ARTICLE 11
SPECIAL DEVELOPMENT PROVISIONS

Section 11.01 Residential Open Space Development Option.

This Section establishes provisions under which a landowner may exercise the option to develop land with open space preservation in accordance with Section 506 of the Michigan Zoning Enabling Act.

A. Purpose.

The purpose of this development option is to preserve agricultural lands, significant natural features, and open space in the Township by providing an alternative method for residential development. The intent of this Section is to allow the same number of home sites to be developed per Article 3 (Dimensional Standards), but clustered on no more than fifty percent (50%) of the land area otherwise required for the development. The remaining unused land would exist perpetually in a undeveloped state by means of a conservation easement or similar legal means that runs with the land.

B. Scope.

Land in the Rural Residential and Residential zoning districts, as defined in Article 2 (Zoning Districts) may be developed according to the standard conditions and requirements of this Ordinance, or in accordance with the open space development option of this Section. If the open space development option is selected, such land shall be developed in accordance with the conditions and requirements of this Section, and other applicable standards of this Ordinance.

C. Qualifying Conditions.

To be eligible for approval as a residential open space development, the applicant shall demonstrate to the Planning Commission's satisfaction that all of the following criteria have been satisfied:

1. The land is zoned for residential development at a density of two (2) or fewer dwelling units per acre if not served by a publicly-owned and operated sanitary sewer system; or a density of three (3) or fewer dwelling units per acre if served by a publicly-owned and operated or municipal sanitary sewer system.

2. The development of land under this Section shall not depend upon the extension of a municipal sanitary sewer or water system.

3. The development of land under this Section shall only occur on contiguous land not subject to any pre-existing, permanent land conservation encumbrance.

4. Clustering of the dwelling units shall occur in a manner that preserves the basic amenities and qualities normally associated with single-family living (including privacy, personal open space, and adequate natural lighting and ventilation), while still allowing for innovative site layout and open space areas.

5. Natural amenities exist on the site, which would be preserved through use of the open space development option. Such assets may include prime farmlands, woodlands, natural stands of large trees, wildlife corridors, natural habitat areas or unusual topographic features.

D. Conceptual Review.

Applicants are encouraged to meet informally with the Township Planner, Township officials, and other designated Township consultants to discuss a proposed development concept, site issues, application of Ordinance standards, and Township land development policies and procedures, prior to submitting plans for formal review.

1. Any person may also request that a conceptual open space development plan be placed on a regular Planning Commission meeting agenda as a discussion item for review and comment.

2. The Township Board may set a fee for conceptual review of open space development plans to defray costs associated with such reviews.

3. Comments and suggestions by the Township regarding a conceptual open space development plan shall constitute neither an approval nor a disapproval of the plan, nor shall the Township be bound in any way by such comments or suggestions in preparing for formal submittal or review of an application for approval under this Section.

E. Development Review.

Applications for residential development approval under the open space development option of this Section shall be reviewed following the same procedures used for review and approval of:

1. A subdivision plat under the provisions of the Land Division Act and any Township subdivision regulations;

2. A condominium subdivision (site condominium) development under Article 13 (Condominium Regulations) and the Condominium Act; or

3. A detailed site plan per Section 12.01 (Site Plan Review) for applications that include a proposed metes and bounds (unplatted) land division under the provisions of the Land Division Act.

F. Required Information.

Applications for approval of a residential development under this open space development option shall not be accepted for review, and shall be returned to the applicant. At a minimum, such applications shall include the following:

1. **Fees.** Appropriate fees and escrow deposits for development review, as set by resolution of the Township Board.

2. **Parallel plan.** The applicant shall submit a conceptual plan for the purpose of demonstrating the number of units, which could be developed under the existing zoning using traditional techniques, subject to the following:

   a. This parallel plan shall be consistent with the standards of this Ordinance, including all standards of Article 3 (Dimensional Standards).

   b. The plan shall identify all portions of land that are unbuildable for residential purposes due to the presence of wetlands, severe slopes, flood plains, or other features prohibiting residential development.

   c. The plan layout shall show the location and width of all necessary road rights-of-way and stormwater management areas serving the conceptual development lots.

   d. The plan layout shall conform to all county and state requirements for single-family residential development, and shall not impact wetlands regulated by the Michigan Department of Environmental Quality (MDEQ).

   e. Land area(s) intended for non-residential uses proposed as part of the development shall be identified on the parallel plan and shall not be included in the residential density determination.

3. **Conservation easement.** Documentation of a proposed conservation easement or similar irrevocable legal instrument that runs with the land to ensure that the open space will be maintained in an open and undeveloped state in perpetuity.

4. **Development plan.** The development plan shall include all information required for the type of development approval requested (metes and bounds land division, subdivision plat or site condominium development), and the following:

   a. A site features inventory identifying active agriculture areas, topography at two (2) foot contour intervals, water courses, drainage patterns, wildlife habitats, roads and road rights-of-way, easements, soils based upon the U.S. Soil Conservation Survey or a site-specific survey, wetlands, floodplains, woodlands, and additional features uniquely affecting the site.

   b. Date, north arrow, and scale. Site plans shall be drawn to an engineer's

scale appropriate for a sheet size of at least 24 by 36 inches. If a large development is shown in sections on multiple sheets, then one overall composite sheet shall be provided.

c. Layout of all proposed roads, including the location and width of proposed rights-of-way, and the layout and design of proposed pedestrian paths, driveway curb cuts, and other improvements intended to serve individual lots in the development.

d. Details of proposed methods of providing potable water and sanitary sewage treatment and disposal services to individual lots and uses within the development. If septic tanks and drainfields are proposed as part of the development, the proposed location(s) shall be indicated on the plan.

e. Location of all utility and stormwater management facilities necessary to serve the development.

f. The total number of acres to be developed; percentage of development area to total site area; and location and layout of each proposed lot (including building envelope, setbacks, and lot area, width, and frontage).

g. The location and layout of all land areas to remain undeveloped, plus the total number of acres of land to remain undeveloped and percentage of undeveloped area to total site area.

h. Location and intended use of all proposed non-residential structures and improvements.

i. Any additional information requested by the Township Planner or Planning Commission to demonstrate compliance with the standards of this Section and the other applicable requirements of this Ordinance.

G. Development Standards.

Every lot developed or to be developed with the open space development option shall comply fully with all of the following requirements:

1. **Permitted residential density.** The overall residential density of the open space development shall not exceed the maximum number of lots permitted for the parent parcel per Article 3 (Dimensional Standards), as shown on the approved parallel plan.

2. **Permitted non-residential uses.** No reduction in the number of dwelling units shall be required for lots reserved for permitted non-residential uses in the zoning district, provided that:

   a. The land area reserved for permitted non-residential uses shall not exceed that shown on the approved parallel plan.

   b. Such non-residential uses shall be subject to all applicable dimensional

and use standards of this Ordinance, and shall not encroach into the required open space area.

3. **Minimum required open space.** A minimum of fifty percent (50%) of the gross land area of the development site shall be retained and maintained in perpetuity as permanent open space.

4. **Variety in dwelling unit design.** Variety in the design of individual units shall be provided by the use of design details that do not appear to be continuous or repetitious. Overly repetitious exterior design patterns, as determined by the Planning Commission, shall be prohibited.

5. **Perimeter open space buffer.** A perimeter buffer area of preserved open space shall be provided between the development area(s) of the site and the boundaries of abutting parcels occupied by RURAL USES, and any abutting major road or primary road as classified by the master transportation plans of the Township, or county or state road authorities. Perimeter open space buffer areas shall be subject to the following:

   a. The minimum width of a perimeter open space buffer between a road right-of-way and the development area(s) of the site shall be 150 feet.

   b. The minimum width of a perimeter open space buffer between land occupied by RURAL USES and the development area(s) of the site shall be 75 feet.

   c. Where the Planning Commission determines that existing natural vegetation or topographic changes do not provide an adequate buffer, a landscaped greenbelt shall be provided within the perimeter open space buffer per Section 8.04A (Greenbelt Buffer).

   d. The area of any required perimeter open space buffer shall count towards the minimum open space required under this Section.

6. **Roads.** Private roads planned to serve the development shall conform to the standards of Section 11.08 (Private Roads). Internal public roads shall conform to Washtenaw County Road Commission standards.

7. **Dimensional standards.** The standards of Article 3 (Dimensional Standards) shall apply to lots created under this Section, subject to the following:

   a. **Maximum floor area ratio (FAR).** The maximum floor area ratio (FAR) standards for the zoning district shall not apply to lots approved under this open space development option. A maximum floor-area ratio (FAR) of 0.25 shall apply to lots approved under this open space development option.

   b. **Minimum yard setbacks.** At the landowner's option, the minimum required yard setbacks may be reduced for lots created under this open

space development option, subject to the following:

(1) Planning Commission determination that the reduction is reasonable and necessary to preserve open space and meet the intent and purpose of this Section.

(2) The separation distance between detached dwellings constructed under this option shall be a minimum of 20 feet.

c. **Minimum lot size.** At the option of the landowner, the minimum lot area and lot width may be reduced for lots created under this open space development option, subject to the following:

(1) Planning Commission determination that the reduction is reasonable and necessary to preserve open space and meet the intent and purpose of this Section.

(2) Lots created under this option shall contain adequate lot area and width to provide for development of a principal dwelling and customary accessory structures without need for a variance.

H. Standards for Open Space.

At least fifty percent (50%) of the land proposed for development under the provisions of this Section shall remain perpetually in an undeveloped state by means of a conservation easement or similar legal instrument that runs with the land, as approved by the Township. Such open space preservation area(s) shall conform to the following standards:

1. Open space shall be arranged to maximize preservation of agricultural lands, woodlands, natural stands of large trees, wildlife corridors, natural habitat areas, steep slopes and unusual topographic features, and other natural resources.

2. Undeveloped lands shall be arranged to interconnect with and be contiguous to existing or planned open space areas on abutting parcels, to the maximum extent feasible.

3. Use of preserved open space shall be limited to RURAL USES, outdoor recreation, hunting (where permitted), recreational trails, parks and playgrounds, and similar uses, as determined by the Planning Commission.

4. At the landowner's option, all or part of the open space may be dedicated to the use of the public or transferred to public ownership. The Planning Commission shall be prohibited from requiring such a dedication as part of an approval under this Section. Any proposed transfer of open space ownership to public ownership shall be subject to approval of the receiving jurisdiction.

5. If the land to be developed under this option contains a river, stream, pond or other body of water, the Planning Commission may require a portion of the open space to abut the body of water.

6. All structures shall be located outside of land area designated as preserved open space. Only those structures or improvements that are consistent with the approved development plan and the terms of the conservation easement shall be permitted within the designated open space area.

7. The following areas shall not be considered in the calculation for open space:

   a. Areas within road and other rights-of-way, and utility, drainage or similar public easements.

   b. Areas occupied by permitted non-residential uses, golf courses, parking lots, stormwater detention or retention basins, private community wastewater systems (PCWS), and similar facilities.

   c. Required yard setback areas for individual lots.

