of this Ordinance shall not be recognized as a land division on the Township tax roll and no construction thereon which requires the prior issuance of a

⁴Ord. No. 13, §6, adopted September 4, 1997

⁵Ord. No. 13, §7, adopted September 4, 1997

construction or building permit shall be allowed. The Township shall further have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this Ordinance.

An unlawful division or split shall also be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefor, together with any damages sustained by the purchaser, recoverable in an action at law⁶

Article 2. MINERAL EXTRACTION

Section 2.1 Findings. The Township finds that mineral extraction operations can negatively affect the health, safety, and welfare of Township residents unless such operations are adequately regulated. Mineral extraction operations can pollute the environment, damage the water supplies, cause noise nuisances, dust nuisances, damage the roads and create conditions that are dangerous to Township residents. If unregulated, completed mineral extraction operations can leave land in a condition that is unsightly and presents an attractive nuisance. The Township has authority to regulate mineral extraction operations to protect public health, safety and welfare pursuant to Public Act No. 246 of 1945, being section 41.181 of the Michigan Compiled Laws.

- a. A Mineral License Board is established by this Ordinance to further the above purposes.
- b. The Mineral License Board shall be composed of the Township Supervisor and four members appointed for two year terms by the Township Supervisor. The appointment of members 1 and 3 shall end on December 31, in odd numbered calendar years, and members 2 and 4 shall end on December 31, in even number years.⁷

Section 2.2 License Required. No person shall commence or continue a business activity involving mineral extraction from any property in the Township without first obtaining a mineral extraction license issued by the Mineral Extraction License Board pursuant to this ordinance.

- a. For the purpose of this ordinance mineral extraction is defined as the mining, quarrying excavation or other removal or processing of sand, gravel, soil, or other minerals from the location of the mineral extraction site.
- b. For the purpose of this ordinance, processing is defined as washing, sorting, crushing, aggregating, grinding or cutting.
- c. A mineral extraction license does not permit other uses including but not limited to on-site processing of material from off-site, asphalt, cement or other manufacturing operations of any nature.⁸

Section 2.3 Compliance with License. No person who has been issued a license pursuant to this ordinance shall engage in activity contrary to the terms of the license or contrary to the terms of this ordinance.⁹

Section 2.4 License Application. A license shall only be issued based on an original signed application submitted to the Township Clerk together with four duplicates as stated below. Prior to submission of an Application, the Applicant shall attend a pre-application conference with Township Officials and pay a pre-application fee, as determined by resolution of the Township Board. To be complete each application must contain the following:

⁶Ord. No. 13, §8, adopted September 4, 1997

⁷Ord. No. 14, §1, adopted December 4, 1997

⁸Ord. No. 14, §2, adopted December 4, 1997

⁹Ord. No. 14, §3, adopted December 4, 1997

- a. Names and full address of all parties having an interest in the land and/or an interest in the operation on the site. Evidence of such interest shall be provided along with any current partnership agreement, articles of incorporation or assumed name certificate. Written consent of the legal title holder is also required.
- b. The applicants signature and date shall appear on the first page of the application original and on all duplicates submitted to the Township for review. In addition, each page of the complete application submittal shall include the original application date in the lower right hand corner. If the application is subsequently amended, each replacement page shall bear, in the lower right hand corner, the original application date and the date of the submittal of the page revision. All applications shall be made in a loose leaf, 3-ring binder in order to facilitate the replacement of pages.
- c. A full legal description and drawing of the site prepared by a registered surveyor showing the number of acres on each portion of the site to be mined.
- d. An aerial photo showing the property and adjacent areas within the 2,000 feet of the site and a map showing the property boundaries of all parcels within 500 feet of the site, including the name of the property owner and use of the site.
- e. Detailed drawings, prepared by a registered land surveyor or registered professional engineer, showing the following:
 - (1) Existing site improvements including buildings, drives, wells, and drain fields;
 - (2) Existing topography at contour levels of five (5) feet, interpolated from US Geological Survey (USGS) data, unless an interval of less than five (5) feet is deemed necessary for review by the Township Engineer at the Pre-Application Conference.
 - (3) Extent of future mining areas and depth thereof,
 - (4) Location and description of structures and stationary and/or portable equipment to be located on the site during mining operations;
 - (5) Location and description of soil types;
 - (6) Tree areas and other natural features to be preserved;
 - (7) Location and types of materials for visually screening the site;
 - (8) Location and dimensions of drives;
 - (9) Lane widening on public roads at intersections with drives;
 - (10) Locations of test wells for monitoring water quality.
- f. A complete description of proposed pollution and erosion control measures.
- g. A map showing truck routes and/or private easements to the site and a letter of preliminary comments from the Road Commission(s) impacted by the truck routes.
- h. The estimated average amount of gravel, sand, or other materials and the maximum amount of minerals, to be removed each year of the plan for mineral excavation.
- i. Evidence that a bond or security deposit has been supplied to the Washtenaw County Road Commission in an amount sufficient for maintaining the truck haul route during the term of the license until reclamation has been completed.
- j. The estimate average number of trucks per day, and the maximum number of trucks per day

that are to haul minerals from the site each year of the plan.

- k. A detailed reclamation plan showing that the entire property will be left in a form that is suitable for development with uses that are permitted in the district, relating such reuse to uses existing or probable for surrounding properties. The reclamation plan shall include the following elements:
 - (1) Proposed topography at contour intervals of two (2) feet for entire site;
 - (2) Schedule of progressive rehabilitation. After mining is completed on one specified area, quadrant, or cell, reclamation shall follow progressively in reasonable stages set forth in the plan before mining continues on other areas of the site;
 - (3) Proposed ground cover and other plantings to stabilize the soil surface and to beautify the restored area;
 - (4) Concept plan of the proposed use of the site when restored, drawn to scale, and prepared by a registered engineer, registered landscape architect, or registered architect. The Concept plan shall include the proposed circulation system, including location of internal roads and connection to the external road network, delineation of drainage patterns, identification of flood plains, and conceptual layout of lots (if residential is proposed). The use proposed in the Concept plan must be acceptable to the Mineral Licensing Board based on a review of the zoning district, Township Master Plan, surrounding land uses, and site characteristics. In addition, the applicant shall describe provisions for obtaining necessary permits and approvals for the future use(s). A landfill or other disposal or refuse site is not a suitable or satisfactory use;
 - (5) When the proposed future use, as deemed appropriate by the Mineral License Board, includes residential units or other uses requiring the use of septic fields, the Applicant shall provide a description of the construction and rehabilitation techniques that will be used to ensure that developable areas of the site have suitable soils to meet septic field standards established by the Washtenaw County Health Department. Also, provisions to supply the site with potable water for future uses shall also be described;
 - (6) Details as to how compliance with the Restoration Standards in Section 9 will be met.
 - (7) Description of methods and materials to be used in restoring the site;
 - (8) The proposed date for completing all extraction operations and the date for completing final restoration;
- l. A proposed surety bond, irrevocable bank letter of credit in satisfactory form, or security deposit in an amount sufficient to guarantee restoration of the site. In fixing the amount of such surety bond, the mineral license board shall take into account the size and scope of the proposed excavation, probable cost of rehabilitating the premises upon default of the operator, recommendation of the Township Engineer, estimated expenses to compel operator to comply by court decree, and such other factors and conditions as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding each application.
- m. Michigan State Fire Marshall and/or Michigan State Police permit for the on-site storage or transfer of fuels; or a written indication from the applicable agency that a permit is not required.
- n. A proposed liability insurance policy of not less than \$1,000,000 per incident for all liability claims arising out of the site.

- o. An application fee, in an amount established by resolution of the Township Board, shall be provided at the time of the application submittal.
- p. The first annual license fee, in an amount established by resolution of the Township Board, shall be provided at the time of application submittal and, if approved, subsequently on the anniversary date of the issuance of the mining permit. The fee shall be held in escrow pending decision on granting the application. The annual fee shall remain payable on all acreage not yet restored.
- q. A description of the proposed operation including whether it is for mining and/or processing; and specifications of whether the applicant will perform extraction methods in a manner that does or does not require artificial means to lower the existing groundwater table.
- r. Drawings, aerial photographs and plans submitted with an application shall be correlated by transparent overlays, combined maps or other means that clearly set forth site features and proposed features and requirements of this ordinance including setbacks.
- s. Copy of permit from the Michigan Department of Natural Resources (DNR), or letter from the DNR showing that a permit is not required for the proposed mining or reclamation by the:
 - (1) Inland Lakes and Streams Act, being P.A. 346 of 1972, as amended,
 - (2) Goemaere-Anderson Wetland Protection Act, being P.A. 203 of 1979.
- t. A hydrogeological analysis, prepared by a Registered Professional Engineer or Certified Professional Geologist with experience in hydrogeological studies, shall be provided for all projects that propose a dewatering operation during any phase of the mining development. The analysis shall demonstrate that the proposed operation will have no significant impact to existing private water supply wells within the influence of the site dewatering operations. The hydrogeological report shall include the following;
 - (1) Test pumping data at the site and analytical computations used to assess potential dewatering impacts.
 - (2) A test well and computer model shall be used to determine the probable drawdown of the proposed dewatering. The hydrogeological report shall determine the direction and rate of flow of groundwater, the upgradient and down-gradient water quality, aquifer characteristics (when soil dewatering is planned), extent of dewatering influence, and impact on surrounding water supply wells. A minimum of three (3) monitor wells shall be installed according to the requirements of the Michigan Department of Environmental Quality. Locations of wells shall be improved by the Township Engineer.
 - (3) Well logs of existing wells within 2000 feet of the site boundaries.
 - (4) A written statement of the impact the proposed operation will have on private wells shall be provided, as well as a plan for mitigating measures in the event that existing wells are impacted by the dewatering operations.
 - (5) Groundwater testing of each well shall take place prior to commencing extraction operations to establish background water quality levels. Annual test of each well shall be performed and results shall be provided to the Township within 30 days of the anniversary of permit issuance. At a minimum, the ground water shall be tested for the following: Benzene, Ethylene, Xylene, Toulene (BETX), and Polynuclear Aromatic Hydrocarbons (PNA).
 - (6) A description of the discharge rate and discharge location(s) of the dewatering operation, including an assessment of the potential for flooding in the area and downstream from the point of the discharge.

In the event that no dewatering is proposed, the applicant shall provide sufficient data to establish the direction of groundwater movement in the area. A minimum of three (3) monitor wells shall be installed according to the 3-point method, retained for future monitoring, and constructed according to the requirements of the Michigan Department of Environmental Quality. Locations of wells shall be approved by the Township Engineer. In addition, the Applicant shall supply well logs of existing wells within 2,000 feet of the site boundaries. Groundwater testing shall be performed in accordance with Section 4.20.5 above.

- u. Four duplicate copies of all of the above except the application fee, and the first annual license fee. One duplicate is for the Township Engineer for his review and report, one duplicate is the records of the Mineral Licensing Board; one duplicate is for the Mineral License Board to attach to the Applicant's License, if approved; and the final copy is to attach to the Township's copy of the License, if approved. The original is maintained in the Township Clerks records.¹⁰

Section 2.5 Review of Application by Mineral License Board. Once a complete application is submitted, the Mineral License Board shall, within 60 days:

- a. Approve a license based on the following findings;
 - (1) The applicant can comply with this ordinance;
 - (2) The operation will not adversely affect the health, safety, and welfare, of the residents of the Township;
 - (3) The site will be restored so it is safe and harmonious with surrounding land uses;
 - (4) The necessary fees, bonds, security deposits and evidence of insurance have been submitted;
 - (5) The proposed operation will not adversely affect the water table or water quality or supply of any surrounding land;
 - (6) The use proposed in the reclamation plan is acceptable, based upon a review of the Township Zoning Ordinance, Township Master Plan, surrounding land uses and site characteristics
- b. Disapprove the license based on one or more of the following findings that the applicant has failed to demonstrate that:
 - (1) The applicant can or will comply with this ordinance; or
 - (2) The operation will not adversely affect the health, safety, and welfare of the residents of the Township; or
 - (3) The site will be restored so it is safe and harmonious with the surrounding land uses; or
 - (4) The proposed operation will not adversely affect the water table or water quality or supply of any surrounding land; or
 - (5) The use proposed in the reclamation plan is acceptable to the Mineral License Board, based upon the Board's review of the Township Zoning Ordinance, Township Master Plan, surrounding land uses and site clearances.

¹⁰Ord. No. 14, §4, adopted December 4, 1997

- c. Conditionally disapprove the license until the applicant submits revised document(s) providing that the license should be approved.
- d. Extend the period of review for an additional 30 days based on a written determination that additional review is needed.¹¹

Section 2.6 Issuance of License. If a license is approved, the Mineral License Board shall issue the license in duplicate upon depositing the required fee, bond, irrevocable letter of credit, or security deposit, and proof of insurance. One duplicate original will be provided to the applicant, and the other will be maintained by the Township Clerk.¹²

Section 2.7 Form of License. The license shall be prepared in duplicate originals and signed by the Township Supervisor and Township Clerk, after by a majority of the Mineral License Board, and contain the following:

- a. A full description of the operation permitted by the license based on approved plans and drawing;
- b. A full description of the restored site based on the approved plans and drawings;
- c. Dates for the completion of the operations and the completion of restoration;
- d. The dates for which the permit is valid based on the continual restoration schedule approved by the Board;
- e. Signed commitments for compliance with the ordinance and the license by all parties having an interest in the land and the operation; and that the license will reimburse all legal, engineer and investigation costs incurred by the township in establishing any violations;
- f. That Township agents, representatives, independent contractors and engineers are authorized to enter upon the property at any time for the purpose of inspection and may extract from the property such small samples of water, soil and other materials as may be necessary to assure compliance;
- g. That it remains subject to required annual inspections by the Township Engineer and/or other agents of the Township and payment of annual license fees; and reimbursement of the Township Engineer's fees for monitoring to determine compliance with the license;
- h. All required attachments to the application.¹³

Section 2.8 Compliance by Licensee. All persons or firms engaged in the activity of mineral extraction shall comply with the following;

- a. Operate only with a license issued under this ordinance.
- b. Make payment to the Township Clerk, on each anniversary date of the license, of the annual permit fee established by resolution of the Township Board, to be held in escrow pending satisfactory results of the Township's annual inspection.
- c. Operate only in compliance with the terms and limits of the license.
- d. Operate only between 7:00 a.m. and 6:00 p.m. Monday through Saturday. No operations

¹¹Ord. No. 14, §5, adopted December 4, 1997

¹²Ord. No. 14, §6, adopted December 4, 1997

¹³Ord. No. 14, §7, adopted December 4, 1997

shall be permitted on Sundays or legal holidays.

- e. Other than as specified in the application and license, no processing of any nature, shall be conducted at any time on site.
- f. All fixed machinery and equipment and buildings shall be located at least 250 feet from any lot line and 500 feet from any existing residence. The Mineral License Board may approve the continued maintenance and use of facilities within the prescribed setback if they were installed and used at the proposed location prior to December 4, 1997.
- g. No extraction, processing, loading, weighing, stockpiling or other operations or equipment storage or repair shall take place closer than 250 feet from any road right of way, 500 feet from a residence or 250 feet from any other property boundary, whichever is farther.
- h. There shall be no excavation unless there is adequate lateral support for adjoining land as determined by the Township Engineer.
- i. Stockpiles of soil to be used for the reclamation shall be seeded or otherwise maintained to avoid erosion.
- j. Grading shall be maintained so that a drainage nuisance is not caused on adjacent property.
- k. Operations shall be conducted so the noise from the site when measured outside its legal boundaries does not exceed 70 decibels ("a" scale) for a period longer than a minute. Equipment shall be installed, used and maintained so that noise and vibration emitted from the site do not exceed the level reasonably necessary for the operation of the equipment.
- l. The operation shall be conducted so it will not cause any contamination or change in the quality of ground or surface water outside the site. The quality of ground water shall be monitored by adequate test wells as determined by the Township.
- m. There shall be no excavation within 500 feet of any stream or waterway unless approved in writing by the Michigan Department of Natural Resources.
- n. There shall be not more than one entrance way from a public road for each 660 feet of front lot line.
- o. Each entranceway shall be located not less than 500 feet from an intersection of two or more public roads.
- p. The site including ingress and egress shall be treated and maintained so that dust does not blow onto neighboring properties.
- q. Berms, fences and landscaping shall be installed at all locations around the site which lack natural screening. The screening shall consist of one or any combination of the following:
 - (1) Earth berms constructed to a height of 6 feet above the mean elevation of the centerline of the adjacent highway or 6 feet above the general level of the terrain along the interior property lines, whichever is higher. Such berms shall have slopes that are not in excess of 1 foot vertical to 3 feet horizontal and shall be planted with grass, trees or shrubs.
 - (2) Plantings or evergreen trees or shrubbery in rows parallel to the boundaries of the property, not less than 4 feet in height at the time of the planting and which grow to not less than 6 feet in height at maturity and sufficiently spaced to provide effective sight barriers when 6 feet in height.
 - (3) Masonry walls or attractive solid fences made of uniform new materials, constructed to a height of not less than 6 feet and maintained in good repair.

- r. Where an excavation leaves standing water with a depth of greater than 4 feet, the applicant shall erect a fence completely surrounding the portion of the site where the body of water extends, said fence to be not less than six (6) feet in height complete with gates, which gates shall be kept locked when operations are not being carried on.
- s. Where quarrying operations result in a body of water, the owner or operator shall place appropriate "Keep-Out-Danger" signs around said premises not more than two hundred (200) feet apart.
- t. All portions of the site not currently being mined (without mining activity for ninety days) shall be graded so that slopes are not steeper than one (1) foot vertical for each two (2) feet horizontal and shall be adequately covered and planted to prevent erosion.
- u. All fuels, chemicals and other hazardous materials to be contained on site shall be noted in the application, including material, quality, use, and method of primary and secondary containment. All containment structures or devices shall be designed and operated to prevent groundwater pollution. The applicant shall also provide a written spill response plan, in the event that a hazardous materials spill occurs on site. Said plan shall indicate how any and all contaminated material will be collected and disposed.
- v. Washtenaw County Health Department Community Right-to-Know Regulation of 1986 evidenced by copies of documentation and notices produced pursuant to said Act.
- w. Only equipment or vehicles owned or leased by the operator shall be stored on the site overnight.
- x. The truck and trailer license plates shall be washed or wiped clean before leaving the site on each trip.
- y. Materials will only be loaded onto trucks reaching and leaving the site on truck routes specified on the license.
- z. Be responsible for adequately treating against dust and improving and maintaining to Washtenaw County Road Commission standards the public roads. Bridges and culverts directly servicing the site; as necessitated by the truck traffic over the haul route to or from the site. Any roads used for the purpose of ingress and egress to said excavation site which are located within three hundred (300) feet of occupied residences shall be kept free by hardtopping with cement, bituminous substance or chemical treatment.
- aa. Maintain a record or copy of the load ticket for each truck departing with extracted minerals from the site. These records must include driver and truck/trailer identification, date, time, and load; and must be made available to the Township upon demand for inspection and copying.
- bb. Potable water supply and sanitary sewage disposal systems shall be approved for the site by the County Health Department.
- cc. No material from outside the site shall be brought in for processing or storage.
- dd. The operators must maintain the liability insurance approved with the license and annually provide proof of that insurance to the Township.
- ee. No explosives shall be used on the site.¹⁴

Section 2.9 Reclamation. Reclamation in accordance with the following restoration standards must begin as soon as the mining of any area of the site is completed or mined to the limits shown

¹⁴Ord. No. 14, §8, adopted December 4, 1997

on the application (whichever comes first);

- a. The reclamation shall be in accordance with the license.
- b. Ponding shall be avoided in all areas except in designated lake areas. This shall be accomplished by all excavation being either to a water-producing depth or shall be graded or backfilled to ensure that the excavated area will not retain or collect stagnant water. For the purposes of this subsection, a water-producing depth shall be defined as not less than ten (10) feet below the average summer level of water in the excavation.
- c. In the event filling of the mined area is necessary in the course of reclamation, the fill material shall consist only of soil material, which is brought into the site in compliance with the following:
 - (1) A detailed statement indicating the quantities of material to be disposed of, and the exact locations from which the material will be brought.
 - (2) A report specifying in detail the testing to be undertaken by the applicant at each source location to ensure that the material being brought on site is not contaminated. The report shall include an opinion by a qualified independent soil scientist, soils engineer, hydrogeologist or geologist, confirming that the material from each source location is not contaminated.
 - (3) Set forth in detail the arrangement and nature of all operations, including the quantity of each type of material to be brought on site and the location from which it will be brought.
 - (4) Set forth a detailed explanation as to the routing of all vehicles bringing material to the site, and their size, weight and frequency of trips.
 - (5) Set forth in detail the precautions taken to ensure against any soil erosion or sedimentation control problems.
 - (6) Set forth in detail the contingency cleanup procedures to be utilized in the event of any contamination of the underlying groundwater or surface water.
- d. In general, grades of areas which are not permanently submerged will be gently rolling to minimize soil erosion and shall be blended into existing grades in a harmonious manner. No unsubmerged grade shall exceed one (1) foot vertical to four (4) feet horizontal, unless an unmodified area remains on site that has a natural grade in excess of 1:4 and the Mineral License Board finds that modification of this area is not necessary. In addition to the above, the reclamation plan shall show an internal future development area of 200 feet from the site property lines. Within this area, site grades shall be reduced to a sufficient slope to support an internal road on residential lots fronting on at least one side of the road. This area may be reduced to 100 feet where the Mineral License Board finds that residential development is not feasible future land use for the site and the use proposed does not require a 200 foot area with less steep grades. Grades of all areas that are permanently submerged shall not exceed one (1) foot vertical to five (5) feet horizontal from the shore to the depth of five (5) feet below the annual low water elevation. Notwithstanding the above, the maximum depth shall not exceed fifty (50) feet.
- e. Topsoil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, roads or other structures. The depth of topsoil over the entire site shall be sufficient to allow sod to grow.
- f. Vegetation shall be restored by the appropriate seeding of grasses and the planting of trees and shrubs to establish a permanent vegetative cover on the land surface, to minimize erosion, and ensure long term stability of any sloped areas.

- g. Reclamation must be completed within 12 months of cessation of mining operations. All plant structures, buildings, stockpiles and equipment shall be removed; provided, however, that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which the property is located may be retained. No further mining shall be permitted on a site when an area within the site subject to reclamation has not been restored within this time limit.

As part of the reclamation process, all site debris including tree stumps, man-made materials, etc. shall be removed from the site and properly disposed.¹⁵

Section 2.10 Revocation/Suspension. The Township Supervisor, in the case of a violation of this ordinance, may temporarily revoke a license issued under this ordinance for up to 30 days where the public health, safety or welfare may be affected. Otherwise revocation shall only occur after a warning, notice and a hearing before the Mineral License Board which has the authority to permanently revoke the license or temporarily suspend it where conditions are found to exist which indicate the licensee is operating in violation of the terms of his license, or this ordinance, or in a manner adversely affecting the health, safety, or welfare of the residents of the Township.¹⁶

Section 2.11 Appeal. Any applicant or affected property owner may appeal a decision of the Mineral License Board under this ordinance.

