

CHARTER TOWNSHIP  
OF YPSILANTI  
PLANNING COMMISSION

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**JASON IACOANGELI  
SALLY RICHIE  
LAURENCE KRIEG  
STAN ELDRIDGE  
GLORIA PETERSON  
BILL SINKULE  
MUDDASAR TAWAKKUL**

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**January 14, 2020**

**Regular Meeting – 6:30 p.m.**

**Ypsilanti Township Civic Center  
7200 S. Huron River Drive  
Ypsilanti, MI 48197**

# CHARTER TOWNSHIP OF YPSILANTI

## PLANNING COMMISSION

7200 S. Huron River Drive, Ypsilanti, MI 48197

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### **REGULAR MEETING AGENDA**

**TUESDAY, JANUARY 14, 2020**

**6:30 P.M.**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF THE TUESDAY, DECEMBER 10, 2019 REGULAR MEETING MINUTES
4. APPROVAL OF AGENDA
5. PUBLIC HEARINGS AND PLAN REVIEW
  - A. NONE
6. OLD BUSINESS
  - A. NONE
7. NEW BUSINESS
  - A. **DRAFT ZONING ORDINANCE AMENDMENT DISCUSSION** – TO DISCUSS THE DRAFT ZONING ORDINANCE AMENDMENT TO LIMIT MEDICAL MARIHUANA DISPENSARIES AND NURSERIES TO THE I-C, INDUSTRIAL COMMERCIAL, ZONING DISTRICT. THE USE IS CURRENTLY ALLOWED IN THE I-1, LIGHT INDUSTRIAL, AND I-2, GENERAL INDUSTRIAL, ZONING DISTRICTS AS A SPECIAL USE THAT MUST MEET THE PROVISIONS OF ZONING ORDINANCE SECTION 1841.
  - B. **ZONING ORDINANCE REWRITE PROCESS** – TO PROVIDE INPUT ON THE PROCESS FOR THE YPSILANTI TOWNSHIP ZONING ORDINANCE REWRITE.
8. OPEN DISCUSSION FOR ISSUES NOT ON THE AGENDA
  - A. CORRESPONDENCE RECEIVED
  - B. PLANNING COMMISSION MEMBERS
  - C. MEMBERS OF THE AUDIENCE
9. TOWNSHIP BOARD REPRESENTATIVE REPORT
10. ZONING BOARD OF APPEALS REPRESENTATIVE REPORT
11. TOWNSHIP ATTORNEY REPORT
12. PLANNING DEPARTMENT REPORT
13. OTHER BUSINESS
14. ADJOURNMENT

**THERE IS NO WORK SESSION**

# **CALL TO ORDER AND ROLL CALL**

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1. The meeting is called to order by the Planning Commission chair and roll call is taken.

# **APPROVAL OF AGENDA**

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1. Commissioners approve current agenda

**CHARTER TOWNSHIP OF YPSILANTI  
PLANNING COMMISSION  
MINUTES OF THE DECEMBER 10, 2019 REGULAR MEETING**

Chair Jason Iacoangeli called the regular meeting to order at 6:32 pm in the Ypsilanti Township Civic Center Board Room 7200 S. Huron River Drive, Ypsilanti Township.

Commissioners Present: Chair Jason Iacoangeli and Commissioners Bill Sinkule, Laurence Krieg, Sally Richie and Muddasar Tawakkul and Stan Eldridge

Commissioners Absent: Commissioner Gloria Peterson

Others in Attendance: Dennis McLain, Township Attorney; Megan Masson-Minock, Carlisle-Wortman Associates; Matt Parks, OHM Advisors; Elliot Smith, OHM Advisors; Charlotte Wilson, Planning and Development Coordinator

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. APPROVAL OF THE NOVEMBER 26, 2019 REGULAR MEETING MINUTES**

**A motion was made by Commissioner Krieg supported by Commissioner Sinkule to approve the minutes of the November 26, 2019 Regular Meeting. The motion carried unanimously.**

**4. APPROVAL OF AGENDA**

**A motion was made by Commissioner Eldridge supported by Commissioner Richie to approve the agenda. The motion carried unanimously.**

**5. PUBLIC HEARINGS AND PLAN REVIEW**

**A. SPECIAL USE PERMIT – JEFFERY ROTHSTEIN – ANIMAL CLINIC EXPANSION – 5718 WHITTAKER ROAD – TO CONSIDER A SPECIAL USE PERMIT FOR A 1,200 SQUARE FOOT EXPANSION OF AN EXISTING ANIMAL VETERINARY CLINIC FOR A SITE ZONED OS-1, OFFICE SERVICE, LOCATED AT 5718 WHITTAKER ROAD, PARCEL K-11-21-300-034.**

Megan Masson-Minock, Carlisle-Wortman Associates, said the proposed addition would be on the west side of the building in an area that is currently paved and used for parking. Site access would remain off Whittaker Road. She said the clinic never got a special use permit because the zoning came after it was established. Surrounding properties are zoned OS-1, RM-2 and R-3. One tree would have to be removed from the property in order to build. The proposed addition meets all setbacks, height and bulk regulations except for the side setback which is less than 100 feet and is already non-conforming. Site access was reviewed by Washtenaw County Road Commission, the Township engineer and Township fire department and they had no comments. The applicant has proposed a crosswalk across the driveway for non-motorized transportation. The site complies with parking and loading requirements and lighting. The proposed landscaping fits the building and addition follows the intent of the ordinance but does not meet all provisions in the Zoning Ordinance or Tree Protection Ordinance. She said both offer waivers and if granted the applicant would need to plant an additional tree or pay in lieu of to the tree fund. The site plan included a roll off garbage bin location which is what the facility currently uses but a recommended condition is for garbage pick up to be at the curb. She said there are several special land use review standards and Carlisle-Wortman found the use appropriate and complied with the Master Plan. The board could approve, approve with conditions, deny or table. She said they recommend the landscape waiver and reduction of trees and the preliminary site plan and special use permit be approved with conditions.

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Planning Commission Regular Meeting Minutes  
December 10, 2019  
Page 2**

Elliot Smith, OHM Advisors, referenced their letter dated November 19, 2019 and said they recommend approval.

Commissioner Iacoangeli asked if the addition would be connected to sanitary and water and asked if there would be additional costs.

Mr. Smith confirmed the connection and said no costs.

Commissioner Richie asked what a comfort room was, if there would be outdoor trash storage and where drugs would be kept.

Mitchell Harvey, Stonefield Engineering, 607 Shelby Street, Detroit Michigan, said it was a room for animals to calm down in after surgery. He said there would be an area behind the building to store garbage cans and he was not sure where drugs were kept.

Commissioner Sinkule asked if they should require exterior cameras.

Ms. Masson-Minock said the board could make that a condition.

Commissioner Krieg asked how large a small business needed to be before they would need to install a security system.

Commissioner Tawakkul said he believed they needed to have criteria which would take into account the type of business and size.

Commissioner Iacoangeli agreed.

Commissioner Richie asked how long they have been in business.

Mr. Harvey stated since 2005.

Commissioner Krieg said that any business that had narcotics onsite should have a security system. He suggested strongly recommending the clinic install a system.

Commissioner Iacoangeli agreed and said an external camera might not be necessary if a camera was focused on the drug storage area. He asked the applicant and staff to consider cameras before revisions were submitted.

Commissioner Krieg said it looked like a tree would not fit along the street front and asked if one should be required behind the building.

Ms. Masson-Minock said there is no room in the front and even though there is room in back it would not serve a purpose.

Mr. Harvey said they would try to meet the requirements and they would not need to remove the tree in back for fire access because they changed the route.

Commissioner Krieg asked if the applicant conformed.

Ms. Masson-Minock said they would for the Woodland Protection Ordinance but would need a waiver for some landscaping requirements.

**The public hearing opened at 6:56 pm**

No persons wished to speak.

**The public hearing closed at 6:56 pm**

Commissioner Eldridge said he would like cameras to be added as a condition because of narcotics storage.

A motion was made by Commissioner Krieg, supported by Commissioner Sinkule to approve the request for a special conditional use permit for the construction of a 1,200 square foot expansion of an existing animal veterinary clinic for a site zoned OS-1, Office Service, located at 5718 Whittaker Road, Parcel K-11-21-300-034 with the following conditions:

The new addition is constructed according to an approved preliminary site plan.

The motion carried unanimously.

**B. PRELIMINARY SITE PLAN – JEFFERY ROTHSTEIN – ANIMAL CLINIC EXPANSION – 5718 WHITTAKER ROAD – TO CONSIDER A PRELIMINARY SITE PLAN FOR A 1,200 SQUARE FOOT EXPANSION OF AN EXISTING ANIMAL VETERINARY CLINIC FOR A SITE ZONED OS-1, OFFICE SERVICE, LOCATED AT 5718 WHITTAKER ROAD, PARCEL K-11-21-300-034.**

A motion was made by Commissioner Krieg, supported by Commissioner Sinkule to approve the request for a preliminary site plan approval for construction of a 1,200 square foot expansion of an existing animal veterinary clinic for a site zoned OS-1, Office Service, located at 5718 Whittaker Road, Parcel K-11-21-300-034 with the following conditions:

The landscape plan shall meet all requirements of the Zoning Ordinance Section 2108 with the following waivers and reductions:

A) Waiver of additional landscaping beyond what is shown on the submitted site plan that is required by Section 2108 based on a finding that new landscape material would serve no good purpose due to its relation to existing plant material.

A note shall be added to the site plan stating that all trash pickup will be at the curb.

A video surveillance system with a minimum of a 45-day data retention will be installed with special emphasis on the need to protect against loss of narcotics.

A friendly amendment was made by Commissioner Eldridge, supported by Commissioner Sinkule that the system be accessible to law enforcement should they need it. The friendly amendment was accepted.

The motion carried as follows:

Iacoangeli: Yes    Sinkule: Yes    Eldridge: Yes    Tawakkul: Yes    Krieg: Yes  
Richie: Yes

## 6. OLD BUSINESS

None

## 7. NEW BUSINESS

**A. 2019 PLANNING COMMISSIONER REPORT TO THE BOARD – TO CONSIDER SUBMITTING TO THE TOWNSHIP BOARD OF TRUSTEES THE PROVIDED 2019 PLANNING COMMISSION REPORT PURSUANT TO SECTION 19(2) OF THE MICHIGAN PLANNING ENABLING ACT, PA 33 OF 2008 AND SECTION 3C OF THE ADOPTED PLANNING COMMISSION BY-LAWS.**

**A motion was made by Commissioner Richie, supported by Commissioner Krieg to consider submitting the report to the Board of Trustees. The motion passed unanimously.**

**B. ELECTION OF OFFICERS FOR THE 2020 CALENDAR YEAR**

**A motion was made by Commissioner Eldridge, supported by Commissioner Tawakkul to retain the current board in its format as it is today for the 2020 calendar year. The motion passed unanimously.**

Commissioner Richie said the current board works well together.

Commissioner Eldridge agreed.

**C. ADOPTION OF REGULAR PLANNING COMMISSION MEETING DATES FOR THE 2020 CALENDAR YEAR**

Charlotte Wilson, Planning and Development Coordinator, proposed the following dates and times for Planning Commission meetings in 2020:

Work Session: 6:00pm (time subject to change due to length of agenda)

Meeting: 6:30pm

All meetings are held at the Tilden R. Stumbo Civic Center Building, 7200 S. Huron River Drive, Ypsilanti Township.

Tuesday, January 14, 2020  
Tuesday, January 28, 2020

Tuesday, February 11, 2020  
Tuesday, February 25, 2020  
No meeting Tuesday, March 10, 2020  
Tuesday, March 24, 2020

Tuesday, April 14, 2020  
Tuesday, April 28, 2020

Tuesday, May 12, 2020  
Tuesday, May 26, 2020

Tuesday, June 9, 2020  
Tuesday, June 23, 2020

Tuesday, July 14, 2020  
Tuesday, July 28, 2020

Tuesday, August 11, 2020  
Tuesday, August 25, 2020

Tuesday, September 8, 2020  
Tuesday, September 26, 2020

Tuesday, October 13, 2020  
Tuesday, October 27, 2020

Tuesday, November 10, 2020  
Tuesday, November 24, 2020

Tuesday, December 8, 2020  
Tuesday, December 22, 2020

However, Ms. Wilson recommended canceling the December 22, 2020 meeting.

Commissioner Iacoangeli said to leave it on the schedule and if there is no business then it can be canceled.

Commissioner Krieg said he did not recall scheduling a second December meeting in the past.

Commissioner Richie said her concern was the May 26, 2020 meeting which is the day after Memorial Day.

Commissioner Eldridge agreed with Commissioner Iacoangeli.

**A motion was made by Commissioner Sinkule, supported by Commissioner Eldridge to approve the dates as presented. The motion passed unanimously.**

## **8. OPEN DISCUSSION FOR ISSUES NOT ON THE AGENDA**

### **A. CORRESPONDENCE RECEIVED**

None

### **B. PLANNING COMMISSION MEMBERS**

Commissioner Krieg wished all staff a Happy Holidays and said thank you.

### **C. MEMBERS OF THE AUDIENCE**

None

## **9. TOWNSHIP BOARD REPRESENTATIVE REPORT**

Commissioner Eldridge said the Board passed the garbage can budget and first steps for YMCA will take place at next week's meeting.