8. Parties who have an ownership interest in the open space shall be responsible for maintenance and upkeep, including control of weeds and invasive species, removal of debris and litter, and similar maintenance tasks. Failure to adequately maintain such open space shall constitute a violation of this Ordinance.

I. Conservation Standards.

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

1. **Approval and recording.** After Township approval, the applicant shall record the conservation easement or similar legal instrument with the Washtenaw County Register of Deeds office, and shall provide proof of recording and a copy of the recorded documents to the Township.

2. **Irrevocable conveyance.** At a minimum, the instrument shall be irrevocable, shall run with the land, and shall convey all rights to develop the land to a land conservation organization, condominium association, governmental institution, or other governmental or legal entity qualified and able to receive and hold conservation easements in accordance with applicable federal and state laws.

3. **Permitted uses and development.** The instrument shall specify the allowable use(s) of the open space.

4. **Development plan.** The instrument shall require that the open space be maintained in perpetuity in an undeveloped state, without structures or other

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

5. **Maintenance.** The instrument shall require that the open space be maintained by parties who have an ownership interest in the open space; shall provide standards for scheduled maintenance of the open space; and shall allow for maintenance to be undertaken by the Township or the easement holder in the event that the open space is inadequately maintained or determined to be a public nuisance, with the assessment of costs upon the property owners.

J. Amendments and Appeals.

An approved open space development plan, including any conditions of approval, shall not be altered, except upon approval by the Planning Commission.

1. Regulatory modifications permitted under this Section shall not be subject to appeal to the Zoning Board of Appeals.

2. Any deviation from an approved open space development plan shall require approval by the Planning Commission.

3. This provision shall not preclude an individual lot or dwelling unit owner in the development from seeking a variance, provided such variance shall not involve alterations to open space areas shown on the approved plan.

K. Performance Guarantees.

Based on review of the development plan and other application materials, the Planning Commission may require a performance guarantee, per the standards of Section 1.08C (Performance Guarantees).

Section 11.02 Wireless Communication Facilities.

Wireless communications systems, facilities, towers, and antennae in the Township shall be subject to the following:

A. Purpose.

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

1. Permit the location of wireless communication facilities within given geographical areas of the Township, while protecting the safety and character of nearby residential areas and the Township as a whole;

2. Require collocation of transmission and receiving apparatus and antennae on existing towers, unless it can be reasonably demonstrated that such collocation is not technically feasible;

3. Require new and replacement wireless communication towers to include provisions for collocation wherever technically feasible;

4. Limit adverse visual impacts through careful design, siting, landscaping and screening elements, and innovative camouflaging techniques;

5. Prevent potential damage to adjacent properties from tower failure, and promote the timely removal of facilities upon the discontinuance of use;

6. Establish consistent review procedures and information requirements for construction, alteration or enlargement of a wireless communication tower and installation of a new antenna on an existing building in accordance with Section 502 and Section 504 of the Michigan Zoning Enabling Act; and

7. Permit administrative review and approval of certain types of projects that have a limited scope and impact, such as collocation of additional antennae on an existing, approved wireless communications tower.

B. Application Information.

The following information shall be provided with any application for approval of a wireless communications facility:

1. **Applicant information.** The name, address and telephone numbers for the applicant, property owner, tower operator and installation contractor; and the address, parcel identification number or location of the property on which the facility is to be located.

2. **Facility inventory.** If the application includes a new wireless communication tower, the applicant shall provide an inventory of all existing towers located in the Township or within one (1) mile of the Township's boundaries. Sharing of this inventory with future applicants shall not constitute a representation or warrant by the Township that such sites are available or suitable. At a minimum, the inventory shall include the following:

   a. Identification of the owner or operator, location, height, type, and design of each tower.

   b. A description and assessment of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the proposed wireless communication services.

   c. An assessment and illustration of feasible location(s) of future towers or antennae in the Township under the requirements of this Ordinance,

based on the location of the proposed tower and existing physical, engineering, technological, and geographical limitations.

d. An environmental impact statement disclosing any anticipated impacts on local wetlands, floodplains, wildlife corridors, natural habitat areas, and other environmental considerations.

3. **Location map.** A location map for the proposed wireless communications facility, showing adjacent public roads, intersections, and other significant landmarks. If a new tower is proposed, the location map shall show the setback distance(s) from the nearest tower(s) included in the facility inventory.

4. **Service area coverage maps.** A map of the area served by the provider's existing wireless communications facilities shall be provided, along with a second map of the same area also showing the proposed service area coverage.

5. **Site plan.** A scaled site plan that indicates the type of wireless communications facility, as defined in this Ordinance, and includes the following:

   a. A parcel survey, with easements, setback dimensions and the location of all existing and proposed structures and facilities on the subject parcel.

   b. Zoning district classifications and existing land uses for the subject parcel and all adjacent parcels, including across road rights-of-way.

   c. A description of the type and design of the proposed wireless communication facility.

   d. Legal description of the subject parcel and any leased area, if applicable.

   e. Setback distances between any proposed tower(s) and the nearest boundaries of any residential zoning district or lot occupied by a dwelling.

   f. Proposed means of access and other proposed site improvements.

   g. Details of proposed landscaping and screening materials; including species, size, and amounts, and a detailed maintenance plan.

   h. Details of proposed fencing, lighting, and security elements and materials; including color and type of materials, and method of illumination and fixture specifications for all light sources.

   i. Any other information deemed necessary by the Planning Commission to assess compliance with this Section.

6. **Elevation drawings.** Elevation drawings of the proposed wireless communication facility, ground equipment enclosure(s), and associated structures. The drawings shall identify:

a. The type, design, materials, and height for the proposed wireless communications facility, enclosure(s), and associated structures.

b. The name and location of the tower manufacturer, if applicable.

7. **Compliance with applicable laws and regulations.** The applicant shall provide documentation of proper licensing as a wireless communication services provider, and compliance with applicable federal and state standards relative to the environmental effects of radio frequency emissions.

8. **Permission to locate.** The applicant shall submit copies of an executed lease or purchase agreement or similar proof of permission to locate a wireless communications facility on the site.

9. **Collocation agreement.** The applicant for a new tower shall submit a signed and notarized agreement, transferable to all successors and assigns, stating that the tower operator shall make space available on the tower for collocation. Proposed future antenna and equipment locations shall be indicated on the site plan and elevation drawings.

10. **Insurance certificate.** The applicant shall submit a valid certificate of insurance, to be renewed annually, listing Saline Township as the certificate holder and naming Saline Township, its past, present and future elected officials, representatives, employees, boards, commissions, consultants, and agents as additional named insured.

    a. The certificate shall also state that if any of the described policies are to be canceled before the expiration date thereof, the issuing company will mail 30 days written notice to the Township as certificate holder.

    b. The Township may require the applicant to supply a $1,000.00 cash bond to the Township, which shall be used to reimburse administrative expenses in the event the certificate is allowed to lapse.

11. **Maintenance agreement.** The applicant shall submit a plan for the long-term, continuous maintenance of the facility. The plan shall identify who will be responsible for maintenance of the facility, including access, landscaping, screening, and security improvements.

12. **Removal agreement and guarantee.** The applicant shall submit a signed and notarized removal agreement and a performance guarantee for the future removal of the facility, subject to the following:

    a. The agreement shall be in accordance with the requirements of Section 11.02O (Removal of Wireless Communications Facilities).

    b. The applicant shall submit an estimate of the cost of removal of the facility and restoration of the site, certified by a licensed engineer.

c. The performance guarantee shall be in accordance with Section 1.08C (Performance Guarantees), and shall be sufficient to ensure removal of the wireless communication facility, restoration of the site, and reimbursement of associated administrative costs incurred by the Township in the event that the applicant, property owner or their successors fail to remove the facility in a timely manner.

13. **Tax-related information.** The applicant shall supply to the Township Assessor all tax-related information as requested for appraisal purposes. Upon receipt of requested information, the Assessor shall provide notice to the Zoning Inspector that this condition has been satisfied.

14. **Backhaul network information.** Identification of the entities providing the backhaul network for the wireless communication facility described in the application and other sites owned or operated by the applicant in the township.

15. **Franchise information.** Written documentation shall be provided to certify that all franchises required by law for the construction and operation of the wireless communication facility have been obtained. A copy of all such franchises shall be filed with the Township.

16. **Engineering certification.** Written certification shall be provided from a professional engineer licensed by the State of Michigan demonstrating:

    a. The manner in which the structure will fall in the event of accident, damage or failure, and that the setback area will accommodate the facility and provide an adequate buffer from adjacent parcels;

    b. That the facility is designed in accordance with applicable dead load and wind pressure standards; and

    c. That the facility is designed to conform with the State Construction Code enforced by Washtenaw County and all other applicable building, electrical, and fire codes.

C. Type of Review Required.

Wireless communications facilities shall be reviewed in accordance with the following:

Type of Wireless Communications Facility	Required Review and Approval		
	Planning Commission	Zoning Inspector	Exempt
NEW TOWERS AND ANTENNAE			
Construction, alteration or enlargement of a wireless communication tower.	●		

Type of Wireless Communications Facility	Required Review and Approval		
	Planning Commission	Zoning Inspector	Exempt
Antenna(e) installation on an existing principal building or accessory structure that includes use of a ground equipment enclosure area outside of the existing building or structure.	●		
Antenna(e) installation on an existing principal building or accessory structure where all accessory equipment is installed and maintained within the existing building or structure.		●	
COLOCATION ON EXISTING TOWERS			
Expansion of an approved ground equipment enclosure area.	●		
Construction or expansion of ground equipment building(s) within an approved ground equipment enclosure.		●	
Antenna(e) collocation on an existing tower.		●	
Installation of new ground equipment within an approved ground equipment building or enclosure.		●	
SATELLITE DISH ANTENNAE			
Installation of a satellite dish antenna with a diameter of less than 1.5 meters.			●
Installation of a satellite dish antenna with a diameter 1.5 meters or larger.		●	
AMATEUR RADIO ANTENNAE			
Installation of an amateur radio transmission and reception antenna.		●	
Installation of a citizen band radio base station antenna structure, contractor's business antenna structure or similar facility.		●	
Installation of short wave facilities or an amateur radio reception-only antenna.			●
Installation of municipal and other facilities subject to federal or state preemption of local regulatory authority.			●

Type of Wireless Communications Facility	Required Review and Approval		
	Planning Commission	Zoning Inspector	Exempt
OTHER PROJECTS			
Repair, service or maintenance of an existing wireless communications facility, provided that all work is in compliance with approved plans, permits and applicable codes.			●
Telecommunication facilities as defined by the METRO Act (P.A. 48 of 2002, as amended).			●

D. Exempt Facilities.

Nothing in this Section shall be construed in such a manner to conflict with the regulatory process established for telecommunication facilities as defined and regulated by the METRO Act (P.A. 48 of 2002, as amended). Facilities listed as exempt from review in Section 11.02C (Type of Review Required) shall be permitted by right, subject to the applicable federal and state regulations.

E. Facilities Subject to Zoning Inspector Approval.

Facilities requiring Zoning Inspector approval per Section 11.02C (Type of Review Required) shall be subject to review and approval of a certificate of zoning compliance in accordance with the applicable standards of this Section and Section 1.07 (Permits and Certificates of Zoning Compliance).