- a. An appeal shall be decided by the Township Board after adequate notice, and a public hearing.
- b. Based on facts presented at an appeal, the Township Board may make findings redetermining compliance with Section 5 of this Ordinance and remand the application to the Mineral License Board for granting of the license or other final disposition of license, extend time limits of this ordinance, and restore a revoked license.¹⁷

Section 2.12 Exemptions. This ordinance shall not apply to the following:

- a. Operations that involve the removal of 100 cubic yards of less of material per year.
- b. Usual and customary excavation associated with the construction of structures or septic tanks/fields under a permit from the Township and/or County.
- c. The usual and customary balancing of land by cutting and filling on a site in preparation for a development approved by the Township in accordance with all Township ordinances and regulations. This exemption shall not permit the removal of more than 100 cubic yards of material from the site.
- d. Usual and customary excavation of land in the public right-of-way, when associated with a public utility or public facility improvement.
- e. Ponds constructed in accordance with applicable provisions of the Zoning Ordinance.¹⁸

Section 2.13 Violations.

- a. Persons violating this ordinance may be fined \$500.00 and imprisoned for 90 days for each violation. Each day an operation is carried on in violation of the ordinance shall be considered

¹⁵Ord. No. 14, §9, adopted December 4, 1997

¹⁶Ord. No. 14, §10, adopted December 4, 1997

¹⁷Ord. No. 14, §11, adopted December 4, 1997

¹⁸Ord. No. 14, §12, adopted December 4, 1997

a separate violation.

- b. An official designated by the Township Board shall be responsible for investigating violations of this Ordinance, distributing notices of violations, and other related administrative functions. In general, when a violation has been identified and confirmed, the enforcement official shall issue a Notice of Violation to the owner and operator of the facility, advising a 15 day period to cease the violation and come into compliance with the Ordinance. If the violation continues, the enforcement official shall contact the Township Supervisor to schedule a Show-Cause hearing to be held by the Township Board to determine if the matter should be referred to the Township Attorney for immediate remedy through a court of competent jurisdiction. A Notice of Show-Cause hearing including date, time, and place of the hearing shall be sent to the owner and operator at least 10 days prior to conducting the Show-Cause hearing. Upon review of findings of fact, the Township Board shall take appropriate action to ensure the Ordinance standards and plan of approval is met. In the event that the violation requires immediate action in a court of competent jurisdiction, the Township Board may refer the matter to the Township Attorney for action without giving notices set forth above. The Township Attorney may seek injunctive or other appropriate relief.¹⁹

Section 2.14 Effective Date.

- a. This ordinance shall take effect 30 days after the date of publication of the notice of adoption. Beginning with that date all persons or forms wishing to commence mineral extraction operations must comply with the ordinance.
- b. Owners and operators of all extraction operations existing prior to the effective date of this ordinance must apply for the required license within 90 days of the effective date and must be in compliance with all provisions of this ordinance within 180 days of the effective date of this ordinance.²⁰

Section 2.15 Severability. It is the intention that if any portion of this ordinance is found, for any reason, to be invalid, the remainder of the ordinance shall remain in effect.²¹

Section 2.16 Variances. When there are practical difficulties in the way of carrying out the strict letter of ordinance, the Township Board shall have the power to vary or modify the application of the provisions of this ordinance, in accordance with this section, so that the intent and purpose of the ordinance shall be observed, public safety secured, and substantial justice done.

Any applicant may apply for a variance from any provision of the ordinance by filing an application for variance with the Township Clerk and paying a variance application review fee. The Township shall hold a public hearing upon such application with-in forty-five (45) days from its filing. The Township Clerk shall give notice of the hearing to the owners of all property within three hundred (300) feet of the subject property. The notice shall be mailed to each such party by first class mail or hand delivered and shall be published in a newspaper of general circulation in the Township not later than seven (7) days prior to the hearing. The Township Board may attach reasonable conditions in granting the variance from any provision of the ordinance to insure that the standards and intent of the ordinance are met. Violation of conditions shall be considered a violation of the Ordinance and shall be subject to the penalties stated in Section 13.²²

Section 2.17 Relationship to Other Laws. Whenever regulations or restrictions imposed by this Ordinance are either more or less restrictive than regulators or restrictions imposed by this or any

¹⁹Ord. No. 14, §13, adopted December 4, 1997

²⁰Ord. No. 14, §14, adopted December 4, 1997

²¹Ord. No. 14, §15, adopted December 4, 1997

²²Ord. No. 14, §16, adopted December 4, 1997

other governmental authority through legislation, rule or regulation, the regulations, rules or restrictions which are more restrictive or which impose higher standards or requirements shall govern. However, wherever there is a conflict in determining which is the more restrictive or imposes the higher standard, the standards of this regulatory ordinance shall govern. Regardless of any other provision of this Ordinance, no land shall be used and no structure erected or maintained in violation of any state or federal control or environmental protection law or regulation.²³

Article 3. TELECOMMUNICATIONS

Section 3.1 Purpose. The purpose of this ordinance is to regulate the access to and ongoing use or Public Rights-of-Way by Telecommunications Providers to ensure and protect the public health, safety, and welfare and to exercise reasonable control of the Public Rights-of-Way pursuant to the Michigan Telecommunications Act (Act No. 216 of the Public Acts of 1995, as amended, being MCL 484.2101 et seq.), other State statutes (including, without limitation, MCL 247.183), and Article VII, § 29 of the 1963 Michigan Constitution by (1) minimizing disruption of the Public Rights-of-Way by regulating the access to and ongoing use of the Public Rights-of-Way by Telecommunications Providers and the construction, installation, operation, and use, of facilities in the Public Rights-of-Way to provide Telecommunication. Services, (2) ensuring that the Township and the public are protected from liability for use of the Public Rights-of-Way by Telecommunication Providers, (3) providing for the payment of nondiscriminatory permit fees which do not exceed the fixed and variable costs of granting permits and maintaining the rights-of-way used by Telecommunications Providers, and (4) assisting Telecommunications Providers in understanding the Township's requirements for use of the Public Rights-of-Way and providing a fair and non-discriminatory policy for permitting the use of the Public Rights-of-Way by such providers.²⁴

Section 3.2 Reservation of Rights. The issuance of a Permit or Permits under this Ordinance and the access to and use of the Public Rights-of-Way by a Telecommunications Provider shall not constitute a waiver of or otherwise adversely affect the following reserved rights.

- a. Right to Require Franchise. Article VII, §29 of the 1963 Michigan Constitution requires that all public utilities obtain a franchise to conduct a local business within the Township. The applicability of this requirement to Telecommunications providers may be challenged under Section 102(dd) of the Michigan Telecommunications Act which purports to define telecommunications services as not constituting public utility services. Due to this and other legal and regulatory issues, and to avoid the expense and delay of litigation that may be unnecessary, the Township hereby determines that Telecommunications Providers shall not be required at this time to obtain franchises for the transaction of local business within the Township. Telecommunications Providers shall be required to obtain and maintain a Permit for access to and ongoing use of the Public Rights-of-Way and to otherwise comply with the terms of this Ordinance. Such a Permit shall not constitute a franchise. The Township reserves the right to require Telecommunications Providers to obtain a franchise in the future to transact local business within the Township. The Permittee shall not provide cable television service without obtaining a franchise from the Township.
- b. Rights Regarding Takings Claim. Certain cable or Telecommunications Providers have initiated or supported legal proceedings in which they contend that federal law grants them the right to physically occupy the rights-of-way and other property of a municipality for the purpose of providing telecommunications service without compensating the municipality for the use or value of the property so occupied or the cost of acquiring and maintaining such property. Municipalities, including the Township dispute that claim. The Township believes that if such a claim were sustained it would, among other things, constitute an unlawful taking by the United States in violation of the Fifth Amendment of the United States Constitution. The legal issues involved in such disputes have not been finally decided. The Township desires to act on applications for Permits granting access to its Public Rights-of-Way at this

²³Ord. No. 14, §17, adopted December 4, 1997

²⁴Ord. No. 15, §2, adopted April 6, 2001

time rather than wait for determination of these issues, provided this can be done without waiver or loss of any rights of the Township or a Permittee. Therefore, notwithstanding any other provision hereof, a Permittee is not precluded by this Ordinance from seeking relief from the fee provisions of Section 8 from any court or agency of competent jurisdiction. If a Permittee seeks such relief the Township reserves the right to assert a takings claim and to take all action it deems necessary in support thereof. Neither this Ordinance nor the issuance or acceptance of a Permit hereunder constitutes or will be claimed to constitute a waiver or relinquishment of any rights or defenses of either the Township or the Permittee in connection with these disputed issues, and the acceptance of a Permit constitutes an acknowledgment and agreement thereto by the Permittee.²⁵

Section 3.3 Existing Maintenance Permits. Annual maintenance permits issued to a Telecommunications Provider shall not be renewed upon expiration. Upon expiration of the annual maintenance permit, Telecommunications Providers shall be required to comply with all terms and conditions of this Ordinance as it may be amended from time to time.²⁶

Section 3.4 Terms Defined. The meaning of the terms used in this Ordinance shall be as follows:

- a. "Affiliate" and "Affiliated" means any Controlling entity that is owned or Controlled by or is under common ownership or common Control with a Permittee.
- b. "Township" means the Township of Sharon.
- c. "Township Board" means the Township Board of the Township of Sharon or its designee. This subsection does not authorize delegation of any decision or function that is required by law to be made by the Township Board. In any case in which a hearing is held pursuant to this Ordinance, the Township Board may conduct the hearing or, in its sole discretion, may by resolution appoint a committee or subcommittee of the Board or a hearing officer to conduct the hearing and submit a proposal for decision to it, pursuant to procedures established by resolution.
- d. "Township Clerk" means the Township Clerk or his or her designee.
- e. "Control," "Controlling," and "Controlled" mean effective control by whatever means exercised, such as those, described in Report and Order and Further Notice of Proposed Rule Making in MM Docket 92-264, 8 FCC Red 6828 (1993) at paragraphs 22-28 (adopting broadcast transfer of control standards as then in effect).
- f. "Local Exchange Service" means the provision of an access line and usage within a local calling area for the transmission of high quality two-way interactive switched voice or data communication.
- g. "Permit" means a non-exclusive permit issued pursuant to this Ordinance for access to and ongoing use of Public Rights-of-Way by Telecommunications Providers for wires, poles, pipes, conduits, or other facilities designed or used to provide, Telecommunications Services. The term "Permit" does not include any other permits, licenses, or approvals required by the Township or other governmental entities.
- h. "Permittee." means a Telecommunications Provider which has been issued a Permit pursuant to this Ordinance.
- i. "Person" means an individual, corporation, partnership, association, governmental entity, or any other legal entity.

²⁵Ord. No. 15, §3, adopted April 6, 2001

²⁶Ord. No. 15, §4, adopted April 6, 2001

- j. "Public Rights-of-Way" means the surface and space above, on and below any public highway, avenue, street, lane, alley, boulevard, concourse, driveway, bridge, tunnel park, parkway, waterway, dock, bulkhead, wharf, pier, public, easement, right-of-way or, any other public ground or water within or in which the Township now or hereafter holds any property interest which, consistent with the purposes for which it was dedicated or otherwise acquired, may be used for the purpose of constructing, operating and maintaining a telecommunications facility. No reference herein or in any franchise agreement to a public right-of-way shall be deemed to be a representation or warranty by the Township that its interest or, other right to control the use of such property is sufficient to permit its use for such purposes and the Franchisee, Licensee or Permittee shall be deemed to acquire only those rights of a user of property in the Township and only as the Township may have the undisputed right and power to give.
- k. "Reseller" refers to a person that provides one or more telecommunications services for hire, which are carried in whole or in part by means of the services of one or more other providers or over one or more telecommunications facilities in the public rights-of-way in which that person lacks a present possessor interest.
- l. "Telecommunications Act" means Act No. 216 of the Public Acts of the State of Michigan of 1995, as amended from time to time.
- m. "Telecommunications Facility" means that part of a tangible facility that occupies the public rights-of-way and is used to provide one or more telecommunications services or to transmit telecommunications signals. The term "telecommunications facility" includes any and all facilities used to transmit or carry telecommunications signals.
- n. "Telecommunications Provider" means a Person who provides one or more Telecommunications Services for compensation.
- o. "Telecommunications Services" means regulated and unregulated services offered to customers for the transmission of two-way, interactive communication and associated usage, including transmission by, optical fiber, coaxial cable or any other bounded, tangible means of information in electronic or optical form including, but not limited to voice, video or data. This includes telephone service but does not include over-the-air broadcasts to the public at large licensed by the Federal Communications Commission. "Telecommunications Services" does not include one-way transmission to subscribers of video programming or other programming services and subscriber interaction for the selection of video programming or other programming services for which has been obtained or must be obtained from a cable television franchise the Township.
- p. "Telecommunications System" means facilities designed or used to provide Telecommunications Services. Such facilities are tangible, bounded devices over or through which communications are transmitted, or which control or process transmissions of communications.²⁷

Section 3.5 Permits. Permit Required. No Person shall use the Public Rights-of-Way to provide Telecommunications Services without a Permit issued pursuant to this Ordinance. For purposes of this Ordinance, use of the Public-of-Way includes the installation, construction, maintenance, repair, or operation of a Telecommunications System within the Public Rights-of-Way. In addition, a Person providing Local Exchange Service or other local Telecommunications Services is using the Public Rights-of-Way for purposes of this Ordinance whether such Person owns the facilities in the Public Rights-of-Way outright or obtains the use of or access to the facilities from a third party under lease, contract, interconnection, or wholes, or retail or other similar arrangement, or acts as a Reseller of Telecommunications Services. Failure to comply with the Permit requirement of this Section shall constitute a violation of this Ordinance. A Person who violates this requirement shall comply with all requirements of this Ordinance applicable to a Permittee and shall pay the annual fee plus late

²⁷Ord. No. 15, §5, adopted April 6, 2001

payment charges as provided by Section 8 for the time period in, which the violator did not have a Permit plus the actual costs incurred by the Township in enforcing this Ordinance against the Person.²⁸

Section 3.6 Permit Application Procedures.

- a. Application. A Telecommunications Provider shall apply for a Permit pursuant to this Ordinance. The application shall be made on an application form provided by the Township. Fourteen (14) copies of the application shall be filed with the Township Clerk, and two (2) additional copies each shall simultaneously be filed with the Township Attorney.
- b. Required Information. In addition to other information required by the application form or otherwise required by the Township or this Ordinance, the application shall include, without limitation, the following information:
 - (1) The name and address of the applicant and each Person exercising Control over the applicant, and if the applicant or any Person or Persons exercising Control is not a natural Person, each of its officers, directors, stockholders beneficially holding more than 5% of the outstanding voting shares, general partners, and limited partners holding an equity interest of more than 5%.
 - (2) Copies of the most recent financial statements of the applicant.
 - (3) A description of (i) the applicant's existing and proposed Telecommunications System and Telecommunications Services in the Township, (ii) the types of existing and proposed wires and other facilities in the Public Rights-of-Way, and (iii) a statement whether such facilities are owned by the applicant, or if not owned by the applicant, a copy of the agreement or legal instrument granting the applicant the right to the use of or access to such facilities.
 - (4) A map setting forth the specific location of the facilities in the Public Rights-of-Way. The map shall identify the location of above ground and underground facilities. The map shall be a detailed plan of the proposed work with the locations of all underground and overhead utilities prepared and sealed by a Registered Land Surveyor or Registered Professional Engineer. Additional information to include maintenance of traffic shall be included. Said plans shall be on 24" x 36" bond paper and be accompanied by a computer diskette or compact disc of the drawing in AutoCAD format compatible with the Township's geographic information system. All plans shall be submitted to the Township Supervisor for review.
- c. Application Fee and Escrow Deposit. The application will be accompanied by a non-refundable application fee in an amount established by resolution of the Township Board. The non-refundable application fee shall be designed to reimburse the Township for the costs of reviewing an application for a Permit and issuance of a Permit in accordance with the procedures of this Ordinance. The applicant shall also submit an escrow deposit in an amount established by Township Board resolution, to pay for the Township's costs for outside consultants to review the application including legal, engineering, accounting, planning and other consultants. Any amount remaining in the escrow deposit after the Township's consultant bills have been paid shall be returned to the applicant.
- d. Administrative Completeness. An application shall not be deemed to be filed for purposes of the 90-day permit application review period in Section 251(3) of the Telecommunications Act unless and until the application is determined by the Township Clerk to be administratively complete. A determination whether the application is administratively complete shall be made by the Township Clerk within thirty (30) days after the application is received by the Township. If the Township Clerk determines that the application is not

²⁸Ord. No. 15, §6, adopted April 6, 2001

administratively complete, the Township Clerk shall so advise the applicant in writing and shall identify the items which must be furnished by the applicant for an administratively complete application.

- e. Additional Information. The Township Clerk may request an applicant to submit such additional information that the Township Clerk deems reasonably necessary or relevant to review the application. The applicant shall comply with all such requests in compliance with reasonable deadlines for such additional information established by the Township Clerk. If the applicant fails to provide the requested additional information by the deadline established by the Township Clerk, the 90-day period for acting on the application under Subsection 7.g. below shall be extended by the number of days after the deadline that the information was provided to the Township Clerk.
- f. Misleading Statements. A Person who provides information to the Township in connection with a Permit application or any other matters under this Section 7 that contains an untrue statement of a material fact or omits a material fact necessary to make the information not misleading shall be in violation of this Ordinance, and shall be subject to all remedies for violation, of this Ordinance and the Township Code including, without limitation, denial of the requested action and Permit revocation pursuant to Section 15. Each day that a Person fails to correct an untrue statement of a material fact or the omission of a material fact necessary to make the information not misleading shall constitute a separate violation of this Ordinance.
- g. Permit Approval or Denial. Within forty-five (45) days after the Township Clerk determines that the application is administratively complete (subject to any adjustments for delays in providing additional information as provided in Subsection 7.e. above), the Township Board shall hold a public hearing on the application. Notice of the public hearing shall be published in a newspaper in general circulation not less than ten (10) days before the public hearing. Notice of the public hearing shall also be mailed to the applicant not less than ten (10) days before the public hearing. Any report or recommendation on the application obtained or prepared by the Township Clerk and/or the Sharon Township Board shall be mailed to the applicant not less than ten (10) days before the public hearing. The applicant and any other interested parties may appear in person, by agent, or by letter at such hearing to submit comments on the application. Following the public hearing the Township Board shall approve, approve with conditions, or deny the application within 90 days after the Township Clerk determines that the application is administratively complete pursuant to Subsection 7.d., subject to any adjustments for delays in providing additional information as provided in Subsection 7.e. The Township Board shall not unreasonably deny an application for a Permit. The failure of the Township to comply strictly with the procedural requirements of this Section 7 for the review of Permit applications shall not invalidate the decision or proceedings of the Township.
- h. Conditions. The Township Board may impose conditions on a Permit to protect the public health, safety and welfare. Without limitation, these conditions may include the posting of a performance guarantee by the Telecommunications Provider in an amount that shall not exceed the reasonable cost to ensure that the Public Rights-of-Way are returned to their original condition during and after the Telecommunications Provider's access and use, the requirement that the Telecommunications Provider place the Telecommunications System underground and the requirement that a Telecommunications Provider install its Telecommunications System in a structure that will permit other Telecommunications Providers to co-locate.
- i. Modification. The Township Board may in its discretion, grant a modification of a specific requirement of Sections 9, 10, 11 or 13 of this Ordinance if the applicant requests such modification in its application for a Permit and if the applicant demonstrates that: 1) there are exceptional or extraordinary circumstances that warrant a modification, 2) the modification will not be detrimental to the public health, safety and welfare, and 3) the modification, will not impair the intent and purposes of this Ordinance and its several Sections. The application shall describe the applicant's request for a modification and the reasons for the request with specificity. A modification granted by the Township Board pursuant to this Section shall

expire upon the expiration of the Permit or earlier if so determined by the Township Board. A modification shall modify only those requirement expressly set forth in the approval of the Township Board and shall not modify any other provisions of this Ordinance. If a request for a modification is denied by the Township Board the Telecommunications Provider shall comply with all requirements of this Ordinance without exception.

- j. Waiver. The Township Board may grant a waiver of any requirement of this Ordinance if an applicant or Permittee requests a waiver and the Township Board finds that: 1) unless waived the requirement will prohibit or have the effect of prohibiting the ability of the applicant or Permittee to provide any Telecommunications Service within the meaning of Section 253(a) of the Federal Telecommunications Act, 47 USC §253(a), 2) the requirement is not within the scope of any state or local authority referenced in Section 253(c) of the Federal Telecommunications Act, 47 USC §253(c), and 3) the requirement is not necessary to protect the public safety and welfare or safeguard the rights of consumers. A request for a waiver may be included in an application for a Permit. A request for a waiver shall include a detailed statement of the facts and circumstances forming the basis for the request, if the request is made in connection with an application for a Permit, the provisions of Sections 7.d. through 7.g. shall apply to the request, except that submission of a request for a waiver shall constitute consent that the time periods provided in Section 7.g. for holding a public hearing and acting on an application are extended by 90 days Sections 7.a., 7.c., and 7.f. shall apply to a waiver request that is not made in connection with a Permit application and the request may be denied for violation of or failure to comply with any those provisions. Section 7.g. shall also apply to such a request, with the exception of the 45 and 90 day time periods set forth in that Section, but the Township Board may by resolution establish different or additional procedures for conducting the public hearing and acting on the request.²⁹

Section 3.7 Annual Permit Fees.

- a. Establishment of Annual Fees; Payment. In addition. to the non-refundable application fee set forth in Section 7.c. and any other fees for other permits, or authorizations required by the Township Code, the Permittee shall pay an annual fee in an amount established by Ordinance or resolution of the Township Board. The annual fee may be modified from time to time by Ordinance or resolution of the Township Board. The amount of the annual fee shall not exceed the fixed and variable cost to the Township in maintaining the Public Rights-of-Way used by a Telecommunications Provider unless otherwise permitted by law. The annual fee shall be payable quarterly as follows:

1st quarter (Jan. 1 - March 31)	April 30
2nd quarter (April 1 - June 30)	July 31
3rd quarter (July 1 - Sept. 30)	October 31
4th quarter (Oct. 1 Dec. 31)	January 31

When a Permit is issued during a calendar year, the annual fee shall be prorated for the balance of the calendar year. In the event that a quarterly payment is not paid when due, the Permittee shall pay a late payment charge of the greater of \$100 or interest at the rate of one percent (1%) over the prime rate then charged by Bank One or its successor bank and computed monthly. A Person who violates this Ordinance by failing to obtain a Permit shall pay the annual fee plus late payment charges, as required by this Section for the time period in which the violator did not have a Permit plus the actual costs of the Township in enforcing this Ordinance against the Person.

- b. Records. All records (including those of Affiliates) reasonably necessary to verify the accuracy of annual fees paid by the Permittee under Section 8.a. shall be made available by

²⁹Ord. No. 15, §7, adopted April 6, 2001

a Permittee at a location within the Township. The Township, by itself or in combination with other municipalities, reserves the right to audit any Permittee (or any Affiliate of a Permittee) to verify the accuracy of annual fees paid or to be paid to the Township. Any additional amount due the Township shall be paid within 30 days of submission of an invoice. If the additional amount due exceeds two percent (2%) of the total annual fee which the audit determines should have been paid for a calendar year, the Permittee shall pay the Township's costs in, connection with the audit within 30 days of submission of an invoice.