## **10. ZONING BOARD OF APPEALS REPRESENTATIVE REPORT**

Commissioner Iacoangeli said a fence was built in a front yard without a permit and it exceeded the height limitation but the applicant was not at the meeting so it was tabled.

## **11. TOWNSHIP ATTORNEY REPORT**

None

## **12. PLANNING DEPARTMENT REPORT**

Ms. Masson-Minock said reminded the Commissioners that it was the deadline on comments for the non-motorized plan.

## **13. OTHER BUSINESS**

None

**A motion was made by a Commissioner Eldridge, supported by Commissioner Richie to adjourn the meeting. The motion carried unanimously.**

The meeting was adjourned at approximately 7:06 pm

Respectfully submitted,  
Laura Gough  
OCS Clerk

# **PUBLIC HEARINGS AND SITE PLAN REVIEW**

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# **OLD BUSINESS**

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A. NONE

# **NEW BUSINESS**

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A. NONE



**Carlisle | Wortman**  
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

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**MEMORANDUM**

**To: Charter Township of Ypsilanti Planning Commission**  
**From: Megan Masson-Minock, AICP**  
**Subject: Zoning Ordinance Specific Use Provisions**  
**Date: January 8, 2020**

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Thank you for your input at previous meetings. By February 2020, we hope to bring a draft zoning ordinance for your review. We are currently working the Township Development Committee and the Township attorneys to finalize details for that draft.

At your next meeting, we would like to discuss with you changes to zoning ordinance for specific use provisions, Article 18 of the current Zoning Ordinance. A copy of the current article is attached, as well as the similar article from the Pittsfield Township Zoning Ordinance. Please read over the changes proposed below, the current section and come prepared with any questions or suggestions. We will review this material, answer questions and take comments and then ask you for decisions and guidance at your last meeting in January.

**General Changes**

We would like to make the following overall changes:

- Eliminate specific references to noise levels and rely on the noise standards elsewhere in the Zoning Ordinance.
- Switch larger setback or yard requirements for uses in neighborhoods (places of worship, swimming clubs, etc.) from one size (ex. 80 feet) to a proportion of the setback for the zoning district (1.5 times the minimum front yard setback).
- Move all parking regulations on the number of spaces to parking section. Regulation on location of parking would remain in this Article, when appropriate.
- Eliminate all references to uses being allowed only in certain zoning districts to reduce redundancies with the Zoning Ordinance overall. Uses and districts would be referenced in the Schedule of Uses only.
- Eliminate specific lighting provisions and depend on lighting regulations.

## Sections Proposed for Changes

We feel the following sections should be updated:

- Section 1802 – Home Occupations: The list of allowed home occupations and those not permitted as home occupations needs to be updated or perhaps removed. See Section 11.15 in the Pittsfield Township Zoning Ordinance for an example of home occupation regulations without a listing of permitted home occupations.
- Section 1807 - Colleges and universities: The regulations currently require a minimum lot size of 40 acres and 80 foot setbacks for all yards. We recommend removing these requirements for corridors and making these smaller for other districts. Many institutions of higher learning have smaller, satellite sites or share buildings with other uses.
- Section 1808 – Bed & Breakfasts: We recommend updating regulations with best practices and incorporate short-term rentals where hosts must stay on site with guests into the regulations.
- Section 1812 - Cemeteries: Regulations are appropriate for new cemeteries but do not account for expansion of existing cemeteries or an accessory use to a place of worship. We can investigate best practices for those situations.
- Section 1816 – Convalescent homes and nursing homes: We recommend updating this section based on Section 11.08 of the Pittsfield Zoning Ordinance.
- Sections 1817 & 1837– Retail uses accessory to a high-rise multiple-family dwelling & Accessory retail uses in IRO zoning district: We recommend replacing these sections with incidental sales and service in general. See Section 11.28 of the Pittsfield Township Zoning Ordinance for an example with regulations for incidental sales in wholesale establishments, multiple-family, elderly housing, hospitals and convalescent centers as well as in business, research and industrial parks.
- Sections 1820 & 1821 – Veterinary clinics & hospitals: Based on previous suggestions from the Planning Commission, we would like to add a provision that all narcotics are kept secure in a locked area.
- Section 1822 – Restaurants: We suggest streamlining these regulations so they just deal with setbacks from residential areas, site access and a cross-reference on drive through regulations.
- Section 1825 – Sidewalk and outdoor cafes: We recommend updating these regulations based on Section 11.41 of the Pittsfield Township Zoning Ordinance.
- Section 1826. - Dealership for sale of new or used automobiles, boats, house trailers or rental of trailers and/or automobiles: We recommend updating based on Section 11.33 of the Pittsfield Township Zoning Ordinance.

- Section 1828 - Retail sales of plant material not grown on the site, lawn furniture, playground equipment and/or garden supplies: We recommend updating based on Section 11.29 of the Pittsfield Township Zoning Ordinance.
- Section 1829 – Gasoline service station: We recommend updating based on Section 11.34 of the Pittsfield Township Zoning Ordinance.
- Section 1832 - Temporary sidewalk, outdoor and tent sales for principal use: We recommend updating this section based on Section 11.42 of the Pittsfield Township Zoning Ordinance, which groups these temporary uses as outdoor promotional activities.
- Sections 1834, 1835 & 1857 - Commercial outdoor recreational space for children's amusement parks, miniature golf courses, golf driving ranges and similar uses ; Batting cages, archery ranges and similar activities Outdoor spat ball, simulated war games and similar activities: We recommend consolidating regulations for these uses into a single section for Outdoor Recreation, similar to Section 11.43 of the Pittsfield Township Zoning Ordinance.
- Sections 1844 & 1845– Adult entertainment facilities & Massage establishments: These regulations will be updated based on recent case law. See Section 11.23 of the Pittsfield Township Zoning Ordinance for an example.
- Section 1850 - Wireless communication towers and antennas: We will double check if any updates are needed due to recent federal and state regulations, law or case law.
- Section 1852 - Private or public recreation vehicle campgrounds: Planning staff has received recommended changes from the campground owner in the Township, which has been included in your packet. While these regulations need to be updated, the proposed changes on setbacks from residential uses, and reduction in campsite sizes and size of permanent structures needs additional scrutiny.
- Section 1854 – Sand and gravel extraction: We will double check if any updates are needed due to recent federal and state regulations, law or case law.
- Section 1855 - Farms with sales and entertainment facilities: These regulations seem to have been written with a specific operation in mind. We would like to expand this section to address agricultural commercial and tourism activities in general, like Section 11.04 in the Pittsfield Township Zoning Ordinance.

### **Sections Proposed for Deletion**

We feel the following sections are no longer needed and are proposed for deletion:

- Section 1804 – Farm operations in one-family districts: Farm operations will be moved either into an agricultural zoning district or an agricultural overlay district.
- Section 1831 – Arcades and similar uses: We recommend removal since arcades are rarely built and usually are more in a family-entertainment context, unlike in the 1990's.

January 8, 2020 Memorandum for Ypsilanti Township Planning Commission  
Zoning Ordinance Rewrite

- Sections 1856 - Racetracks (including midget auto and karting tracks) and dirt tracks: We recommend removal since no uses of this nature are currently operating in the Township and this is not a use anticipated in the draft Master Plan.


### **Sections Proposed for Addition**

We recommend the following section be added in the zoning ordinance rewrite to implement the Master Plan:

- **Agricultural Processing and Food Storage, and Community Supported Agriculture:** These uses would only be allowed as accessory uses to farms. See Sections 11.02 and 11.03 of the Pittsfield Township Zoning Ordinance for examples.
- **Senior Assisted and Independent Living:** Regulations for these uses are in other articles of the current zoning ordinance. We recommend consolidating regulations for those uses here and updating per the example of Section 11.06 in the Pittsfield Township Zoning Ordinance.
- **Kennel Regulations/Pet Day Care:** Based on inquiries to the Township Planning Department, we know that businesses of this type have looked for locations in Ypsilanti Township. Pittsfield Township Zoning Ordinance Section 11.16 is an example.
- **Massage Therapy:** The State of Michigan licenses massage therapists but, if not differentiated in the zoning ordinance, this use will fall under message establishments. See Section 11.24 of the Pittsfield Township Zoning Ordinance for an example.

We look forward to a great discussion on January 14! In the meanwhile, do not hesitate to contact me at [mmasson-minock@cwaplan.com](mailto:mmasson-minock@cwaplan.com) or 734-646-3163 with any questions or comments.

Sincerely,



**CARLISLE/WORTMAN ASSOC., INC.**

**Megan Masson-Minock, AICP**

**Planner**

## ARTICLE XVIII. - SPECIFIC USE PROVISIONS

## Footnotes:

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**Editor's note—** Ord. No. 2018-476, § 20, adopted Feb. 20, 2018, repealed art. XVIII, §§ 1800—1804, and enacted a new art. XVIII to read as herein set out. Former art. XVIII pertained to the P-1 vehicular parking districts, and derived from Ord. No. 74, adopted May 17, 1994.

## Sec. 1800. - Intent:

The intent of this article is to provide standards for specific uses, whether regulated as a principal permitted use, accessory use or a special conditional use.

( Ord. No. 2018-476, § 20, 2-20-18)

## Sec. 1801. - Detached single-family dwelling units:

All detached single-family dwelling units shall be reviewed by the building official subject to the following conditions:

- a. Dwelling units shall conform to all applicable township codes and ordinances. Any such local requirements are not intended to abridge applicable state or federal requirements with respect to the construction of the dwelling. Dwelling units shall be constructed to the requirements of the Michigan Construction Code Act of 1972 (Act No. 230 of the Public Acts of Michigan of 1972, as amended) and the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended.
- b. The setbacks, gross floor area and lot coverage of any proposed single-family dwelling unit shall comply with the standards set forth in section 2000.
- c. Dwelling units shall be permanently attached to a perimeter foundation. In instances where the applicant elects to set the dwelling on piers or other acceptable foundations which are not at the perimeter of the dwelling, then a perimeter wall shall also be constructed. Any such perimeter wall shall be constructed of durable materials and shall also meet all local requirements with respect to materials, construction and necessary foundations below the frostline. Any such wall shall also provide an appearance which is compatible with the dwelling and other homes in the area.
- d. Dwelling units shall be provided with exterior finish materials similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.
- e. Dwelling units shall have a roof with a minimum 4:12 pitch and minimum eight-inch eave, and with a drainage system that will collect and concentrate the discharge of storm water or snow away from the sides of the dwelling. The roof shall have wood shake, asphalt or other acceptable shingles, and meet the snow load standards for southern Michigan.
- f. Dwelling units shall be oriented on the lot to be consistent with the configuration of dwelling units on adjacent properties and in the surrounding residential neighborhood. All dwelling units shall have width to depth and depth to width ratio that does not exceed three to one (3:1). All dwelling units shall have a minimum width dimension of 24 feet.
- g. Dwelling units shall be oriented toward the public right-of-way such that the facade that faces the street is manifestly designed as a front facade containing a door, windows and other architectural features customary of the front facade of a residence. There shall be a minimum of two exterior doors with one facing the street. All entrances shall be provided with steps, a stoop or porch that is permanently attached, on a frost depth foundation, either to the perimeter wall.
- h. The dwelling shall contain storage capability in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten percent of the square footage of the dwelling or 100 square feet, whichever shall be less.
- i. Any such home shall be anchored by an anchoring system approved by the township.
- j. The zoning administrator may request a review by the planning commission of any dwelling unit with respect to items d., e. and f., above. The planning commission shall review the proposed dwelling at a hearing where notice of such hearing shall be provided to all occupants of dwellings within 300 feet of the lot to contain the proposed dwelling. The zoning administrator or planning commission shall not seek to discourage architectural variation, but shall seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare and property value of surrounding residential uses and the township at large. In reviewing any such proposed dwelling unit, the zoning administrator may require the applicant to furnish such plans, elevations and similar documentation as the zoning administrator deems necessary to permit a complete review and evaluation of the proposal. When comparing the proposed dwelling unit to similar types of dwelling areas, consideration shall be given to comparable types of homes within 300 feet. If the area within 300 feet does not contain any such homes, then the nearest 25 similar type dwellings shall be considered.
- k. The provisions of this section shall not apply to manufactured homes situated in licensed manufactured housing communities.

( Ord. No. 2018-476, § 20, 2-20-18)

## Sec. 1802. - Home occupations:

Home occupation subject to the following:

- a. No home occupation shall be permitted that:
  - (1) Changes the outside appearance of the dwelling or is visible from the street.
  - (2) Generates traffic, parking, sewerage or water use in excess of what is normal in the residential neighborhood.
  - (3) Creates noise, vibration, glare, fumes, odors or results in electrical interference, or becomes a nuisance.
  - (4) Results in outside storage or display of anything including a sign.
  - (5) Requires the employment of anyone in the home other than one dwelling occupant.
  - (6) Requires exterior building alterations to accommodate the occupation.
  - (7) Occupies more than 20 percent of the ground floor area of the dwelling, or 50 percent of a detached garage.
  - (8) Requires parking for customers or visits for business purposes that cannot be accommodated on the site and/or not exceeding one parking space at curb side on the street.
  - (9) Requires the delivery of goods or the visit of customers before 6:00 a.m. and after 8:00 p.m.
  - (10) Would generate 20 or more customers or visits for business purposes by persons per week.
- b. The following are permitted home occupations provided they do not violate any of the provisions of the previous paragraph:
  - (1) Dressmaking, sewing and tailoring.
  - (2) Painting, sculpturing or writing.
  - (3) Telephone answering.
  - (4) Home crafts, such as model making, rug weaving and lapidary work.
  - (5) Tutoring, limited to four students at a time.