F. Facilities Subject to Planning Commission Approval.

After a complete and accurate application has been received by the Township in accordance with the requirements of Section 11.02B (Application Information), wireless communications facilities subject to Planning Commission approval per Section 11.02C (Type of Review Required) shall be reviewed in accordance with the following:

1. **Technical review.** Prior to Planning Commission consideration, copies of the application shall be distributed to designated Township officials, the Township Planner, and other designated Township consultants for review and comment.

    a. The Township may retain the services of wireless communications and engineering experts, at the applicant's expense, to review data provided by the applicant.

    b. The Zoning Inspector or Planning Commission may also request comments from outside agencies with jurisdiction.

2. **Public hearing.** A public hearing shall be held for all wireless communications facilities subject to Planning Commission approval in accordance with Section 12.03 (Public Hearing Procedures).

3. **Planning Commission consideration.** Subsequent to the hearing, the Planning Commission shall review the proposed wireless communications facility, together with any reports and recommendations from Township officials, the Township Planner, other designated Township consultants, local agencies or departments with jurisdiction, and any public comments.

   a. The Planning Commission shall verify whether all required information has been provided per Section 11. 02B (Application Information).

   b. The Planning Commission shall verify whether the facility is in compliance with all applicable requirements of this Section and Ordinance.

4. **Planning Commission action.** The Planning Commission is authorized to table, approve, approve subject to conditions or deny the proposed wireless communications facility as follows:

   a. **Tabling.** Upon determination by the Planning Commission that the application is not sufficiently complete for approval or denial, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone consideration until a later meeting.

   b. **Denial.** Upon determination that the application is not in compliance with all applicable standards of this Section for the type of wireless communication facility, or would require extensive modifications to comply with such standards, the application shall be denied. If the application is denied, a written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for such denial. Failure of the applicant to attend two (2) or more meetings shall be grounds for the Planning Commission to deny the application.

   c. **Approval.** The proposed wireless communications facility may be approved by the Planning Commission upon determination that it is in compliance with all applicable standards of this Section.

   d. **Approval subject to conditions.** The Planning Commission may approve a proposed wireless communications facility subject to reasonable conditions:

      (1) Designed to protect natural resources, the health, safety, welfare, and social and economic well-being of users or patrons of the use under consideration, residents and landowners immediately adjacent to the proposed use, or the community as a whole;

      (2) Related to the valid exercise of the police power, and the impacts of the proposed use; or

(3) Necessary to meet the intent and purposes of this Section and Ordinance, related to the standards established in this Section, and necessary for compliance with those standards.

Conditions of approval shall remain unchanged except upon mutual consent of the Planning Commission and the landowner. Any such changes shall be entered into Township records and recorded in the minutes of the Planning Commission meeting at which the action occurred.

5. **Recording of Planning Commission action.** Planning Commission action on the application shall be recorded in the Planning Commission meeting minutes, stating the description and location of the proposed wireless communications facility, address and tax identification number of the parcel, the findings of fact and conclusions or grounds for the Planning Commission's action, and any conditions of approval. The Secretary or Chair shall file one (1) copy of the written record with the Township Clerk for the permanent Township record, and shall forward one (1) copy to the applicant as evidence of approval.

6. **Effect of action.** Approval of the wireless communications facility by the Planning Commission shall allow the Zoning Inspector to issue a certificate of zoning compliance for the work associated with the application.

   a. No work may take place on the site except in accordance with an approved certificate of zoning compliance and the plans approved by the Planning Commission.

   b. If the Planning Commission denies the wireless communications facility, the applicant may submit a new wireless communications facility application that corrects any deficiencies in the denied application materials, facility design or location.

7. **Expiration of approval.** Approval of a wireless communications facility shall expire 365 days after the date of approval, unless a certificate of zoning compliance has been issued or construction has commenced. Upon written request received by the Township prior to the expiration date, the Planning Commission may grant an extension of up to 180 days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved wireless communications facility plans remains in conformance with the purpose and provisions of this Section.

I. Standards for Wireless Communications Towers.

The following shall apply to all wireless communications towers, microwave transmission towers, AM antenna arrays, and similar tower structures:

1. **Availability of suitable existing towers, other structures or alternative technology.** No new tower shall be permitted unless the applicant demonstrates to the Planning Commission's satisfaction that:

a. No existing towers or structures located within the geographic area meet the applicant's engineering or operating requirements;

b. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna(e) and equipment;

c. The applicant's proposed antenna(e) would cause electromagnetic interference with antenna(e) on an existing tower, or vice versa;

d. The fees, costs or contractual provisions required by the owner 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;

e. Other limiting factors render existing towers or structures unsuitable; and

f. There is no suitable alternative technology available which would 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). Costs of alternative technology that exceed new facility development shall not be presumed to render the technology unsuitable.

2. **Permitted locations.** Permitted wireless communications tower locations shall be limited to the following:

a. Wireless communications towers shall only be permitted on parcels in the A-1 (Agricultural Conservation), C-1 (Local Commercial), I-1 (Industrial-Research), and PSP (Public/Semi-Public Services) Districts with sufficient lot area to accommodate the setback requirements of this Section.

b. No tower shall be located within two (2) miles of another wireless communication tower. The Planning Commission may waive this separation requirement, subject to the following:

(1) Determination that there is a demonstrated need for an additional tower, based on the facility's technical requirements, service needs of Township residents or other acceptable factors.

(2) Under no circumstance shall a tower be permitted to locate less than one (1) mile from another wireless communications tower.

c. No tower shall be located closer than 800 feet from the boundary of any residential zoning district, and any PUD incorporating residential uses.

d. Separation distances shall be calculated and applied to towers located irrespective of municipal and county jurisdictional boundaries.

3. **Maximum height.** Towers shall not exceed 180 feet in height as measured from certified grade to the highest point of the tower, including antennae

attached to the tower. The Planning Commission may waive this height limitation, subject to the following:

a. Determination that the additional height is necessary to permit reasonable use of the tower and antennae, or necessary to permit collocation of multiple antennae on the tower; and

b. Determination that the additional height will not adversely impact abutting lots and uses to an extent greater than a tower that conforms to the maximum height standard of this subsection.

4. **Minimum setbacks.** A tower shall be set back from all parcel boundaries a minimum distance equal to one hundred percent (100%) of the height of the tower. Anchoring cables, equipment enclosures and accessory structures shall satisfy minimum zoning district setback requirements, with a minimum required setback of 50 feet.

5. **Ground equipment enclosure.** All wireless communications towers, accessory structures and equipment enclosures shall be completely enclosed by an eight (8) foot high fence with a lockable gate to prevent unauthorized access. The wireless communications tower shall also be protected by anti-climbing devices, and anchor points for guy wires supporting the tower shall be secured to prevent unauthorized access.

6. **Screening.** A dense evergreen screen shall be provided on all sides of the ground equipment enclosure per Section 8.04E (Evergreen Screen). Existing site vegetation and landforms shall be preserved to the maximum extent feasible. The Planning Commission may waive screening requirements where existing site vegetation or landforms provide a sufficient buffer from abutting uses.

7. **Collocation.** Wireless communications towers shall be designed, constructed, and maintained in a manner that accommodates collocation of multiple antennae on a single tower.

8. **Access.** Unobstructed permanent access to the tower and ground equipment enclosure shall be provided for police, fire, and emergency vehicles. Access may be provided by an easement. Upon request by the Township or the Saline Area Fire Chief, the tower owner shall install and maintain a "Knox Box" or other acceptable means of emergency access.

9. **Design.** All new towers shall conform to the following design standards:

a. All new towers shall be of a monopole design, and constructed of or treated with corrosive resistant materials. The base of the tower shall occupy no more than 500 square feet.

b. Advertising, signs, and identification of any kind visible from the ground or abutting parcels or road rights-of-way shall be prohibited, except as required by agencies with jurisdiction for identification purposes.

c. The tower and associated antennae shall be painted white. The Planning Commission may waive this requirement upon finding that other colors or treatments would better minimize off-site visibility.

d. The tower and associated antennae shall not be illuminated, unless required by the FAA, Michigan Aeronautics Commission or other agency with jurisdiction. Any required lighting shall be designed and maintained to cause the least disturbance to the surrounding views.

10. **Land division.** The division of property for the purpose of locating a wireless communication tower shall be prohibited unless all requirements of this Ordinance and other Township ordinances have been met.

11. **Employees.** No employees shall be located on-site on a permanent basis. Employee access shall be limit to temporary repair and service activities.

12. **Tower address.** Each wireless communications tower shall be designated with a specific and unique mailing address.

J. Standards for Antennae Located on Structures.

The following shall apply to antennae located on principal or accessory structures:

1. Such antennae shall be limited to structures in any zoning district that have a minimum height of 50 feet.

2. The antenna and support structure shall be permanently secured to the structure, and shall not exceed the structure height by more than 10 feet.

3. The antennae shall be designed and arranged to minimize visibility and to blend with the primary building materials and colors.

4. The antenna and support structure shall not be illuminated, unless required by the FAA, Michigan Aeronautics Commission or other agency with jurisdiction.

K. Standards for Satellite Dish Antennae:

Satellite dish antennae shall be permitted in any zoning district, subject to approval per Section 11.02C (Type of Review Required) and the following standards:

1. Such antennae shall be accessory to a principal building on the same lot, and shall be located in the rear yard area.

2. Satellite dish antennae shall be limited to lots with adequate lot area to accommodate the minimum requirements setback of this subsection.

3. One (1) satellite dish antenna shall be permitted per lot. The antenna shall conform to the minimum yard setbacks of the zoning district where the antenna is located.

4. Construction and placement of satellite dish antennae shall meet manufacturers' specifications, and shall conform to the State Construction Code and all applicable electrical and fire codes.

5. Satellite dish antennae with a diameter of 1.5 meters or larger and located within 100 feet of a road right-of-way or the boundary of a lot occupied by a dwelling shall be screened by a wall, fence, berm, evergreen plantings, or combination of these elements so as not to be visible from the neighboring residence or road. If the antenna is a mesh type, screening need not exceed six (6) feet in height.

L. Standards for Amateur Radio Antennae:

Amateur radio antennae shall be permitted in any zoning district, subject to approval per Section 11.02C (Type of Review Required) and the following standards:

1. Such antennae shall be accessory to a principal building on the same lot, and shall be located in the rear yard area.

2. Amateur radio antennae shall be limited to lots with adequate lot area to accommodate the minimum requirements setback of this subsection.

3. A maximum of one (1) amateur radio antenna shall be permitted per zoning lot, with a maximum height of 60 feet and a minimum setback from all lot boundaries equal to one hundred percent (100%) of its height.

4. For retractable, telescoping, or tilt-down antennae, the minimum required setback distance shall be equal to the height of the antenna structure in the "down" or retracted position. Such antennae shall be maintained in the "down" or retracted position when not in use.