- c. Other Payments. The non-refundable application fees and the annual fees established pursuant to this Ordinance shall be in addition to any tax, charge, fee, or payment due, or to be come due to the Township by a Permittee under the Township Code or the laws of the State of Michigan.
- d. Misleading Statements. A Person who provides information to the Township in connection with any matter under this Section 8 which contains an untrue statement of a material fact or omits a material fact necessary to make the information not misleading shall be in violation of this Ordinance, and shall be subject to all remedies for violation of this Ordinance and the Township Code including, without limitation, Permit revocation pursuant to Section 15. Each day that a Person fails to correct an untrue statement of a material fact or the omission of a material fact necessary to make the information not misleading shall constitute a separate violation of this Ordinance.³⁰

Section 3.8 Duration of Permit; Renewal. A Permit shall remain in effect until December 31 following the tenth anniversary of the issuance of the Permit (unless the Permit expires pursuant to Subsection 10.k. or the Permit is earlier revoked pursuant to Section 15). Applications for renewal of Permits shall be filed in the same manner as original applications in Section 7 and shall be filed with the Township not less than 120 days before the expiration of the Permit. The Township expressly reserves all rights to approve, approve with conditions, or deny applications for Permit renewals pursuant to this Ordinance and to impose additional conditions on renewed Permits.³¹

Section 3.9 Permit Terms and Requirements.

- a. Non-Exclusive; Additional Permits. A Permit shall be non-exclusive. The Township expressly reserves the right to approve, at any time, additional Permits for access to and ongoing use of the Public Rights-of-Way by Telecommunications Providers and to enter into agreements and grant franchises for such access and use. The issuance of additional Permits, entry into agreements, or grant of franchises shall not be deemed to amend, modify, revoke, or terminate the terms and conditions of any Permits previously issued to Telecommunication Providers.
- b. Expansion Requests. A Permit approved by the Township Board shall authorize access to and ongoing use of the Public Rights-of-Way described in the Permit, subject to strict compliance with the conditions of the Permit, the requirements of this Ordinance, and any other applicable requirements of the Township Code or applicable state and federal law. The Permittee shall not use any Public Rights-of-Way not expressly authorized by the Permit. Any use of the Public Right-of-Way (including any installation, construction, maintenance, repair, or operation of a Telecommunication System within the Public Rights-of-Way) to provide Telecommunications Services shall be performed only as authorized by the Permit. A Permittee may, however, expand its Telecommunications System to Public Rights-of-Way not described in its Permit, by obtaining approval of an amended Permit from the Township. Such approval may be granted in writing by the Township Board in response to a written request from the Permittee for expansion to specific portions of named Public Rights-of-Way. The Township Board may establish by resolution a non-refundable application fee for such a request. The Township Board may grant, grant with conditions, or deny such request. The

³⁰Ord. No. 15, §8, adopted April 6, 2001

³¹Ord. No. 15, §9, adopted April 6, 2001

Township, Board shall not unreasonably deny any such request. Any expansion into additional Public Rights-of-Way shall be subject to all terms and conditions of the original Permit and this Ordinance including without limitation, the application of the annual fee to the expanded Public Rights-of-Way used by the Permittee.

- c. Construction Permit. A Permittee shall not commence construction upon, over, across or under the Public Rights-of-Way in the Township without first obtaining a construction permit as required under the Township Code for construction within the Public Rights-of-Way.
- d. Lease or Use of Facilities; Overcasting. A Permittee shall not lease, sublease, license or otherwise allow the use of wires, conduit, poles or facilities in the Public Rights-of-Way by a Person who is required to obtain a Permit Under Section 6 of this Ordinance or is required by law to obtain the Township's permission or consent to transact local business in the Township, and who lacks such Permit, permission or consent. A Permittee shall not allow the property of a third party or non-Telecommunications System wires or any other facilities to be overpassed, affixed or attach to any portion of a Permittee's Telecommunications System or allow other actions with a similar result without the written consent of the Township Clerk.
- e. "As Built" Maps. Without expense to the Township, a Permittee shall provide the Township with "as built" maps, records, and plans showing its Telecommunications System or portions thereof within the Township, including those of Affiliates used by the Permittee, and maps and descriptive information of facilities of other Persons used by the Permittee. The Township Clerk may waive part or all of this requirement if satisfactory records of the location of the Telecommunications System were previously provided to the Township. The "as-built" maps, records and plans shall be provided within sixty (60) days of the completion of the Telecommunications System and any extensions, additions, or modifications to the Telecommunications System. In addition to the foregoing, a Permittee without expense to the Township, shall upon forty-eight (48) hours notice, give the Township access to all "as-built" maps, records, plans and specifications showing its Telecommunication Systems or portions, thereof within the Township. Upon request by the Township, a Permittee shall inform the Township as soon as possible (but no more than one business day after the request) of any changes from previously supplied maps, records, or plans and shall mark up maps provided by the Township so as to show the location of its Telecommunications System. As built plans shall be submitted on Mylar (minimum 3 mils thick) accompanied by a computer diskette or compact disc of the drawings in AutoCAD format, compatible with the Township's geographic information system. All plans shall be submitted to the Township Supervisor for review.
- f. No Recourse. A Permittee shall have no recourse whatsoever against the Township for any loss, cost, expense or damage arising out of the failure of the Township to have the authority to grant all or any part of a Permit or the authority to grant permission to use all or part of the Public Right-of-Way. A Permittee expressly acknowledges that on accepting a Permit it did so relying, on its own investigating and understanding of the power and authority of the Township.
- g. No Inducement. By acceptance of a Permit, a Permittee acknowledges that it has not been induced to obtain the Permit by any understanding or, promise or other statement, whether verbal or written, by or on behalf of the Township or by any third Person concerning any term or condition of a Permit not expressed in this Ordinance.
- h. Acceptance of Terms and Conditions. Permittee acknowledges by the acceptance of a Permit that it has carefully read its terms and conditions and does accept all of such terms and conditions.
- i. No Priority. A Permit does not establish any priority of use of the Public Rights-of-Way by a Permittee over any present or future Permittee or parties having agreements, with the Township or franchises for such use. In the event of any dispute as to the priority of use of the Public Rights-of-Way, the first priority shall be to the public generally, the second priority to the Township, the third priority to the State of Michigan and its political subdivisions in the performance of their various functions, and thereafter as between Permittees, other Permit

holders, parties having agreements with the Township, and franchisees, as determined by the Township in the exercise of its powers, including the police power and other powers reserved to and conferred on it by the State of Michigan.

- j. Future Use by Township. A Permittee acknowledges, by accepting a Permit, that it obtains no rights to or further use of the Public Rights-of-Way other than those expressly granted herein. Each Permittee acknowledges and accepts as its own risk that the Township may make use in the future of the Public Rights-of-Way which a Permittee is using or in which a Permittee's Telecommunications System is located in a manner inconsistent with the Permittee's use of such Public Rights-of-Way and that in such event the Permittee will not be entitled to compensation from, the Township.
- k. Expiration of Permit. Unless the Township grants an extension, a Permit shall expire one year from the date of issuance unless prior thereto the Permittee either (1) commences construction, installation, or operation of its Telecommunications System within the Public Rights-of-Way authorized by the Permit and diligently pursues completion of construction or installation, or (2) commences use of the Public Right-of-Way to provide Telecommunications service as authorized by the Permit.
- l. Access to Telecommunications System. A grantee shall permit connections to the Telecommunications System from any Township Buildings, police stations, fire stations, other public buildings, traffic signals, each school licensed by the State of Michigan and each public library within five hundred (500) feet of the Telecommunications System for the purpose of obtaining services on terms and conditions set forth in the permit.³²

Section 3.10 Use of Public Rights-of-way by Permittee.

- a. No Burden on Public Rights-of-Way. A Permittee and its contractors and subcontractors and a Permittee's Telecommunications System, shall not unduly burden or interfere with the present or future use of any of the Public Rights-of-Way within the Township. A Permittee shall erect and maintain its Telecommunications System so as to cause minimum interference with the use of the Public Rights-of-Way and with the rights and reasonable convenience of property owners. Permittee's cables and wires shall be suspended or buried so as to not endanger or injure persons or property in the Public Right-of-Way. If the Township in its reasonable judgment determines that any portion of the Telecommunications System constitutes an undue burden or interference, the Permittee at its sole cost and expense shall modify its Telecommunications Systems or take such other actions as the Township may determine are in the public interest to remove or alleviate the burden and the Permittee shall do so within the time period established by the Township. The Permittee may be required, if deemed necessary by the Township, to directionally bore portions of the Telecommunication System underground where such boring will protect existing trees within the Public Rights-of-Way.
- b. Restoration of Property. A Permittee and its contractors and subcontractors shall immediately restore at the Permittee's sole cost and expense and in a manner approved by the Township any portion of the Public Rights-of-Way that is in any way disturbed, damaged, or injured by the construction, operation, maintenance or removal of the Telecommunications System to as good or better condition than that which existed prior to the disturbance. In the event that the Permittee, its contractors or subcontractors fail to do so within the time specified by the Township, the Township shall be entitled to complete the work and the Permittee shall reimburse the Township for the costs of doing so.
- c. Easements. Any easements over or under private property necessary for the construction or operation of a Telecommunications System shall be arranged and paid for by the Permittee. The Permittee shall provide a copy of said easements to the Township. Any use or intrusion on private property without an easement or other instrument evidencing permission of the

³²Ord. No. 15, §10, adopted April 6, 2001

property owner shall constitute a trespass by the Permittee and a violation of this Ordinance. Any easements over or under property owned by the Township other than the Public Rights-of-Way shall be separately negotiated with the Township.

- d. **Tree Trimming.** A Permittee may trim trees upon and overhanging the Public Rights-of-Way so as to prevent the branches of such trees from coming into contact with its Telecommunications System. The Permittee shall minimize the trimming of trees to trimming only those trees that are essential to maintaining the integrity of its Telecommunications System. No trimming shall be done in the Public Rights-of-Way without previously informing the Township. The Permittee's right to trim trees is subject to the supervision of the appropriate authority that has jurisdiction over the road and the Township Supervisor.
- e. **Pavement Cut Coordination/Additional Fees.** Open cuts of any pavement shall generally not be allowed. If expressly permitted in writing by the Township, state of the art directional boring methods shall be utilized wherever possible. A Permittee shall coordinate all construction work in the Public Rights-of-Way with Washtenaw County's program for street construction, rebuilding, resurfacing and repair (collectively, "Street Resurfacing"). A Permittee shall meet with the official of the Township primarily responsible for the Public Rights-of-Way at least twice per year to this end. The goals of such coordination shall be to require a Permittee to conduct all work in the Public Rights-of-Way in conjunction with or immediately prior to any street resurfacing planned by the Township or County, and to prevent the Public Right-of-Way from being disturbed by a Permittee for a period of years after such Street Resurfacing.

In addition to any other fees or payments required by this Ordinance, a Permittee shall pay to Washtenaw County the sum established by the County's "Schedule of Permit Fees" for each such cut or excavation. This fee is in addition to and not in lieu of the obligation to restore the Public Rights-of-Way and is in addition to all other fees required by this Ordinance or the Township Code.

- f. **Marking.** A Permittee shall mark any installations of its Telecommunications System which occur after the effective date of this Ordinance as follows:
 - (1) Aerial portions of its Telecommunications System shall be marked with a marker on its lines on alternate poles which shall state the Permittee's name and provide a toll-free number to call for assistance.
 - (2) Direct buried underground portions of its Telecommunications System shall have (I) a conducting wire placed in the ground at least several inches above the Permittee's cable (if such cable is nonconductive) (ii) at least several inches above that a continuous colored tape with the Permittee's name and a toll-free phone number and a statement to the effect that there is buried cable beneath, and (iii) stakes or other appropriate above-ground markers with the Permittee's name and a toll-free number indicating that there is buried telephone cable below.
 - (3) Portions of its Telecommunications System located in conduit, including facilities of others used by a Permittee, shall be marked at each manhole with the Permittee's name and toll-free telephone number to call for assistance.
- g. **Compliance with Laws.** A Permittee shall comply with all laws, statutes, Ordinances, rules and regulations regarding the installation, construction, ownership and use of its Telecommunications System whether federal, state or local, now in force or which hereafter may be promulgated (including, without limitation, any Ordinance requiring the installation of additional conduit when a Permittee installs underground conduit for its Telecommunications System). Before any installation is commenced the Permittee shall secure all necessary permits, licenses and approvals from all appropriate departments, agencies, boards or commissions of the Township or other governmental entity as may be required by law, including without limitation, all utility line permits and highway permits. A Permittee shall comply in all respects with applicable codes and industry standards, including but not limited

to the National Electrical Safety Code (latest edition), and the National Electric Code (latest edition). A Permittee shall comply with all zoning and land use Ordinances and historic preservation ordinances as may exist or may hereafter be amended.

- h. Street Vacation. If the Township vacates or consents to the vacation of Public Rights-of-Way within its jurisdiction, and such vacation necessitates the removal and relocation of a Permittee's facilities in the vacated right-of-way the Permittee shall as a condition of the permit, consent to the vacation and move its facilities at its sole cost and expense when ordered to do so by the Township or a court of competent jurisdiction. The Permittee shall relocate its facilities to such alternate route as the Township acting reasonably and in good faith, shall designate.
- i. Relocation. If the Township requests a Permittee to relocate, protect, support, disconnect, place underground or remove its facilities because of street or utility work, or other public projects, the Permittee shall relocate, protect, support, disconnect, place underground or remove its facilities, at its sole cost and expense to such alternate route as the Township, acting reasonably and in good faith, shall designate. The work shall be completed within the time period designated by the Township.
- j. Public Emergency. The Township shall have the right to sever, disrupt, dig-up or otherwise destroy facilities of a Permittee, without any prior notice, if such action is deemed necessary by the Supervisor or as recommended to the Supervisor by the Township Clerk, Police Chief or Fire Chief or their designees because of a public emergency. A public emergency shall be any condition which in the opinion of any of the officials named, poses an immediate threat to life, health or property caused by any natural or man-made disaster including, but not limited to storms, floods, fire, accidents, explosions, major water main breaks, hazardous material spills, etc. The Permittee shall be responsible for repair at its sole cost and expense of any of its facilities damaged pursuant to any such action taken by the Township.
- k. Miss Dig. If eligible to join, a Permittee shall subscribe to and be a member of "MISS DIG," the association of utilities formed pursuant to Act 53 of the Public Acts of 1974, as amended, MCL § 460.701 et seq., and shall conduct its business in conformance with the statutory provisions and regulations promulgated thereunder.
- l. Use of Existing Facilities; Underground Placement. To the maximum extent possible, the Telecommunications System shall be placed underground. To the extent the Permittee establishes to the satisfaction of the Township in the Township's sole discretion that the Telecommunications System, cannot be placed underground the Telecommunications System shall be placed within and along the existing duly franchised public utility company facilities. A Permittee shall utilize existing poles, conduits, and other facilities wherever practicable and shall not construct or install any new, different, or additional poles or other facilities unless expressly authorized by the Permit. If the Permittee locates underground along a public right-of-way, the Permittee may be required to construct the underground Telecommunications System in a manner determined by the Township Board, to allow other Telecommunications Providers to co-locate. Where utility wiring is located underground, either at the time of initial construction or subsequent thereto, a Permittee's Telecommunications System shall also be located underground unless otherwise expressly authorized by the Permit. All under grounding shall be at the sole cost and expense of Permittee.
- m. Underground Relocation. If a Permittee has its facilities on poles of the duly authorized public utility or, other public utility company and the duly authorized public utility authority relocates its facilities, underground, the Permittee shall relocate its facilities underground in the same location at Permittee's sole cost and expense.
- n. Pole/Conduit License Agreement; Notification. If a Permittee forfeits or otherwise loses its rights under a pole/conduit License agreement with the duly authorized public utility or other entity, then Permittee shall, notify the Township Clerk in writing within thirty (30) days.

- o. Identification. All personnel of a Permittee and its contractors or Subcontractors who have as part of their normal duties contact with the general public shall wear on their clothing a clearly visible identification card bearing their name and photograph. A Permittee shall account for all identification cards at all times. Every service vehicle of a Permittee and its contractors or subcontractors shall be clearly identified as such to the public with the Permittee name and telephone number.
- p. 9-1-1 Emergency Service. As a condition of a Permit, a Permittee providing Local Exchange Service shall provide 9-1-1 service within the Township in accordance with the provisions of the applicable 9-1-1 Service Plan and the rules and orders of the Michigan Public Service commission.³³

Section 3.11 No Township Liability; Indemnification.

- a. Township Not Liable. The Township, and its officers, agents, elected or appointed officials, employees, departments, boards, and commissions, shall not be liable to a Permittee or to its Affiliates or customers for any interference with or disruption in the operation of a Permittee's Telecommunications System or the provision of Telecommunications Services, or for any damages arising out of a Permittee's use of the Public Rights-of-Way.
- b. Indemnification. As a condition of a Permit, a Permittee shall defend, indemnify, protect, and hold harmless the Township, its officers agents, employees, elected and appointed officials departments, boards, and commissions from any and all claims, losses, liabilities, causes of action, demands, judgments, decrees, proceedings, and expenses of any nature (including, without limitation, attorneys' fees) arising out of or resulting from the acts or omissions of the Permittee, its officers, agents, employees, contractors, successors, or assigns, but only to the extent of the fault of the Permittee, its officers, agents, employees, contractors, successors, or assigns.³⁴

Section 3.12 Insurance.

- a. A Permittee shall obtain and maintain in full force and effect for the duration of a Permit the following insurance covering all insurable risks associated with its ownership or use of its Telecommunications System.
 - (1) A comprehensive general liability insurance policy, including Completed Operations, Liability, Independent Contractors Liability, Contractual Liability coverage and coverage for property damage, from perils of explosion, collapse or damage to underground utilities, commonly known as XC coverage, in an amount not less than Ten Million Dollars (\$10,000,000.00).
 - (2) An Automobile Liability Insurance Policy covering any vehicles used in connection with its activities under its Permit in an amount not less than One Million Dollars (\$1,000,000.00).
 - (3) Workers' Compensation and Employer's Liability Insurance with statutory limits.
- b. The Township shall be named as an additional insured in all applicable policies. All insurance policies shall provide that they shall not be canceled or modified unless thirty (30) days prior written notice is given to the Township. A Permittee shall provide the Township with a certificate of insurance evidencing such coverage as a condition of issuance of the Permit and shall maintain on file with the Township a current certificate. All insurance shall be issued by insurance carriers licensed to do business by the state of Michigan or by surplus line carriers on the Michigan Insurance Commission approved list of companies qualified to do

³³Ord. No. 15, §11, adopted April 6, 2001

³⁴Ord. No. 15, §12, adopted April 6, 2001

business in Michigan. All insurance and surplus line carriers shall be rated A+ or better by A.M. Best Company.

- c. Each policy which is to be endorsed, to add the Township as an additional insured hereunder, shall contain cross-liability wording, as follows:

"In the event of a claim being made hereunder by one insured for which another insured is or may be liable then this policy shall, cover such insured against whom a claim is or may be made in the same manner as if separate policies had been issued to each insured hereunder."

- d. If the insurance policies required by this Section are written with deductibles in excess of \$50,000, the deductibles shall be approved in advance by the Township. A Permittee agrees to indemnify and save harmless the Township from and against the payment of any deductible and from the payment of any premium on any insurance policy required to be furnished by this Ordinance.
- e. The Permittee shall, require that its contractors and subcontractors working in Public Rights-of-Way carry in full force and effect workers compensation and employer liability, comprehensive general liability and automobile liability insurance coverages of the types which Permittee is required to obtain under Section 13.a. with appropriate limits of coverage.
- f. The Permittee's insurance coverage shall be primary insurance with respect to the Township, its officers, agents, employees, elected, and appointed officials, departments, boards, and commissions. Any insurance or self-insurance maintained by any of them shall be in excess of the Permittee's insurance and shall not contribute to it.³⁵

Section 3.13 No Assignment or Transfer of Control Without Township Consent. A Permittee shall not assign or transfer a Permit or any of its rights under a Permit, in whole or in part, voluntarily, involuntarily or by operation of law, including by merger or consolidation or by other means, nor shall there be a transfer of Control of a Permittee or its business, without the prior written consent of the Township, which shall not be unreasonably withheld. The Permittee shall reimburse the Township for reasonable, actual costs incurred in the review of a request by the Permittee for consent to an assignment or transfer of the Permit or a transfer of Control of a Permittee or its business. Notwithstanding, anything in this Section to the contrary, the Permittee may grant a security interest in its rights under a Permit in favor of a third party without first obtaining the consent of the Township. If a Permit or any rights thereunder is assigned or transferred in whole or in part, with the approval of the Township, the terms and conditions of the Permit and of this Ordinance shall be binding upon the successors and assigns of the Permittee.³⁶

Section 3.14 Revocation. In addition to all other rights, and powers reserved or pertaining to the Township, the Township reserves as an additional separate and distinct remedy the right to revoke a Permit and all rights and privileges of a Permittee in any of the following events or for any of the following reasons:

- a. A Permittee fails after sixty (60) days prior written notice to comply with any of the provisions of the Permit or this Ordinance (except Sections 7f or 8e) or
- b. A Permittee becomes insolvent, unable or unwilling to pay its debts, or is adjudged bankrupt; or
- c. All or part of a Permittee's facilities are sold under an instrument to secure a debt and are not redeemed by the Permittee within ninety (90) days from such sale; or

³⁵Ord. No. 15, §13, adopted April 6, 2001

³⁶Ord. No. 15, §14, adopted April 6, 2001

- d. A Permittee violates Section 7.f. or 8.e. of this Ordinance or otherwise attempts to or does practice any fraud or deceit in its conduct or relations with the Township; or
- e. The Township condemns all of the property of a Permittee within the Township by the lawful exercise of eminent domain; or
- f. A Permittee abandons its Telecommunication System or fails to seek renewal of its Permit; or
- g. A Permittee fails to pay any fines due for violations of this Ordinance; or
- h. A Permittee fails to pay any civil fines imposed by a court of competent jurisdiction, such as pursuant to an Ordinance providing for civil infractions; or
- i. The Township provides for termination, with or without cause, by delivering notice at least sixty (60) days prior, to the effective date of such termination.

No revocation, except for reason of condemnation shall be effective unless the Township Board shall have adopted a resolution setting forth the reason for the revocation and the effective date, which resolution shall not be adopted without sixty (60) days prior notice to the Permittee and a hearing at which the Permittee receives rudimentary due process.³⁷

Section 3.15 Removal.