- (6) Computer application not including sale of computers.
- (7) Salesperson's office or home office of a professional person.
- (8) Laundering and ironing.
- (9) Repair of clocks, instruments or other small appliances which do not create a nuisance due to noise, vibration, glare, fumes, odors or result in electrical interference.
- (10) Barbershops and beauty parlors; limited to one operator.
- (11) Dance studios; limited to four students at a time.
- c. The following are prohibited as home occupations:
  - (1) Private clubs.
  - (2) Repair shops which may create a nuisance due to noise, vibration, glare, fumes, odors or electrical interference.
  - (3) Restaurants.
  - (4) Stables or kennels.
  - (5) Tourist homes.
  - (6) Automobile repair or paint shops.
  - (7) Medical marihuana dispensaries.
  - (8) Medical marihuana nurseries.
- d. Any proposed home occupation that is neither specifically permitted by paragraph b. nor specifically prohibited by paragraph c. shall be considered a special use and be granted or denied upon consideration of those standards contained in paragraph a. above and under the procedures specified in section 402.
- e. Home occupations are limited to those who legally reside in the residence.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1803. - Keeping of chickens:

The keeping of up to four hens on those parcels of land separately owned outside the boundaries of either a proprietary, supervisor's plat or site condominium and having an area of not less than one acre; subject to the health and sanitation provisions of the Township of Ypsilanti subject to the following:

- a. The principle use of the property where the hens are to be kept is as a single-family dwelling as defined by the township zoning ordinance.
- b. Hens may only be kept by a person permanently residing at the subject residence.
- c. The keeping of roosters shall be prohibited.
- d. Chickens shall be provided with a secure, well-ventilated, roofed, and lockable structure (heretofore referred to as a "hen house") which shall not exceed 25 square feet in area.
- e. A covered enclosure or fenced enclosure, constructed in a workmanlike manner, shall be erected around the hen house to prevent the hens from leaving the enclosed area.
- f. No enclosure shall be located closer than 20 feet from a property line nor shall it be located closer than 40 feet to any adjacent residential structure.
- g. Both the hen house and the fenced pen, run, or enclosure must be located in the rear yard.
- h. All enclosures for the keeping of chickens shall be constructed or repaired to prevent rats, mice or other rodents from being harbored underneath, within, or within the walls of the enclosure.
- i. All food shall be stored indoor and within a rodent-proof container.
- j. The slaughtering of hens shall be prohibited.
- k. Waste materials (feed, manure and litter) should be disposed of in an environmentally responsible manner. The materials can be composted or bagged and disposed of in the trash. It is not acceptable to pile waste materials on the property.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1804. - Farm operations in one-family residential districts:

Farm operations in residential districts are limited to those parcels of land separately owned outside the boundaries of either a proprietary or supervisor's plat, having an area of not less than five acres, all subject to the Generally Accepted Agricultural Management Practices as adopted by the Michigan Commission of Agriculture and Rural Development.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1805. - Institutional or community recreation centers and nonprofit swimming pool clubs:

Institutional or community recreation centers and nonprofit swimming pool clubs, all subject to the following conditions:

- a. The site shall have at least one property line abutting a major thoroughfare as designated on the major thoroughfare plan, and the site shall be so planned as to provide all access in accordance with section 2118.
- b. Front, side and rear yards shall be at least 80 feet wide, and shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting residential districts.
- c. Off-street parking shall be provided so as to accommodate not less than one-half of the member families and/or individual members. The planning commission may modify the off-street parking requirements in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas, and will therefore be pedestrian. Prior to the issuance of a building permit or zoning compliance permit, bylaws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have bylaws or formal membership, the off-street parking requirement shall be determined by the planning commission on the basis of usage.
- d. Whenever a swimming pool is constructed under this ordinance, said pool area shall be provided with a protective fence, six feet in height, and entry shall be provided by means of a controlled gate.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1806. - Golf courses:

Golf courses, which may or may not be operated for profit, subject to the following conditions:

- a. The site shall be so planned as to provide all access in accordance with section 2118.
  - b. The site plan shall be laid out to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways, and parking areas which will encourage pedestrian and vehicular traffic safety.
- c. In residential zoning districts where golf courses are allowed (R-1 to R-5, RM-1 to RM-4), development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent property. All principal or accessory buildings shall be not less than 200 feet from any property line abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the planning commission may modify this requirement.
- d. Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence, six feet in height, and entry shall be provided by means of a controlled gate.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1807. - Colleges and universities:

Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit, all subject to the following conditions:

- a. Any use permitted herein shall be developed only on sites of at least 40 acres in area, and shall not be permitted on any portion of a recorded subdivision plat.
- b. All access to said site shall be in accordance with section 2118.
- c. No building shall be closer than 80 feet to any property line.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1808. - Bed and breakfasts:

Bed and breakfasts are subject to the following conditions:

- a. Such dwelling units shall conform to all applicable township codes and ordinances.
- b. Such dwellings shall be located only on major or secondary thoroughfares as designated on the township master plan and shall be located on lots or parcels of not less than 12,000 square feet area.
- c. Not more than 49 percent of the total floor space of the dwelling unit may be used for leasable sleeping rooms.
- d. The leasable sleeping rooms shall have a minimum size of 100 square feet for each two occupants with an additional 30 square feet for each additional occupant, not to exceed a maximum of four occupants per room.
- e. Each leasable sleeping room must have a separate operating smoke detector alarm.
- f. Lavatory and bathing facilities must be available to all persons using any leasable sleeping room.
- g. There will be no separate cooking facilities available to persons using any leasable sleeping room.
- h. There will be at least two exits from each level of the dwelling units.
- i. The maximum length of stay for any person using any leasable sleeping room is 14 consecutive days.
- j. Every operator of such dwelling unit must keep a list of the names and addresses of all persons staying at the dwelling unit. The guest register must be available for inspection by township officials at any time.
- k. The operations of the dwelling unit will not be permitted to endanger, offend, or otherwise interfere with the safety or rights of others so as to constitute a public nuisance.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1809. - Public riding and/or boarding stables:

Public riding and/or boarding stables may be permitted in residential districts under the following conditions:

- a. The location, size, and setbacks must comply with the currently adopted Michigan Department of Agriculture and Rural Development Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Facilities.
- b. Manure management must comply with the currently adopted Michigan Department of Agriculture and Rural Development Generally Accepted Agricultural and Management Practices for Manure Management and Utilization.
- c. Ingress and egress to the stable shall be solely through the parcel in question which shall abut a public right-of-way. Adequate off-street parking shall be provided on the site and shall be located at least 100 feet from the perimeter of the site.
- d. Lighting for exterior illumination shall be directed away from and shall be shielded from adjacent residential districts.
- e. A plot plan drawn to scale shall be submitted showing ingress and egress, parking and lighting.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1810. - Private stables:

Private stables may be permitted in residential districts as an accessory use, for not more than one horse on a lot where said lot is not less than four acres in area and provided further, that for each additional horse stabled thereon one acre of land shall be provided. All confinement areas and/or stable buildings shall in all instances be located in the rear yard and shall not be less than 100 feet from any property line.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1811. - Greenhouses and plant material nurseries in one-family residential districts:

Plant material nurseries and greenhouses may be permitted in residential districts subject to the following conditions:

- a. The minimum site size shall be five acres and so located as to provide all ingress and egress directly onto a major thoroughfare.
- b. All required yards shall be not less than 50 feet wide when abutting any R residential district.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1812. - Cemeteries:

Cemeteries may be permitted subject to the following conditions:

- a. The location of the cemetery shall be permitted in any quarter section of an R district when such quarter section does not have more than 51 percent of its land area in recorded plats.
- b. All sides of the cemetery shall be adequately screened from any residential view.
- c. Final approval shall be given contingent on a satisfactory drainage plan approved by the township engineer.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1813. - Seasonal sale of produce on farm operations:

- a. Off-street parking shall be provided with ingress and egress provided to minimize traffic hazards on public streets. Paving of parking areas as required in section 2105 shall not be required; however, parking areas shall be surfaced and maintained in a dustfree condition at all times.
- b. Signs shall be limited to sizes and locations in keeping with section 2009. In addition to sign regulation provided in section 2009, not more than two temporary signs totaling not more than 12 square feet in the aggregate may be utilized.
- c. Any buildings, or structures, to be erected and any produce to be sold in the open shall meet all setback requirements of the district in which it is located.
- d. In those instances where produce is to be sold on a farm property with buildings already in existence on the site, sale of produce may be conducted within existing yards, provided setbacks meet the requirements of the district in which it is located.
- e. All temporary buildings and structures shall be constructed, used, occupied and maintained in compliance with the provisions of the state construction code and all applicable ordinances by the township. Permits shall be issued for six-month periods.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1814. - Institutional farms:

Institutional farms are subject to the following:

- a. A site of not less than 60 acres shall be required.
- b. A frontage of not less than 100 feet on a public road shall be required.
- c. Farming shall be a primary activity conducted on the premises. Not less than 95 percent of such site shall be utilized as open land for crop cultivation.
- d. The site shall be located on a major thoroughfare as designated on the township master plan and such thoroughfare shall have a paved surface.
- e. Buildings shall be located no nearer than 80 feet to any property line.
- f. A landscaped screening area not less than 40 feet wide shall be provided on those sides of the property where homes exist on abutting properties.
- g. Activities which create any of the following impacts beyond the property line of the farm shall be prohibited:
  - (1) Activities which exceed noise levels of 70 decibels at the property line.
  - (2) Activities which generate vibration felt at the property line.
  - (3) Activities which generate electronic interference beyond the property line.
  - (4) Lighting of an intensity greater than for normal farming activities.
- h. Farming activities that normally produce effects felt beyond the immediate farm property line that are consistent with those effects produced by other farms in the immediate area shall be permitted.
- i. Parking areas shall be provided for all residents, caretakers, instructors and administrative personnel. Visitor parking and parking for any event conducted on the premises shall be provided as off-street parking.
- j. A site plan prepared in accordance with section 2115 shall be drawn to scale and submitted for review under this section.
- k. Landscape screening, where required, shall be provided in accord with section 2108.
- l. Not more than 13 resident patients per acre may reside on that portion of the farm occupied by buildings. The portion of the farm occupied by buildings shall not exceed five percent of the total farm property.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1815. - Keeping of more than four dogs in one-family residential districts:

The keeping of more than four dogs owned by the resident of a property as pets not boarded for others subject to the following conditions:

- a. All dogs shall be licensed per chapter 14, article III of the Code of Ordinances of the Charter Township of Ypsilanti.
- b. A nontransferable permit shall be required stating dog ownership and the number of dogs to be kept. The permit shall be required to be renewed annually. Such renewal may be given by the building official provided no increase in number of dogs or violation of any provision of this ordinance or other ordinances has occurred in the prior year or is evident at the time of renewal.
- c. The yard area in which dogs are allowed to run shall be securely fenced and shall not be placed in such a location as to become a nuisance to abutting properties or the neighborhood.
- d. Outdoor areas in which dogs are kept shall be kept free of dog droppings, decayed food and odors. Noticeable odors or an excessive accumulation of insects shall be reason for revocation of the special permit.
- e. A plot plan shall be submitted showing the location and fencing of the outdoor areas in which dogs are kept and showing the relationship to public streets, abutting properties and buildings on abutting properties.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1816. - Convalescent homes and nursing homes:

Convalescent homes or nursing home must meet following conditions:

- a. The site shall be so developed as to create a land to building ratio on the lot or parcel whereby for each one bed in the convalescent home there shall be provided not less than 1,500 square feet of open space. The 1,500 square feet of land area per bed shall provide for landscape setting, off-street parking, service drives, loading space, yard requirements, employee facilities, and any space required for accessory uses. The 1,500 square foot requirement is over and above the building coverage area.
- b. No building shall be closer than 40 feet to any property line.
- c. Convalescent or nursing homes in the town center districts are not subject to the above regulations.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1817. - Retail uses accessory to high-rise multiple-family dwelling:

Business uses shall be permitted on a high-rise multiple-dwelling site when developed as retail and/or service uses clearly accessory to the main use, within the walls of the main structure, and totally obscured from any exterior view. No identifying sign for any such business and/or service use shall be visible from any exterior view. Such businesses and/or services shall be prohibited on all floors above the first floor or grade level.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1818. - Mortuary establishments:

Mortuary establishments must provide adequate assembly area off-street for vehicles to be used in funeral processions, provided further that such assembly area shall be provided in addition to any required off-street parking area. A caretaker's residence may be provided within the building of mortuary establishments.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1819. - Private clubs, fraternal organizations and lodge halls in the OS-1 district:

Private clubs, fraternal organizations and lodge halls in the OS-1 zoning district must meet the following conditions:

- a. The site abuts a major thoroughfare as designated on the township future land use plan.
- b. Access to and from the site can be safely provided to the satisfaction of the county road commission.
- c. No building or parking area shall be located closer than 50 feet to a property line.
- d. All parking shall be screened from view of all abutting residential districts.
- e. Outdoor lighting of a type and location which will not be a nuisance to abutting residential districts shall be provided and any outdoor lighting shall conform with the guidelines set forth in section 2110 of the zoning ordinance.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1820. - Veterinary clinics:

Veterinary clinics, when such use is conducted entirely within an enclosed building. No animal kennels or animal runs shall be allowed outside the principal building. Animal kennels or runs within a principal building shall provide no windows which can be opened to the outside. All buildings are set back at least 100 feet from abutting residential district on the same side of the street.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1821. - Veterinary hospitals:

All activities are conducted within a totally enclosed main building and provided further that all buildings are set back at least 100 feet from abutting residential district on the same side of the street.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1822. - Restaurants:

- a. In the OS-1 and B-1 zoning districts, restaurants must meet the following conditions:
  - (1) Service is wholly within the building and no drive-in facilities are provided.
  - (2) When adjacent to a residential zoning district boundary, the building shall have a minimum setback of 20 feet from the residential zoning district boundary.
  - (3) Parking areas shall be screened from adjacent residential areas in accord with section 2108 and such screening walls shall be constructed of finished materials in harmony with the residential character of abutting residential zones.
  - (4) Outdoor lighting, of a type and location which will not be a nuisance to abutting residential districts, shall be provided. The type of lighting and the location of such lighting shall be included on the plan for review by the planning commission.
  - (5) All access to the site shall be in accordance with section 2118.
- b. In the IRO zoning districts, restaurants or other places serving food and beverages are subject further to the following conditions:
  - (1) Drive-in, fast-food, carry-out or drive-through restaurants are not permitted.
  - (2) The use shall be located within an office structure, hotel or motel building or in a freestanding building within the IRO district directly adjacent to a permitted use in the IRO zoning district.
  - (3) The use is a part of an overall plan for development of not less than 30 acres and shall be part of a service establishment complex for such development.
  - (4) The use shall comprise not more than 20 percent of the land area of an overall development.
  - (5) The location of such uses shall be established at the time of site plan review and approval for the total development complex.
- c. Drive-in and drive-through restaurants must meet the regulations in section 1823.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1823. - Drive-in and drive-through facilities:

- a. The sale of alcoholic beverages via drive-through service is not permitted. The planning commission may include other restrictions on products sold via the drive-through as applicable.
- b. A setback of at least 60 feet from the right-of-way line of any existing or proposed street must be maintained.
- c. Access points shall be located at least 60 feet from the intersection of any two streets.
- d. All lighting shall be shielded from adjacent residential districts.
- e. When abutting or adjacent to districts zoned for R (residential), a six-foot high, completely obscuring wall, fence or landscaping shall be provided. A four-foot six-inch high partially obscuring wall, fence or landscaping shall be required when abutting all other occupancies. The height of the wall/landscaping/fence shall be measured from the surface of the ground. The wall/landscaping/fence shall extend only to the front yard setback line.
- f. The stacking lane for the drive-through shall be located where it does not conflict with on-site circulation or block access to the site and shall promote pedestrian safety.
- g. A bypass lane for vehicles not utilizing drive-through facilities must be provided. Clear identification and delineation between the drive-through facility and the parking lot shall be provided.

Sec. 1824. - Outdoor storage or display of merchandise, goods or items associated with a permitted use:

- a. Such storage shall be strictly and clearly incidental to the principal use and only products and materials owned or produced by the principal business, and equipment owned and operated by the principal use shall be permitted for storage under the subsection.
- b. Location and size.
  - (1) The location and size of areas for such storage, nature of items to be stored therein, and details of the enclosure, including description of materials, height, and typical elevation of the enclosure shall be indicated on a site plan.
  - (2) Such storage shall not be located within the area between the front face of the building, as extended across the entire width of the lot, and to the right-of-way; in any required side or rear yard; or in any required transition strip.
  - (3) Such storage shall not be located in any required parking or loading space.
- c. Screening. The area for such storage shall be screened from view on all sides. Screening shall be constructed of wood or masonry materials. Wire fences with inserted strips of metal, plastic and similar materials shall not be substituted for the required screening. The screen shall not be less than the maximum height of the product being stored.
- d. The outdoor storage or display shall be located in the side or rear yards of the site. Any stockpiles of soils, fertilizer or similar loosely packaged materials shall be sufficiently covered or contained to prevent dust or blowing of materials.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1825. - Sidewalk and outdoor cafes:

Sidewalk or outdoor cafes may be permitted subject to the issuance of a revocable permit to operate a sidewalk cafe or an outdoor cafe as an extension of or compatible with, the existing business on a portion of the public sidewalk or other public area adjacent to the business. The permit may be issued under the following terms and conditions:

- a. Sidewalk or outdoor cafe permits may be issued if it is determined that the occupancy will not:
  - (1) Interfere with the use of the street for pedestrian or vehicular travel.
  - (2) Unreasonably interfere with the view of, access to or use of property adjacent to said street.
  - (3) Reduce any sidewalk width to less than six feet.
  - (4) Interfere with street clearing or snow removal activities.
  - (5) Cause damage to the street or to sidewalks, trees, benches, landscaping or other objects lawfully located therein.
  - (6) Cause a violation of any state or local laws.
  - (7) Be principally used for off-premises advertising.
  - (8) Be attached to or reduce the effectiveness of or access to any utility pole, sign or other traffic control device.
  - (9) Cause increased risk of theft or vandalism.
  - (10) Be in or adjacent to property zoned exclusively for residential purposes.
- b. All businesses selling food or beverages to be consumed in a public sidewalk area or outdoor area adjacent to the business shall enclose the area with a temporary structure approved by the building inspector. All construction shall conform with existing building codes and regulations of the township. Such plans shall also include the location of adequate trash receptacles.
- c. Prior to the issuance of a sidewalk or outdoor cafe permit, the applying business must provide the township with a certificate of liability insurance in an amount to be determined solely by the township. The certificate of insurance must be in effect for at least the period of the permit to be issued. In addition, the applying business shall, by written agreement with the township, indemnify and hold harmless the township from all claims or damages incident to the establishment and operation of a sidewalk cafe.
- d. Prior to the issuance of a permit, a fee as specified from time to time by resolution of the township board, shall be paid by the requesting business for the period of the permit. The period of a sidewalk or outdoor cafe permit shall not exceed 180 days. The dates and duration shall be specified on the permit. The permit shall be subject to immediate revocation for failure to properly maintain the area being used as a sidewalk or outdoor cafe, or for any other violation of this section or any other section.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1826. - Dealership for sale of new or used automobiles, boats, house trailers or rental of trailers and/or automobiles:

1. Outdoor sales space for sale of new or used automobiles, boats, house trailers or rental of trailers and/or automobiles, all subject to the following:
  - a. The lot or area shall be provided with a permanent, durable and dustless surface, and shall be graded and drained as to dispose of all surface water accumulated within the area.
  - b. Access to the outdoor sales area shall be at least 60 feet from the intersection of any two streets.
  - c. No major repair or major refinishing shall be done on the lot.
  - d. All lighting shall be shielded from adjacent residential districts.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1827. - Motels:

Motels are subject to the following conditions:

- a. Access shall be provided so as not to conflict with adjacent business uses or adversely affect traffic flow on a major thoroughfare.

- b. Each unit shall contain not less than 250 square feet of floor area.
- c. No guest shall establish permanent residence at a motel for more than 30 days within any calendar year.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1828. - Retail sales of plant material not grown on the site, lawn furniture, playground equipment and/or garden supplies:

Plant materials nursery for the retail sale of plant materials not grown on the site, and sales of lawn furniture, playground equipment and garden supplies subject to the following conditions:

- a. The storage and/or display of any materials and/or products shall meet all setback requirements of a structure.
- b. All loading and parking shall be provided off-street.
- c. The storage of any soil, fertilizer, or other loose, unpackaged materials shall be contained so as to prevent any effects on adjacent uses.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1829. - Gasoline service station:

Gasoline service station for the sale of gasoline, oil and minor accessories only and where incidental repair work is done; provided, however, that other uses permitted and as regulated in the B-3 general business district may be established in conjunction with such gasoline service station, subject to the following conditions:

- a. Gasoline service stations shall directly abut a major thoroughfare as designated in the township's major thoroughfare plan.
- b. The minimum lot area for gasoline service stations shall be 15,000 square feet for stations having no more than two service bays and no more than two pump islands. There shall be added 3,000 square feet for each additional service bay and 1,500 square feet for each additional pump island. At least one street lot line shall be at least 150 feet in length along one major thoroughfare. The lot shall be so shaped and the station so arranged, as to provide ample space for vehicles which are required to wait.
- c. The driveway or curb cuts for access to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be located no less than ten feet from an adjoining property line, 25 feet if adjacent to residential districts, as extended to the curb or pavement. Entrances shall also be no less than 25 feet from an intersection street right-of-way line extended to the curb or pavement.
- d. A four-foot six-inch masonry obscuring wall shall be provided and maintained on those property lines adjacent to or abutting a residential district.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1830. - Minor automotive repair:

Minor automotive repair businesses are subject to the following conditions:

- a. Access to such use shall be directly to a major or collector street or shall be to a minor street which has direct access to an abutting major or collector street.
- b. Access to and from such use shall not be cause for traffic to utilize residential streets.
- c. Outdoor storage of parts or materials shall be prohibited unless such storage is within a fenced and obscured area which meets all setback requirements.
- d. Vehicles shall not be allowed to be stored outside the building for more than 48 hours unless awaiting repair for which a "work order," signed by the owner of the vehicle, is posted in the vehicle so as to be visible from outside the vehicle.
- e. Areas for off-street parking required for customer use shall not be utilized for the storage of vehicles awaiting repair.
- f. All vehicle servicing or repair, except minor repairs such as, but not limited to, tire changing and headlight changing, shall be conducted within a building.
- g. Suitable containers shall be provided and utilized for the disposal of used parts and such containers shall be screened from public view.
- h. A four-foot, six-inch obscuring wall shall be provided and maintained on those property lines adjacent to or abutting a residential district.
- i. A site plan shall be submitted to the planning commission for its review and approval prior to the issuance of a building permit.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1831. - Arcades and similar uses:

Business whose primary activity is maintaining and operating three or more coin-operated amusement devices which are to provide facilities and space for patrons to engage in the playing of pinball games or similar electronic gaming devices, pool, billiard, cards or similar activities, shall only be permitted in the B-3 districts, subject further to the following requirements and conditions:

- a. The site shall not be contiguous to a one-family residential district.
- b. The site shall be so located as to abut a major thoroughfare right-of-way, and all ingress-egress to the site shall be directly from said major thoroughfare.
- c. No such business shall be located within 1,500 feet of a similar business.
- d. No such business shall be located within 200 feet distance from the front door of the business to the front door of any residence in a residential district.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1832. - Temporary sidewalk, outdoor and tent sales for principal use:

Temporary sidewalk, outdoor and tent sales may be permitted subject to the issuance of a revocable permit to operate a sidewalk, outdoor or tent sales as an extension of or compatible with, the existing business on a portion of the public sidewalk or other public area adjacent to the business. The permit may be issued under the following terms and conditions:

- a. For all uses, the following conditions must be met:
  - (1) Signs shall be limited to sizes and locations in keeping with section 2109.
  - (2) Any buildings, tents or structures to be erected and any product to be sold in the open shall meet all setback requirements of the district in which it is located.
  - (3) All temporary buildings, tents and structures shall be constructed, used, occupied and maintained in compliance with the provisions of the state construction code and all ordinances of the township.
  - (4) Building and fire code requirements shall be complied with.
  - (5) The sale shall not interfere with the use of the sidewalk or street for pedestrian or vehicular travel. Sidewalk width must remain at least six feet wide.
  - (6) The sale shall not unreasonably interfere with the view of, access to or use of property adjacent to the street or neighboring businesses or properties.