M. Existing Wireless Communications Facilities.

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

N. Rescinding Approval of Wireless Communications Facilities.

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

1. **Public hearing.** Such action may be taken only after a public hearing has been held by the Planning Commission in accordance with Section 12.03 (Public Hearing Procedures), at which time the owner, operator or leaseholder of the

wireless communications facility shall be given an opportunity to present evidence in opposition to rescission.

2. **Determination.** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescinding of approval shall be made and written notification provided to said owner, operator or designated agent.

O. Removal of Wireless Communications Facilities.

The owner or operator shall remove a wireless communications facility for which approval has been rescinded, that has ceased operation for more than 365 consecutive days, or that has been determined by the Township to be abandoned, subject to the following:

1. Such facilities shall be removed within 90 calendar days of receipt of notice from the Township requesting such removal. Failure of the owner or operator to respond within 90 calendar days of such a request shall be grounds for the Township to rescind any previous approval to construct or operate the facility.

2. Failure by the owner to remove such facilities in accordance with this Section or an approved removal agreement shall be grounds for the Township to remove the facility at the owner's expense, and to make use of any performance guarantee or other security provided for that purpose.

3. Removal of the tower shall include removal of any structures in the ground, including concrete footings, support structures, or other appurtenances such as ground radial systems. In-ground structures and appurtenances shall be removed to a depth of 48 inches, and the land re-graded and restored to the original grade prior to the removal.

4. The Township reserves the right to require submittal of evidence of ongoing operation at any time after construction or installation of an approved wireless communication facility.

5. If there are two (2) or more antennae on a single tower, this subsection shall not take effect until all users cease using the tower.

6. Any wireless communication facility that is not operated for a continuous period of 365 calendar days shall be deemed abandoned.

P. Wireless Communications Facility Maintenance.

Wireless communications facilities (including all towers, structures, equipment, ground equipment enclosures, and access, landscaping, screening, and security improvements) shall be maintained in accordance with applicable federal, state, and county laws and regulations, and all approved plans, permits, and conditions of approval.

1. The facility owner shall be responsible for securing all required permits and approvals for maintenance and servicing of the facility.

2. The facility owner shall contact the Saline Area Fire Chief by telephone or in person to provide prior notification of maintenance or servicing activities that would involve use of a torch or welding equipment, or would otherwise create or exacerbate a potential fire hazard. Failure to provide such prior notice shall cause the facility owner to be responsible for costs incurred by the Township and Saline Area Fire Department for fire runs to the site or any other calls for service associated with the work.

Section 11.03 Development Agreement.

A Development Agreement shall be entered into between the Township and the owner(s)/developer(s) of any property upon which a residential, commercial, industrial, or other land use is to take place following final site plan approval and prior to the commencement of any site work or construction. The cost to prepare and record this Agreement shall be borne by the owner(s)/developer(s). Preparation and approval of a Development Agreement shall be subject to the following:

A. Contents of a Development Agreement.

At a minimum, a Development Agreement shall:

1. Set forth any conditions of development approval to be met by an applicant or developer with respect to an approved project;

2. Provide for any dedication of easements, rights-of-way, and other dedications incorporated into the approved project;

3. Provide for maintenance of any common facilities and open space areas;

4. Identify any covenants, deed restrictions, and other limitations to be imposed upon the uses of the land and structures;

5. Describe the phasing and timing of development activities;

6. Detail the cost of installing all required infrastructure improvements and utilities, and manner for enforcement of any assessments and costs;

7. Describe any required escrow accounts or performance guarantees;

8. Include the approved development plans and any associated development documents as exhibits; and

9. Address other issues that the Township and owner(s)/developer(s) deem appropriate.

B. Approval of a Development Agreement.

The proposed Development Agreement shall be subject to review by the Township Planner, Township Attorney, and other designated officials and consultants; and

approval by the Township Board. The owner(s)/developer(s) of the subject property shall be responsible for recording the approved Development Agreement in the Washtenaw County Register of Deeds office, unless the Township Clerk agrees to do so at the owner(s)/developer(s) expense. Proof of recording and two (2) copies of the recorded Agreement and any exhibits shall be provided to the Township Clerk.

Section 11.04 Water Supply and Sanitary Sewerage Facilities.

Dwellings, lots, and principal buildings required by state or county law, ordinance or regulation to be served by a potable water supply or a sanitary sewage disposal facility before occupancy by any use permitted under this Zoning Ordinance shall be subject to the following:

A. Sanitary Sewage Treatment and Disposal Required.

Where a sanitary sewage disposal facility is required for occupancy by any use permitted under this Zoning Ordinance, the following standards shall apply:

1. **Private community wastewater systems (PCWS).** Use of private community wastewater systems (PCWS), as defined in Section 18.02 (Definitions) for sanitary sewage treatment and disposal shall be prohibited in Saline Township, except as follows:

    a. Use of a PCWS may only be permitted as part of a planned unit development (PUD) project approved in accordance with Article 14 (Planned Unit Development (PUD) District).

    b. Where permitted, the PCWS shall be designed, constructed, and maintained per applicable state and county regulations, and any Township ordinances regulating such systems.

2. **Public sanitary sewerage and private on-site septic systems.** All other dwellings, lots, principal buildings, and uses shall be connected to an independent, on-site private septic system approved by the Washtenaw County Environmental Health Division (WCEHD); or to a public sanitary sewerage system, where available. On-site sewage disposal systems shall be prohibited in areas in which public sanitary sewerage service is available.

B. Potable Water Supply Required.

Where a potable water supply is required for occupancy by any use permitted under this Zoning Ordinance, the following standards shall apply:

1. **Community wells.** Use of a community well, as defined in Section 18.02 (Definitions), to provide potable water services to more than one (1) dwelling, lot, principal building or use shall be prohibited in Saline Township.

2. **Public water supply systems and private water wells.** All dwellings, lots, principal buildings, and uses not served by a publicly-owned and operated water supply system shall be connected to an independent, on-site private water

supply well approved by the Washtenaw County Environmental Health Division (WCEHD); or to a public water supply system, where available. Use of on-site private wells for potable water shall be prohibited in areas in which public water supply service is available.

Section 11.05 Natural Resources Protection.

This Section is intended to establish minimum regulations necessary to preserve natural resources on sites being developed in the Township. The preservation of natural resources is essential to maintain the continued character and quality of life for current and future Township residents and visitors. Protection of the natural features of the Township will promote the general public health, safety and welfare, encourage the use of lands in accordance with their character and adaptability, protect the natural environment, and conserve natural resources and energy.

An essential part of the character and quality of life in Saline Township and the surrounding region is the variety of natural features that remain largely undisturbed by land development. As the Township's General Development Plan specifies, the policy of the Township is that these natural features need to be protected and preserved to the maximum extent possible when land is developed.

A. Scope.

The standards of this Section are intended to protect natural features from destruction and misuse, and shall be considered the minimum necessary to achieve the intents and purposes of this Section and Ordinance. This Section shall apply to all development projects and parcels subject to a development approval application per Section 12.01 (Site Plan Review), condominium site plan approval per Article 13 (Condominium Regulations), planned unit development approval per Article 14 (Planned Unit Developments), or subdivision plat approval in accordance with the Land Division Act (P.A. 288 of 1967, as amended) and any Township subdivision regulations.

B. Development Plan Requirements.

Conformance with the applicable standards of this Section shall be demonstrated in conceptual form on the preliminary site plan or equivalent preliminary development plan required by the applicable development approval process. The final site plan or equivalent final development plan for the project shall contain sufficient details and information necessary to demonstrate conformance with this Section, to the satisfaction of the Planning Commission.

C. Watercourses and Wetlands.

The following watercourse and wetland protection standards shall apply to all developments subject to this Section:

1. **Setback area.** The following setbacks from wetlands and watercourses shall apply:

a. A minimum 50-foot open space setback shall be maintained from the ordinary high water mark of any river, stream, pond, lake or other watercourse, provided that no development shall be permitted within the 100-year floodplain.

b. A minimum 25-foot open space setback shall be maintained from the edge of any wetland, as defined in Section 18.02 (Definitions).

c. A minimum 25-foot open space setback shall be maintained from the boundary of any dedicated county drain easement, or a minimum of 50 feet from the centerline of any county drain without a dedicated easement.

Detention basins and similar stormwater management facilities may be constructed within a required setback, provided that appropriate replacement plantings are provided and maintained.

2. **General standards.** In any zoning district, no river, stream, watercourse, wetland or drainage way, whether filled or partly filled with water or dry in certain seasons, shall be obstructed or altered in any way at any time by any person, except when done in conformance with local, state, and federal law and standards.

a. No person shall alter, change, transform or otherwise vary the edge, bank or shore of any lake, river or stream except as provided in for in state law and in accordance with Michigan Department of Environmental Quality (MDEQ) regulations.

b. No person shall drain, remove, fill, change, alter, transform or otherwise vary the area, water level, vegetation or natural conditions of a marsh, swamp or wetland except after receiving final development approval in accordance with applicable Township standards. Any such alteration shall conform to applicable local, state, and federal requirements.

D. Floodplains.

The following floodplain protection standards shall apply to all developments subject to this Section:

1. Development shall be prohibited within the 100-year floodplain of any existing watercourse or wetland.

2. It shall be the applicant's responsibility to delineate the 100-year floodplain boundaries. Where there is any uncertainty, contradiction, or conflict as to the location of the floodplain boundaries, the final determination of the boundaries shall be made by the Township Engineer or designated wetlands consultant after referral from the Planning Commission.

E. Steep Slopes and Unusual Topographic Features.

No development shall be permitted within any critical area of highly erodible soils, and steep slopes as defined in Section 18.02 (Definitions). The Planning Commission may place reasonable restrictions or use limitations on development within areas that have one (1) or more of the following characteristics:

1. Unusual topographic features;

2. Slopes of twelve percent (12%) or more where the slope is adjacent to a wetland or watercourse, where the soil is highly erodible; or

3. Slopes of eighteen percent (18%) or more where the area of the slope contains other natural features, such as woodlands, natural stands of large trees, or natural habitat areas.

Such restrictions or use limitations may include requiring permitted dwelling units to be clustered to preserve all or part of such slopes in a natural state, inclusion of all or part of such areas within proposed recreation areas or open space, and limiting grading that would adversely impact the unusual topographic features or related natural features.

F. Groundwater Recharge Areas.

The following groundwater recharge area protection standards shall apply to all developments subject to this Section:

1. The development shall be designed to protect groundwater resources.

2. Stormwater management facilities shall be designed to retain the natural retention and storage capacity and function of any wetland, water body or watercourse.

3. Site plans shall delineate the location and extent of any contaminated soils or groundwater on the site or that may affect the proposed development.

4. The applicant shall demonstrate how the proposed site design and layout of uses on the development site will:

    a. Preserve the groundwater recharge areas and the infiltration capacity of the soils;

    b. Prevent polluted materials from infiltrating into groundwater;

    c. Minimize impervious areas through site planning that makes most efficient use of paved, developed space and that maximizes open space areas; and

    d. Manage stormwater runoff to maximize on-site infiltration and provide adequate pre-treatment and filtering of sediments and other impurities.