- a. Removal; Underground. Upon revocation of a Permit, or upon expiration of a Permit if the Permit is not renewed, the Permittee may remove any underground Cable from the Public Rights-of-Way which has been installed in such a manner that it can be removed without trenching or other opening of the streets along the extension of Cable to be removed. Except as otherwise provided, the Permittee shall not remove any underground Cable or conduit which requires trenching or other opening of the Public Rights-of-Way along the extension of Cable to be removed. The Permittee shall remove, at its sole cost and expense, any underground Cable, or conduit which is ordered to be removed by the Township based upon a determination, in the sole discretion of the Township that removal is required in order to eliminate or prevent a hazardous condition or promote future utilization of the streets for public purposes. Any order by the Township to remove Cable or conduit shall be mailed to the Permittee not later than thirty (30) calendar days following the date of revocation or expiration of the Permit. A Permittee shall file written notice with the Township Clerk not later than thirty (30.) calendar days following the date of expiration or termination of the Permit of its intention to remove Cable and a schedule for removal by location. The schedule and timing of removal shall be subject to approval and regulation by the Township. Removal shall be completed not later than twelve (12) months following the date of revocation or expiration of the Permit. Underground Cable and conduit in the Public Rights-of-Way which is not removed within such time period shall be deemed abandoned and, at the option of the Township, title shall be vested in the Township. For purposes of this subsection, "Cable" means any wire, coaxial cable, fiber optic cable, feed wire or pull wire.
- b. Removal; Above Ground. Upon revocation of a Permit, or upon expiration of a Permit if the Permit is not renewed, a Permittee, at its sole cost and expense, shall unless relieved of the obligation by the Township, remove from the Public Rights-of-Way all above ground elements of its Telecommunication System, including but not limited to poles, pedestal mounted terminal boxes, and lines attached to or suspended from poles.
- c. Permits; Restoration; Completion. A Permittee shall apply for and obtain such encroachment, permits, licenses, authorizations or other approvals and pay such fees and deposit such security as required by applicable law or Ordinances of the Township, shall conduct and complete the work of removal in compliance with all such applicable law or Ordinances, and

³⁷Ord. No. 15, §15, adopted April 6, 2001

shall restore the Public Rights-of-Way to the same condition they were in before the work of removal commenced.

- d. Performance Guarantee. The Permittee shall be required to post a surety bond, irrevocable bank letter of credit or security deposit, in an amount to be specified by the Township as being sufficient to ensure that the costs associated with the removal of the Telecommunications System shall be covered in the event the Permittee goes out of business. In fixing the amount of such surety bond, letter of credit or security deposit, the Township shall take into account the probable cost of removing the Telecommunication System as estimated by the Township Engineer, the estimated expenses to compel the Permittee to comply by court decree, and such other factors and conditions as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding each application.³⁸

Section 3.16 Other Provisions Not Waived.

- a. Nothing in this Ordinance shall be construed as a waiver of any ordinances, codes, or regulations of the Township or the Township's right to require Permittee or Persons utilizing the Telecommunication System or Telecommunications Services to secure appropriate permits or authorization for such use.
- b. The Township fully reserves its police powers to ensure and protect the public health, safety, and welfare and fully reserves its authority and power to amend this Ordinance at any time. The terms and conditions of any Permit shall be subject to compliance with any future amendments of this Ordinance. The Township fully reserves its right to exercise the reasonable control of the Public Rights-of-Way pursuant to Article VII, 29 of the 1963 Michigan Constitution.
- c. Nothing in this Ordinance or any Permit shall limit any right the Township may have to acquire by eminent domain any property of a Telecommunications Provider.
- d. Nothing in this Ordinance or any Permit shall limit the authority of the Township to impose a tax, fee, or other assessment of any kind on any Person. A Telecommunications Provider shall pay all fees necessary to obtain all Federal, State, and local licenses, permits, and authorizations required for the construction, installation, maintenance, or operation of its Telecommunications System within the Public Rights-of-Way.³⁹

³⁸Ord. No. 15, §16, adopted April 6, 2001

³⁹Ord. No. 15, §17, adopted April 6, 2001

Article 4. DEVELOPMENT RIGHTS

Section 4.1 Findings and Declaration of Purpose. The Board of Trustees finds that:

- a. Sharon Township is a desirable place to live, work and visit in large part because of the availability of farmland and the relief that agricultural fields bring. Scenic views, agriculture, open spaces and wildlife habitat are all considered invaluable natural' and aesthetic resources and should be protected.
- b. The climate, variety of soils and terrain make the Township well suited to the production of a great number of row crops, specialty crops and livestock. including many foods available for direct human consumption. These resources include several thousand acres of land currently in agricultural production, and other woodland, wetland and open lands adjacent to these farmlands. Such lands provide unique, aesthetic and economic benefits to the citizens of the Township and are an important part of the Township's natural and agricultural heritage.
- c. Sharon Township is experiencing substantial residential development, however, because of its location to the highly urbanized areas of southeast Michigan, its attractive landscapes and its excellent public schools. The same characteristics which have made this area so desirable for agricultural production and recreation also make it attractive for residential sites.
- d. The agricultural industry in Sharon Township provides the opportunity to harvest locally grown foods to sell at roadside stands, farmer's markets, local retail food stores and other local outlets in the area. Land suitable for farming is an irreplaceable natural resource with soil and topographic characteristics that have been enhanced by generations of agricultural use. When such land is converted to residential or other more developed uses which do not require those special characteristics, a critical community resource is permanently lost to the citizens of Sharon Township.
- e. It is the policy of the State of Michigan and Sharon Township to protect, preserve and enhance agricultural lands as evidenced by the Township General Development Plan, the Township Zoning Act, MCLA 125.271 et seq. and other state and local statutes and policies. Ordinances regulating land use by zoning and subdivision control enacted by the Township also serve these purposes. These measures by themselves, however, have not been effective in providing long-term protection of farmland under the pressure of increasing residential development.
- f. Agriculture in Sharon Township produces a notable array of products, from corn and soybeans to vegetables and fruit to cattle. The Township's agricultural acreage contributes tens' of thousands of dollars to the local economy in direct sales of agricultural products at the farm gate.
- g. Generally, farmlands which are close to urban centers have a greater market value for future residential development than their market value for farming or open space. Prime agricultural land often has the same features (such as permeable soils) that are components of desirable residential areas. This fact encourages the speculative purchase of these lands at high prices for future residential development, regardless of the current zoning of such lands. Farmland which has a market value greater than its agricultural value does not attract sustained agricultural investment and eventually this land is sold by farmers and removed from agricultural uses.
- h. The permanent acquisition of voluntarily offered interests in farmland within the Township, as provided in this Ordinance and as authorized by the Constitution and statutes of the State of Michigan, will permit these lands to remain in agricultural use near developing urban areas and provide long-term protection for the public interests which are served by farmland in the Township.
- i. Properties on which the Township has purchased the development rights should remain substantially undeveloped in order to promote their agricultural use.

- j. The acquisition of interests in farmland as provided in this Ordinance is a . public purpose of Sharon Township as provided in this Ordinance and financing such acquisition requires that the Township enter into purchases or installment purchases not to exceed statutory limits.
- k. This ordinance is authorized by Sections 31 to 33 of the Township Zoning Act, MCL, 125.301 – 125.303.

Section 4.2 Definitions.

- a. "Supervisor" means the Sharon Township Supervisor.
- b. "Agricultural Rights" means an interest in and the right to use and possess land for purposes and activities related to open space, natural habitat, horticultural and other agricultural uses
- c. "Agricultural Use" means substantially undeveloped land devoted to the production of plants and animals useful to humans, including fruits, nuts, vegetables, greenhouse plants, Christmas trees and lumber, forages and sod crops, grains and feed crops, dairy and dairy products, livestock (including breeding and grazing), poultry and other similar uses and activities,
- d. "Appendix A" of this Ordinance means the maps which describe types and locations of farmland for purposes of priority of acquisition as provided in this Ordinance. Official large-scale maps describing such areas in detail are available through the Township and are incorporated herein by this reference. Smaller scale maps generally illustrating such areas are appended to this Ordinance for more readily accessible public reference
- e. "Chairperson" means the member of the Farmland Preservation Board who is elected Chairperson by the Preservation Board.
- f. "Board of Trustees" means the Sharon Township Board of Trustees.
- g. "Development" means an activity which materially alters or affects the existing conditions or use of any land.
- h. "Development Rights" means an interest in and the right to use and subdivide land for any and all residential, commercial and industrial purposes and activities which are not incident to agriculture and open space.
- i. "Development Rights Easement" means a grant by an instrument whereby the owner relinquishes to the public in perpetuity the right to develop the land as may be expressly reserved in the instrument, and which contains a covenant running with the land not to develop, except as this right is expressly reserved in the instrument.
- j. "Eligible Land" means farmland for which the purchase of "development rights easements" with tax funds and other monetary sources are authorized pursuant to this Ordinance.
- k. "Farmland and Open Space Land" means those lands shown in the Township Master Plan as being zoned for agricultural and Resource Conservation uses, as adopted and amended from time to time by the Township Planning Commission
- l. "Farmland and Open Space Preservation Board" means the board formed pursuant to Section 6 of this Ordinance to advise the Board of Trustees in the selection of Eligible Lands for easement purchases.
- m. "Full Ownership" means fee simple ownership.
- n. "Governmental Agency" means the United States or any agency thereof, the State of Michigan or any agency thereof or any Township, City or municipal corporation.

- o. "Owner" means the party or parties having the fee simple interest in land.
- p. "Parcel" means all property under a single ownership that is included in the application.
- q. "Permitted Use" means any use contained within a development rights easement essential to the farming.
- r. "Residential Development Rights" means the right to sell portions of a property, or to construct houses on a property, for residential uses not related to the agricultural use of the property.
- s. "Substantially Undeveloped Land" means land on which there is no more than one residential dwelling unit (exclusive of housing units directly associated with the farming operation) for each 40 acres of land
- t. "Value of Development Rights" means the difference between the fair market value of full ownership of the land (excluding the buildings thereon) and the fair market value of the agricultural rights plus any residential development rights to be retained by the owner.⁴⁰

Section 4.3 Authorization.

- a. The Board of Trustees is hereby authorized to expend revenues to acquire property interests in the farmland described and prioritized in Section 5 of this Ordinance. The property interest acquired may either be the development rights, or any lesser interest, easement, covenant or other contractual right. Such acquisition may be accomplished by purchase, gift, grant, bequest, devise, covenant or contract.
- b. The Township is authorized to enter into cash purchase and/or installment purchase contracts, and agreements for the receipt of tax deductible donations of easements, consistent with applicable law. When installment purchases are made, the Township is authorized to pay interest on the declining unpaid principal balance at a legal rate of interest consistent with prevailing market conditions at the time of execution of the installment contract for the tax-exempt status of such interest.
- c. The Board of Trustees is further authorized to contract with recognized and legally established nonprofit land trusts (for example, American Farmland Trust and Washtenaw Land Trust) or other experienced and qualified nonprofit groups to participate jointly in the acquisition of interests in eligible lands.
- d. The Township may contract with recognized and legally established nonprofit land trusts or other experienced and qualified nonprofit groups that would share in the process of negotiating easements and establishing both the baseline studies and the procedures for monitoring of any conservation easements acquired under this Ordinance and would be done in accordance with "The Standards and Practices Guidebook" issued in 1989 by the Land Trust Alliance.⁴¹

Section 4.4 Retained Residential Development Rights.

- a. To promote "agricultural use" of properties on which the Township has purchased the Development Rights, it has been determined that such properties should remain substantially undeveloped.
- b. It may be in the best interest of property owners and of the program to purchase development rights that property owners retain some residential development rights so long

⁴⁰Ord. No. 16, §2, adopted December 5, 2002

⁴¹Ord. No. 16, §3, adopted December 5, 2002

as the land remains substantially undeveloped. When property owners retain some development rights their land value remains higher than it would be if they sold all their development rights and the value of the development rights to be purchased is correspondingly reduced.

- c. Applications for the sale of development rights may include a provision to retain the right to build residential dwellings (residential development rights), provided that no retained residential development rights would result in more than one dwelling unit per forty (40) acres of land (exclusive of housing units directly associated with the farming operation). This is not to preclude the sale of all the remaining dwelling units in excess of one dwelling unit per forty acres of land.
- d. The building locations for retained residential development rights may be restricted in the negotiated "conservation easement" in order to protect other important features of the property. Building locations and lot sizes must also conform to existing zoning in the Township where the property is located.⁴²

Section 4.5 Eligible Lands and Priority of Acquisition. Revenues shall be used to purchase property interests in the following lands in the following order of their priority subject to the provisions of Section 7

- a. Primary Criteria That All Properties must Meet: Land for sale on the open market or voluntary application by the property owner and those lands shown in the Township Master Plan as being zoned for agricultural or resource conservation uses, or as rural residential where agriculture is practiced on larger parcels. as adopted and amended from time to time by the Township Planning Commission.
- b. Criteria for Selection: The following criteria shall be used in determining the order in which applications will be prioritized in any Selection Round to purchase development rights on all eligible lands for which complete applications have been received by the Township. This numerical ranking system has been developed to prioritize sites for the purchase of conservation easements. After an initial screening (for hazardous waste and agricultural zoning, e.g.), sites will be evaluated using this system. It is the intention of the users of this system to direct efforts toward high quality farmland and open space in areas of the Township where its preservation is most appropriate. Appropriateness is determined by favorable natural conditions and location factors which make farming a viable undertaking both currently and in the future Areas targeted for preservation are those lands shown in the Township General Development Plans as being zoned for agricultural or resource conservation uses, as adopted and amended from time to time by the Township Planning Commission.
- c. Description of the System. The farmland ranking system consists of four sections as follows. The maximum point value is 100, with some additional points possible in the event of a tie.

PART	TOTAL POINTS
I Characteristics of the Farmland.	34
II Stewardship of the Land.	22
III Pressure for Conversion to Nonfarm Use.	12
IV Long-range Planning Considerations.	32
V Tiebreakers.	10

- d. Priorities. The point value arrived at through the use of this system will be used to prioritize

⁴²Ord. No. 16, §4, adopted December 5, 2002

farm sites for purchase of conservation easements. Higher point values indicate higher priority for purchase. In the case of a tie using the 100 point scale, the tiebreaking categories may be used. All property in a single ownership may be included in one application. Contiguous properties under the same ownership will be treated as a single entity.

Note: An explanation of terms and parameters used in the system appears in Appendix B.

**PART I
CHARACTERISTICS OF THE FARMLAND
MAXIMUM POINTS = 34**

A	Type of Agricultural Land (See Appendix for explanation of terms)	
	<u>Category</u>	<u>Score</u>
	Essential.	15
	Secondary.	7
	Reserve.	3
B	Size of Parcel Offered for Development Rights Purchase (See Appendix)	
	<u>Acreage</u>	<u>Score</u>
	80 acres or more.	8
	40 to 79.9 acres.	5
	20 to 39.9 acres.	2
C.	Proximity to Protected Land (See Appendix)	
	<u>Distance</u>	<u>Score</u>
	Adjacent or within one mile.	7
	Between one and two miles.	4
	More than two miles.	1
D.	Farm Buildings	
	<u>Buildings</u>	<u>Score</u>
	Usable, functional farm buildings on site.	4
	Usable, functional farm buildings within two miles.	2

**PART II
STEWARDSHIP OF THE LAND
MAXIMUM POINTS = 22**

A.	Conservation Plans (See Appendix)	
	<u>Extent of Conservation Plan</u>	<u>Score</u>
	Conservation plan fully implemented or conservation practices used to the fullest extent necessary.	8
	Conservation plan partially implemented or some practices used.	4
B.	Livelihood	
	<u>Dependence on Farm Income</u>	<u>Score</u>
	Farming contributes 50% or more of owner's gross annual income.	4
	Farming contributes less than 50% of owner's gross annual income.	2
C.	Commitment to Farming (See Appendix)	

<u>Enrollment in P.A 116 or Duration of Ownership</u>	<u>Score</u>
Farm is enrolled in P.A. 116 and land has been in the same ownership for at least 50 years.	10
Farm is enrolled in P.A. 116 or has been in the same ownership for at least 50 years.	6

**PART III
PRESSURE FOR CONVERSION TO NONFARM USE
(OR SITE DEVELOPMENT CAPABILITIES AND LIMITATIONS)
MAXIMUM POINTS = 12**

A.	Amount of Road Frontage	
	<u>Frontage</u>	<u>Score</u>
	1,000 feet or more.	4
	501 to 999 feet.	2
B.	Percentage of Site Containing Steep Slopes (See Appendix)	
	<u>Steep Slopes</u>	<u>Score</u>
	0 to 9.9%.	4
	10 to 19.9%.	2
C.	Amount of Wetlands and/or Floodplain	
	<u>Wetlands/Floodplain</u>	<u>Score</u>
	0 to 9.9%.	4
	10 to 39.9%.	2

**PART IV
LONG-RANGE PLANNING CONSIDERATIONS
MAXIMUM POINTS = 32**

A.	Current Adjacent Zoning Classification	
	<u>Percent of Perimeter in Agricultural or Resource Conservation Zoning</u>	<u>Score</u>
	90% or more.	5
	75-89%.	3
	50-74%.	2
	25-49%.	1
B.	Current Adjacent Land Use	
	<u>Percent of Perimeter in Agricultural or Resource Conservation Use</u>	<u>Score</u>
	90% or more.	5
	75-89%.	3
	50-74%.	2
	25-49%.	1
C.	Current Adjacent Enrollment in P.A. 116 (See Appendix)	
	<u>Percent of Perimeter in P.A 116</u>	<u>Score</u>
	90% or more.	5
	75-89%.	3
	50-74%.	2
	25-49%.	1

D.	Proximity to Water and/or Sewer Lines	
	<u>Distance</u>	<u>Score</u>
	One-half mile to two miles.	5
	Two miles to five miles.	2
E.	Scenic, Historical or Architectural Features (See Appendix)	
	<u>Features</u>	<u>Score</u>
	Site provides a vista or has unique historical or architectural structures.	4
	Site provides an accent.	2
F.	Natural Features	
	<u>Features</u>	<u>Score</u>
	Stream corridors, woodlots or rare species present.	4
G.	Groundwater Recharge Area	
	<u>Percent of Property Serving as Groundwater Recharge</u>	<u>Score</u>
	50 to 100%.	4
	10 to 49%.	2

**PART V
TIEBREAKERS
MAXIMUM POINTS = 10**

A.	Ability to Attract Matching Funds (See Appendix)	
	<u>Funds Availability</u>	<u>Score</u>
	Matching funds are available.	5
B.	Owner Willingness to Accept Less Than Market Value (See Appendix)	
	<u>Owner Willingness</u>	<u>Score</u>
	Owner willing to accept below-market offer.	5 ⁴³

Section 4.6 Farmland Preservation Board. The Sharon Township Board of Trustees shall serve as the Farmland Preservation Board (the "Preservation Board").⁴⁴

Section 4.7 Selection. The Farmland Preservation Board shall conduct a voluntary property selection process (herein called the "Selection Round") generally as follows:

- a. In each selection round the development rights on all eligible land properties shall be eligible for purchase in all selection rounds, properties of higher priority shall be purchased with available funds before properties of lower priority are purchased, provided:
 - (1) The Preservation Board may negotiate for a lower price and/or seek outside funding for the purchase of development rights on any parcel offered.
 - (2) In the interest of protecting a significant amount of agricultural land, the Preservation Board may determine not to buy all of any of the development rights on a particular parcel if the Preservation Board makes a finding that it is in the best interest of the

⁴³Ord. No. 16, §5, adopted December 5, 2002

⁴⁴Ord. No. 16, §6, adopted December 5, 2002

program to protect a larger number of acres rather than a smaller number of acres of higher valued development rights

- (3) The Preservation Board may receive and act on appeals of any factual nature by affected property owners.
- b. The Preservation Board shall begin each selection round by giving notice in one newspaper of general circulation in Sharon Township. The notice shall describe the properties eligible for purchase in the selection round; the general procedure to be followed in the selection process (including an estimated time schedule for the steps in the process), and shall invite the owners of such properties to make application for purchase of development rights by the Township and to describe the property interest which the owner is willing to sell, including any residential development rights to be retained by the owner. Applications shall be submitted to a location to be specified by the Preservation Board and stamped with the date of receipt.
 - c. Upon closing of the application period, the Preservation Board shall review each application which has been received to determine the eligibility and priority classification of each property interest and to verify ownership by tax records.
 - d. For those properties which meet the requirements of Section 5, the Preservation Board shall cause an appraisal of the applicant's property interest to be made. A "before and after" appraisal shall be made to determine the value of development rights. One appraisal shall determine the fair market value of full ownership of the land (excluding buildings thereon) and one shall determine the fair market value of the agricultural rights plus any specifically retained residential development rights.
 - e. Appraisals shall be made by State certified appraisers selected by the Preservation Board. The selected appraiser shall not have a property interest, personal interest or financial interest in eligible lands. The same appraiser shall conduct the before and after appraisals.
 - f. Appraisals shall be in writing and shall be furnished to the respective owners for review. Errors of fact in any appraisal may be called to the attention of the appraiser by the Preservation Board or by owners of the property appraised, but corrections of the appraisal may be made only by the appraiser. If an owner of property believes it has not been adequately appraised, such owner may, within the time allowed on the selection schedule, have a review appraisal be made at the owner's expense by a State certified appraiser. The appraisal shall then be filed with the Preservation Board. The Preservation Board shall use both appraisals to reach an agreement as to the appropriate value of the development rights.
 - g. Terms and conditions of sale and information on the effect of the sale may be discussed by the entire Preservation Board with owners prior to the submission of written applications.
 - h. Written applications by owners who desire to have their development rights purchased by the Township shall be submitted on forms provided by the Preservation Board. These written offers shall include any development options desired to be retained by the owners.
 - i. Upon receiving the recommendations of the Preservation Board, the Board of Trustees shall take final action on such recommendations.
 - j. Once action to select properties for the purchase of development rights has been taken by the Board of Trustees, the Preservation Board shall draft a baseline documentation report describing through photographic, pictorial and narrative means the condition of the property at the time of the grant and a development rights easement. The baseline report shall contain a signature page where the Owner and the Supervisor sign to state that the report is an accurate description of the property at the time of grant. The easement shall similarly feature a page where the signatures of the Owner and the Supervisor are notarized, following which the easement shall be recorded with the county register of deeds so that it is effective on all current and future owners.

- k. Upon the completion of a purchase of development rights transaction, the Township assessor will be notified of the development rights purchase.⁴⁵

Section 4.8 Duration of Acquired Interests.

- a. Development rights acquired pursuant to this Ordinance shall be held in trust by the Township for the benefit of its citizens in perpetuity, provided however that a property owner who has sold Development Rights to the Township may repurchase those Rights upon the following conditions:
 - (1) Fifty (50) years have passed since the Development Rights were sold: and
 - (2) The Township Board or Trustees determines that the property may not be reasonably used for Agricultural Use and based on the following factors:
 - (a) That because of the quality of the farmland, agricultural production cannot be made economically viable with generally accepted agricultural and management practices;
 - (b) That surrounding conditions impose physical obstacles to the agricultural operation or Prohibit essential agricultural practices;
 - (c) That significant natural physical changes in the farmland have occurred that are generally irreversible and permanently limit the productivity of the farmland;
 - (d) That a court order restricts the use of the farmland so that agricultural production cannot be made economically viable.
 - (3) The repurchase of the development rights is consistent with the purpose of the Township's PDR program as determined by the Township Board of Trustees; and
- b. Once the Township Board of Trustees determines that a property is eligible to have its Development Rights repurchased, the owner shall pay the fair market value of those rights at the time of their return, as determined by a State Certified Appraiser. The property owner may not challenge this appraisal. If the Appraiser has a conflict of interest associated with a potential appraisal, he/she shall report the conflict to the Township and the Township shall select another Appraiser to complete the appraisal. The Township will deposit the proceeds from any repurchases into a separate fund that shall be used to purchase additional Development Rights or for other agriculture land preservation means available within the Township.
- c. A repayment received shall be allocated to all original contributing fund partners in the same proportion as the proportion for the original purchase of the development rights of the parcel.
- d. The Township may convey development rights acquired pursuant to this Ordinance to a conservation, open space preservation, historic preservation or similar organization under terms ensuring that the public benefits for which the Township purchased the development lights will be maintained.⁴⁶

Section 4.9 Related Costs. The costs of appraisal, engineering, surveying, planning, financial, legal and other services lawfully incurred incident to the acquisition of interests in eligible lands by the

⁴⁵Ord. No. 16, §7, adopted December 5, 2002

⁴⁶Ord. No. 16, §8, adopted December 5, 2002, amended by Ordinance 2007-2, adopted February 1, 2007.