- (7) The sale shall not interfere with street clearing or snow removal activities.
  - (8) The sale shall not cause damage to the street or to sidewalks, trees, benches, landscaping or other objects lawfully located on the property.
  - (9) Sales areas shall be located so as to provide adequate access for fire and safety vehicles.
  - (10) A permit shall be required. The proprietor of the property shall apply for a building permit and provide a sketch plan drawn to scale showing the location of the sale, existing and proposed temporary and permanent structures on the entire parcel, parking areas, and parking calculations.
  - (11) Copies of permits required by any other agencies for the use must be included with the permit application.
- b. Seasonal sale of produce from tents, stands or display racks subject to the following conditions:
- (1) Permits may be issued for up to six-month periods.
  - (2) Off-street parking shall be provided in keeping with standards of sections 2104 and 2105. In those instances where usable floor area cannot be effectively measured, the sales space utilized shall be measured as usable floor area.
- c. Sidewalk sales areas may be permitted subject to the following:
- (1) The sidewalk sales area shall abut the building and shall not be placed abutting a parking area or vehicle travelway.
  - (2) Sidewalk sales areas shall not be fenced or enclosed in any manner.
  - (3) Sidewalk sales shall be conducted for no more than 14 consecutive days and permits shall not be issued for consecutive tent sales beyond a 14-day period.
- d. Tent sales may be permitted subject to the following:
- (1) No more than three tent sales shall be permitted for a business location within a single calendar year.
  - (2) A tent sale shall be conducted for no more than 14 consecutive days and permits shall not be issued for consecutive tent sales beyond a 14-day period.
  - (3) Tent sales when proposed to be conducted on parking areas shall not reduce required parking spaces by more than 15 percent.
  - (4) All tents shall be removed within 48 hours of expiration of the period for which the permit is issued.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1833. - Automobile car wash:

Automobile car wash are subject to the following:

- a. All buildings shall have a front yard setback of not less than 50 feet.
- b. All washing facilities shall be within a completely enclosed building.
- c. Vacuuming and drying areas may be located outside the building but shall not be in the required front yard and shall not be closer than 25 feet from any residential district.
- d. All cars required to wait for access to the facilities shall be provided space off the street right-of-way and parking shall be provided in accordance with sections 2104 and 2105.
- e. Ingress and egress points shall be located at least 60 feet from the intersection of any two streets.
- f. All off-street parking and waiting areas shall be hard-surfaced and dustfree.
- g. All lighting shall be shielded and directed away from adjacent residential districts.
- h. A four-foot six-inch completely obscuring wall shall be provided where abutting to a residential district.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1834. - Commercial outdoor recreational space for children's amusement parks, miniature golf courses, golf driving ranges and similar uses:

Commercial outdoor recreational space for children's amusement parks, miniature golf courses, golf driving ranges and similar uses, subject to the following:

- a. All adjacent properties shall be zoned for other than residential or office use.
- b. The use shall be fenced on all sides with a four-foot six-inch wall or fence.
- c. Adequate parking shall be provided off the road right-of-way and shall be fenced with a four-foot six-inch wall or fence where adjacent to the use.
- d. All lighting shall be shielded and directed away from adjacent residential districts or dwellings in close proximity to the site.
- e. Devices for transmission or broadcasting of voices or music shall be directed or muffled to prevent said sound or music from being audible beyond the property line of the site.
- f. A four-foot six-inch completely obscuring wall or fence must be provided where abutting or adjacent to a residential district. The height of the wall shall be measured from the surface of the ground.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1835. - Batting cages, archery ranges and similar activities:

Commercial outdoor recreation facilities such as batting cages, archery ranges and similar activities all subject to the following:

- a. No such activity shall be permitted within 200 feet of any residential dwelling.
- b. The lot or area utilized for recreation activity shall be provided with a durable and dustless surface.
- c. Off-street-parking shall be provided in accord with section 1801 et seq. of this ordinance.
- d. Lighting shall be shielded to be directed only on the activity on the site.
- e. Noise levels shall not exceed 70 decibels at the property line of the site.
- f. Hours of operation shall be limited to 8:00 a.m. to 10:00 p.m.
- g. The planning commission may require setbacks or fencing in order to protect the safety of those on adjacent parcels.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1836. - Smoking lounges:

Smoking lounges subject to the following:

- a. No such business shall be located within 2,500 feet of a similar business.

- b. A valid smoking lounge business license issued by the township clerk for the premises.
- c. A minimum number of off-street parking calculated by utilizing the parking requirements for bars, lounges, taverns, and nightclubs.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1837. - Accessory retail uses in IRO zoning district:

Retail and service uses may be permitted as secondary uses to the principal permitted office uses in the IRO zoning district and are limited to the following uses:

- a. Retail businesses or service establishments.
- b. Personal service establishments, such as but not limited to: repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty parlors or barbershops, laundries or dry cleaners, printing or photographic reproduction, photographic, art or interior decorating studios.
- c. Theaters, bowling alleys, billiard halls, health salons or similar forms of indoor recreation.
- d. Restaurants or other places serving food and beverages, but not including drive-in, fast-food, carry-out or drive-through restaurants and subject further to the following conditions:
  - (1) Such uses shall be located within an office structure or motel building or shall be located in a freestanding building within the IRO district so as to be adjacent to a use designated as being allowed in section 1301, paragraphs 2, 3, 4, 5, 6, or 7.
  - (2) Such use shall be planned as a part of an overall plan for development of not less than 30 acres and shall be part of a service establishment complex for such development.
  - (3) The location of such uses shall be established at the time of site plan review and approval for the total development complex.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1838. - Airports:

Airports subject to all state and federal regulations and subject to all township codes and ordinances and further subject to the following conditions:

- a. An airport shall not be located at the edge of an industrial district which abuts land in the township planned for residential use.
- b. The use shall provide maximum compatibility to abutting uses and to the future land use plan for the immediate area.
- c. Runway location and/or extension shall be reviewed relative to potentials for flight interference in runway approach zones.
- d. Runway location and/or extension shall be reviewed relative to effects on residential areas.
- e. Buildings and structures shall comply with all setback requirements of the I-I district and shall be set back from all runways in accord with all Federal Aviation Agency regulations.
- f. Traffic and parking for the proposed use shall be reviewed to ensure the adequacy of facilities. Parking locations for visitors will be required off the public right-of-way.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1839. - Mini warehouses:

Mini-warehouses and storage buildings for lease to the public including the office and dwelling of a caretaker and subject to the following conditions:

- a. A front yard building setback of not less than 40 feet shall be provided, all of which, except for driveway access, shall be landscaped.
- b. Side and rear yard building setbacks of not less than 40 feet shall be provided. Ten feet of width of such yard shall be planted materials sufficient to screen such yards from abutting uses. Side and rear yards may be reduced to 30 feet of width in those instances where a completely obscuring wall not less than six feet in height is provided along the property line for the entire length of the side and rear yards in place of the ten-foot wide plant material screening.
- c. Building shall be spaced not less than 30 feet apart.
- d. Outdoor storage of recreational equipment as an accessory use may be permitted provided that 85 percent of the site shall be occupied with storage buildings and required yards (setback areas) with not more than 15 percent utilized for outdoor storage of recreational equipment. All outdoor storage areas shall be located only in the rear yard of the site and shall be screened with a completely obscuring masonry wall not less than six feet in height located on the property line where such storage area abuts properties not a part of a mini-warehouse facility. Such outdoor storage area shall not be visible from a public street. All recreational equipment shall be in operable condition and appropriately licensed as may be required for such equipment.
- e. Adequate maneuvering space for fire safety vehicles shall be provided.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1840. - Indoor recreational facility:

- a. All recreational activities shall be conducted within an enclosed building.
- b. Structures shall be set back 100 feet from any abutting residential district, except the planning commission may reduce the setback to 50 feet where the adjacent residentially zoned property is a public park or recreation area.
- c. The off-street parking, passenger loading/unloading and general size layout and its relationship to the surrounding land uses and roads shall be reviewed by the planning commission, who may impose reasonable restrictions or requirements to insure contiguous residential areas will be adequately protected.
- d. A parking study shall be prepared to determine the required number of parking spaces. The study shall indicate to the maximum capacity of the facility, the maximum number of participants that can be involved in the events, with an overlap between two consecutive events, and the maximum number of spectators. Such study shall utilize parking generation estimates based upon the Institute of Transportation Engineers Parking Generation Manual and also a comparison of three similar facilities in the area.
- e. The applicant shall provide documentation showing that the size of the site is adequate, using national facility standards.
- f. Operational hours may be restricted by the planning commission in consideration of adjacent land uses and zoning. All outdoor activities, including floodlighting, public address systems, etc. must cease at 11:00 p.m.
- g. All buildings shall be permanent structures. Inflated domes are not permitted.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1841. - Medical marihuana dispensaries and medical marihuana nurseries:

- a. No medical marihuana dispensary or medical marihuana nursery shall be located within 1,000 feet of any other medical marihuana dispensary or medical marihuana nursery nor

within 1,000 feet of any of the following uses:

- (1) Any church, synagogue, mosque or any house of worship.
  - (2) Any school, public or private, having a curriculum including kindergarten or any one or more of the grades one through 12.
  - (3) Any child care organization.
  - (4) Any public library.
  - (5) Any residentially zoned district or residential use.
  - (6) Any community college, university or professional school.
- b. All activity related to a medical marihuana dispensary or medical marihuana nursery including, but not limited to, growing shall be done indoors in a locked structure.
  - c. Medical marihuana dispensary and medical marihuana nurseries shall be operated in compliance with the provisions of the Michigan Department of Community Health and the Medical Marihuana Act, MCL 333.26421 et seq.
  - d. Smoking, inhalation, or consumption of medical marihuana shall not be allowed on the site of the medical marihuana dispensary or medical marihuana nursery.
  - e. No qualifying patients under the age of 18 shall be permitted in the medical marihuana dispensary or medical marihuana nursery at any time except in the presence of qualifying patient's parent or legal guardian or their primary caregiver.
  - f. No retail sales of drug paraphernalia are permitted at the medical marihuana dispensary or medical marihuana nursery, except to qualifying patients or their primary caregivers.
  - g. Each medical marihuana dispensary or medical marihuana nursery shall display in a manner legible and visible to its clientele:
    - (1) Notice that qualifying patients under the age of 18 are not allowed in the medical marihuana dispensary or medical marihuana nursery except in the presence of his/her parent or legal guardian;
    - (2) No consumption, inhalation or consumption of medical marihuana shall occur within the vicinity of the medical marihuana dispensary or medical marihuana nursery.
  - h. Only operators and their employees, qualifying patients, parents or guardians of qualifying patients under 18 years of age, and their primary caregiver may be permitted to enter a medical marihuana dispensary or medical marihuana nursery for the purpose of obtaining medical marihuana or other goods or products associated with its use.
  - i. Medical marihuana nurseries can grow a maximum of 72 marihuana plants.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1842. - Junkyards:

Junkyards and places for dismantling, wrecking and disposing or salvaging of the junk and or refuse material of agricultural and automotive vehicles, paper, glass and other materials of a similar nature, including processing of materials for recycling, subject to the following conditions:

- a. All ordinances of the township, county and state as applied to these activities are complied with.
- b. No such use shall be allowed within 200 feet of a residential district.
- c. Open burning of materials or the open burning of junk cars shall be prohibited.
- d. Storage areas shall be obscured from public view and the storage area shall be entirely enclosed by an eight-foot obscuring wall or fence.
- e. A site plan in full detail and drawn to scale shall be submitted in accordance with section 2115 of the township zoning ordinance.
- f. A plan shall be submitted showing proposed use of property as it relates to abutting properties where such property abuts a district other than an I-3 industrial district.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1843. - Outdoor theaters:

Outdoor theaters subject to the following conditions:

- a. The proposed internal design shall receive approval from the building official and the township engineer as to adequacy of drainage, lighting and other technical aspects.
- b. All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.
- c. The area shall be so laid out as to prevent the movie screen from being viewed from residential areas or adjacent major thoroughfares. All lighting used to illuminate the area shall be so installed as to be confined within, and directed onto, the premises of the outdoor theater site.
- d. Outdoor theaters shall abut major thoroughfares and points of ingress and egress shall be available only from such major thoroughfare.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1844. - Adult entertainment facilities:

Because minors are excluded from such facilities by virtue of age, the location of such activities shall be limited to I-C industrial commercial districts, subject to the following conditions:

- a. No adult entertainment facility shall be permitted within 1,000 feet of a church or a public or private school property.
- b. No adult entertainment facility shall be permitted within 1,000 feet of a district zoned for residential use.
- c. All other requirements of the I-C district regarding height, area, setback, screening walls, signs, etc., shall be complied with.
- d. The distances provided in this section shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel line upon which the proposed use is to be located or the zoning district boundary, or major thoroughfare right-of-way line from which the proposed land use is to be separated.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1845. - Massage establishments:

Massage establishment subject to the following conditions:

- a. No massage establishment shall be permitted within 1,000 feet of a church or a public or private school property.
- b. No massage establishment shall be permitted within 1,000 feet of a district zoned for residential use.
- c. All other requirements of the I-C district regarding height, area, setback, screening walls, signs, etc., shall be complied with.
- d. The distances provided in this section shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel line upon which the proposed use is to be located or the zoning district boundary line from which the proposed land use is to be separated.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1846. - Pawnbroker, secondhand dealer and junk dealer:

Pawnbroker, secondhand dealer and junk dealer facilities subject to the following conditions:

- a. No pawnbroker, secondhand dealer or junk dealer business shall be permitted within 1,000 feet of a district zoned for residential purposes.
- b. Storage of all pawned property, secondhand goods and junk shall be within an enclosed building or within a secured area located on the zoning lot of the principal building.
- c. The distances provided in this section shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel line upon which the proposed use is to be located or the zoning district boundary, or major thoroughfare right-of-way line from which the proposed land use is to be separated.
- d. A license shall be required in keeping with Charter Township of Ypsilanti Ordinance No. 123 as amended—Pawnbrokers, secondhand dealers and junk dealers regulation ordinance.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1847. - Tattoo facilities:

- a. No tattoo facility shall be permitted within 1,000 feet of a district zoned for residential purposes;
- b. The distances provided in this section shall be measured by the following: a straight line, without regard to intervening buildings, from the nearest point of the property parcel line upon which the proposed use is to be located or the zoning district boundary, or major thoroughfare right-of-way line from which the proposed land use is to be separated.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1848. - Automobile mechanical component dismantling and recycling:

Automobile mechanical component dismantling and recycling subject to the following conditions:

- a. Such operations shall be limited to the dismantling of vehicle mechanical components, such as engines and transmissions, for reuse. The receiving, storage, processing or dismantling of whole vehicles shall be prohibited. There shall be no storage, processing or dismantling of vehicle body parts, frames or tires. There shall be no on-site retail sale of automobile parts.
- b. All operations and storage shall be within an enclosed building and there shall be no outdoor storage.
- c. The lot shall not be located within 200 feet of the boundary of a non-industrial zoning district.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1849. - Parole or probation offices:

Parole or probation offices subject to the following conditions:

- a. No parole or probation supervisory office facilities shall be permitted within 1,000 feet of a church or a public or private school property.
- b. No such office facility shall be permitted within 1,000 feet of a district zoned for residential use.
- c. No parole or probation supervisory office facilities shall be permitted within 1,000 feet of a state licensed child care facility.
- d. All other requirements of the I-C district regarding height, area, setback, screening walls, signs, and similar mass and area requirements, shall be consistently maintained.
- e. The distances provided in this section shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel line upon which the proposed use is to be located or the zoning district boundary, or major thoroughfare right-of-way line from which the proposed land use is to be separated.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1850. - Wireless communication towers and antennas:

Because the uses hereinafter referred to possess unique characteristics making it impractical to include them in a specific use district classification, they may be permitted by the township board under the conditions specified, and after public hearing by the planning commission held in accord with section 2309 and further shall be reviewed as provided in section 2119 and after a recommendation has been received from the planning commission. In every case, the uses hereinafter referred to shall be specifically prohibited from any residential districts unless otherwise specified.