5. The Planning Commission may require the use of buffer zones to protect surface vegetation or the installation and use of such other techniques it deems necessary to mitigate or retain stormwater runoff.

G. Woodlands and Landmark Trees.

The following woodlands and landmark tree preservation and mitigation standards shall apply to all developments subject to this Section:

1. **Tree removal.** Except as otherwise provided in this Section, any development subject to this Section shall not:

   a. Remove, transplant, damage, or destroy any tree or similar woody vegetation of any diameter at breast height (D.B.H.) in a woodland currently existing or that has existed on the subject site within the last five (5) years.

   b. Remove, transplant, damage or destroy any tree or similar woody vegetation including individual deciduous trees of six (6) inch D.B.H. or larger and individual evergreen trees six (6) feet in height or higher, which are not located in a woodland.

   c. Conduct any land clearing or grubbing activities within a woodland area.

2. **Requirements.** Except as provided elsewhere within this Section, the developer shall be subject to the following requirements:

   a. Preserve and leave standing a minimum of thirty-five percent (35%) of the total number of individual deciduous trees of six (6) inch D.B.H. or larger and individual evergreen trees six (6) feet in height or higher within the development that have existed on the subject site within the last five (5) years.

   b. If existing preserved trees do not average 30 trees per acre, additional trees shall be planted to equal a minimum average ratio of 30 trees per acre, at a minimum D.B.H. of 2.5 inches for deciduous trees and a minimum of six (6) feet in height for evergreen trees within any development subject to the provisions of this Section. Species and spacing of trees shall be subject to the approval of the Planning Commission. The required mitigation of trees shall be counted towards this ratio.

   c. Where a developer has submitted and obtained approval of a development, as required under this Section, such tree preservation designation, together with any additional terms and conditions attached to the approval, shall satisfy the requirements of this Section.

3. **Tree relocation and replacement.** The intent of this Section is to replace removed species with similar species in appropriate habitats. Whenever the

removal of individual deciduous trees of six (6) inch D.B.H. or larger and individual evergreen trees six (6) feet in height or higher, is deemed necessary from the site, such trees shall be replaced or relocated in accordance with this Section. If removed trees are to be replaced as provided within this Section, replacement trees may be used to satisfy preservation percentage requirements of this Section, but may not be used to satisfy landscaping requirements of the Zoning Ordinance.

4. **Replacement species standards.** Replacement trees shall be of the same species as the removed tree, except where prohibited by Section 8.07 (Prohibited Plant Materials). Species native to Michigan may be substituted for non-native or prohibited species. All replacement tree species shall be suitable for the habitat in which they will be located.

5. **Landmark tree standards.** A landmark tree, as regulated by this Section, shall be considered to be any tree that has a D.B.H. of 24 inches or greater, or that is of a type and D.B.H. equal to or greater than shown on the following list:

Landmark Tree Common Name	Landmark Tree Species	Diameter at Breast Height (D.B.H.)
Basswood	Tilia americana	18 inches
Beech	Fagus grandifolia	18 inches
Buckeye, Ohio	Aesculus glabra	18 inches
Catalpa	Catalpa spp.	18 inches
Cedar of Lebanon	Cedrus spp.	18 inches
Cherry, Black	Prunus serotina	18 inches
Cottonwood	Populus deltoides	18 inches
Elm, American	Ulmus americana	18 inches
Fir	Abies spp.	18 inches
Fir, Douglas	Pseudotsuga menziesii	18 inches
Kentucky Coffee Tree	Gymnocladus dioicus	18 inches
Pine	Pinus spp.	18 inches
Spruce	Picea spp.	18 inches
Sycamore or London Plane	Platanus spp.	18 inches
Tulip-tree	Liriodendron tulipifera	18 inches
Walnut, Black	Juglans nigra	18 inches
Hickory, various	Carya spp.	16 inches
Locust, Honey	Gleditsia triacanthos	16 inches
Maple	Acer spp.	16 inches

Landmark Tree Common Name	Landmark Tree Species	Diameter at Breast Height (D.B.H.)
Oak	Quercus spp.	16 inches
Cedar, White (Arborvitae)	Thuja occidentalis	Twelve (12) inches
Cedar, Red	Juniperus virginiana	Twelve (12) inches
Baldcypress	Taxodium distichum	Twelve (12) inches
Birch	Betula spp.	Twelve (12) inches
Black Tupelo	Nyssa sylvatica	Twelve (12) inches
Cherry	Prunus spp.	Twelve (12) inches
Crabapple	Malus spp	Twelve (12) inches
Dawn Redwood	Metasequoia glyptostroboides	Twelve (12) inches
Ginkgo	Ginkgo biloba	Twelve (12) inches
Hackberry	Celtis occidentalis	Twelve (12) inches
Hawthorn	Crataegus spp.	Twelve (12) inches
Hemlock, Eastern	Tsuga canadensis	Twelve (12) inches
Larch/Tamarack	Larix laricina	Twelve (12) inches
Pear	Pyrus spp.	Twelve (12) inches
Persimmon	Diospyros virginiana	Twelve (12) inches
Poplar (Aspen)	Populus spp. (except alba, deltoides)	Twelve (12) inches
Sassafras	Sassafras albidum	Twelve (12) inches
Sweetgum	Liquidambar styraciflua	Twelve (12) inches
Yellowwood	Cladrastis lutea/kentukea	Twelve (12) inches
Cedar	Juniperus spp.	eight (8) inches
Redbud	Cercis canadensis	eight (8) inches
Dogwood, Flowering	Cornus florida	eight (8) inches
Hornbeam, Blue Beech	Carpinus spp.	eight (8) inches
Ironwood	Ostrya virginiana	eight (8) inches
Maple, Mountain/Striped	Acer spicatum/pensylvanicum	eight (8) inches
Pawpaw	Asimina triloba	eight (8) inches
American Chestnut	Castanea dentata	six (6) inches
Butternut	Juglans cinerea	six (6) inches

6. **Replacement ratio.** Removed trees shall be relocated or replaced in accordance with the following schedule:

Size of Removed Tree	Replacement Ratio (number of replacement trees per removed tree)
Coniferous (height)	
Six (6) to ten (10) feet	one to one
Ten (10) to 14 feet	1.5 to one
More than 14 feet	two to one
Landmark coniferous tree	one per four (4) feet of removed tree height
Deciduous (D.B.H.)	
Six (6) to ten (10) inches	one to one
Ten (10) to 14 inches	1.5 to one
More than 14 inches	two to one
Landmark deciduous tree	one per four (4) inched of removed tree D.B.H.

7. **Replacement tree standards.** Replacement tree plantings shall conform to the requirements of Section 8.03 (General Standards) and the following:

   a. **Location.** The location of any replacement tree shall be on the same parcel as the removed tree wherever feasible, as determined by the Township.

      (1) If the tree replacement on the same parcel is not feasible, the Township may designate another planting location for the replacement tree within the Township.

      (2) If tree relocation or replacement is not feasible either on the parcel or on another approved location within the Township, the Township may allow a deposit into a tree planting fund maintained by the Township in an amount determined to be acceptable by the Township for tree replacement on a per tree basis based upon the current market value for tree replacement that would otherwise be required. These funds shall be utilized for the planting, maintenance, and preservation of trees and woodland areas within the Township.

   b. **Installation and maintenance.** Installation and maintenance of replacement trees shall conform to the requirements of Section 8.08 (Installation) and Section 8.09 (Maintenance) of this Ordinance.

H. Protection of Natural Features During Construction.

Natural features to be preserved as part of an approved development project shall be protected during construction in accordance with the following:

1. Prior to any development, clearing, or other activity for which a permit is required, temporary construction fences shall be installed in the following locations to restrict access to protected natural features:

    a. At the limits of soil disturbance adjacent to natural features.

    b. At the perimeter of the critical root zone of landmark trees which are located within a disturbance area. Where encroachments into the critical root zone are allowed as part of an approved site plan or plat, the fencing must be located at least 10 feet from the trunk of the tree at all points.

    c. At the edge of the natural features identified to be protected under this regulation and in compliance with the required exterior limits of natural features setbacks as defined within this Ordinance

2. No filling, depositing, excavating, or storage of materials, debris, or equipment shall take place within the protected area.

3. Temporary construction fencing shall be maintained in place in good condition until all construction activity has been completed for the area or development phase.

4. Any landmark tree that is determined to be dead, dying, or severely damaged due to on-site construction activity during construction or within three (3) years following completion of the development shall be replaced by the developer in the amount specified in the requirements for mitigation of landmark trees. To ensure replacement of trees that are damaged, dead, or dying, the developer may be required by the Township to post a performance guarantee, in accordance with Section 1.08C (Performance Guarantees), in an amount calculated to cover the cost of the total replacement.

I. Inspection.

To ensure compliance with this Section, the Township may perform periodic inspections of subject lots or parcels, at such times determined to be necessary, during all phases of construction and development as well as for up to three (3) calendar years after completion of the development project.

Section 11.06 Wind Energy Conversion Systems.

Wind energy conversion systems (WECS) in the Township shall be subject to the following:

A. Intent.

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

B. Approval Required.

Except where noted in this subsection, it shall be unlawful to construct, erect, install, alter, or locate any WECS project within Saline Township unless a special use approval has been obtained in accordance with Section 12.02 (Special Uses).

1. Agricultural WECS projects accessory to permitted farm and agricultural operations shall be exempt from the requirements of this Section. Agricultural WECS projects shall conform to the regulations of the zoning district, including maximum height and minimum setback standards.

2. All other private and commercial wind energy conversion systems shall require special use approval in accordance with the standards and procedures of Section 12.02 (Special Uses) and the standards of this Section. In addition to the special use application requirements, the following information shall be submitted with any application for WECS approval:

    a. Documentation of any potential interference that the proposed WECS may cause with microwave transmissions, residential television reception or radio reception.

    b. Documentation of compliance with applicable regulations of the Federal Communications Commission (FCC), Michigan Aeronautics Commission or other agency with jurisdiction for the installation.

    c. A plan for the long-term, continuous maintenance of the facility, including who will be responsible for maintenance of the facility, including access, landscaping, screening, and security improvements.

    d. Elevation drawings of the proposed wireless communication facility, ground equipment enclosure(s), and associated structures. The drawings shall identify the type, design, materials, and height for the proposed wireless communications facility, enclosure(s), and associated structures; and the name and location of the tower manufacturer, if applicable.

e. Written certification shall be provided from a professional engineer licensed by the State of Michigan demonstrating:

(1) The manner in which the structure will fall in the event of accident, damage or failure, and that the setback area will accommodate the facility and provide an adequate buffer from adjacent parcels;

(2) That the facility is designed in accordance with applicable dead load and wind pressure standards; and

(3) That the facility is designed to conform to the State Construction Code enforced by Washtenaw County and all other applicable building, electrical, and fire codes.

C. Permitted Locations.

Wind energy conversion systems shall only be permitted on parcels in the A-1 (Agricultural Conservation) and PSP (Public/Semi-Public Services) Districts with sufficient lot area to accommodate the setback requirements of this Section.