Township may be paid by the Township. The Township shall not be responsible for expenses incurred by the owner incident to this transaction.⁴⁷

Section 4.10 Supplemental Funds. Supplemental or matching funds from other governmental agencies or private sources may become available to pay a portion of the cost of acquiring development rights, or some lesser interest in eligible lands or to supplement or enlarge such acquisition. The Farmland Preservation Board is hereby authorized to utilize such funds to purchase interests in eligible lands or to otherwise supplement Township funds in the manner provided by this Ordinance and in accordance with the applicable laws or terms governing such grant.⁴⁸

Section 4.11 Purpose. The Board of Trustees finds and declares that the use of Township funds for the purpose of paying in whole or in part the cost of acquisition of interests in eligible lands as set forth herein, including any costs necessarily incident to such acquisition, and the monitoring and enforcement of development rights easements, or to participation with any party for such purposes will promote the public health, safety and general welfare of the people of Township.⁴⁹

Section 4.12 Development Rights Funding Sources and Acquisition Fund.

- a. Funding for purchasing development rights may come from one or more of the following sources:
 - (1) General appropriations by the township.
 - (2) Proceeds from the sale of development rights by the township subject to Section 8(f) of this Ordinance.
 - (3) Grants.
 - (4) Donations.
 - (5) Bonds or notes issued under subsections 12(b) to (f)
 - (6) General fund revenue.
 - (7) Special assessments under subsection 12(h).
 - (8) Other sources approved by the township board and permitted by law.
- b. The township board may borrow money and issue bonds or notes under the municipal finance act, Act No. 202 of the Public Acts of 1943, being sections 131.1 to 139.3 of the Michigan Compiled Laws, subject to the general debt limit applicable to the township. The bonds or notes may be revenue bonds or notes; general obligation limited tax bonds or notes, subject to section 6 of article IX of the state constitution of 1963, general obligation unlimited tax bonds or notes; or bonds or notes to refund in advance bonds or notes issued under this section.
- c. The township board may secure bonds or notes issued under this section by mortgage, assignment, or pledge of property including, but not limited to, anticipated tax collections, revenue sharing payments, or special assessment revenues. A pledge made by the township board is valid and binding from the time the pledge is made. The pledge immediately shall be subject to the lien of the pledge without a filing or further act. The lien of the pledge shall be valid and binding as against parties having claims in tort, contract, or otherwise against

⁴⁷Ord. No. 16, §9, adopted December 5, 2002

⁴⁸Ord. No. 16, §10, adopted December 5, 2002

⁴⁹Ord. No. 16, §11, adopted December 5, 2002

the township, irrespective of whether the parties have notice of the lien Filing of the resolution, the trust agreement, or another instrument by which a pledge is created is not required.

- d. Bonds or notes issued under this section are exempt from all taxation in this state except inheritance and transfer taxes, and the interest on the bonds or notes is exempt from all taxation in this state, notwithstanding that the interest may be subject to federal income tax.
- e. The bonds and notes issued under this section may be invested in by the state treasurer and all other public officers, state agencies and political subdivisions, insurance companies, banks, savings and loan associations, investment companies, and fiduciaries and trustees, and may be deposited with and received by the state treasurer and all other public officers and the agencies and political subdivisions of this state for all purposes for which the deposit of bonds or notes is authorized. The authority granted by this section is in addition to all other authority granted by law.
- f. The township board may borrow money and issue bonds or notes for refunding all or part of existing bond or note indebtedness only if the net present value of the principal and interest to be paid on the refunding bonds or notes, excluding the cost of issuance, will be less than the net present value of the principal and interest to be paid on the bonds or notes being refunded, as calculated using a method approved by the department of treasury.
- g. The township board may finance the purchase of development rights by special assessments. A special assessment district may be established if both of the following requirements are met:
 - (1) A petition is filed with the township board containing all of the following:
 - (a) A description of the development rights to be purchased, including a legal description of the land from which the purchase is to be made.
 - (b) A description of the proposed special assessment district.
 - (c) The signatures of the owners of at least 66% of the land area in the proposed special assessment district.
 - (d) The amount and duration of the proposed special assessments.
 - (2) The township board specifics how the proposed purchase of development rights will specially benefit the land in the proposed special assessment district.
- h. All revenues for purchasing development rights on farmland and open space land shall be placed in a designated Development Rights Acquisition Fund to be hereafter created in the office of the Treasurer of "Township (here and after "Acquisition Fund"). Money in such acquisition fund may be temporarily deposited in such institutions or invested in such obligations as may be lawful for the investment of Township money.
- i. The revenues and any interest received from the deposit or investment of such revenues shall be applied and used solely for the purposes set forth in this Ordinance.⁵⁰

Section 4.13 Appendix B

Part I: Characteristics of the Farmland

Type of Agricultural Land. In 1981, the Washtenaw County Metropolitan Planning Commission developed a system of ranking agricultural land. The delineation utilized both physical and cultural

⁵⁰Ord. No. 16, §12, adopted December 5, 2002

factors to avoid having good soil characteristics become the sole criterion for determining the distribution of prime agricultural lands. In the study of Washtenaw County agriculture, land within the townships but outside the year 2000 sanitary sewer service area was divided into quarter sections (160 acres). This was deemed most appropriate for a study at a county-wide scale. Public lands and other major areas committed to present use (e.g., the Chrysler Proving Grounds) were deleted from consideration of potential agricultural land

Three categories of agricultural lands were utilized: essential, secondary and reserve. Six factors were used to select these agricultural lands. Three physical factors are related to soil characteristics and were derived from the Natural Resources Conservation Service (NRCS) Soil Survey of Washtenaw County. The remaining three factors have a cultural origin, which can change rapidly.

The three physical criteria included soils capable of producing 100 bushels of corn or more per acre where farmers practice good management techniques, soils with a Class II agricultural capability as determined by the NRCS and prime agricultural areas depicted on the 1980 NRCS map of Washtenaw County.

The three cultural criteria included existing farms that are well operated and viable as determined by personnel of the Michigan State University Extension Service and later supplemented by input from the county Agricultural Lands Committee, parcels of land that exceed 80 acres in size and farmlands whose owners have applied to enroll in the Michigan Farmland and Open Space Preservation Act program (P.A. 116)

Essential Agricultural Lands include all those with one of three physical criteria and which contain an existing farm that is well operated and viable.

Secondary Agricultural Lands also must contain one of the three physical criteria or contain a well operated farm plus have parcels of 80 acres or more or be enrolled in P.A. 116.

Reserve Agricultural Lands must also contain one of the three physical criteria or contain a well-operated farm.

Where more than 50 percent of a quarter section could be designated under one of these three agricultural land divisions, the entire 160 acres was given a particular classification.

Before the final map was completed, quarter sections that were designated in one of the three categories, but in which more than 50 percent of the land was in parcels smaller than 10 acres, were deleted. This comprised only a few cases, but the decision was based on the premise that viability of farms is limited where land ownership is highly fragmented.

While certainly much has changed in the 20 years since this process was completed, it still serves as a basis for making determinations on targets for agricultural land preservation today.

Qualification for a particular type of agricultural land will be determined by having a majority of the parcel offered for development rights purchase in that designation

Size of Parcel. According to the 1997 U.S. Census of Agriculture, the average size of all farms in Washtenaw County was 175 acres

Protected Land. Protected land is defined as that which is permanently protected through private or public means. Types of protected land include nature preserves, public park and recreation lands, lands restricted by conservation easement with land trusts and conservancies and other lands with development rights secured through purchase or donation.

Part II: Stewardship of the Land

Conservation Plans. In the absence of NRCS plans, the Farmland Preservation Board will determine the extent of conservation practices by consulting with experts in the field and other appropriate means.

Enrollment in P.A. 116. Michigan's Farmland and Open Space Preservation Act (P.A. 116 of 1974) enables a landowner to enter into a development rights agreement (for farmland) or a development rights easement (for open space) with the state. These agreements and easements are designed to ensure that the land remains in a particular use or uses for an agreed upon period. In return for maintaining the land in a particular use, the landowner is entitled to certain income or property tax benefits.

Part III: Likelihood of Conversion to Nonfarm Use

Percentage of Farm Containing Steep Slopes. Steep slopes are defined as those of greater than 12 percent

Part IV: Long Range Planning Considerations

Scenic, Historical or Architectural Features.

- a) Vista: a broadly sweeping view including a variety of vegetation types (woodland, farm fields) combined with topographical variations. This view is visible from a major highway and/or rural road.
- b) Historical or Architectural: pre-Civil War houses and round barns are examples of this category.
- c) Accent: An attractive view but narrower in scope and weaker in impact than a vista
- d) No contribution: hidden or screened by man-made or natural features.

Part V: Tiebreakers

Matching Funds. Matching funds are defined as other financial contributions from private or public sources that could be applied to a property's application and result in a lower local cost for development rights purchase.

Market Value. Refers to an owner's willingness to accept an offer for development rights at a percentage lower than the full market value.⁵¹

⁵¹Ord. No. 16, Appendix B, adopted December 5, 2002

Article 5. WETLANDS PROTECTION⁵²

Section 5.1 General.

- a. *Findings.* The Board of Sharon Township finds that wetlands are indispensable and fragile resources that provide many public benefits, including maintenance of water quality through nutrient cycling and sediment trapping as well as flood and storm water runoff control through temporary water storage, slow release, and groundwater recharge. In addition, wetlands provide open space; passive outdoor recreation opportunities; fish and wildlife habitat for many forms of wildlife, including migratory waterfowl, and rare, threatened or endangered wildlife and plant species; and pollution treatment by serving as biological and chemical oxidation basins.

Preservation of the remaining Sharon Township wetlands is necessary to maintain hydrological, economic, recreational, and aesthetic natural resource values for existing and future residents of Sharon Township, and therefore Sharon Township Board declares a policy of no net loss of wetlands. Furthermore, Sharon Township Board declares a long term goal of net gain of wetlands to be accomplished through review of degraded or destroyed wetlands in Sharon Township, and through cooperative work with landowners, using incentives and voluntary agreements to restore wetlands.

To achieve these goals, and with authority from Section 30307(4) of Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended MCL 324.30307(4) (hereinafter the Wetlands Protection Act), Sharon Township Board finds that local regulation of wetlands is necessary in Sharon Township. Pursuant to Article 4, Section 52 of the Constitution of the State of Michigan, the conservation and development of natural resources of the state is a matter of paramount public concern in the interest of the health, safety, and general welfare of the people. Sharon Township Board therefore finds that this Ordinance is essential to the long term health, safety, and general welfare of the people of the Sharon Township, and to the furtherance of the policies set forth in Part 17, Michigan Environmental Protection Act, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended MCL 324.1701 et. seq. (hereinafter the Michigan Environmental Protection Act) and the Wetlands Protection Act.

- b. *Purpose.* The purposes of this Ordinance are to provide for:
- (1) The protection, preservation, replacement, proper maintenance, restoration, and use in accordance with the character, adaptability, and stability of Sharon Township's wetlands, in order to prevent their pollution or contamination; minimize their disturbance and disturbance to the natural habitat therein; and prevent damage from erosion, siltation, and flooding.
 - (2) The coordination of and support for the enforcement of applicable federal, state, and county statutes, ordinances and regulations including but not limited to the Wetlands Protection Act, enforced by the Michigan Department of Environmental Quality which is hereinafter referred to as the MDEQ.
 - (3) Compliance with the Michigan Environmental Protection Act which imposes a duty on government agencies and private individuals and organizations to prevent or minimize degradation of the environment which is likely to be caused by their activities.
 - (4) The establishment of standards and procedures for the review and regulation of the use of wetlands.
 - (5) A procedure for appealing decisions.

⁵²Ord. No. ___, adopted June 7, 2007

- (6) The establishment of enforcement procedures and penalties for the violation of this Ordinance.
 - (7) Creation of a board to assist in the protection of wetlands and to build public support for the values of wetlands.
- c. *Construction and Application.* The following rules of construction apply in the interpretation and application of this Section:
- (1) In the case of a difference of meaning or implication between the text of this Section and any caption or illustration, the text shall control.
 - (2) Particulars provided by way of illustration or enumeration shall not control general language.
 - (3) It is the intent of this ordinance to allow reasonable use of private property.
 - (4) Any ambiguities perceived in this ordinance are to be resolved by the entity administering the ordinance, in accordance with Section 7.
- d. *Applicability to Private and Public Agency Activities and Operations.* The provisions of this Ordinance, including wetlands use permit requirements and criteria for wetlands use permit approval, shall apply to activities and operations proposed by federal, state, local and other public agencies as well as private and public organizations and individuals except as may be exempt by law.

Section 5.2 Definitions

- a. *Definition of Terms.* Terms not specifically defined shall have the meaning customarily assigned to them:
- (1) CONTIGUOUS means any of the following:
 - (a) A permanent surface water connection or any other direct physical contact with an inland lake or pond, a river or stream, one of the Great Lakes, or Lakes St. Clair.
 - (b) A seasonal or intermittent direct surface water connection to an inland lake or pond, a river or stream, one of the Great Lakes, or Lakes St. Clair.
 - (c) A wetland is partially or entirely located within five hundred (500') feet of the ordinary high water mark of an inland lake or pond or a river or stream or is within 1,000 feet of the ordinary high watermark of one of the Great Lakes or Lake St. Clair, unless it is determined by the MDEQ, pursuant to R. 281.924 of the administrative rules promulgated under the Wetlands Protection Act (hereinafter Wetlands Administrative Rules), that there is no surface water or groundwater connection to these waters.
 - (d) Two (2) or more areas of wetlands separated only by barriers, such as dikes, roads, berms, or other similar features, but with any of the wetland areas contiguous under the criteria described in Subsections (1)(2) or (3) of this definition.
 - (2) ELECTRIC DISTRIBUTION LINE means underground lines below 30 kilovolts and lines supported by wood poles.
 - (3) ELECTRIC TRANSMISSION LINE means those conductors and their necessary supporting or containing structures located outside of buildings that are used for transmitting a supply of electric energy, except those lines defined as a electric

distribution line.

- (4) FILL MATERIAL means soil, rocks, sand, waste of any kind, or any other material that displaces soil or water or reduces water retention potential.
- (5) LOT: means a designated parcel, tract, building site or other interest in land established by plat, subdivision, conveyance, condominium master deed, or as otherwise permitted by law, to be used, developed or built upon as a unit.
- (6) MINOR DRAINAGE includes ditching and tiling for the removal of excess soil moisture incidental to the planting, cultivating, protecting, or harvesting of crops or improving the productivity of land in established use for agriculture, horticulture, silviculture, or lumbering.
- (7) MITIGATION shall mean:
 - (a) methods for eliminating or reducing potential impact to regulated wetlands; or
 - (b) creation of new wetlands to offset unavoidable and permitted loss of existing wetlands.
- (8) PERSON means an individual, sole proprietorship, partnership, corporation, association, municipality, this state, and instrumentality or agency of this state, the federal government, or an instrumentality or agency of the federal government, or other legal entity.
- (9) PIPELINES HAVING A DIAMETER OF 6 INCHES OR LESS means a pipe which is equal to or less than what is commonly referred to as a 6-inch pipe and which has an actual measured outside diameter of less than 6.75 inches.
- (10) SHARON TOWNSHIP BOARD shall mean the legislative body of Sharon Township.
- (11) WETLAND means land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life and is commonly referred to as a bog, swamp or marsh and which is any of the following:
 - (a) All wetlands subject to regulation by the MDEQ including wetlands:
 - (i) Contiguous to the Great Lakes or Lake St. Clair, an inland lake or pond, or a river or a stream.
 - (ii) Not contiguous to the Great Lakes, an inland lake or pond, or a river or stream; and more than 5 acres in size; except this subparagraph shall not be of effect, except for the purpose of inventorying, in counties of less than 100,000 population until the MDEQ certifies to the commission it has substantially completed its inventory of wetlands in that county.
 - (iii) Not contiguous to the Great Lakes, an inland lake or pond, or a river or stream; and 5 acres or less in size if the MDEQ determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the department has so notified the owner; except this subparagraph may be utilized regardless of wetland size in a county in which subparagraph (ii) is of no effect; except for the purpose of inventorying, at the time.

- (b) Other wetlands subject to regulation by Sharon Township including:
 - (i) Wetlands two (2) acres or greater in size, whether partially or entirely contained within the project site, which are not contiguous to the Great Lakes or Lake St. Clair, an inland lake or pond, or a river or a stream.
 - (ii) Wetlands smaller than two (2) acres in size which are not contiguous to the Great Lakes or Lake St. Clair, an lake or pond, or a river or a stream, and are determined to be essential to the preservation of the natural resources of the Sharon Township as provided for in Section 7.6 of this Ordinance.
- (12) WETLAND CONSULTANT shall mean a person or persons knowledgeable in wetland protection and delineation who is identified by Sharon Township to make wetlands determinations, to delineate wetlands, and to advise Sharon Township on wetland resource policy, education, and restoration. Any firm or individual appointed on a contractual basis.
- (13) WETLAND VEGETATION means plants that exhibit adaptations to allow, under normal conditions, germination or propagation and to allow growth with at least their root systems in water or saturated soil.
- (14) WETLANDS ADMINISTRATOR shall mean a person(s) knowledgeable in wetlands protection, appointed by Sharon Township legislative body to administer this Ordinance and to carry out certain duties hereunder. Any firm or individual appointed on a contract basis.
- (15) WETLANDS BOARD shall mean the body of Sharon Township which makes decisions on wetlands use permit appeals and advises Sharon Township on wetlands resource policy, education and restoration.
- (16) WETLANDS MAP refers to Sharon Township wetlands inventory map, based on the National Wetlands Inventory Map of the U.S. Fish and Wildlife Service; the Michigan Resource Information System Mapping (MIRIS) of the State of Michigan ; the soils maps of the Soil Conservation Service, aerial photography, and onsite inspections. *[community would explain here the sources of its map.]*
- (17) WETLANDS USE PERMIT shall mean Sharon Township approval required for activities in wetlands described in Section 7 of this Ordinance.

Section 5.3 Relationship to State and Federal Permit Requirements. Whenever persons requesting a wetlands use permit are also subject to state and/or federal permit requirements, the following shall apply:

- a. Sharon Township shall have jurisdiction for the regulation of wetlands under this Ordinance concurrent with the jurisdiction of the Michigan Department of Environmental Quality.
- b. Approvals under this Ordinance shall not relieve a person of the need to obtain a permit from the MDEQ and/or the U.S. Army Corps of Engineers, if required.
- c. Issuance of a permit by the MDEQ and/or the U.S. Army Corps of Engineers shall not relieve a person of the need to obtain approval under this Ordinance, if applicable.

Section 5.4 Administration

- a. *Sharon Township Wetlands Map.* Sharon Township Wetlands Map is a guide to the location of wetlands in Sharon Township. The Wetlands Map shall be used in the administration of this Ordinance.

The Wetlands Map, together with all explanatory matter thereon and attached thereto, as may be amended through the Wetlands Verification and Delineation process, is hereby adopted by reference and declared to be a part of this Ordinance. The Wetlands Map shall be on file in the office of Sharon Township Clerk.

The Wetlands Map shall serve as a general guide for the location of wetlands. The Wetlands Map does not create any legally enforceable presumptions regarding whether property that is or is not included on the Wetlands Map is or is not a wetland.

The Wetlands Verification Process, as set forth herein, shall be used to verify wetlands on properties where wetlands are shown on the Wetlands Map or on properties where wetlands exist as defined in Section 1.2 herein. The Wetlands Delineation Process, as set forth herein, shall be used to establish the actual boundaries of wetlands in Sharon Township. The identification of the precise boundaries of wetlands on a project site shall be the responsibility of the applicant subject to review and approval by Sharon Township Wetland Consultant. Verification and delineation under this ordinance does not constitute a federal or state wetland jurisdiction or boundary decision.

(1) *Wetlands Verification Process.*

- (a) Sharon Township or property owners of wetlands may initiate a verification of the areas shown on the Wetlands Map as wetlands or on properties where wetlands exist as defined in Section 2.1 herein. The verification shall be limited to a finding of wetlands or no wetlands by the Wetlands Administrator. The finding shall be based on, but not limited to, aerial photography, topographical maps, site plans, and field verification.
- (b) In the event that there is a finding of no wetlands on the property, then no further determination would be required
- (c) The applicant shall pay fees for the Wetlands Verification Process as established in Section 9.1

(2) *Wetlands Delineation Process.* Prior to the issuance of any permit or land development approval for a property which is shown to include wetlands on the Wetlands Map, the applicant may be required to provide a wetlands delineation to Sharon Township. The Wetlands Administrator, in consultation with the Wetland Consultant, shall determine whether a delineation is required, based on the proximity and relationship of the project to the wetlands. A delineation shall be required when a wetlands use permit is requested.

- (a) To establish actual wetlands boundaries on a property, the applicant shall provide a survey or dimensional site plan, drawn at the scale required by Sharon Township's site plan review requirements, showing property lines, buildings and any points of reference along with the wetlands boundaries, according to one of the following:
 - (i) Wetlands delineation by the Michigan Department of Environmental Quality (MDEQ).
 - (ii) Wetlands delineation by the applicant's wetlands consultant subject to review and approval by the Wetland Consultant.
- (b) Where a wetlands delineation is required by this Section, the Wetland Consultant shall establish wetlands boundaries following receipt of the above required information and after conducting a field investigation.
- (c) The applicant shall pay fees for the Wetlands Delineation Process as established in Section 9.1.