These uses require special consideration since they service an area larger than the township, creating problems of control with reference to abutting use districts. Reference to those uses falling specifically within the intent of this section is as follows:

1. *Wireless communication towers and antennas:*

- a. *Purpose:* The purpose of this section is to establish general guidelines for the location of wireless communications towers and antennas. The objectives of this section are to encourage the co-location of multiple antennas on a single tower, to consider public health and safety in the location and operation of such towers and antennas, to protect residential areas and land uses from potential adverse impacts of towers and antennas, to limit visual impacts by promoting innovative design and screening of towers and to avoid potential damage to adjacent properties from tower failure by requiring careful engineering and proper location of tower structures.
- b. *Definitions:*
  - (1) *Abandoned tower or antenna:* An antenna that is not operated for a continuous period of 12 months, or a tower constructed or maintained without an operational antenna shall be considered abandoned.
  - (2) *Alternative tower structure:* Manmade trees, clock towers, bell steeples, utility poles, flagpoles and similar decorative structures that camouflage or conceal the presence of antennas or towers.
  - (3) *AM array:* One or more tower units with a supporting ground system that functions as one AM broadcasting antenna shall be considered as one tower with a perimeter equaling the smallest rectangular figure that can encompass all elements associated with the array. Setbacks and other distances shall be measured from this perimeter. Additional tower units may be added within the perimeter of an approved array by right.
  - (4) *Antenna:* Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital or analog signals, radio frequencies (except radar) or other wireless communication signals.
  - (5) *Amateur radio communications antenna:* An antenna and associated support structure that is owned and operated by a federally licensed amateur radio station

- operator for personal use.
- (6) *Backhaul network*: The lines that connect a provider's towers or antennas to one or more switching offices, long-distance providers or public-switched telephone network.
- (7) *Satellite dish*: An antenna structure designed to receive from or transmit to orbiting satellites.
- (8) *Tower*: A structure, and any support thereto, designed primarily for the purpose of supporting one or more antennas for wireless communication purposes.
- c. *Required conditions*:
  - (1) *Reviews and approvals*: Construction, installation, replacement, co-location or enlargement of wireless communication towers and antennas shall be reviewed and approved as indicated in Table 1820.1. Towers and antennas requiring planning commission review shall be subject to special land use approval in accordance with section 2119 (special land uses). Applications, reviews and approvals for wireless communication towers and antennas shall be in accordance with the following:
    - a. The application is considered to be complete when the planning and zoning coordinator or his or her designee makes that determination 14 business days after the planning and zoning coordinator or his or her designee receives the application, whichever is first.  
  
If the planning and zoning coordinator or his or her designee notifies the applicant before the expiration of the 14-day period, that the application is not complete, specifying the information necessary to make the application complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 14-day period shall be tolled until the applicant submits to the director of the office of community standards or his or her designee the specified information or fee amount due. The notice shall be given in writing or by electronic notification.
    - b. The planning commission shall approve or deny the application not more than 60 days after the application is considered complete for wireless communication antennas co-located on an existing tower or 90 days for a new wireless communication tower, unless an extension in time is mutually agreed to between the applicant and the planning commission. If the planning commission fails to timely approve or deny the application, the application shall be considered approved.
    - c. A building permit shall not be issued until special conditional use approval and site plan approval have been granted by the planning commission. If no building permit is required, a certificate of occupancy or business license shall not be issued until special use approval and site plan approval have been granted by the planning commission.
    - d. The wireless communication tower or antenna shall not be authorized by the township board until special conditional use approval and site plan approval have been granted by the planning commission, if required.
    - e. After approval for a special use has been granted, no change in that use may be made, nor may any addition or change in the building or improvements on the property take place until a new request for approval has been filed with the planning commission and the planning commission has approved the request for change.
    - f. After approval of a special use has been granted by the planning commission, application for a building permit, or if no building permit is required, application for a certificate of occupancy or business license shall be filed with the building department within 120 days thereafter, or such approval shall automatically be revoked unless an extension is granted. The planning commission may grant an extension of the first approval for good causes for a period not to exceed six months.

Table 1850.1  
Required Review/Approval

Situation/Use	Township Board	Planning Commission	Administrative Permits	Exempt
Construction of cellular and similar communications towers.	X	X		
Co-location of antennas on an existing approved tower.			X	
Replacement or enlargement of an existing tower within allowance of The Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended, M.C.L. 125.3101 et seq.).			X	
Enlargement, in excess of permitted in Act 110, The Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended, M.C.L. 125.3101 et seq.)	X	X		
Construction of an alternative tower structure.	X	X	X	
Installation of antennas on an existing building.	X	X	X	
Installation of satellite dish antennas with a diameter of less than 1.5 meters.				X
Installation of satellite dish antennas with a diameter of 1.5 meters or larger.			X	
Installation of amateur radio communication antennas.			X	
Installation of new antennas or similar transmission devices on light poles and similar public utility structures in a manner visible from the public way.	X	X		

Construction of television, radio, microwave, or public utility transmission towers, antennas, or antenna arrays, unless exempt under applicable federal or state law.	X	X		
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- (2) *State or federal requirements:* Towers and antennas shall meet or exceed current standards of the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), and any other agency of the state or federal government with regulatory authority. Failure to maintain a tower or antenna in compliance with current state and federal standards, or failure to bring such towers or antennas into compliance with revised standards within six months of their effective date, shall constitute grounds for removal of the tower or antenna at the owner's expense.
  - (3) *Site requirements and setbacks for wireless communication towers:* The following shall apply to all wireless communication towers, and to antennas located on such towers:
    - (a) *Permitted locations by district:* Wireless communication towers shall be permitted in non-residential zoning districts. Such towers may be located in residential zoning districts only on parcels of land over 20 acres in area occupied by an institutional or a public recreational use.
    - (b) *Height:* Towers shall not exceed 150 feet in height as measured from grade-level to the highest point of the tower.
    - (c) *Lot boundaries:* Towers shall be set back from all zoning lot boundaries not less than 100 percent of the height of the tower or antenna. Anchoring cables and associated accessory structures shall satisfy minimum zoning district setback requirements with a minimum setback of 20 feet. If located on the same zoning lot with another permitted use, such towers or structures shall not be located in a front yard or side yard abutting a street.
    - (d) *Residential dwellings:* Towers shall be set back a minimum of 300 feet from the boundary of a parcel with an existing dwelling, except where separated by an interstate highway or otherwise provided for herein.
  - (4) *Site requirements and setbacks for antennas located on buildings or similar structures:*
    - (a) The principal use is a conforming use in a multiple-family or non-residential zoning district and the building is a conforming structure in the district.
    - (b) The height of the building or similar structure shall be a minimum of 50 feet and the antenna and support structure shall not exceed the height of the building by more than ten feet.
    - (c) The antenna and support structure shall be set back from the outermost vertical wall or parapet of the building a minimum distance equal to 150 percent of the height of the antenna and support structure.
    - (d) The antenna and support structure shall be securely mounted to the building in a permanent manner.
  - (5) *Site requirements and setbacks for amateur radio communications antennas:* The following shall apply to all amateur radio communications antennas:
    - (a) One such antenna, with a maximum height of 60 feet and a minimum setback from all lot boundaries equal to 100 percent of its height, shall be permitted per zoning lot.
    - (b) Such antennas shall be accessory to a primary structure on the same zoning lot and shall be located in the rear yard of the zoning lot.
  - (6) *Site requirements and setbacks for satellite dish antennas:* The following shall apply to all satellite dish antennas:
    - (a) One such antenna, with a minimum setback from all lot boundaries equal to 150 percent of the height of the antenna and support structure, shall be permitted per zoning lot and shall be accessory to a primary structure on the lot.
    - (b) Such antennas shall be located in the side or rear yard of the zoning lot or permanently installed upon the primary structure in a manner not visible from any public right-of-way.
- d. *Required information:* The following information shall be provided with an application for a tower or antenna, in addition to that required by section 2115 (site plan review) or section 2119 (special land uses):
- (1) *Site plan:* The petitioner shall submit a site plan, and elevation drawings of all structures, for review in accordance with section 2115 (site plan review). For multiple locations, the plan shall show the location of all equipment, antennas or towers and shall provide a detail of typical site arrangements. Exterior treatments of all accessory structures shall comply with ordinance requirements for the zoning district in which it is located.
  - (2) *Permission to locate:* The petitioner shall submit copies of a signed lease or other proof, satisfactory to the township attorney, of permission to locate a tower or antenna on the site.
  - (3) *Co-location agreement:* Towers shall be designed and operated in a manner that encourages the co-location of multiple antennas on a single tower. The petitioner for a new tower shall submit a written agreement, transferable to all successors and assigns, stating that the tower operator shall make space available on the tower for co-location. Proposed antenna locations shall be indicated on the site plan.
  - (4) *Insurance certificate:* The petitioner shall submit a valid certificate of insurance, to be renewed annually, listing the Charter Township of Ypsilanti as the certificate holder and naming the Charter Township of Ypsilanti, its past, present and future elected officials, representatives, employees, boards, commissions and agents as additional named insured. 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. The petitioner shall supply a \$1,000.00 cash bond to the township, which may be used to reimburse township administrative expenses in the event the certificate is allowed to lapse.
  - (5) *Removal agreement:* The petitioner shall submit a signed removal agreement and a security bond or letter of credit, satisfactory to the township attorney, for the removal of towers or antennas as applicable. The petitioner shall demonstrate that adequate funds will be available to the township for the removal of such towers or antennas, restoration of the site and associated administrative costs incurred by the township in the event that the petitioner, property owner or their successors fail to remove the tower or antenna in a timely manner as required by this article.
  - (6) *Tax-related information:* The petitioner shall supply to the assessor all tax-related information as requested by the assessor's office for assessment purposes. The assessor's office shall provide notice to the community and economic development department that this condition has been satisfied.
  - (7) *Engineering certification:* Signed certification by a professional engineer, licensed by the State of Michigan, specifying the manner in which the tower or antenna structure will fall in the event of accident, damage or failure and verifying that the setback area provided would accommodate the structure and provide a reasonable buffer from adjacent parcels.
  - (8) *Backhaul network information:* The petitioner shall identify the entities providing the backhaul network for the towers or antennas described in the application and other sites owned or operated by the applicant in the township.
- e. *Criteria for approval of new towers and antennas:* The following criteria for approval shall be found to exist for all tower or antenna installations:
- (1) *Operating requirements:* The petitioner shall demonstrate that operating requirements necessitate locating within the township and the general area and shall provide evidence that existing towers, structures or alternative technologies cannot accommodate these requirements.