D. General Standards

The following standards shall apply to all private and commercial wind energy conversion systems in the Township:

1. **Design safety certification.** A Professional Engineer registered in the State of Michigan shall certify the safety of the design of all private and commercial WECS towers. The standard for certification shall be included with the permit application.

2. **Controls and brakes.** All private and commercial WECS projects shall be equipped with manual and automatic controls to limit rotation of blades to a speed below the designed limits of the WECS. The Professional Engineer shall certify that the rotor and overspeed control design and fabrication conform to applicable design standards. No changes or alterations from certified design shall be permitted unless accompanied by a Professional Engineer's statement of certification.

3. **Electrical components.** All electrical compartments, storage facilities, wire conduit and interconnections with utility companies will conform to national and local electrical codes.

4. **Compliance with Township ordinances.** All private and commercial WECS projects shall be in compliance with all requirements of this Section and Ordinance, and other applicable Township ordinances.

5. **Setbacks.** All private and commercial WECS projects shall be setback from property lines and any habitable structure at a distance equal to or

greater than one hundred fifty percent (150%) of the height of the structure, measured from the base of the structure to the highest reach of its blade.

6. **Height.** Private WECS projects shall conform to the maximum height standards of the zoning district. Commercial WECS projects shall be exempt from the height requirements of this Ordinance, subject to the provisions of Section 12.02 (Special Uses), and compliance with Federal Aviation Administration (FAA) regulations.

7. **Installation certification.** The Professional Engineer shall certify that the construction and installation of the private or commercial WECS project meets or exceeds the manufacturer's construction and installation standards.

8. **Climb prevention.** All private and commercial WECS project towers or poles shall be protected by anti-climbing devices; such as fences with locking portals at least eight (8) feet high and anti-climbing devices 12 feet from base of pole. Anchor points for guy wires supporting the tower shall be enclosed by a eight (8) foot high fence.

9. **Interference.** The private or commercial WECS shall not cause interference with microwave transmissions, residential television reception or radio reception.

10. **Fire risk.** All private and commercial WECS projects shall adhere to all applicable electrical codes and standards, shall remove fuel sources (such as vegetation) from the immediate vicinity of electrical gear and connections, and shall utilize twistable cables on turbines.

11. **Waste.** All solid wastes, whether generated from supplies, equipment parts, packaging, operation or maintenance of the WECS, including old parts and equipment, shall be removed from the site immediately and disposed of in an appropriate manner. All hazardous waste generated by the operation and maintenance of the WECS, including but not limited to lubricating materials, shall be removed from the site immediately and disposed of in a manner consistent with all local, state, and federal rules and regulations.

12. **Noise levels.** The noise level measured at the property line of the property on which the private or commercial WECS project has been installed shall not exceed 55 decibels.

13. **Liability insurance.** The owner or operator of the private or commercial WECS project shall maintain a current insurance policy with a bond rating acceptable to the Township to cover installation and operation of the WECS project. The amount of the policy shall be established as a condition of special use approval. For a private WECS projects accessory to a principal residence, proof of homeowner's

insurance with specific coverage for the WECS shall satisfy this requirement.

E. Additional Standards for Commercial WECS Projects

The following additional standards shall apply to all commercial wind energy conversion systems in Saline Township:

1. **Color.** Towers and blades shall be painted a neutral color that minimizes off-site visibility, or as otherwise required by law.

2. **Compliance with FAA.** It shall be the responsibility of the person in charge of the commercial WECS project to complete the proper FAA applications and obtain the proper permits for the WECS project. It shall also be the responsibility of the person in charge of the commercial WECS project to obtain a determination of no significant impact to air navigation from the FAA.

3. **Warnings.** A visible warning sign of high voltage may be required by the Township to be placed at the base of all commercial WECS projects. The sign shall have at a minimum six (6) inch letters with three-quarter (3/4) inch stroke. Such signs shall be located a maximum of 300 feet apart and at all points of site ingress and egress.

4. **Annual inspection.** Every commercial WECS project shall be inspected annually by an Authorized Factory Representative or Professional Engineer to certify that it is in good working condition and not a hazard to the public. Such records shall be submitted to the Zoning Inspector and considered a part of the continuing special use approval.

5. **Compliance with additional regulations.** It shall be the responsibility of the person in charge of the commercial WECS project to contact the FCC and FAA regarding additional permits necessary or any other applicable Federal or State regulations for the installation.

6. **Migratory birds.** The Township may require an avian study conducted by a qualified professional to determine any potential impacts the commercial WECS project may present to migratory birds. The study as part of the special use permit shall provide assurances that the WECS project does not negatively impact the path of migratory birds.

7. **Decommissioning plan and escrow.** Commercial WECS projects shall include a Decommissioning Plan to ensure it is properly decommissioned upon the end of the project life or facility abandonment. Decommissioning shall include removal of all structures (including transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within 180 calendar days of the end of project life or facility abandonment.

   The decommissioning plan shall state how the facility will be decommissioned, the Professional Engineer's estimated cost of decommissioning, the financial

resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The decommissioning plan shall also include an agreement between the applicant and the Township that:

a. The financial resources for decommissioning shall be in the form of a performance guarantee in accordance with the requirements of Section 1.08C (Performance Guarantees).

b. The Township shall have access to the performance guarantee for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within 180 calendar days of the end of project life or facility abandonment.

c. The Township is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.

d. The Township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the Township's right to seek reimbursement from the owner of the WECS for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by the owner of the WECS for the amount of the excess, and to take all steps allowed by law to enforce said lien. Financial provisions shall not be so onerous as to make wind power projects unfeasible.

Section 11.07 Private Roads.

Unobstructed, safe and continuous access to parcels is necessary to protect the health, safety, and welfare of Township residents. Such access is necessary to ensure that police, fire, and ambulance services can safely and quickly enter and exit private property at all times. Where private roads are used to provide such access, the standards of this Section shall apply. Construction, extension, and alteration of private roads in the Township shall be subject to the following design standards and review procedures:

A. Application Procedures.

Any person with a legal interest in a parcel may apply for approval of a private road under this Section. If the petitioner is not the fee simple owner of the property, the petitioner shall submit a statement signed by all of the owners consenting to the application. Incomplete or inaccurate applications shall not be accepted for review, and shall be returned to the applicant. Required review fees and escrow deposits shall be paid in full at the time of the filing of the application. No part of any nonrefundable fee shall be returnable to the petitioner.

1. Applications for approval of a private road under this Section shall be reviewed as part of review and approval of a subdivision plat under the provisions of the Land Division Act and any Township subdivision regulations, or a site condominium development under the Condominium Act and Article 13 (Condominium Regulations).

2. Where a private road is proposed to serve lots to be created by metes and bounds lot splits, the private road shall be subject to site plan review and approval in accordance with Section 12.01 (Site Plan Review).

B. Required Information.

At a minimum, an application for approval of a private road under this Section shall include a development plan with the following information:

1. All information required for subdivision plat approval, site condominium development approval, or site plan approval, as applicable to the type of development proposed.

2. An existing conditions survey of the development site, if not otherwise required above, showing lot lines, zoning districts, topography at two (2) foot contour intervals, drainage patterns and improvements, existing road rights-of-way and improvements, utilities, easements, and natural features as regulated by Section 11.05 (Natural Resources Protection).

3. Documentation of compliance with the standards of this Section and applicable Washtenaw County Road Commission standards, including:

    a. Layout of the private road, indicating right-of-way width, connections to adjoining public and private road rights-of-way, intersection alignment(s), and sight distance(s) for intersection(s) of private and public roads.

    b. Paving and drainage plan, with locations of area(s) to be cleared or disturbed during grading and installation of improvements.

    c. Road profile elevations and grades; and proposed utility, drainage, and road right-of-way cross-sections.

    d. Location of private road identification and traffic control signs.

4. Locations of proposed lots and building envelopes, and identification of any potential future land divisions based upon the standards of this Ordinance, other Township ordinances, and applicable state statutes (for information purposes only; plan approval does not give approval of future divisions).

5. Soil borings 500 feet maximum spacing and ten (10) feet minimum depth below grade, shown on plan and profile sheets.

6. Proposed cut and fill locations shall be shown on the plan, along with one (1) or more cross-sections of the site showing proposed cut and fill areas. An estimate of the volume of earth to be moved to or from the site shall be provided, along with details of the planned disposition of waste materials and debris.

C. General Standards.

Private roads in the Township shall conform to the following minimum design standards:

1. All private roads shall be constructed in a good and workmanlike manner upon and parallel to the centerline of a dedicated right-of-way.

2. All private road rights-of-way shall have a minimum width of 66 feet, unless additional right-of-way is required for adequate construction or to conform to applicable Washtenaw County Road Commission standard for the type of road proposed. A dedicated right-of-way shall be provided for all extensions of existing private roads, and where additional lots of record are created on an existing private road that does not have such a dedication.

3. The right-of-way width on curved portions of roads shall be the same as for tangent portions.

4. The minimum distance between private road outlets on a single side of a public road shall be 600 feet.

5. All private roads shall be constructed so as to sufficiently control stormwater runoff and permit effective stormwater drainage and prevent soil erosion. Soil erosion control measures shall be applied as per Washtenaw County standards and specifications.

6. All private road names shall be reviewed by the Township Assessor and Saline Area Fire Chief, and shall be approved by the Township Board and accepted by Washtenaw County.

7. Identification and traffic control signage shall conform to the Michigan Manual of Uniform Traffic Control Devices and Washtenaw County Road Commission standards. Such signs shall be installed prior to any permits or certificates being issued on the property.

8. All private road design and construction shall conform to applicable Township and Washtenaw County Road Commission engineering standards.

9. Drainage swales, stormwater management facilities, culverts, soil erosion treatments, and other improvements shall conform to applicable Township and Washtenaw County design and engineering standards.

    a. The right-of-way and roadway shall be adequately drained so as to prevent flooding or erosion of the roadway.

    b. Open swale drainage systems located within the right-of-way shall be preferred to enclosed storm sewers where applicable governmental standards and site conditions permit.

10. Private roads shall be laid out to the greatest extent feasible to achieve the following objectives (listed below in order of priority, as it is recognized that some may conflict with others on any given site).

a. On soils not classified as hydric or wetland soils by the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS).

b. Along fencerows or the edges of the open fields adjacent to any woodlands (to reduce impact upon agriculture or forestry uses and shelter from winter winds, and to enable new construction to be visually absorbed by natural landscape features).

c. On areas not considered prime or unique farmlands or in areas considered as prime forestland soils on a national or regional basis.

d. In locations least likely to impact scenic vistas, as seen from public roads.

D. Specific Standards.

Two (2) classes of private roads are hereby established and recognized under this Section. Such private roads shall be subject to the following standards by class, in addition to the general standards for all private roads specified in Section 11.07C (General Standards):

1. **Class A private road.** A private road serving or to serve more than twelve (12) lots shall be considered a "Class A" private road subject to the road design, construction and paving standards required by the Washtenaw County Road Commission for equivalent public roads.