(3) *Map Amendment.*

- (a) The Planning Commission shall make recommendations to Sharon Township Board for revisions to the Wetlands Map whenever new and substantial data for wetlands become available.
- (b) Sharon Township shall insure that each record owner of property on the property tax roll shall be notified of any amendment to the Wetlands Map. The notice shall include the following information:
 - (i) Sharon Township Wetlands Map has been amended;
 - (ii) the location to review the map;
 - (iii) the owner's property may be designated as wetlands on the map;
 - (iv) Sharon Township has an Ordinance regulating wetlands;
 - (v) the map does not necessarily include all of the wetlands within Sharon Township that may be subject to the Wetlands Ordinance.

b. *Wetlands Board.* There is hereby created a Wetlands Board:

- (1) The Wetlands Board shall consist of five (5) residents of Sharon Township appointed by Sharon Township Board upon recommendation of the Planning Commission; four of whom shall have knowledge and experience in the areas of botany, soils, geology, hydrology, or natural resources. One member of the Wetlands Board shall be a member of Sharon Township Board. The initial terms of appointment shall be as follows: 2 individuals for 3 years, 2 individuals for 2 years, and 1 individual for 1 year. Thereafter, appointments shall be for a term of three years. The term of Sharon Township Board representative to the Wetlands Board shall be concurrent with the term of office.
- (2) The Wetlands Board shall establish rules of procedure.
- (3) The Wetlands Board is authorized to undertake activities to protect wetlands including the following:
 - (a) Conduct public hearings and review appeals of wetlands use permit, mitigation, and/or restoration decisions made by the Wetlands Administrator, the Planning Commission or Sharon Township Board.
 - (b) Serve in an advisory role in setting policy guidelines on wetlands issues in the Sharon Township.
 - (c) Identify conflicts between wetlands protection and present Sharon Township ordinances, Sharon Township operating procedures, and Sharon Township activities.
 - (d) Provide recommendations and assist in map administration.
 - (e) Coordinate with the Michigan Department of Environmental Quality in keeping upto-date on issues affecting wetlands protection.
 - (f) Recommend a program to protect and acquire important wetlands through tax incentives, donation, development rights, easements, land exchange, purchase, and other means.
 - (g) Develop education programs for the public and for Sharon Township

schools. The program should promote the values of wetlands and awareness of the hazards and threats to wetlands. The program should be particularly targeted to landowners with wetlands and emphasize how best to protect wetlands values on their property.

- (h) Develop an adopt-a-wetlands program for interested citizens to participate more directly in preservation of specific wetlands.
 - (i) Review degraded or destroyed wetlands in Sharon Township for possibility of rehabilitation or restoration.
- (4) Members of the Wetlands Board shall receive a stipend as determined from time to time by resolution of Sharon Township Board.
 - (5) Sharon Township Board has sole and exclusive discretion for removal of members of the Wetlands Board with or without a hearing.

Section 5.5 Activities in Wetland.

- a. *Activities Prohibited Without First Obtaining A Wetlands Use Permit.* Except as otherwise provided by Section 5.2, it shall be unlawful for any person to do any of the following in a wetland unless and until a wetlands use permit is obtained from Sharon Township pursuant to this Ordinance.
 - (1) Deposit or permit the placing of fill material in a wetland.
 - (2) Dredge, remove or permit the removal of soil or minerals from a wetland.
 - (3) Construct, operate or maintain any use or development in a wetland.
 - (4) Drain surface water from a wetland.
- b. *Activities Not Requiring A Permit.* Notwithstanding the prohibitions of Section 5.1, the following uses are allowed in a wetland without a wetlands use permit, unless otherwise prohibited by statute, ordinance or regulation:
 - (1) Fishing, trapping, or hunting.
 - (2) Swimming or boating.
 - (3) Hiking.
 - (4) Grazing of animals.
 - (5) Farming, horticulture, silviculture, lumbering, and ranching activities, including plowing, irrigation, irrigation ditching, seeding, cultivating, minor drainage, harvesting for the production of food, fiber, and forest products, or upland soil and water conservation practices. Wetlands altered under this subsection shall not be used for a purpose other than a purpose described in this subsection without a permit from Sharon Township.
 - (6) Maintenance or operation of serviceable structures in existence on October 1, 1980 or constructed pursuant to the Wetlands Protection Act or former Act No. 203 of the Public Acts of 1979.
 - (7) Construction or maintenance of farm or stock ponds.
 - (8) Maintenance, operation, or improvement which includes straightening, widening, or deepening of the following which is necessary for the production or harvesting of

agricultural products:

- (a) An existing private agricultural drain.
 - (b) That portion of a drain legally established pursuant to the drain code of 1956, Act No. 40 of the Public Acts of 1956, being sections 280.1 to 280.630 of the Michigan Compiled Laws, which has been constructed or improved for drainage purposes.
 - (c) A drain constructed pursuant to other provisions of the Wetlands Protection Act or former Act No. 203 of the Public Acts of 1979.
- (9) Construction or maintenance of farm roads, forest roads, or temporary roads for moving mining or forestry equipment, if the roads are constructed and maintained in a manner to assure that any adverse effect on the wetland will be otherwise minimized.
- (10) Drainage necessary for the production and harvesting of agricultural products if the wetland is owned by a person who is engaged in commercial farming and the land is to be used for the production and harvesting of agricultural products. Except as otherwise provided in the Wetlands Protection Act, wetland improved under this subdivision after October 1, 1980 shall not be used for nonfarming purposes without a permit from Sharon Township. This subdivision shall not apply to a wetland which is contiguous to a lake or stream, or to a tributary of a lake or stream, or to a wetland that the MDEQ has determined by clear and convincing evidence to be a wetland that is necessary to be preserved for the public interest, in which case a permit is required.
- (11) Maintenance or improvement of public streets, highways, or roads, within the right-of-way and in such a manner as to assure that any adverse effect on the wetland will be otherwise minimized. Maintenance or improvement does not include adding extra lanes, increasing the right-of-way, or deviating from the existing location of the street, highway, or road.
- (12) Maintenance, repair, or operation of gas or oil pipelines and construction of gas or oil pipelines having a diameter of 6 inches or less, if the pipelines are constructed, maintained, or repaired in a manner to assure that any adverse effect on the wetland will be otherwise minimized.
- (13) Maintenance, repair, or operation of electric transmission and distribution power lines and construction of distribution power lines, if the distribution power lines are constructed, maintained, or repaired in a manner to assure that any adverse effect on the wetland will be otherwise minimized.
- (14) Operation or maintenance, including reconstruction of recently damaged parts, of serviceable dikes and levees in existence on October 1, 1980 or constructed pursuant to the Wetlands Protection Act or former Act No. 203 of the Public Acts of 1979.
- (15) Construction of iron and copper mining tailings basins and water storage areas.
- (16) An activity in a wetland that was effectively drained for farming before October 1, 1980 and that on and after October 1, 1980 has continued to be effectively drained as part of an ongoing farming operation is not subject to regulation under this ordinance.
- (17) A wetland that is incidentally created as a result of one or more of the following activities is not subject to regulation under this ordinance:

- (a) Excavation for mineral or sand mining, if the area was not a wetland before excavation. This exemption does not include a wetland on or adjacent to a water body of 1 acre or more in size.
- (b) Construction and operation of a water treatment pond or lagoon in compliance with the requirements of state or federal water pollution control regulations.
- (c) A diked area associated with a landfill if the landfill complies with the terms of the landfill construction permit and if the diked area was not a wetland before diking.

Section 5.6 Application. Application for approval, appeal, and issuance of wetlands use permits shall be concurrent with the application for approval, appeal, and issuance of other necessary Sharon Township approvals. The applicant for a wetlands use permit shall submit four copies of the following to the Sharon Township:

- a. An application completed in full, on a form supplied by the Michigan Department of Environmental Quality, together with any supplemental information necessary relative to isolated wetlands under 2 acres.
- b. A wetlands delineation including, but not limited to the following information: dominant tree, sapling, shrub and herb vegetation; presence or lack of accepted wetland hydrology indicators; analysis of soil including a description of the soil profile to at least 20 inches and comparison to [county] County Soil Survey, and plan views of the wetland(s) delineated. Plan views shall be represented in a manner that allows comparison to the Wetlands Map.
- c. Soil drainage and stormwater management plans.
- d. A mitigation plan, if the proposed activity will result in the loss of wetland resources. In order to adequately review a proposed mitigation plan, the following information shall be provided to Sharon Township:
 - (1) A brief overview of the plan including the short-range and long-range objectives for vegetation, hydrology, grading, and monitoring.
 - (2) A schedule of all mitigation activities, including coordination with other local and state agencies, if applicable.
 - (3) A planting plan and plant list for the area(s) to be established. The use of native plants characteristic of local conditions is encouraged. Species should be selected based on the need for wildlife, restoration, landscaping, and recovery. The Sharon Township Building Department shall, in consultation with knowledgeable persons, maintain and update a list of botanical species that are considered invasive. Mitigation activities shall be performed without the use of invasive species.
 - (4) A grading and soil erosion control plan including existing and proposed conditions.
 - (5) A description of all soils and materials to be used including their approximate volumes and origin.
 - (6) Hydro-geological information sufficient to determine the site's suitability for the mitigation.
 - (7) Construction detail drawings for planting, soil erosion control, stabilization, water conveyance, and all other items necessary to facilitate the review.
- e. A cover letter signed by the applicant including the following information:

- (1) Name, address, and phone number of applicant.
 - (2) Name of project and brief description (one sentence).
 - (3) Date upon which the activity is proposed to commence.
 - (4) Explanation of why the project meets the wetlands use permit standards and criteria contained in this Ordinance.
 - (5) List of all federal, state, county or other local government permits or approvals required for the proposed project including permit approvals or denials already received. In the event of denials, the reasons for denials shall be given. Attach copies of all permits that have been issued.
 - (6) Identification of any present litigation involving the property.
 - (7) Size of total wetland, size of affected wetland and cubic yards of fill.
- f. For a wetlands use permit approval required in conjunction with a site plan, plat or other proposed land use, the applicant shall at the time of application elect to have the application processed under either Subsection (1) or (2) below:
- (1) The wetlands use permit application shall be reviewed either prior to or concurrent with the review of the site plan, plat or other proposed land use submitted by the applicant. Sharon Township will need to complete the review within the 90-day review period limitation pursuant to the Wetlands Protection Act. However, the land use review may not be completed at the time the decision is rendered on the wetlands use permit application. Therefore, election of this alternative may require a reopening of the wetlands use permit application if the land use approval is inconsistent with the wetlands use permit approval; or,
 - (2) The wetlands use permit application shall be reviewed and acted upon concurrent with the review of the site plan, plat or other proposed land use submitted by the applicant, and the 90-day review period limitation specified in the Wetlands Protection act shall thereby be extended accordingly.
- g. Copies of wetland permit applications filed with the MDEQ and forwarded to the Sharon Township in accordance with Section 30307(6) of Wetlands Protection Act shall become part of the application for a Sharon Township wetlands use permit.
- h. An Application shall not be considered properly received by Sharon Township, nor shall the 90-day review period limitation specified in the Wetlands Protection Act commence until all information required by this section has been submitted.

Section 5.7 Review.

- a. *Method of Review of Wetlands Use Permit Application.*
- (1) Whenever a wetlands use permit is required, applicant may request an administrative meeting with the Wetlands Administrator to review the proposed activity in light of the purposes of this Ordinance.
 - (2) Upon receipt of an application, Sharon Township shall insure that all required information including a wetlands delineation has been submitted. The receipt of the application shall constitute permission from the owner to complete an on-site investigation. Applicant will pay fees as established in Section 9.1.
 - (3) Sharon Township Clerk shall transmit one copy of the application and supporting materials to Sharon Township Wetland Consultant to confirm the boundaries of the

wetland and to review the proposal in light of the purpose and review standards of Section 7 and other applicable sections of this Ordinance.

- (4) The Wetland Consultant shall prepare and transmit a report and recommendation to the Wetlands Administrator documenting the review required by Section 7.1 D.
- (5) Upon receipt of an application, Sharon Township Clerk shall:
 - (a) Transmit one copy of the application, along with any state fees received, to the MDEQ.
 - (b) Cause to be published a notice of the application and the date and time for submission of written public comments in a newspaper of general circulation in the Sharon Township, except for activities proposed on a single family lot.
 - (c) Advise the applicant of his/her obligation to post the subject property with a sign that shall be no less than ten (10) square feet in size. The sign shall be clearly visible from the abutting street(s) and shall state that an application has been filed for a wetlands use permit on the property.

b. *Wetlands Use Permit Decisions by the Wetlands Administrator.* The following process shall apply to wetlands use permit decision by the Wetlands Administrator:

- (1) For wetlands use permit applications submitted in conjunction with activities that do not require approval by the Planning Commission and/or Sharon Township Board, the Wetlands Administrator shall approve, approve with modifications, or deny the application within 90 days after receipt of an application. If the Wetlands Administrator does not make a final determination on the application within ninety (90) days after receipt of a complete application, then the permit application shall be considered approved, except where the 90-day limit has been extended pursuant to Section 6.F.2
- (2) Persons wishing to comment on the application must submit their comments in writing to the Wetlands Administrator prior to the date and time set in the notice. Persons wishing to receive notice of the Wetlands Administrator's decision must submit a written request to the Wetlands Administrator.
- (3) After completing the review and reviewing the written comments, the Wetlands Administrator shall approve, approve with modifications or conditions, or deny the wetlands use permit application in accordance with the standards of this Ordinance. The denial of a permit shall be accompanied by a written statement of all reasons for the denial. The Wetlands Administrator shall report the decision to the Wetlands Board, Sharon Township Planning Commission and Sharon Township Board, and the MDEQ.
- (4) When a wetlands use permit is approved, approved with modifications, or denied, written notice shall be sent to the applicant and to all persons who have requested notice of the Wetlands Administrator's decision.

c. *Wetlands Use Permit Decisions by Planning Commission or Sharon Township Board.* The following process shall apply to wetlands use permit decisions by Sharon Township Planning Commission or by Sharon Township Board:

- (1) Wetlands use permit applications submitted in conjunction with a related land development activity shall be decided by the same entity that decides the related land development activity. The Wetlands Administrator shall transmit application materials and the report and recommendation prepared by the Wetland Consultant to the Planning Commission or Sharon Township Board as applicable.

- (2) After review and study of the application materials, the Wetland Consultant's report and recommendation, Sharon Township Planning Commission or Sharon Township Board as applicable may hold one public hearing after publication in a newspaper of general circulation in Sharon Township not less than ten (10) days nor more than sixty (60) days prior to the date of the hearing. Such notice shall indicate the place, time and subject of the hearing and the place and time the proposed wetlands use permit may be examined. The wetlands use permit hearing may be held in conjunction with a review of the related land use requests.
 - (3) In the event of a public hearing, notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered, and to all owners of property, as listed on the most recent tax roll, within 600 feet of the boundary of the property in question. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one (1) occupant of each unit shall receive notice. In the case of a single structure containing more than four (4) dwelling units, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. A notice containing the time, date, place and purpose of the hearing shall be posted on the subject property at least eight (8) days prior to the hearing. The posting sign shall be no less than ten (10) square feet in size, shall be clearly visible from the abutting street(s), and shall state that an application has been filed for a wetlands use permit.
 - (4) After completing the review, the Planning Commission or Sharon Township Board, as applicable, shall approve, approve with modifications, or deny the application within ninety (90) days after receipt of a complete application, in accordance with this Ordinance. If Sharon Township Planning Commission or Sharon Township Board, as applicable, does not make a final determination on the application within ninety (90) days after receipt of a complete application, then the permit application shall be considered approved, except where the 90-day limit has been extended pursuant to Section 6.F.2.
 - (5) Written notice shall be sent to the applicant and the MDEQ upon approval, approval with modifications, or denial of a wetlands use permit by Sharon Township. The denial of a permit shall be accompanied by a written statement of all reason for denial.
- d. *Appeals Of Decisions Of The Wetlands Administrator, Planning Commission, or Board.* The following process shall apply to appeals of decisions made by the Wetlands Administrator, the Planning Commission, or Sharon Township Board as applicable:
- (1) Any person who is aggrieved by the approval, approval with modifications, or denial of a wetlands use permit by the Wetlands Administrator, the Planning Commission, or by the Sharon Township Board, may appeal the decision to the Wetlands Board. A written letter containing the specific reasons for appeal shall be filed with Sharon Township Clerk within ten (10) calendar days after the date of the decision to be appealed. Timely filing of an appeal shall have the effect of suspending the effect of the permit pending the outcome of the appeal. In the event that the person(s) filing the appeal do not own property within 600 feet of the wetland affected, the Planning Commission shall determine whether the person(s) are aggrieved.
 - (2) Standard of Review. Based upon the record, in considering the appeal, the Wetlands Board shall affirm the original decision unless it finds an abuse of discretion by the entity deciding the wetlands use permit.
 - (3) After a hearing, the Wetlands Board shall determine that the decision of the Wetlands Administrator, Planning Commission, or Sharon Township Board be affirmed, affirmed with modification, or reversed. The Wetlands Board's decision

shall be based on written findings.

e. *Wetlands Use Permit Conditions.*

- (1) The Wetlands Administrator, the Planning Commission, or Sharon Township Board, as applicable, shall attach any reasonable conditions considered necessary to ensure that the intent of this Section will be fulfilled, to minimize or mitigate damage or impairment to, encroachment in or interference with nature resources and processes within the wetlands, or to otherwise improve or maintain the water quality. Any conditions related to wetland mitigation shall follow the provisions of Section 8 of this Ordinance.
- (2) The Wetlands Administrator, the Planning Commission, or Sharon Township Board, as applicable, shall fix a reasonable time to complete the proposed activities.
- (3) If the Wetlands Administrator, the Planning Commission, or Sharon Township Board, as applicable determines that there is a potential for adverse impacts to wetlands not authorized by the wetlands use permit or off-site property, they will require the applicant to file with Sharon Township a cash bond or irrevocable bank letter of credit in an amount, estimated by the Wetland Consultant to be required to address those impacts.
- (4) A wetlands use permit shall be conditioned upon compliance with all other requirements of ordinance and law, including site plan, plat or land use approval as applicable, and issuance of a permit by the MDEQ, if required under the Wetlands Protection Act. In cases where a MDEQ permit allows activities not permitted by the wetlands use permit approval granted under this Section, the restrictions of the approval granted under this Section shall govern.
- (5) Wetlands use permits for seasonal operations need not be renewed annually unless otherwise stated in the permit.
- (6) Any change that materially increases the size or scope of the operation and that affects the criteria considered in approving the permit as determined by the Wetlands Administrator, the Planning Commission, or Sharon Township Board, as applicable, shall require the filing of a new wetlands use permit application.
- (7) Any temporary, seasonal, or permanent operation that is discontinued for two (2) years or two (2) seasons shall be presumed to have been abandoned and the wetlands use permit automatically voided.
- (8) Any permit granted under this Ordinance may be revoked or suspended by the Planning Commission or Sharon Township Board, as applicable, after notice and an opportunity for a hearing, for any of the following causes:
 - (a) A violation of a condition of the permit.
 - (b) Misrepresentation or failure to fully disclose relevant facts in the application.
 - (c) A change in a condition that requires a temporary or permanent change in the activity.
- (9) An applicant who has received a wetlands use permit under this Ordinance shall comply with the following in connection with any construction or other activity on the property for which the wetlands use permit has been issued:
 - (a) Maintain soil erosion control structures and measures, including but not limited to, silt fences, straw bale berms, and sediment traps. The permittee shall provide for periodic inspections throughout the duration of the project.

- (b) Maintain clear delineation of the wetlands (so marked by the Wetlands Administrator or Wetland Consultant during the on-site inspection) so that such locations are visible to all construction workers.
 - (c) Post on the site, prior to commencement of work on the site and continuing throughout the duration of the project, a copy of the approved wetlands use permit containing the conditions of issuance, in a conspicuous manner such that the wording of said permit is available for public inspection.
- (10) The wetlands use permit shall remain effective for a time period coincidental with any other land use permit reviewed and approved concurrent with the wetlands use permit. If applied for prior to the expiration date and concurrent with the expiring land use permit, the applicant may be granted an extension that corresponds to additional time granted for the underlying land use permit. Extensions shall be approved by the same person or body that made the original decision. The maximum number of extensions shall coincide with the maximum number allowed for the underlying land use permit.
- (11) When there is no other activity or permit involved, the wetlands use permit shall remain effective for one (1) year. A maximum of a one (1) year extension may be approved.

f. *Regulation Criteria For Non-Contiguous Wetlands Less Than (2) Two Acres In Area.*

- (1) A wetlands use permit shall be approved with respect to a non-contiguous wetland less than two (2) acres in area unless the Planning Commission or Sharon Township Board determines that the wetland is essential to the preservation of the natural resources of the Sharon Township. It shall not be the burden of the property owner to prove that the wetland is not essential to the preservation of the natural resources of the community.
- (2) All non-contiguous wetland areas of less than two (2) acres which appear on the Wetlands Map, or which are otherwise identified during a field inspection by the Sharon Township, shall be analyzed for the purpose of determining whether such areas are essential to the preservation of the natural resources of Sharon Township. If there is to be a denial of a wetlands use permit in a non-contiguous wetland area of less than two (2) acres, then, on the basis of data gathered by or on behalf of Sharon Township, findings shall be made in writing and given to the applicant stating the basis for the determination that such wetland is essential to preservation of the natural resources of Sharon Township. In order to make such a determination, there shall be a finding that one (1) or more of the following exist within such wetland:
- (a) The site supports state or federal endangered or threatened plants, fish, or wildlife appearing on a list specified in Section 36505 of Part 365, Endangered Species Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.
 - (b) The site represents what is identified as a locally rare or unique ecosystem.
 - (c) The site supports plants or animals of an identified local importance.
 - (d) The site provides groundwater recharge documented by a public agency.
 - (e) The site provides flood and storm control by the hydrologic absorption and storage capacity of the wetland.
 - (f) The site provides wildlife habitat by providing breeding, nesting, or feeding grounds or cover for forms of wildlife, waterfowl, including migratory

waterfowl, and rare, threatened, or endangered wildlife species.

- (g) The site provides protection of subsurface water resources and provision of valuable watersheds and recharging groundwater supplies.
 - (h) The site provides pollution treatment by serving as a biological and chemical oxidation basin.
 - (i) The site provides erosion control by serving as a sedimentation area and filtering basin, absorbing silt and organic matter.
 - (j) The site provides sources of nutrients in water food cycles and nursery grounds and sanctuaries for fish.
- (3) In connection with the determination whether the wetland is essential to the preservation of the natural resources of Sharon Township, the property owner shall make an election and response under Subsection 1 or 2 below, relative to each non-contiguous wetland area less than two (2) acres.
- (a) In lieu of having Sharon Township or its Wetland Consultant proceed with the analysis and determination, the property owner may acknowledge that one (1) or more of the criteria in Subsections (B-1) through (B-10) above, exist on the wetland in question, including a specification of the one or more criteria which do exist; or
 - (b) An election to have Sharon Township or its Wetland Consultant proceed with the analysis of whether each of the criterion in Subsections (B-1) through (B-10) exist or do not exist in the wetland in question, including specific reasons for the conclusion in respect to each criteria
- (4) If Sharon Township determines that the wetland is not essential to the preservation of the natural resources of Sharon Township, Sharon Township's decision shall be so noted on the Wetland Map, at the time it is amended. The requested activity shall be approved subject to all other applicable laws and regulations.
- (5) If Sharon Township determines that the wetland is essential to the preservation of the natural resources of Sharon Township, and Sharon Township has found that one or more of the criteria set forth exist at the site, Sharon Township shall notify the applicant in writing stating the reasons for determining the wetland to be essential to the preservation of the natural resources.

After determining that a wetland less than two (2) acres in size is essential to the preservation of the natural resources of Sharon Township, the wetland use permit application shall be reviewed according to the standards in Section 7.7.

g. *Review Standards for Wetlands Use Permits.* The criteria to evaluate wetlands use permits under this Ordinance and to determine whether a permit is granted are as follows:

- (1) A permit for any activity listed in Section 5.1 shall not be approved unless the Sharon Township determines that the issuance of a permit is in the public interest, that the permit is necessary to realize the benefits derived from the activity, and that the activity is otherwise lawful.