- (2) *Engineering requirements:* The petitioner shall demonstrate that existing towers or structures are not of sufficient height or structural strength to meet engineering requirements in a geographic area that meets these requirements.
  - (3) *Impact on adjacent residences:* Nearby residential districts and uses will not be negatively influenced by the location of the tower or antenna.
  - (4) *Site characteristics:* Topography, vegetation, surrounding land uses, zoning, adjacent existing structures and other inherent site characteristics are compatible with the installation of towers or antennas on the site.
  - (5) *Site design:* Tower design, lighting, color, construction materials, landscaping, screening and other design elements are in compliance with township ordinances and established land use policies. Wireless communication towers and associated ground equipment shelter areas shall be designed, constructed and maintained in a manner that accommodates the co-location of multiple antennas on a single tower.
  - (6) *Security:* Wireless communication towers and associated ground equipment shelter areas shall be secured against unauthorized entry and shall be completely enclosed by an ornamental or industrial fence of not less than six feet in height.
- f. *Tower address:* Each tower shall be designated with a specific and unique mailing address.
  - g. *Existing towers and antennas:* A tower or antenna for which a building permit has been properly issued prior to the effective date of this ordinance shall be allowed to continue to be used as it presently exists, provided that such towers or antennas are maintained in a structurally safe condition, in accordance with section 2107.1b(2) [state and federal requirements] and in compliance with township ordinances and conditions of approval in effect when the building permit was issued.
  - h. *Removal of abandoned towers and antennas:* Abandoned towers or antennas shall be removed by the owner within 90 days of receipt of notice from the township notifying the owner of such abandonment. Failure by the owner to remove abandoned towers or antennas shall be grounds for the township to seek court approval for such removal at the owner's expense.
  - i. *Rescinding approval of a wireless communication tower or antenna:* Failure of the owner, operator or lease holder of an approved tower or antenna to renew or replace any required bonds or insurance certificates, to maintain and operate the tower or antenna in compliance with state and federal requirements, approved permits, site plans or conditions of special land use approval or to provide information to the township about the tower or antenna as required by this article or conditions of special land use approval shall be grounds for the township board to rescind any previous approval to construct or operate the tower or antenna. Such action shall be subject to the following:
    - (1) *Public hearing:* Such action may be taken only after a public hearing has been held pursuant to reasonable advance notice, at which time the owner, operator or lease holder of the tower or antenna shall be given an opportunity to present evidence in opposition to rescission.
    - (2) Subsequent to the hearing, the township board's decision with regard to the rescission shall be made and written notification provided to said owner, operator or lease holder of the tower or antenna.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1851. - Railroad lines, rail spurs and similar rail transport access facilities:

Railroad lines, rail spurs and similar rail transport access facilities may be permitted in any district subject to the following conditions:

- a. The planning commission, after public hearing, shall recommend and the township board shall determine that operating requirements necessitate the locating of said facilities in the district in order to adequately service the township.
- b. The proposed design, location, drainage and other technical aspects of such facility shall be approved by the township engineer.
- c. When such facilities are proposed to be located within any district, other than an I-1, I-2 district, I-3 or I-C, the planning commission shall review and approve such facilities to insure a satisfactory and harmonious relationship between such development and adjacent land uses (existing and proposed).
- d. In reviewing such development and prior to approval, the planning commission may require the development of such screening devices, access roads, and setbacks as will assure safe and convenient vehicular circulation and sound land use arrangements.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1852. - Private or public recreation vehicle campgrounds:

Recreation vehicle campgrounds are intended to provide sites for persons seeking a temporary location for vacation or recreation purposes with recreational units such as, but not limited to: tents, travel trailers, camping trailers, motor homes, truck campers, slide-in campers and chassis-mounted campers. It is recognized that there are areas contained in the community that were subjected to extensive mining operations formerly for sand and gravel with little or no concern given to its ultimate reclamation and reuse. Recreation vehicle campgrounds are considered to be an adaptable use for these areas that due to present grade elevations, drainage conditions, headwall slopes and the like that otherwise could not be developed soundly as a conventional residential subdivision. Therefore, it is the intent of this ordinance to permit recreation vehicle campgrounds to be located so as to allow reasonable use of these areas and provide a transition of use between extensive nonresidential areas, i.e., light and heavy industrial uses and single-family residential areas. Recreation vehicle campgrounds shall further be subject to the following conditions:

- a. *Locational requirements.*
  - (1) Parcels being proposed for recreation vehicle campgrounds may be permitted in the R-4 one-family residential district when said recreation vehicle campgrounds afford a buffer to I-1, I-2, and/or MH districts and single-family districts. A recreation vehicle campground shall not be bounded on more than three sides by a single-family residential district, except that the planning commission and township board may waive this requirement where it can be shown that the abutting property will be developed for nonresidential purposes or for another recreation vehicle campground.
  - (2) The site shall have direct access to a major thoroughfare, as designated on the major thoroughfare plan, and with appropriate frontage thereon to provide for the design of entrances and exits.
- b. *Site conditions.* Condition of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.
- c. *Uses permitted.* Uses such as, but not limited to, campground sites, management headquarters, recreational facilities, toilets, showers, coin-operated laundry facilities, parking areas and other uses and structures customarily found incidental to this use, shall be permitted. Such uses shall be restricted in their use to occupants of the site, except that temporary storage of recreational vehicles may be permitted upon the site when it can be clearly demonstrated that such storage is ancillary to the recreation vehicle campgrounds and subject to the conditions set forth under [subsection] g(5) of this section.
- d. *Height and area requirements.*
  - (1) No building or structure hereafter erected or altered in a recreation vehicle campground shall exceed a height of one-story or 14 feet.
  - (2) Recreation vehicle campgrounds shall be permitted only on parcels of 25 acres or more.
  - (3) Each campground site shall have a minimum 40-foot road frontage and a minimum area of at least 2,400 square feet.

e. *Yard and setback requirements.*

- (1) No campground site shall be located closer than 200 feet to the right-of-way line of a major thoroughfare and 100 feet to the campground boundary when it abuts or is adjacent to a residential district. Where the campground abuts or is adjacent to a nonresidential district, no campground site shall be located closer than 35 feet.
- (2) No service building or any other similar structure shall be located closer than 250 feet to a major thoroughfare or campground boundary.

f. *Buffers and landscaping.*

- (1) A greenbelt 20 feet in width and six feet in height shall be located and continually maintained along all campground borders. Where the campground borders a residential district, this greenbelt will provide a total obscuring effect. This greenbelt shall consist of such materials as trees and shrubs to provide privacy to occupants of the site and to visually shield the recreation vehicle campgrounds from surrounding property. Earthen berms are encouraged to be used to achieve this purpose.
- (2) A chainlink fence of not less than four nor more than six feet in height shall be erected on the boundary line where any portion of the campgrounds abuts or is adjacent to a single-family residential district.

g. *Other conditions.*

- (1) All sanitary sewage and water facilities including connections provided to individual campground sites, shall meet the requirements of the Ypsilanti Township sewer and water departments and the Michigan State Health Department.
- (2) Entrances and exits from county or state highways shall have the prior written approval of the highway authority having jurisdiction within the township.
- (3) The campgrounds shall be located on a well-drained site properly graded to insure rapid drainage and freedom from stagnant pools.
- (4) All lighting shall be shielded to reduce glare and shall be so arranged as to reflect the light away from abutting or adjacent properties.
- (5) Areas provided for the storage of recreational vehicles may be permitted subject to the following:
  - (a) The area shall be enclosed with a chainlink fence of not less than five feet in height.
  - (b) A minimum setback distance of 250 feet is maintained from any abutting or adjacent residential district.
  - (c) Any areas established for this purpose shall not be more than ten percent of the total campgrounds.
- (6) Occupants of any rented campground site shall not remain in the same recreation vehicle campground for more than 15 consecutive days within any calendar year.
- (7) The licensee shall provide a sufficient number of containers for the storage of garbage and other refuse, and provide for the transportation of garbage and refuse, not less than once each week at the licensee's own expense to a licensed sanitary landfill.
- (8) All recreational vehicle campground developments shall further comply with Act No. 171 of the Public Acts of Michigan of 1970 (MCL 325.651 et seq., MSA 14.447(121) et seq.), as amended.

h. *Procedures, permits and occupancy.* To construct a recreation vehicle campground of facilities herein, a person shall:

- (1) Obtain a health permit from the Michigan State Health Department.
- (2) Present a plot plan to be approved by the planning commission and township board. No variance from this plan may be made without the approval of the planning commission and township board.
- (3) Obtain a construction permit from the Michigan State Health Department in the manner prescribed by Act No. 171 of the Public Acts of Michigan of 1970 (MCL 325.651 et seq., MSA 14.447(121) et seq.), as amended from time to time.
- (4) Obtain necessary building permit from township building inspector.
- (5) Obtain an annual license from the Michigan State Health Department in the manner prescribed by Act No. 171 of the Public Acts of Michigan of 1970 (MCL 325.651 et seq., MSA 14.447(121) et seq.), as amended from time to time.
- (6) Obtain from the township building inspector a certificate of occupancy and compliance as provided for in article [section] 2304.

( Ord. No. 2018-476, § 20, 2-20-18)

## Sec. 1853. - Storage of recreation vehicles:

a. *Locational requirements.*

- (1) Recreational vehicle storage may be allowed in the MH mobile home park district when such district abuts an established mobile home park. Such MH district utilized for recreational vehicles storage shall not be bounded on more than two sides by any single-family residential district, except that the planning commission and township board may waive this requirement where it can be shown that the abutting property will be developed for nonresidential purposes or for a mobile home park.
- (2) The site for recreational vehicle storage shall have direct access to a major thoroughfare, as designated on the major thoroughfare plan.
- (3) Recreational vehicle storage shall not be permitted within a mobile home park.

b. *Uses permitted.* The storage of unoccupied recreational vehicles shall be permitted.c. *Height requirements.* No building or structure shall hereafter be erected which shall exceed a height of one-story or 14 feet.d. *Yard and setback requirements.*

- (1) No recreational vehicle storage shall be located closer than 100 feet to the right-of-way line of a major thoroughfare and 100 feet to the district boundary where it abuts or is adjacent to a residential district. Where the vehicle storage on the site abuts or is adjacent to a nonresidential district or to an MH district, no vehicle storage shall be located closer than 20 feet.
- (2) No service building or any other similar structure shall be located closer than 100 feet to a major thoroughfare or MH district boundary.

e. *Buffers and landscaping.*

- (1) A greenbelt 20 feet in width and six feet in height shall be located and continually maintained along all borders. Where the storage area borders a residential district, this greenbelt will provide a total obscuring effect. This greenbelt shall consist of such materials as trees and shrubs to visually screen the recreational vehicle storage area from surrounding property. Said greenbelt shall be located inside fences which enclose the storage area.
- (2) A chainlink fence or other secure fence of not less than five [and] no more than eight feet in height shall be erected to completely enclose the recreational vehicle storage area.

f. *Other conditions.*

- (1) All sanitary sewage and water facilities shall meet the requirements of the Ypsilanti Township sewer and water departments and the Michigan State Health Department.
- (2) Entrances and exits from county or state highways shall have the prior written approval of the highway authority having jurisdiction within the township.
- (3) The recreational vehicle storage area shall be located on a well-drained site properly graded to ensure rapid drainage and freedom from stagnant pools.
- (4) All lighting shall be shielded to reduce glare and shall be so arranged as to reflect the light away from abutting or adjacent properties.
- (5) The site plan shall receive the review and approval of the fire department for access lanes for firefighting equipment.

g. *Review and permit.*

- (1) A site plan shall be submitted for review and approval of the township, all in accord with section 2115 of this ordinance.
- (2) A building permit and certificate of occupancy shall be required for a recreational vehicle storage area.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1854. - Sand and gravel excavation:

The removal of sand and/or gravel or similar materials by excavation, stripping, mining or otherwise taking, and including on-site operations appurtenant to the taking, including washing, grading and sorting operations, may be carried on within the limits of 1-2 districts provided all conditions herein required are met. All extraction from new pits begun subsequent to the effective date of this ordinance shall be washed, graded and further processed and/or stored within the limits of the approved extraction area, and no natural resource extracted outside the limits of the approved extraction area shall be brought in for washing, grading or further processing. Resource-related industries including, but not limited to, concrete batching plants and asphalt mix plants shall not be permitted as a part of a plan for sand and gravel excavation.