2. **Class B private road.** A private road serving up to twelve (12) lots shall be considered a "Class B" private road subject to the road design, construction and paving standards required by the Washtenaw County Road Commission for equivalent public roads, except as follows:

   a. Where the proposed road grade shall not exceed three (3%) percent, the Planning Commission may approve an unpaved Class B private road with a driving surface consisting of Michigan Department of Transportation (MDOT) certified road grade gravel to a minimum depth of six (6) inches.

   b. The Planning Commission may approve a reduced driving surface with a minimum width of 18 feet with gravel shoulders. The required road base and sub-base materials shall extend a minimum of six (6) feet beyond the edges of the driving surface. The pavement shall be flush with the shoulder elevation.

   c. The Planning Commission may approve a cul-de-sac turnaround area with a minimum right-of-way radius of 66 feet and a minimum driving surface radius of 50 feet. A landscaped island may be provided within the cul-de-sac, provided that the driving surface width is not less than 18 feet wide at any point.

   d. Maximum sustained road grades for a Class B private road shall not exceed seven percent (7%).

e. A Class B private road shall have a maximum length of 1,500 feet.

E. Maintenance Agreement.

Each private road shall have a road maintenance agreement that provides for the perpetual private maintenance of the road and associated improvements to a necessary and reasonable standard to serve the several interests involved. All parcels accessing or associated with the private road shall be part of the agreement.

1. **Maintenance responsibility.** Maintenance of a private road shall be the responsibility of the owners of the parcels accessing or associated with the private road. Should the Township incur costs for the maintenance or improvements to the road for any reason, the private road property owners shall be jointly and severally liable for reimbursing the Township for such costs.

2. **Minimum agreement contents**. The maintenance agreement shall contain the following minimum provisions:

   a. Provisions that maintenance of the roads shall include but not be limited to the filling of potholes, regrading of driving surfaces and swales, maintenance of drainage and other improvements, and the placement of gravel, and repaving, patching, or sealcoating paved surfaces as necessary to enable the parcel owners to use the roads for ingress and egress to the parcels.

   b. A method for one (1) or more property owners or any homeowners' association to initiate and manage such maintenance on an ongoing basis.

   c. A method for financing and apportioning the costs of maintenance and improvements among the private road property owners, collecting such costs, paying contractors or others for performing such work, and imposing penalties for failure to comply with the terms of the agreement. Each parcel owner shall be liable for an equal prorata portion of the actual costs of maintenance work performed.

   d. Provisions that the owners of any and all the property using the right-of-way shall refrain from prohibiting, restricting, or interfering with normal ingress and egress and use by any other owners or their family, guests, or invitees; contractors and skilled trades workers; and emergency, utility, and other public vehicles and personnel bound to or returning from any of the properties having a right to use the road.

   e. Provisions authorizing that, if repairs and maintenance are not made, the Township Board may take action to bring the road up to the design standards specified in this Ordinance, and to assess owners of the parcels on the private road for the actual cost of such improvements plus an administrative fee equal to twenty five percent (25%) of the amount of such costs.

F. Development Agreement.

In accordance with Section 11.03 (Development Agreement), an agreement shall be entered into between the Township and the owner(s)/developer(s) following final approval of the subdivision plat, site condominium plan, or site plan for the private road, and prior to the commencement of any site work or construction.

1. **Minimum contents.** In addition to the applicable requirements of Section 11.03 (Development Agreement), the development agreement for a private road shall include the following provisions:

   a. **Performance guarantee.** The agreement shall include the terms and amount of any performance guarantee per Section 1.08C (Performance Guarantees).

   b. **Inspections.** The agreement shall establish the amount to be deposited as an escrow with the Township Treasurer to cover the costs of Township inspections during construction, per Section 11.07G (Inspections and Certification of Completion).

   c. **Disclosure statement deed restriction.** A disclosure statement shall be placed in a deed restriction that is recorded for any parcels serviced by a private road before each parcel is sold. The statement shall inform the purchaser that the road abutting or servicing the parcel is private and is not required to be maintained by any government agency, and that no public funds of Saline Township are to be used to build, repair or maintain the private road. The statement shall also inform the purchaser that the parcel is subject to the provisions of a private road maintenance agreement.

   d. **Right-of-way dedication.** A statement that the private road right-of-way shall be recorded in the Washtenaw County Register of Deeds office.

   e. **Approved plan.** The approved subdivision plat, site condominium plan, or site plan for the private road shall be included in the development agreement as an exhibit.

   f. **Maintenance agreement.** The private road maintenance agreement, as required per Section 11.07E (Maintenance Agreement), shall be included in the development agreement as an exhibit.

2. **Recording.** Proof of recording of the development agreement, maintenance agreement, private road right-of-way dedication, and all required disclosure statement deed restrictions shall be provided to the Township Clerk.

G. Inspections and Certification of Completion.

All required improvements shall be inspected during construction. The Township may hire a civil engineer or other consultant(s) to perform such inspections. All costs of

Township inspections shall be paid by the applicant prior to the issuance of the certificate of completion. Such inspections shall be subject to the following:

1. At a minimum, required inspections shall be required for grading and land balancing, sub-base and base, driving surface, and drainage improvements.

2. The applicant shall be responsible for contacting the Zoning Inspector to request such inspections. The applicant shall give the Zoning Inspector a minimum of three (3) calendar days notice when requesting an inspection.

3. The Zoning Inspector has the right to reject the work and issue a stop work order if there is evidence that the road is not being constructed according to approved plans, or if a contractor of contractors equipment creates any unnecessary disturbance beyond the limits shown on the approved plans.

4. A final inspection shall be required upon completion of construction. Before the final inspection, the applicant's engineer shall submit as-built plans and shall certify in writing to the Zoning Inspector that all required improvements were made in accordance with this Ordinance, the approved plan, and any conditions of approval.

5. Upon receipt of the following, the Zoning Inspector shall certify that the private road is complete:

    a. Proof of recording and copies of all recorded documents;

    b. As-built plans and certification from the applicant's engineer that that all required improvements were made in accordance with this Ordinance and all approved plans; and

    c. Approved final inspection report(s) from the Zoning Inspector or designated Township consultant(s).

I. Compliance Required.

Failure to comply with any provision of this Section, approved plans, conditions of private road approval, or the approved development and maintenance agreements shall be a violation of this Ordinance subject to Section 1.09 (Violations and Penalties). No permits or certificates of zoning compliance shall be issued for work on parcels bound by this agreement until the violation has been corrected.

The parcel owners responsibility and liability for road maintenance shall cease only after a private road right-of-way or portion thereof has been brought up to full Washtenaw County Road Commission standards for public roads, dedicated and conveyed for unrestricted public use, and accepted by the Washtenaw County Road Commission for maintenance purposes.

Section 11.08 Building Form and Composition.

The composition, orientation, and form of new construction and new buildings occupied or intended to be occupied by OFFICE, SERVICE, AND COMMUNITY USES and COMMERCIAL USES in the Township shall be subject to the following:

A. Purpose.

The quality of building design, placement, and composition is essential to provide a comfortable, human-scale environment in the Township, and maintain the Township's attractiveness and economic vitality. Accordingly, it is the purpose of this Article to:

1. Maintain the visual environment, protect the general welfare, and ensure that the Township's property values, appearance, character, and economic well-being are preserved through minimum composition and placement standards;

2. Encourage creativity, imagination, innovation, and variety in architectural design and building composition; and

3. Reinforce and support a healthy, pedestrian-oriented development pattern in the Township's business areas through complementary and appropriate use of scale, massing, and architectural details.

B. Scope.

This Section is not intended to supercede or supplant established building and fire code regulations, nor to regulate the quality, durability, maintenance, performance, load capacity, fire resistance characteristics or workmanship of building materials. The provisions of this Section shall only apply to new construction and new buildings occupied or intended to be occupied by OFFICE, SERVICE, AND COMMUNITY USES and COMMERCIAL USES subject to review per Section 12.01 (Site Plan Review).

C. Requirements.

Building construction and other work subject to the provisions of this Section shall comply with the following general requirements:

1. **Façade variation.** Building façade walls exceeding 100 feet in length shall be subdivided into bays through the location and arrangement of architectural features and design variations; including but are not limited to projections, bays, recesses, enhanced façade materials and architectural detailing, and variations in building height, roof forms, and window patterns (see illustration).

2. **Public entrances.** Buildings shall have at least one (1) public entrance facing a road right-of-way. Additional public entrances shall be permitted on the rear or side facade, including primary access to other uses in a multi-tenant building.

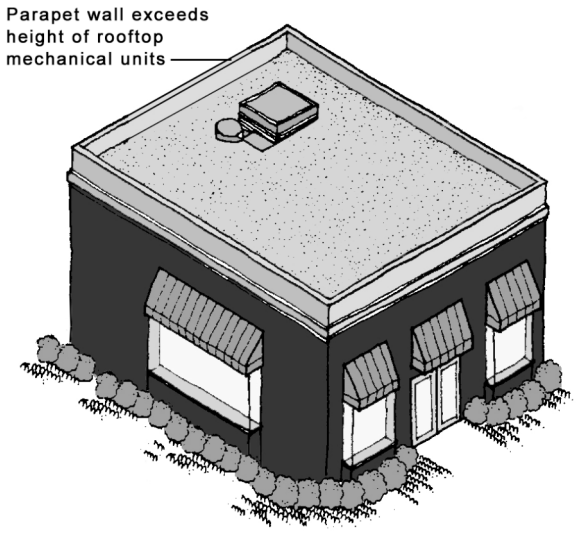
3. **Rear façade.** All sides of a building shall be complementary in design, details, and materials. Side and rear facades shall include building materials and architectural features similar to those present on the front facade of the building.

4. **Roof-top equipment screening.** Roof-top mechanical equipment, HVAC systems, exhaust stacks, elevator housings, and other equipment shall be screened from public rights-of-way and adjacent uses by a parapet wall or similar device that exceeds the height of the roof-top equipment and extends around all sides of the building (see illustration).

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

ILLUSTRATIONS

Facade Variation



Roof Design

Section 11.09 Solar Energy Systems

A. Intent.

Saline Township promotes the effective and efficient use of solar energy systems. It is the intent of the Township to permit these systems by regulating their siting, design, and installation to protect public health, safety, and welfare, and to ensure their compatibility with adjacent land uses. Solar energy systems, as defined herein, are only permitted as authorized by this Section.

B. Definitions.

1. **Ancillary Solar Equipment** shall mean any accessory part or device of a solar energy system that does not require direct access to sunlight, such as batteries, electric meters, converters, or water heater tanks.

2. A **Solar Collector Surface** shall refer to any part of a solar energy system that absorbs solar energy for use in the system's transformation process. The collector surface does not include frames, supports, and mounting hardware.

3. **Solar Energy** shall mean radiant energy received from the sun that can be collected in the form of heat or light by a solar energy system.