In determining whether the activity is in the public interest, the benefit that reasonably may be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the activity. The decision shall reflect the national, state, and local concern for the protection of natural resources from pollution, impairment, and destruction. The following general criteria shall be considered:

- (a) The relative extent of the public and private need for the proposed activity.
 - (b) The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity.
 - (c) The extent and permanence of the beneficial or detrimental effects that the proposed activity may have on the public and private uses to which the area is suited, including the benefits the wetlands provide.
 - (d) The probable impact of each proposal in relation to the cumulative effect created by other existing and anticipated activities in the watershed.
 - (e) The probable impact on recognized historic, cultural, scenic, ecological, or recreational values and on the public health or fish or wildlife.
 - (f) The size of the wetland being considered.
 - (g) The amount of remaining wetland in the general area.
 - (h) Proximity to any waterway.
 - (i) Economic value, both public and private, of the proposed land change to the general area.
 - (j) Findings of necessity for the proposed project that have been made by federal or state agencies.
- (2) A wetlands use permit shall not be issued unless it is shown that an unacceptable disruption will not result to the aquatic resources . In determining whether a disruption to the aquatic resources is unacceptable, the criteria set forth in Section 30302 of the Wetlands Protection Act and Subsection A of this section shall be considered. A permit shall not be issued unless the applicant also shows either of the following:
- (a) The proposed activity is primarily dependent upon being located in the wetland.
 - (b) A feasible and prudent alternative does not exist.

Section 5.8 Wetland Mitigation

- (1) *Findings That Wetland Loss Is Unavoidable.* Mitigation shall not be considered a substitute for making all prudent attempts to avoid wetland impacts.
- (2) Prior to considering a proposal for wetland mitigation, the Wetlands Administrator, the Planning Commission or Sharon Township Board, as applicable shall make all of the following findings:
 - (a) That all feasible and prudent efforts have been made to avoid the loss of wetland.
 - (b) That all practical means have been considered to minimize wetland impacts.
 - (c) That it is practical to replace the wetland which will be unavoidably eliminated.
 - (d) That all alternatives for preserving wetlands have been evaluated and found to be impractical, inappropriate, or ineffective.

- (3) To ensure no net loss of wetlands in Sharon Township, mitigation shall be required in instances where there are losses of wetland resources and where the Wetlands Administrator, the Planning Commission or Sharon Township Board, as applicable have made the findings required in Section 8.1.A.
- b. *Criteria For Approving Proposals For Wetland Mitigation.* If the Wetlands Administrator, Planning Commission or Sharon Township Board, as applicable, determines that it is practical to replace the wetlands that will be impacted, mitigation plans shall be approved only if all of the following criteria are met:
- (1) That the mitigation plan provides for the substantial replacement of the predominant functional values of the wetland to be lost. Mitigated wetlands shall be replaced at a minimum of 1.5 new acres of wetland to 1 lost acre. A larger replacement ratio may be required if the lost wetlands are deemed to have exceptional value.
 - (2) That the mitigation plan provides for no net loss of wetland resources unless the Wetlands Administrator, the Planning Commission or Sharon Township Board, as applicable determines that the net loss will result in a minimum negative impact upon wetlands, and attendant natural resources under all of the circumstances.
 - (3) Mitigation shall be provided on-site where practical and beneficial to the wetland resources. If mitigation on-site is not practical and beneficial, then mitigation in the immediate vicinity, within the same watershed, of the permitted activity may be considered. Only if all of these options are impractical shall mitigation be considered elsewhere.
 - (4) The mitigation plan will comply with all applicable federal, state, and local laws.
 - (5) A plan to monitor preserved and replacement wetlands over a minimum of five years has been specified. The plan shall include the following information:
 - (a) Schedule and list of activities to be contracted and conducted related to the site's hydrology, including sub-surface and surface water for a period of at least five years. A report and recommendation on the hydrologic conditions of the site should be submitted to Sharon Township annually.
 - (b) Schedule and list of activities to be contracted and conducted related to the site's plant establishment and control of invasive exotic species for a period of at least five years. A report and recommendation on the plant establishment of the site should be submitted to Sharon Township annually.
 - (c) To assure that the objectives established in the mitigation plan are successful, the monitoring plan should indicate the mechanisms necessary to execute the recommendations from the annual reports and provide for additional monitoring after the five-year period.
- c. *Other Mitigation Requirements.*
- (1) Wetland mitigation and monitoring plans shall become conditions to the wetlands use permit and shall be the responsibility of the applicant.
 - (2) Financial assurances that mitigation is accomplished as specified by the permit condition may be required by Wetlands Administrator, Planning Commission or Sharon Township Board, as applicable.
 - (3) Any mitigation activity shall be completed before initiation of other permitted activities, unless a phased concurrent schedule can be agreed upon between the Wetlands Administrator, Planning Commission or Sharon Township Board, as applicable, and the applicant.

- (4) Wetland mitigation plans that create less than two (2) acre wetlands shall be designed and constructed to meet one of the conditions listed in Section 7.6 B.1-10.

Section 5.9 Fees, Penalties and Enforcement.

a. *Fees.* Applications for a wetlands use permit under this Section shall be accompanied by a nonrefundable administrative application fee in an amount specified from time to time by resolution of Sharon Township. In addition an applicant shall pay an escrow fee in an amount determined from time to time by resolution of Sharon Township Board for the estimated cost of outside consultant(s) who may be retained by Sharon Township in connection with the review of the application. In the event the cost of the services of the consultant(s) is less than the escrow fee, the applicant shall be refunded the balance. In the event the cost of the services of the consultant(s) exceeds the amount of the escrow fee, the applicant shall provide to the Sharon Township and additional escrow amount equivalent to no less than one-half (1/2) the original escrow amount. All review of the wetlands use permit application shall cease until such additional escrow amount is deposited with Sharon Township, and the number of days during which all review of the wetlands use permit application is ceased shall be deducted from the time limits within which Sharon Township would otherwise act upon the application. In the event the cost of the services of the consultant(s) is less than the subsequent escrow fee(s), the applicant shall be refunded the balance. A denial of an application for a wetlands use permit shall not affect the applicant's obligation to pay the fees provided for in this Section.

b. *Penalties And Enforcement.*

(1) *Penalties.*

(a) If, on the basis of information available to Sharon Township, Sharon Township finds that a person is in violation of this Ordinance or of a condition set forth in a permit, Sharon Township shall issue an order requiring the person to comply with the prohibitions or conditions, or Sharon Township shall take such enforcement action as it deems appropriate.

(i) If a person acts in violation of this ordinance Sharon Township may issue a stop work order on construction or shall refuse a certificate of occupancy or other construction permits related to the project whenever there is a failure to comply with the provisions of this Ordinance.

(ii) An order issued under subsection (1) shall state with reasonable specificity the nature of the violation and shall specify a time for compliance, not to exceed 30 days, which Sharon Township determines is reasonable, taking into account the seriousness of the violation and good faith efforts to comply with acceptable requirements.

(b) A person who violates any provision of this Ordinance shall be responsible for a civil infraction for which the court may impose a civil fine of not less than \$100.00 nor no more than \$10,000 per day of violation plus all costs, direct or indirect, which Sharon Township has incurred in connection with the violation.

(c) In addition to the penalties provided in subsection (3), the court may order a person who violates this Ordinance to restore as nearly as possible the wetland affected by the violation to its original condition immediately before the violation, and may issue any other orders permitted by law. The restoration may include the removal of fill material deposited in a wetland or the replacement of soil, sand, minerals, or plants.

- (2) *Injunction.* Any activity conducted in violation of this section is declared to be a nuisance *per se*, and Sharon Township may commence a civil suit in any court of competent jurisdiction for an order abating or enjoining the violation, and/or requiring restoration of the wetland as nearly as possible to its condition before the violation.

c. *Reporting and Record Keeping.*

- (1) Any citizen observing what he or she believes or suspects may be an instance of noncompliance with the provisions of this Ordinance may report the observation to any official or employee of Sharon Township.
- (2) Any report received pursuant to Subsection A of this Section shall be forwarded immediately to Sharon Township Ordinance Officer and Sharon Township Clerk.
- (3) Sharon Township Ordinance Officer Duties
 - (a) Sharon Township Ordinance Officer shall inspect the site of the suspected noncompliance as soon as is reasonably practical, but in no case later than the close of business five (5) business days after receiving the report.
 - (b) Sharon Township Ordinance Officer shall complete an entry for the report into the Compliance Docket.
 - (c) Sharon Township Ordinance Officer may enlist the expertise of the Wetlands Administrator if necessary to determine whether a violation of this Ordinance has occurred.
 - (d) Sharon Township Ordinance Officer shall take any actions within his or her authority necessary to ensure this Ordinance is enforced.
- (4) *Compliance Docket.* Sharon Township Ordinance Officer shall maintain a Compliance Docket at the Township Office. The Docket shall be used to identify all properties or uses of properties which have been evaluated for compliance with this Ordinance. The Docket shall be available to the public upon demand during normal business hours. The Docket shall contain the following information:
 - (a) Date: the date the Docket entry was initiated.
 - (b) Address/Location of Property: the street address, if available, or descriptive text or vicinity map sufficient to enable citizens to identify the property in question
 - (c) Permit or Docket Number: If it has been determined that the use being made of the property does not require a wetlands use permit from Sharon Township, a Docket number shall be assigned. Otherwise, the Permit number shall be maintained.
 - (d) Compliance Status: A record shall be made of whether the use being made of the property is in compliance with the provisions of this Ordinance, the date the determination was made, and the name(s) of Sharon Township official and/or consultant who made the determination.
- (5) Sidwell property number.
- (6) *Violation Docket.* Sharon Township Ordinance Officer shall maintain a Violation Docket at the Sharon Township Office. The Docket shall be used to track the status of violations of this Ordinance. The Violation Docket shall contain the following information, as it becomes available:

- (a) Date: the date the Docket entry was initiated
- (b) The permit or Docket number: This number shall be the same number as is used to identify the property in the Compliance Docket.
- (c) Address/Location of property: The street address, if available, or descriptive text or vicinity map sufficient to enable citizens to identify the property in question.
- (d) Nature of violation.
- (e) Date violation confirmed.
- (f) Name of person confirming the violation.
- (g) Enforcement action taken.
- (h) Date of enforcement action taken.
- (i) Outcome of enforcement action: If outcomes are appealed by the property owner or any other party, each appeal shall be noted, and its outcome shall also be noted under this heading.

Section 5.10 State Notification. Sharon Township shall notify the MDEQ of the adoption of this Ordinance. Sharon Township shall cooperate with the MDEQ in the enforcement of the Wetlands Protection Act as to wetlands under the MDEQ's jurisdiction as defined under this Ordinance.

Section 5.11 Ordinance Conflict. Nothing in this Ordinance shall be interpreted to conflict with present or future state statutes in the same subject matter; conflicting provisions of this Ordinance shall be abrogated to, but only to, the extent of the conflict. Moreover, the provisions of this Ordinance shall be construed, if possible, to be consistent with and in addition to relevant state regulations and statutes. If any part of this Ordinance is found to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision. Such finding shall not affect the validity of the remaining portions thereof, and the remainder of the Ordinance shall remain in force. Rights and duties that have matured, penalties which have been incurred, proceedings which have begun and prosecutions for violations of law occurring before the effective date of this Ordinance are not affected or abated by this Ordinance.

Section 5.12 Property Tax Assessment. If a wetlands use permit is denied by Sharon Township, a landowner may appear at the annual Board of Review for the purpose of seeking a re-valuation of the affected property for assessment purposes to determine its fair market value under the use restriction.

Section 5.13 Effective Date. This Ordinance shall take full force and effect upon June 7, 2007, following final publication of said Ordinance.

Chapter VI

Utilities

Article 1. ELECTRIC FRANCHISE

Section 1.1 Grant Term. The Township of Sharon, Washtenaw County, Michigan, hereby grants the right, power and authority to the Consumers Power Company, a Michigan corporation, its successors and assigns, hereinafter called the "Grantee," to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances, for the purpose of transmitting, transforming and distributing electricity on, under, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in the Township of Sharon, Washtenaw County, Michigan, for a period of thirty years.¹

Section 1.2 Consideration. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.²

Section 1.3 Conditions. All of Grantee's towers, masts and poles shall be neat and sightly, and so placed on either side of the highways, streets, alleys and bridges as not to unnecessarily interfere with the use thereof for highway, street and alley purposes. All of Grantee's wires carrying electricity shall be securely fastened so as not to endanger or injure persons or property in said highways, streets and alleys shall be done so as not to interfere with the use thereof, and when completed, the same shall be left in as good condition as when work was commenced. The Grantee shall have the right to trim trees if necessary in the conducting of such business, subject, however, to the supervision of the highway authorities.³

Section 1.4 Hold Harmless. Said Grantee shall at all times keep and save the Township free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the structures hereby authorized. In case any action is commenced against the Township on account of the permission herein granted, said Grantee shall, upon notice, defend the Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.⁴

Section 1.5 Rates. Said Grantee shall be entitled to charge the inhabitants of said Township for electric energy furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate electric rates and rules regulating such service in said Township, are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said Township, acting by its Township Board, or by said Grantee.⁵

Section 1.6 Franchise Not Exclusive. The rights, power and authority herein granted, are not

¹Ord. No. 17, §1, adopted January 7, 1988

²Ord. No. 17, §2, adopted January 7, 1988

³Ord. No. 17, §3, adopted January 7, 1988

⁴Ord. No. 17, §4, adopted January 7, 1988

⁵Ord. No. 17, §5, adopted January 7, 1988

exclusive.⁶

Section 1.7 Revocation. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.⁷

Section 1.8 Michigan Public Service Commission, Jurisdiction. Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to electric service in said Township.⁸

Article 2. CONSUMER POWER GAS FRANCHISE

Section 2.1 Grant, Term. The Township of Sharon, Washtenaw County, Michigan, hereby grants to the Consumers Power Company, a Michigan corporation, its successors and assigns, hereinafter called the "Grantee," the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges and other public places, and to do a local gas business in the Township of Sharon, Washtenaw County, Michigan for a period of thirty years.⁹

Section 2.2 Consideration. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.¹⁰

Section 2.3 Conditions. No highway, street, alley, bridge or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the same order and condition as when said work was commenced. All of Grantee's pipes and mains shall be so placed in the highways and other public places as not to unnecessarily interfere with the use thereof for highway purposes.¹¹

Section 2.4 Hold Harmless. Said Grantee shall at all times keep and save the Township free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the structures and equipment hereby authorized. In case any action is commenced against the Township on account of the permission herein given, said Grantee shall, upon notice, defend the Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.¹²

Section 2.5 Extensions. Said Grantee shall construct and extend its gas distribution system within said Township, and shall furnish gas to applicants residing therein in accordance with applicable laws, rules and regulations.¹³

Section 2.6 Franchise Not Exclusive. The rights, power and authority herein granted, are not

⁶Ord. No. 17, §6, adopted January 7, 1988

⁷Ord. No. 17, §7, adopted January 7, 1988

⁸Ord. No. 17, §8, adopted January 7, 1988

⁹Ord. No. 18, §1, adopted May 7, 1992

¹⁰Ord. No. 18, §2, adopted May 7, 1992

¹¹Ord. No. 18, §3, adopted May 7, 1992

¹²Ord. No. 18, §4, adopted May 7, 1992

¹³Ord. No. 18, §5, adopted May 7, 1992

exclusive. Either manufactured or natural gas may be furnished hereunder.¹⁴

Section 2.7 Rates. Said Grantee shall be entitled to charge the inhabitants of said Township for gas furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate gas rates and rules regulating such service in said Township, are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said Township, acting by its Township Board, or by said Grantee.¹⁵

Section 2.8 Revocation. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.¹⁶

Section 2.9 Michigan Public Service Commission Jurisdiction. Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to gas service in said Township.¹⁷

Article 3. MICHIGAN CONSOLIDATED GAS COMPANY GAS FRANCHISE

Section 3.1 Grant of Gas Franchise and Consent to Laying of Pipes, Etc. Subject to all the terms and conditions mentioned in this ordinance, consent is hereby given to Michigan Consolidated Gas Company, a corporation organized under the laws of the State of Michigan (the "Company") , and to its successors and assigns, to lay, maintain, operate, and use gas pipes, mains, conductors, service pipes, and other necessary equipment in the highways, streets, alleys, and other public places in the Township of Sharon, Washtenaw County, Michigan, and a franchise is hereby granted to the Company, its successors and assigns, to transact local business in said Township of Sharon for the purposes of conveying gas into and through and supplying and selling gas in said Township of Sharon and all other matters incidental thereto.¹⁸

Section 3.2 Installation and Extension of System. If the provisions and conditions herein contained are accepted by the Company, as in Section 6 hereof provided, then within not more than one (1) year following the later of the date upon which this ordinance takes effect and the date upon which the Company receives such regulatory approval as may be necessary for the Company to convey gas to the Township of Sharon and to construct and operate its facilities therein, the Company shall determine the area within the Township of Sharon to be served initially and commence the installation of a gas distribution system within such area, and the Company shall thereafter proceed to complete said initial installation as soon as reasonably practicable; provided, however, that the Company shall not be held responsible for delays due to weather or labor conditions, inability to procure necessary materials, or other causes beyond its control; and provided further that such initial installation and any extensions shall be subject to the Main Extension provisions, the Area Expansion Program provisions (if and where applicable), and other applicable provisions now or from time to time hereafter contained in the Company's Rules and Regulations for Gas Service as filed with the Michigan Public Service Commission or successor agency having similar jurisdiction.¹⁹

¹⁴Ord. No. 18, §6, adopted May 7, 1992

¹⁵Ord. No. 18, §7, adopted May 7, 1992

¹⁶Ord. No. 18, §8, adopted May 7, 1992

¹⁷Ord. No. 18, §9, adopted May 7, 1992

¹⁸Ord. No. 19, §1, adopted February 2, 1995

¹⁹Ord. No. 19, §2, adopted February 2, 1995

Section 3.3 Use of Streets and Other Public Places.

- a. The Company, its successors and assigns, shall not unnecessarily obstruct the passage of any of the highways, streets, alleys, or other public places within said Township of Sharon and shall within a reasonable time after making an opening or excavation, repair the same and leave it in as good condition as before the opening or excavation was made. For three years after any opening in highways, streets, alleys or other public places, the company, its successors and assigns, shall be responsible for maintaining the repair to the opening. The Company shall repair and replace any vegetation damaged or destroyed in connection with any opening of highways, streets, alleys or other public places. If any tree in any highway, street, alley or public place is destroyed or die within two years of any activity of the company, in connection with this franchise, the Company shall replace it with a suitable tree or trees having a total d.b.h. (diameter at breast height) equal to or greater than d.b.h. of the tree that died or was destroyed. The Company will insure that none of the openings or repairs will cause a soil erosion, drainage or sedimentation nuisance. The Company, its successors and assigns, shall use due care in exercising the privileges herein contained and shall be liable to said Township of Sharon for all damages and costs which may be recovered against Township of Sharon arising from the default, carelessness, or negligence of the company or its officers, agents, and servants. The Company, its successors and assigns, shall indemnify, defend and hold harmless the Township, its officers and employees regarding any claims arising out of its activities in the Township including the excavation, use or repair of highways, streets, alleys or other public places pursuant to this franchise. The Company its successors and assigns shall indemnify, defend and hold harmless the Township, its officers and employees with regard to any claim regarding the validity or propriety of this franchise.

- b. No road, street, alley, or highway shall be opened for the laying of trunk lines or lateral mains except upon application to the Highway Commissioner or the Township of Sharon or other authority having jurisdiction in the premises, stating the nature of the proposed work and the route. Upon receipt of such application, it shall be the duty of the Highway Commissioners or the Township Board, or such other authority as may have jurisdiction, to issue a permit to the Company to do the work proposed. Issuance of the permit may be conditioned upon payment of a fee to compensate the authority having jurisdiction for necessary inspection and enforcement of the franchise standards.²⁰

Section 3.4 Standards and Conditions of Service; Rules, Regulations and Rates. The Company is now under the jurisdiction of the Michigan Public Service Commission to the extent provided by statute; and the rates to be charged for gas, and the standards and conditions of service and operation hereunder, shall be the same as set forth in the Company's schedule of rules, regulations, and rates as applicable in the several cities, villages, and townships in which the Company is now rendering gas service, or as shall hereafter be validly prescribed for the Township of Sharon under the orders, rules, and regulations of the Michigan Public service Commission or other authority having jurisdiction in the premises.²¹

Section 3.5 Successors and Assigns. The words "Michigan Consolidated Gas Company" and "the Company", wherever used herein, are intended and shall be held and construed to mean and include both Michigan Consolidated Gas Company and its successors and assigns, whether so expressed or not.²²

Section 3.6 Effective Date: Term of Franchise Ordinance: Acceptance by Company. This ordinance shall take effect the day following the date of publication thereof, which publication shall be made within thirty (30) days after the date of its adoption, and shall continue in effect for a period of thirty (30) years thereafter, subject to revocation at the will of the Township of Sharon at any time

²⁰Ord. No. 19, §3, adopted February 2, 1995

²¹Ord. No. 19, §4, adopted February 2, 1995

²²Ord. No. 19, §5, adopted February 2, 1995

during said thirty (30) year period; provided, however, that when this ordinance shall become effective the Township Clerk shall deliver to the Company a certified copy of the ordinance accompanied by written evidence of publication and recording thereof as required by law, and the Company shall, sixty (60) days after receipt of the above documents, file with the Township Clerk its written acceptance of the conditions and provisions hereof.²³

Article 4. COMMUNITY WASTEWATER UTILITY SYSTEMS

Section 4.1 General

- a. **Intent and Purpose.** The majority of the land area of Sharon Township relies on individual on-site wastewater disposal systems. Although the Township may, in the future, provide public wastewater disposal within designated sewer service areas, it is unlikely that the land area served by the public sewer system will ever cover a significant portion of the Township

Pursuant to the Natural Resources and Environmental Protection Act, Act No. 451 of the Public Acts of 1994, as amended, the Michigan Department of Environmental Quality ("MDEQ") is authorized to issue permits for on-site sewage disposal systems that service more than one property (referred to herein as a "community wastewater utility system" or "CWSU"). The Township recognizes that a community wastewater utility system may, some circumstances, be in the best interests of the health, safety, and welfare of the Township and the residents. The Township, however, requires assurance that any community wastewater utility system will be designed, constructed, operated, maintained, repaired and/or replaced in a manner that best serves and protects the health, safety, and welfare of the Township and its residents. Furthermore, the Township requires that it shall be indemnified by the owner and operator of the community wastewater utility system from any costs or liability in connection with the design, construction, operation, maintenance, repair and/or replacement of that system. The Township also recognizes if a community wastewater utility system fails or does not properly function or if the owner or operator of the community wastewater utility system fails or is unable to continue to operate the system, public sewer may not be available due to the location of a development in proximity to designated sewer system areas. In certain circumstances, the Township may be required to take over the operation of the community wastewater utility system in order to protect the health, welfare and safety of residents of the Township. To this effect, this Ordinance is intended to regulate community wastewater utility systems to provide those assurances.

- b. **Township's Authority.** This Ordinance is enacted under the authority of the Township's general police powers to protect the health, safety, and welfare of its residents and under the authority of the Natural Resources and Environmental Protection Act, Act No. 451 of the Public Acts of 1994, as amended.²⁴

Section 4.2 Definitions

- a. **Act 451.** The Natural Resources and Environmental Protection, Act 451 of the Public Acts of 1994 as amended, MCL 324.101 et seq.
- b. **Applicable Sewer Laws.** All applicable laws, regulations and standards of and permits issued by the Michigan Department of Environmental Quality ("MDEQ"), the Michigan Department of Public Health ("MDPH"), the Washtenaw County Health Department ("WCHD"), the Michigan Public Service Commission and any other applicable laws and regulations of the federal government, State of Michigan, Washtenaw County, and the Township which relate or apply to the operation of public or private sewer systems.

²³Ord. No. 19, §6, adopted February 2, 1995

²⁴Ord. 2007-1, §1 adopted January 4, 2007

- c. **Applicant.** A person or entity having an ownership or other contractual interest in land who proposes to construct a CWUS on the land. The Applicant may also be the CWUS Owner.
- d. **Association (Condominium).** An "association of co-owners" as defined in the Condominium Act, Act No. 59 of the Michigan Public Acts of 1978, as amended, meaning the person designated in the condominium documents to administer the condominium project.
- e. **Association (Non-condominium).** The homeowners or property owners organized as a non-profit corporation or organized pursuant to deed restrictions and/or restrictive covenants in a particular Development who are authorized to govern the affairs of that subdivision or other Development. An Association may also be the CWUS Owner.
- f. **Community Wastewater Utility System or System ("CWUS").** A facility which is owned by a non-governmental entity and is designed, constructed, operated, and maintained to transport, collect, process, and treat sanitary sewage from more than one dwelling unit or structure. The system shall include any individual septic tanks, pumps, lines, and appurtenances serving each dwelling unit or structure in addition to facilities, sewers and appurtenances that serve more than one dwelling unit or structure.
- g. **CWUS Owner.** A legal entity of perpetual duration that owns the facilities and assets of the CWUS. The CWUS Owner may also be the CWUS Operator if it meets all of the requirements of a CWUS Operator.
- h. **CWUS Operator.** A legal entity of perpetual duration that is responsible for the day-to-day operation and maintenance of the CWUS and insuring compliance with all permits and applicable laws and regulations.
- i. **CWUS Permit.** The permit issued by the Township pursuant to this Ordinance.
- j. **Development.** Either a (1) subdivision as defined by the Land Division Act, Act No. 288 of the Public Acts of 1967, as amended, (2) a condominium pursuant to the provisions of the Condominium Act, Act No. 59 of the Public Acts of 1978, as amended, or (3) any group of dwellings or structures which are proposed to be serviced by a CWUS.
- k. **Development Agreement.** The agreement described in Section 3.4.C.3 below.
- l. **Development Documents.** The articles of incorporation and bylaws of an Association and
 - (1) with regard to a condominium project, the master deed and bylaws provided by the Condominium Act, Act No. 59 of the Public Acts of 1978, as amended; or
 - (2) with regard to subdivisions or other developments, deed restrictions, subdivision plats, development agreements and/or restrictive covenants, including deed restrictions required by this Ordinance
- m. **Expansion.** Any activity whereby additional dwelling units, structures or users shall be added to or an alteration is made of an existing system.
- n. **Public Sanitary Sewer System.** A publicly-owned sanitary sewer system
- o. **MDEQ.** The Michigan Department of Environmental Quality, or its successors
- p. **Residential Owner.** The owner of a fee simple interest, a land contract purchaser, or owner of a unit in a condominium, of property which is serviced or is proposed to be serviced by a CWUS.
- q. **Township.** Sharon Township Washtenaw County, Michigan, acting through its duly elected

Section 4.3 Regulations

a. *Regulations.*

- (1) Except as provided in this Ordinance, it shall be unlawful to construct, install, or operate a CWUS within the Township.
- (2) Community wastewater utility systems shall require a conditional use permit from the Township Board in accordance with the procedures and standards set forth in Article 5 of the Sharon Township Zoning Ordinance.
- (3) Pursuant to the terms of Section 3.6 of this Ordinance, the Township Board shall review and approve or deny the CWUS Permit Application pursuant to this Ordinance and shall authorize the issuance of a CWUS Permit only after a conditional use permit has been approved pursuant to the Sharon Township Zoning Ordinance and the Board determines that the applicant has met all the standards requirements and regulations contained in this Ordinance.

b. *Qualifications for a CWUS Owner.* The CWUS Owner shall be the Association, the Applicant or other entity of perpetual duration approved by the Township with the capacity to own and operate the CWUS (or to contract with a CWUS Operator for operation of the CWUS) for the benefit of the Association and the Residential Owners and who meets the requirements of Section 3.5.B of this Ordinance. The CWUS Owner shall have the capacity to and shall perform all obligations of the CWUS Owner under the CWUS Permit, all necessary approvals or permits issued by any other entity having jurisdiction pursuant to the Applicable Sewer Laws, including but not limited to MDEQ approval under Act 451, the Development Agreement, the agreement with the CWUS Operator, and the Development Documents.

c. *Qualifications for a CWUS Operator.* The CWUS Operator shall employ one or more individuals who have all qualifications and certifications required under Applicable Sewer Laws to operate the CWUS.

d. *Requirements for approval.*

- (1) The design, construction, and operation of the proposed CWUS shall comply with the terms of this Ordinance and the Applicable Sewer Laws.
- (2) No new CWUS or an expansion of an existing system shall be constructed, installed, or operated within the Township unless the plans for the construction, installation and operation of the system have been approved by the Township, and all other governmental authorities having jurisdiction over the construction and maintenance of a CWUS, including but not limited to Washtenaw County, the Michigan Department of Public Health, the MDEQ and the Michigan Public Service Commission.
- (3) The Applicant shall provide the following to the Township before approval for a CWUS may be granted.
- (4) A certification from an engineer on behalf of the CWUS Owner stating that the system as designed and constructed will adequately process wastewater as required by all Applicable Sewer Laws. The Township engineer shall review and make a recommendation regarding the adequacy of such certification.
- (5) An executed CWUS Operating Agreement between the Applicant, CWUS Owner,

²⁵Ord. 2007-1, §2 adopted January 4, 2007

the CWUS Operator and/or Association containing provisions for:

- (a) inspection, operation, maintenance, repair, and replacement of the system;
- (b) the imposition and collection of charges for connection to, and use, operation, maintenance, repair, and replacement of the system;
- (c) compliance with all Applicable Sewer Laws and agreements regarding the CWUS; and
- (d) establishment, maintenance and capital expenses.

The CWUS Operating Agreement must include a provision that the Agreement may not be terminated so long as the system is serving the Development, except that the CWUS Operating Agreement may be assigned to another CWUS Operator in accordance with the Applicable Sewer Laws and upon prior written approval of the Township. The CWUS Operating Agreement shall provide that it may not be terminated, amended, renewed or substituted without Township written approval. The Township attorney and Township engineer shall review and make a recommendation regarding the adequacy of such an agreement or any amendment thereto. A proposed CWUS Operating Agreement must be submitted with the application for the CWUS Permit.

- (6) An executed Development Agreement between the Applicant, CWUS Owner, and/or the Association, and the Township in a form acceptable to the Township. The Development Agreement shall:
 - (a) Provide that the Applicant, CWUS Owner, and/or Association are jointly and severally responsible for the operation, inspection, monitoring, maintenance, repair, retention and replacement of the system and retaining a CWUS Operator.
 - (b) Specify standards for inspection, monitoring, operation, maintenance, repair and/or replacement of the system in accordance with the Applicable Sewer Laws and the guidelines recommended by the system manufacturer and the CWUS Operator. The Applicant will provide the proposed standards to the Township for review and approval and such standards shall be included in the Development Documents.
 - (c) Require indemnification of the Township, including a duty to defend, by the Applicant, CWUS Owner, and Association, jointly and severally, from any and all costs, expenses and liability incurred by the Township with respect to the community wastewater treatment utility system, including but not limited to the operation, maintenance, repair and replacement of all or a part of the system.
 - (d) Require that the Applicant, CWUS Owner, CWUS Operator and Association shall provide a policy of casualty insurance for the replacement value of the insurable components of the system and comprehensive general liability insurance with limits acceptable to the Township, naming the Township as an additional insured, and shall provide the Township with a copy of the policy each year. All insurance policies shall be issued by an insurer registered/licensed to issue insurance in Michigan and with an A.M. Best Rating acceptable to the Township. No policy of such insurance shall be cancelled or permitted to lapse without 30 days advance written notice to the Township and without securing similar coverage.
 - (e) Unless waived by the Township, a statement acknowledging that the Applicant, Owner and or Association shall provide a policy of liability

insurance for sudden and accidental environmental contamination with limits of a minimum of \$5,000,000.00, naming the Township as an additional insured and providing coverage for claims discovered within three (3) years after the term of the policy at a minimum. The Township shall be provided with a copy of this policy each year.

- (f) Grant the Township authority, at its sole discretion, to require that the CWUS be abandoned and all properties in the development be connected at the expense of the Association and Residential Owners to any publicly-owned community sewer system which may be constructed in the future and available to the Development.
- (g) Grant the Township the right to purchase for the sum of \$1.00:
 - (i) marketable title to any lands required to be titled in the name of the Township by governmental or regulatory requirements, or
 - (ii) easements reasonably deemed by the Township to be necessary in conjunction with the Township's assumption of responsibility for the CWUS or future publicly-owner community sewer system.
- (h) Provide that the Township in its sole discretion may remove all trees, shrubs, brush, vegetation or other similar impediments that may interfere with the operation of the CWUS.
- (i) Consent to the creation of a special assessment district to be established as described in Section 3.4.I below.
- (j) Transfers ownership and operation of the CWUS to the Township in the event that the CWUS Owner:
 - (i) becomes insolvent or goes into bankruptcy or receivership, or
 - (ii) fails to maintain the required operating, maintenance and capital reserves required by this Ordinance within 6 months after written notice from the Township that the reserves do not meet Ordinance requirements, or
 - (iii) is unable, unwilling or fails for any reason to operate the CWUS in full compliance with Applicable Sewer Laws where failure to meet such requirements in 6 successive months or in more than 8 months in a 12-month period shall be conclusively determined to be an inability to comply with Applicable Sewer Laws.

In the event that the Township assumes ownership of the CWUS, the Township shall hold and operate the CWUS for the benefit of the Association and Residential Owners. The Township may transfer the facilities, assets and reserves of the CWUS to a new CWUS Owner on the condition that such facilities, assets or reserves be used solely for providing sewer services to the Residential Owners.

- (k) Grant the Township the right to inspect any part of the CWUS for compliance with the Development Agreement and all Applicable Sewer Laws, consenting to personal jurisdiction and venue in Washtenaw County or U.S. District Court for the Eastern District of Michigan agreeing that money damages cannot make the Township whole for damages arising out of the breach of the Development Agreement, and agreeing to injunctive remedies in any action brought by the Township to enforce the Development Agreement or enforce compliance with Applicable Sewer Laws.

- (7) The provisions of the Development Agreement referenced in section 3.4.C.3 above and other obligations of the Association and Residential Owners shall be included in a separate document, in form approved by the Township attorney, and included within the Development Documents that shall run with the land, including but not limited to the condominium disclosure documents for a condominium project, and in a separate recordable document for all forms of development, and be delivered to the prospective purchaser prior to the execution of a purchase agreement for property proposed to be serviced by a community wastewater utility system.
- (8) A permanent and irrevocable easement, in recordable form, shall be granted by the Owner and/or Association to the Township and its employees, agents, and assigns authorizing them to enter on the Development and the property upon which the system is located for the purpose of inspections. The property on which the system is located shall be maintained so it is accessible at all times, prohibiting any structures or landscaping within such area that would unreasonably interfere with such access.
- (9) Each CWUS shall be a general common element of a condominium in which it is located, or part of common areas of any other Development. The system shall be inspected, monitored, operated, maintained, repaired and replaced by the CWUS Owner or Association with the right of the CWUS Owner or Association to assess the Residential Owners for all such costs.
- (10) Each CWUS Owner shall maintain a reserve sufficient for five (5) years of monitoring, inspection, operation, maintenance and repair of the system and an adequate replacement reserve in the amounts certified by a design engineer or the CWUS Operator and required by the applicable governmental entities and shall be subject to Township review and approval. The CWUS Operator and the Association shall provide the Township with evidence of the reserves annually.
- (11) A copy of the Articles of Incorporation and Bylaws of the Association and a copy of the form of the restrictive covenant/deed restrictions/or master deed imposing upon Residential Owners the obligation to pay for all capital and operating costs and reserves associated with the CWUS.
- (12) Evidence satisfactory to the Township Board that the CWUS Operator employs one or more individuals who have all qualifications and certifications required under Applicable Sewer Laws to operate the system.
- (13) Evidence satisfactory to the Township that the CWUS Owner has the qualifications to own the CWUS.
- (14) No building permit shall be used for any structure or dwelling unit proposed to be serviced by a CWUS until the Township Board has approved such system in accordance with terms and provision of this Ordinance.
- (15) The Township shall inspect the system:
 - (a) during construction and
 - (b) after construction is completed by an independent engineer or consultant to ensure proper construction and installation of the system.

The Township shall not issue a CWUS Permit until the Township has certified that the CWUS has been constructed according to the approved plans and specifications.

- (16) The Township will inspect the system annually to insure compliance with this Ordinance. The Township will retain the services of an engineer or other qualified

consultant to conduct this inspection and the cost will be paid for by the Applicant or CWUS Owner. To this end the Applicant or CWUS Owner shall, by January 1st of each year, pay into an escrow account maintained by the Township an amount estimated by the Township to be necessary to pay for the expense of such engineer or consultant.

- (17) Anything in this Ordinance to the contrary notwithstanding, the Township shall not be responsible or obligated to perform any needed or desired repairs, maintenance, improvement, and/or replacement of the system or any portion thereof.
- (18) The CWUS Owner, CWUS Operator and/or Association shall furnish periodic operating and maintenance reports in accordance with the maintenance requirements and schedule. Any such requirements shall be made a part of the Development Documents.
- (19) After the Township's approval, the Development Documents and the Development Agreement shall be recorded at the office of the Washtenaw County Register of Deeds prior the first sale of any unit, lot or parcel served by a CWUS. After approval by the Township, the Development Documents, as they pertain to the system, shall not be amended without Township approval. The Development Documents shall contain language to that effect.
- (20) Prior to recording the Development Documents and sale of any unit, lot or parcel served by a CWUS, the Applicant shall circulate or initiate a petition for the Township to establish a special assessment district for the Development, the purpose of which shall be to provide for assessment of the units, lots or parcels in each development by the Township for the costs of construction, improvement and maintenance, of the CWUS or any other purposes authorized by law in the event the Association shall fail to properly perform such work or in the event the Township takes control of the CWUS. If the Applicant or CWUS Owner petitions for a district under the Township Public Improvement Act, Public Act 188 of 1954), the record owners as defined by Act 188 of property benefitted by the CWUS shall execute a petition legally sufficient for the establishment of a special assessment district, using petition forms acceptable to the Township, in order to allow for financing the construction, improvement, and maintenance of the CWUS. If the Applicant determines to proceed to create a special assessment district under a different statute than Act 188 such as the Drain Code, the Applicant shall circulate or initiate a petition meeting the standards of that statute
- (21) The Association, CWUS Owner, Residential Owners and the Applicant shall be jointly and severally responsible for all costs involved in the installation, operation, maintenance, repair, replacement of equipment and facilities and liability associated with the system. The Township may, at its option, elect to collect all costs, including actual legal fees it may incur in connection with the system, pursuant to the other provisions of this Ordinance, or by direct court action against the Association, CWUS Owner and Residential Owners, and Applicant.

e. *Transfer of Ownership of the CWUS*

- (1) The CWUS Owner shall not transfer, convey or assign any facilities or assets of the CWUS required for the ongoing operation of the CWUS in compliance with this Ordinance and Applicable Sewer Laws, except as provided in this Section 3.5.
- (2) The CWUS Owner shall not transfer, convey or assign the facilities and assets of the CWUS without (i) approval of the Township Board, (ii) a demonstration that the entity seeking to become the new CWUS Owner meets all requirements of a CWUS Owner under this Ordinance and can fulfill all duties and obligations of a CWUS Owner under the CWUS Permit, all necessary approvals or permits issued by any other entity having jurisdiction pursuant to the Applicable Sewer Laws, including but

not limited to MDEQ approval under Act 451 the Development Agreement, the Development Documents, and the agreement with the CWUS Operator; (iii) demonstration that the new CWUS Owner has established or has the right to receive a transfer of all required operating, maintenance and capital reserves and (iv) agreement by the new CWUS Owner to undertake all obligations imposed on a CWUS Owner under this Ordinance, the agreement with the CWUS Operator, the Development Agreement and the Development Documents.

- (3) Transfer of ownership of the CWUS by a CWUS Owner shall not relieve such owner from civil or criminal liabilities arising under this Ordinance or any Applicable Sewer Laws nor from the obligation to comply with any court-ordered injunctive relief related to obtaining or enforcing compliance with this Ordinance or Applicable Sewer Laws that accrue or arise prior to the date of Township Board approval of the transfer.

f. *Permit to Operate a CWUS*

- (1) No CWUS may be constructed, installed or operated within the Township without a CWUS Permit.
- (2) Township Board approval of the CWUS pursuant to this Ordinance and Township Zoning Ordinance shall serve as the permit to construct and install the CWUS, which permit shall not become effective until the CWUS has received all necessary approvals by any other entity having jurisdiction pursuant to the Applicable Sewer Laws, including but not limited to MDEQ approval under Act 451. The Township Board approval of the CWUS pursuant to this Ordinance and Township Zoning Ordinance shall also serve as the CWUS Permit, which CWUS Permit shall not become effective until the CWUS has received all necessary approvals by any other entity having jurisdiction pursuant to the Applicable Sewer Laws, including but not limited to MDEQ approval under Act 451.
- (3) The CWUS Owner shall annually submit the following information to the Township:
 - (a) The name of the CWUS Operator and a copy of the current contract between the CWUS Owner and CWUS Operator, and current copies of all required certifications for individuals operating the CWUS.
 - (b) Proof that the CWUS Owner and CWUS Operator meet the insurance and other requirements under this Ordinance.
 - (c) A certification with supporting documentation from a financial institution that the required operating, maintenance and capital reserves are maintained.
 - (d) The operating budget for the CWUS together with a schedule of all user fees and charges.
 - (e) A certification from a licensed professional engineer with expertise in wastewater systems that (i) sets forth the maintenance, repair and replacement needs or recommendations for the CWUS for the 12-month period coinciding with the upcoming permit year together with an estimate of likely associated expenses, and (ii) states without exception or reservation that the condition of the CWUS, together with operating budget and the satisfaction of the maintenance, repair and replacements needs, is such that the CWUS is capable of meeting all discharge limitations and other requirements related to unacceptable direct environmental impacts (e.g., noise, odor, and airborne emissions) during the permit year.
 - (f) Copies of all approvals and permits required by the Applicable Sewer Laws.
- (4) The CWUS Owner shall notify the Township of any and all violations of the

Applicable Sewer Laws, including but not limited to all MDEQ Permit Requirements.

- (5) The Township may attach reasonable conditions to the CWUS Permit to ensure compliance with the provisions of this Ordinance.
- (6) The CWUS Permit shall be deemed rescinded and canceled without further action of the Township in the event that any necessary approvals or permits issued by any other entity having jurisdiction pursuant to the Applicable Sewer Laws, including but not limited to MDEQ approval under Act 451, lapses, expires without renewal, is revoked by the entity having jurisdiction or otherwise ceases to be in effect.²⁶

Section 4.4 Fees, Penalties and Enforcement.

- a. *Fees.* An Application for CWUS approval under this Ordinance shall be accompanied by a non-refundable administrative application fee in an amount specified from time to time by resolution of the Sharon Township Board. In addition, an Applicant shall pay an additional escrow fee in an amount determined by resolution of the Sharon Township Board for the estimated cost of outside consultant(s) who may be retained by the Township in connection with the review of the application. In the event the cost of the services of the consultant(s) is less than the escrow fee, the Applicant shall be refunded the balance. In the event the cost of the services of the consultant(s) exceeds the amount of the escrow fee, the Applicant shall pay the deficiency to the Township prior to the issuance of a permit. A denial of an application for a permit shall not affect the Applicant's obligation to pay the escrow fee provided for in this Section.
- b. *Penalties and Enforcement.*
 - (1) *Enforcement.* The Enforcement Officer or his/her agent, officer or employee shall have authority under this Ordinance to enter upon privately-owned land for the purpose of performing the Township's duties under this ordinance and may take or cause to be made such examinations, surveys or samplings as are deemed necessary.
 - (2) *Civil Remedies.* The provisions of this Ordinance shall be enforceable through any and all remedies at law or in equity in any court of competent jurisdiction.
 - (a) *Injunction.* Any activity conducted in violation of this Section is declared to be a nuisance per se, and the Township may commence a civil suit in any court of competent jurisdiction for an order abating or enjoining the violation, and/or requiring restoration of the property as nearly as possible to its condition before the violation
 - (b) *Stop-Work Order.* The Township may also issue a stop-work order or withhold issuance of a permits or inspection until the provisions of this Ordinance, including any conditions attached to a permit, have been fully met. Failure to obey a stop-work order shall constitute a violation of this Ordinance.
 - (3) *Criminal remedies.* In addition to the rights and remedies herein provided to the Township, any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding Five Hundred Dollars (\$500.00), or be imprisoned in the county jail for a period not exceeding ninety (90) days, or be both so fined and imprisoned. Each day such violation is continued or permitted to continue shall

²⁶Ord. 2007-1, §3 adopted January 4, 2007

constitute a separate offense and shall be punishable as such hereunder.²⁷

Section 4.5 Ordinance Conflict. Nothing in this Ordinance shall be interpreted to conflict with present or future state statutes in the same subject matter; conflicting provisions of this Ordinance shall be abrogated to, but only to, the extent of the conflict. Moreover, the provisions of this Ordinance shall be construed, if possible, to be consistent with relevant state regulations and statutes.²⁸

Section 4.6 Severability. If any part of this Ordinance is found to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision. Such holding shall not affect the validity of the remaining portions thereof, and the remainder of the Ordinance shall remain in force. Rights and duties which have matured, penalties which have been incurred, proceedings which have begun and prosecutions for violations of law occurring before the effective date of this Ordinance are not affected or abated by this Ordinance.²⁹

Section 4.7 Effective Date. This Ordinance shall take full force and effect upon thirty (30) days following final publication of said ordinance.³⁰

Section 4.8 Certification. I, Teri Aiuto, Clerk of Sharon Township, do hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the Sharon Township Board at a regular meeting on January 4, 2006.³¹

²⁷Ord. 2007-1, §4 adopted January 4, 2007

²⁸Ord. 2007-1, §5 adopted January 4, 2007

²⁹Ord. 2007-1, §6 adopted January 4, 2007

³⁰Ord. 2007-1, §7 adopted January 4, 2007

³¹Ord. 2007-1, §8 adopted January 4, 2007