4. A **Solar Energy System (SES)** shall mean a system (including, as parts, solar collectors and ancillary solar equipment) either affixed to a permanent principal or accessory building or functioning as a freestanding structure, that collects, stores, and distributes solar energy for heating or cooling, generating electricity, or heating water. Solar Energy Systems shall include, but are not limited to, photovoltaic (PV) power systems and solar thermal systems.

    a. A **Personal-Scale SES** shall mean a solar energy system that is an accessory to the principal use on the site. The total surface area of all solar collector surfaces on a personal-scale SES shall not exceed 1,500 square feet. The sale and distribution of excess available energy, if permitted, to an authorized public utility for distribution shall be incidental to this type of system, and shall not serve as its primary purpose. Sale of excess energy to anything other than an authorized public utility shall be prohibited.

    b. A **Utility-Scale SES** shall mean a solar energy system that meets one or more of the following:

        i. Primarily used for generating electricity for sale and distribution to an authorized public utility; and/or
        ii. The total surface area of all solar collector surfaces exceeds 1,500 square feet; and/or
        iii. Does not serve as an accessory use or structure.

    c. A **Building-Mounted SES** shall mean a solar energy system affixed to a permanent principal or accessory building.

    d. A **Ground-Mounted SES** shall mean a freestanding solar energy system that is not attached to and is separate from any building on the subject parcel.

C. Standards for Personal-Scale SES

Personal-scale SES shall be permitted as an accessory use/structure in all zoning districts, subject to the following standards:

1. Application for Certificate of Zoning Compliance

   Except as stated in Section 11.09.C.2 below, a property owner shall obtain a certificate of zoning compliance prior to constructing a personal-scale SES. An application for a certificate of zoning compliance shall include the following:

   a. Photographs of the property's existing conditions.

   b. Renderings or catalogue cuts of the proposed solar energy system.

   c. Plot/sketch plan to indicate where the solar energy system is to be installed on the property (or, if building-mounted, the system's location on a permanent building), including property setbacks and the total solar collector surface area.

   d. Elevations showing the height of the solar energy system.

      i. For ground-mounted SES, the height of the system above ground to its tallest point.
      ii. For pitched roof-mounted SES, the highest finished height of the system and the height of the finished roof surface on which it is mounted.
      iii. For flat roof-mounted SES, the highest finished height of the system and the highest point of the roof, including any parapets on the building.

   e. Description of the screening to be provided for ground or building-mounted SES.

2. Exclusions from Certificate of Zoning Compliance for Personal-Scale SES

   The following situations do not require a certificate of zoning compliance, but shall still comply with all other standards of Section 11.09:

   a. The installation of one (1) building-mounted SES with a total solar collector surface area of less than eight (8) square feet.

   b. The installation of one (1) ground-mounted SES with a height of less than six (6) feet and a solar collector surface of less than eight (8) square feet.

   c. Repair and replacement of existing solar energy equipment, provided that there is no expansion of the size or coverage area of the SES.

3. Ground-Mounted Personal-Scale SES

   Ground-mounted, personal-scale SES shall be subject to the following standards:

a. **Setbacks.** In all zoning districts, ground-mounted SES shall be located only in the rear or side yard and shall conform to the setback requirements of Article 3 (Dimensional Standards).

b. **Height.** Ground-mounted SES shall not exceed sixteen (16) feet in height, measured from the ground at the base of the system to its highest point.

c. **Attachment.** SES shall be permanently and safely attached to the ground. Proof of the safety and reliability of the means of attachment shall be submitted in the form of certification by a professional engineer or other qualified person.

d. **Installation and Maintenance.** SES shall be installed, maintained, and used only in accordance with the manufacturer's directions. A copy of such directions shall be submitted with the application for the certificate of zoning compliance

e. **Visual Impact.** The SES shall not have a significant adverse impact on the natural features or neighborhood character of the surrounding area and shall be located to minimize glare on adjacent properties and roadways.

f. **Compliance with Additional Codes.** SES, and the installation and use thereof, shall comply with the Township/State construction code, the electrical code, and other applicable Township and State codes. Installation of a SES shall not commence until all necessary permits have been obtained.

4. **Building-Mounted, Personal-Scale SES.** Building-mounted, personal-scale SES shall be subject to the standards of Section 11.09.E, in addition to the standards contained within this Section.

5. **Ancillary Solar Equipment.** Where feasible, ancillary solar equipment shall be located inside of a building or shall be screened from public view. All ancillary solar equipment such as, but not limited to, water tanks, supports, and batteries, shall be screened to the maximum extent possible without compromising the effectiveness of the SES. When solar storage batteries are included as part of the SES, they must be placed in a secure container or enclosure meeting the requirements of the State Building Code and, when no longer in use, shall be disposed of in accordance with applicable laws and regulations.

D. Standards for Utility-Scale SES

Utility-scale SES may be permitted as a special use and only within the A-1, Agricultural-Conservation, I-1, Industrial-Research, and PSP, Public/Semi-Public Services districts, subject to the following standards.

1. Special Use Approval Required

a. Prior to the construction of a utility-scale solar system, an application for a special use permit must be filed and approved by the Planning Commission. The Planning Commission shall review the special use based on the provisions of this Section as well as the standards of Section 12.02.

b. The construction and operation of all utility-scale solar systems shall be consistent with all applicable local, state and federal requirements. All buildings and fixtures forming part of a utility-scale SES shall be constructed in accordance with the Michigan Building Code.

c. No utility-scale SES shall be constructed, installed, or modified as provided in this section without first obtaining all applicable permits.

d. Applications to build a utility-scale SES in Saline Township must be accompanied by the fees required for a special use permit and site plan review.

e. No utility-scale SES shall be approved until evidence has been provided to the planning commission that the owner has been approved by the authorized utility company to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

2. Standards for Ground-Mounted Utility-Scale SES

a. **Setbacks.** Utility-scale SES shall be set back at least one-hundred (100) feet from road right-of-way lines and all property lines.

b. **Height.** Utility-scale ground-mounted SES shall conform to the maximum height standards of the zoning district in which it is located.

c. **Minimum Lot Area.** Minimum lot area for a utility-scale SES shall be five (5) acres.

d. **Lighting.** On-site lighting shall meet the standards of Article 10 of the Zoning Ordinance.

e. **Signage.** Signs shall comply with the requirements of Article 9 of the Zoning Ordinance.

f. **Utility Connections.** All utility connections from the SES shall be placed underground, depending on site conditions any requirements of the utility provider. The Planning Commission may waive this requirement upon written confirmation from the utility provider that a connection cannot feasibly be constructed underground.

g. **Screening.** Where a utility-scale SES is located adjacent to a residentially-zoned or used lot, side and rear yard screening may be required as determined by the Planning Commission to address specific site needs at the time of site plan review. Solar panels shall be placed such that concentrated radiation or solar glare shall not be directed onto nearby properties or roadways. When deemed appropriate, the Planning Commission may require a report from a registered civil engineer or other professional to address this issue.

3. **Building-Mounted SES.** Building-mounted, utility-scale SES shall be subject to the standards of Section 11.09.E, in addition to the standards contained within this Section.

4. Other Special Use Permit Requirements for Utility-Scale SES

a. **Site Control.** The applicant shall submit information regarding construction vehicle access routes.

b. **Operation and Maintenance Plan.** The applicant shall submit a plan for the operation and maintenance of the SES, which shall include measures for maintaining safe access to the installation, storm water controls, and general procedures for operational maintenance of the installation.

c. **Emergency Services.** Upon request by Saline Township, the owner/operator of the SES shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the SES shall be clearly marked. The owner/operator shall identify a responsible person for public inquiries throughout the life of the installation. An information sign shall be posted and maintained at the site entrance(s) which lists the name and phone number of the operator.

d. **SES Maintenance.** The utility-scale SES owner/operator shall maintain the facility in good condition. Maintenance shall include, but shall not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to local emergent response personnel. The owner/operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s).

e. **Site Clearing.** Clearing of natural vegetation shall be limited to what is necessary for the construction, operation, and maintenance of the installation.

5. Abandonment or Decommissioning

a. Any utility-scale SES which has reached the end of its useful life or has been abandoned consistent with this Section shall be removed, and parcel owners shall be required to restore the site to its original condition. The owner/operator shall physically remove the installation no more than one-hundred and fifty (150) days after the date of discontinued operations. The owner/operator shall notify the Township and the Planning Commission (by certified mail) of the proposed date of discounted operation and of plans for removal.

b. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the utility-scale SES shall be considered abandoned when it fails to operate for more than one (1) year. If the owner/operator fails to remove the installation in accordance with the requirements of this Section within 150 days of abandonment or the proposed date of decommissioning, Saline Township is permitted to enter the property and physically remove the installation.

c. Decommissioning shall consist of:

i. Physical removal of all utility-scale SES, structures, equipment, security barriers, and transmission lines from the site.
ii. Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations.
iii. Stabilization or re-vegetation of the site as necessary to minimize erosion.

d. **Ancillary Solar Equipment.** Where feasible, ancillary solar equipment shall be located inside of a building or shall be screened from public view. All ancillary equipment such as, but not limited to, water tanks, supports, batteries, and plumbing, shall be screened to the maximum extent possible without compromising the effectiveness of the solar collectors. When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the State Building Code and, when no longer in use, shall be disposed of in accordance with applicable laws and regulations.

e. **Financial Surety.** The applicant for a utility-scale SES shall provide a form of surety, either through an escrow account or bond, to cover the cost of removal in the event Saline Township must remove the installation; the amount of surety shall be determined by the Planning Commission, but shall not exceed more than 125 percent of the cost of removal. The applicant shall submit a fully-inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs associated with inflation.

E. Standards for all Building-Mounted SES

Personal-scale and utility-scale building-mounted SES shall be subject to the following standards:

a. **Height.** SES that are mounted on the roof of a building shall not project more than five (5) feet above the highest point of the roof and, in any circumstance, shall not exceed the maximum building height limitation for the zoning district in which it is located, and shall not project beyond the eaves of the roof.

b. **Weight.** SES mounted on the roof of a building shall be only of such weight as can be safely supported by the roof. Proof thereof, in the form of certification by a professional engineer or other qualified person, shall be submitted to the Township Zoning Administrator prior to installation.

c. **Attachment.** SES that are roof-mounted, wall-mounted, or are otherwise attached to a building or structure shall be permanently and safely attached to the building or structure. Proof of the safety and reliability of the means of attachment shall be submitted to the Zoning Administrator prior to installation.

d. **Wall-Mounted SES.** SES that are wall-mounted shall not exceed the height of the building wall to which they are attached.

e. **Installation and Maintenance.** SES shall be installed, maintained and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to the Township Zoning Administrator prior to installation.

f. **Visual Impact.** The SES shall not have a significant adverse visual impact on the natural features or neighborhood character of the surrounding area and shall be located to minimize glare on adjacent properties and roadways. SES that are visible from the street must be either composed of building-integrated components (such as solar shingles) that are not readily evident, or shall be designed and mounted to match the shape, proportions, and slope of the roof.

g. **Compliance with Additional Codes.** SES, and the installation and use thereof, shall comply with the Township/State construction code, the electrical code, and other applicable Township and State codes. Installation of a SES shall not commence until all necessary permits have been issued.

F. Solar Access

The Township makes no assurance of solar access other than the provisions contained within this Section. The applicant may provide evidence of covenants, easements, or similar documentation for abutting property owners providing access to solar energy for the operation of a solar energy system.