- a. *Filing of petition.* Petitions for the granting of permits for natural resources operations shall be filed with the building official by the owners and leaseholders, if any, of the land proposed for natural resources development. Petition shall be submitted on letter form, fully supplemented by data, maps and aerial photographs specified, and shall be accompanied by a fee as established by resolution of the township board. A permit for such use may be issued for a one-year period by the township board after recommendation by the planning commission. Unless the owner of the petition ignores and/or violates the restoration plan, the permit is automatically renewable for one-year periods. Petitions shall be accompanied by the following:
    - (1) Vertical aerial photograph, enlarged to a scale equal to one inch equals 200 feet, from an original photograph at a negative scale no smaller than one inch equals 1,000 feet. Area covered by the vertical aerial photograph shall include:
      - (a) All land requested in the petition.
      - (b) All contiguous land which is, or has been, used by the owner or leaseholder applicant for any extraction, treatment and/or storage.
      - (c) All public roads which can provide first point of access.
      - (d) The boundaries of the above listed items (a) through (c) shall be delineated on the aerial photograph and clearly marked as to [items] (a), (b) and (c).
    - (2) Identification survey, prepared by an engineer or surveyor certified by the State of Michigan to prepare such plats, drawn to a scale of one inch equals 200 feet, shall be submitted in five copies. This survey shall include:
      - (a) Boundary of entire tract by courses and distances.
      - (b) Boundary of exact area being petitioned for in permit.
      - (c) Means of vehicular access to the proposed operation.
    - (3) Report by a qualified soil scientist, soils engineer or geologist regarding the effect the proposed operation will have upon the watershed of the area, with particular attention being devoted to the water table, and, if water bodies are to be created, the anticipated permanence of such. Data to be provided shall include:
      - (a) Hydrological data:
        - (i) Groundwater levels;
        - (ii) Rainfall data;
        - (iii) Capacity of streams and rivers on or in close proximity to site.
      - (b) Lake level data. General engineering information related to pumping spillways, debris basins, irrigation systems.
      - (c) Soil erosion and sediment control plan construction in a manner consistent with the letter and spirit of Act No. 347 of the Public Acts of Michigan of 1972 (MCL 282.101 et seq., MSA 13.1820(1) et seq.), as amended, and any applicable local ordinances and requirements.
      - (d) General soils data:
        - (i) Soil type;
        - (ii) Soil erodability;
        - (iii) Stability of existing and proposed slopes.
      - (e) Contour map of the reclaimed site at two-foot intervals.
      - (f) Location of all stream flow points:
        - (i) Inflow points;
        - (ii) Outflow points;
        - (iii) Catchment areas.
    - (4) A detailed plan for the extraction of the natural resources deposits. Such plans shall include a timetable for various stages of the operation and shall be accompanied by a restoration plan indicating how the natural resources area will be reused in a manner compatible with the township master plan for future and use. The restoration plan shall include:
      - (a) Proposed use of restored natural resources area.
      - (b) Proposed topography drawn as contours at an interval of two feet and indicating water bodies or other major physical features.
      - (c) Delineation of areas intended to be partitioned or subdivided, including the proposed layout.
      - (d) All excavation shall be made either to a water-producing depth of at least ten feet below the low water mark for at least 80 percent of the water area, or shall be graded or backfilled with noxious-free, nonflammable, and noncombustible materials to secure [insure]:
        - (i) That the excavated area shall not collect and permit to remain therein stagnant water; or
        - (ii) That the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depression thereof, and so as to produce a gently rolling surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.
      - (e) The banks of all sand and gravel excavations shall be sloped to the water line in a water-producing excavation, and to the pit floor in a dry operation, at a slope which shall not be less than five feet horizontal to one foot vertical and said banks shall be restored with vegetation in a manner set forth hereunder.
      - (f) Vegetation shall be restored by the use of sufficient soil and overburden and by appropriate seeding of grasses or planting of shrubs or trees in all parts of said reclaimed mining area where such area is not to be submerged under water or within 25 feet of the shoreline as hereinabove provided.
      - (g) In the event filling of the mined area is necessary during rehabilitation, said fill material shall be nonorganic only.
      - (h) Upon cessation of mining operations by abandonment or otherwise, the operator, within a reasonable period of time not exceeding 12 months thereafter, shall remove all plant structures, buildings, stockpiles and equipment, unless such building or structures can be lawfully used in the district in which the same are located.
- b. *Review of permit application.*

- (1) The building official shall be responsible for receiving and processing all applications for permits. His office shall accept for filing only applications completely documented as he
- (2) The building official shall be responsible for coordinating the several separate inspections as required herein.
- (3) The township board shall be authorized to approve the manner and order of restoration of proposed new excavation. So as to assure faithful restoration of the area, the petitioner shall deposit with the clerk cash, a certified check or irrevocable bank letter of credit, whichever the petitioner selects, or a surety bond acceptable to the township board; the amount of such deposit shall be established by the township board based upon an estimate by the township engineer and shall be sufficient to finance restoration of the disturbed area.

This deposit shall be submitted by the petitioner prior to the issuance of any permit, and shall be held in escrow by the township until restoration is completed and has been approved by the township board.

So as to prevent undue hardship, the township board may, at its discretion, approve bonds for areas less than the total acreage applied for. However, at no time shall any excavation be undertaken unless and until sufficient bond has been deposited to ensure restoration of the area to be disturbed.

In the event of deviation from an approved extraction and/or restoration plan, the building official shall notify the permit holder of a violation. Failure to correct said violation within 30 days shall automatically void any permits issued and/or prevent the issuance of new permits until such time as the deviation has been corrected in keeping with requirements set forth by the township board. Appeals from a decision of the building official shall, in regard to an alleged violation, be directed to the township board.

c. *Specific operating requirements.*

- (1) *Setback.* Excavation, washing and stockpiling of extracted material shall not be conducted closer than 75 feet to the outer boundary of the approved extraction area. Fifty feet of the setback area shall not be used for any use in conjunction with a natural resources operation except public notice signs identifying occupation. Access roads may occupy 25 feet of the outer boundary setback. Greenbelt plantings and landscaping shall be provided in the setback area as required by the township board. Said setback may be varied by the board of appeals when the outer boundary of the approved extraction area abuts a body of water. In granting said variance, the board of appeals shall establish a specific setback so as to secure public safety.
- (2) *Building line for operation structures.* To reduce the effects of airborne dust, dirt and noise, all equipment for sorting, crushing, loading, weighing and other operations structures shall not be built closer than 300 feet from any public street right-of-way or from any adjoining residentially zoned district.
- (3) *Frontage and access.*
  - (a) Each tract of land for sand or gravel extraction shall have a minimum frontage on a major or secondary thoroughfare (a thoroughfare of at least 86 feet of right-of-way, existing or proposed) of at least 500 feet, except that the township board may approve a lesser frontage minimum if written consent of owner in fee of adjoining property is first secured.
  - (b) All means of access to and from the property shall be by way of class A roads as designated by the Washtenaw County road commission. Such road shall be designated as a major or secondary thoroughfare on the township future land use plan.
- (4) *Fencing.* Any excavation which operation results in, or produces for a period of one month, collections of water, or slopes as described below shall be subject to the following safety requirements:
  - (a) Where slopes steeper than 30 degrees exist for a period of one month or more, access to such slopes shall be barred by a cyclone fence or similarly effective barrier at least six feet high, at least 50 feet outside the edge of the excavation, with suitable gates controlling access to the excavation area.
  - (b) Where collections of water are one foot or more in depth for any period of at least one month, and occupying an area of 200 square feet or more, access to such collections shall be similarly fenced, as required in subparagraph (a) above, for slopes.
  - (c) In those instances where the sand or gravel extraction area is situated in marginal land areas consisting of swampland or is bounded by natural bodies of water, the fence shall be required only on those sides accessible to public rights-of-way or as the township board may determine as requiring fencing so as to secure safety. The township board may require the posting of signs "Keep Out - Danger" as needed.
- (5) *Access roads.* All private access roads shall be treated so as to create dustfree surface for a distance of 300 feet from any public access road.
- (6) *Slopes.* Finished slopes of the banks of the excavation shall in no event exceed a minimum of five feet to one foot (five feet horizontal to one foot vertical) and where ponded water results from the operations, this slope must be maintained and extended into the water to a depth of five feet. Said slopes shall be met as the work in any one section of the excavation proceeds, and the time for completion of said slopes shall not extend beyond one year's time from the date of beginning; provided, that the township board may extend the above one-year period to such longer period as satisfactory under the circumstances.  
Sufficient topsoil shall be stockpiled on the site so that the entire area, when excavation operations are completed, may be recovered with a minimum of six inches of topsoil, and that such replacement of topsoil shall be made immediately following the termination of excavating operations. So as to prevent erosion of slopes, all replaced topsoil shall immediately be planted with grass or other plant material acceptable to the township board.
- (7) *Explosives.* The use of explosives shall be done in accordance with the Regulations for Storage and Handling of Explosives, as published by the Michigan State Police, Fire Marshal Division, East Lansing, Michigan.
- (8) *Site plan review.* All uses proposed for sand and gravel extraction areas shall be further subject to the requirements of section 2115, site plan review of this ordinance, as applicable.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1855. - Farms with sales and entertainment facilities:

Farms with sales and entertainment facilities utilized in promotion of on-site farm product sales may be permitted in residential R-1 districts subject to the following conditions:

- a. Any sales and entertainment facilities shall have direct access to a major or secondary thoroughfare by means of drives or roads which directly service the facility from the major or secondary thoroughfare. Minor streets shall not be utilized for access to such facilities.
- b. A site plan, drawn to scale, showing all intended site uses, shall be submitted for review and approval. Such plan shall show the intended use and location of all buildings and structures, growing areas, parking facilities, roads and drives to be utilized by the public, pedestrian circulation, location of service areas for various facilities and transition plantings and/or screening devices.
- c. Crop growing areas of a depth of not less than 200 feet shall be provided on those sides of the property not abutting the major or secondary street servicing the farm.
- d. Greenbelt tree plantings or other effective visual screening shall be provided where off-site abutting residential properties are occupied with dwelling structures within 200 feet of any area on the site occupied with sales or entertainment facilities.
- e. All parking shall be provided off the street or road right-of-way.
- f. Noise levels shall not exceed 65 decibels at the property line of the farm where adjacent property has a dwelling unit within 200 feet of the property line nor shall it exceed a maximum of 75 decibels at any other property line.

- g. Hours of operation of any outdoor entertainment facilities shall be limited to reasonable hours.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1856. - Racetracks (including midget auto and karting tracks) and dirt tracks:

Because racetracks and dirt tracks develop a concentration of vehicular traffic in terms of ingress and egress from their parking area and cause noise levels which may project beyond the property so used, they may be permitted in I-2 districts when located adjacent to a major thoroughfare 120 feet wide or greater and shall be located on a parcel of land which is abutting land zoned for industrial purposes on all sides of the parcel in question, and shall be subject further to the following conditions and such other controls as the planning commission deems necessary to promote health, safety and general welfare in the township:

- a. A site size of not less than 20 acres shall be provided.
- b. All parking shall be provided as off-street parking within the boundaries of the development.
- c. All access to the parking areas shall be provided from roads which have a right-of-way of not less than 120 feet in width.
- d. All sides of the development not abutting a major thoroughfare 120-foot right-of-way or greater shall be provided with a 20-foot greenbelt planting and fence, wall or earth berm so as to obscure from view all activities within the development. The planting shall be in accord with section 2108.
- e. A track shall not be located closer than 500 feet to any residence on property other than the site on which the tract is located.
- f. Dust shall be controlled so as not to be noticeable beyond the property line of the property on which the track is located.
- g. Noise levels shall comply with section 2120, paragraph 5 of this ordinance.
- h. The track area shall be fenced.
- i. Grading on the site which involves one or more acres shall require a building permit and shall comply with State of Michigan Act 347 of 1972, the Soil Erosion and Sedimentation Control Act of 1972, and with applicable Charter township ordinance.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1857. - Outdoor spat ball, simulated war games and similar activities:

Outdoor spat ball, simulated war games and similar activities may be permitted in I-2 industrial districts subject to the following conditions:

- a. A minimum site size of not less than ten acres shall be provided.
- b. The proposed use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding area.
- c. A site plan, drawn to scale, showing all intended site uses, shall be submitted for review and approval in accord with section 2115. The site plan shall show the layout of the proposed use designating activity areas, location of all buildings and structured parking facilities, roads and drives to be utilized by the public, pedestrian circulation, location of service areas and transition plantings and/or screening devices.
- d. The facility shall abut a major thoroughfare and shall provide all vehicle access to the facility from such abutting thoroughfare.
- e. The property line of any such facility shall not be located within 200 feet of any residential dwelling or within 200 feet of any residential district.
- f. A setback of 50 feet for all activity areas on the site shall be provided. Activities on the site shall in no way extend beyond the property line of the site.
- g. Noise levels shall not exceed 65 decibels at any property line of the site.
- h. Hours of operation shall be limited from 8:00 a.m. to 8:00 p.m.
- i. Devices for the transmission of sound, voices or music shall be so directed as to prevent such sound from being audible beyond the property lines of the site.
- j. The township board may impose such reasonable conditions as it deems necessary to protect the public health, safety and general welfare from excessive noise, traffic, obnoxious odors and any detrimental effects from the operation of the facility.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1858. - Garbage, refuse and rubbish transfer stations:

Garbage, rubbish and refuse transfer stations may be permitted in I-2 and I-3 industrial districts. The township board may grant a use permit under such conditions as it deems necessary for the protection of the public health, safety and general welfare, including but not limited to the following:

- a. The proposed use must be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood.
- b. The location and size of the proposed use or uses, the nature and intensity of the principal use and all accessory uses, the site layout and its relation to streets giving access to it, shall be such that traffic to and from the use and uses, and the assembly of persons in connection therewith, will not be hazardous or inconvenient to the neighborhood nor unduly conflict with the normal traffic of the neighborhood. In applying this standard, the township board shall consider amongst other things: convenient routes for traffic; the relationship of the proposed use to main traffic thoroughfares and to streets and road intersections; vehicular turning movements in relation to routes of traffic flow; location and access of off-street parking and the general character and intensity of the existing and potential development of the neighborhood. All driveways and parking areas on the site should be hard-surfaced to specifications of engineering department.
- c. The location and height of buildings or structures and the location, nature, and height of doors, walls and fences must be such that the proposed use will not have a detrimental effect upon the neighboring property or the neighboring area in general, nor impair the value of neighboring property, nor interfere with or discourage the appropriate development and use of adjacent land or buildings or unreasonably affect their value. Such building shall be completely enclosed.
- d. The standards of density and required open spaces for the proposed use shall be at least equal to those required in the I-2 zoning district or at least equal to those prescribed in the special requirements relating to the proposed use, whichever is the greater.
- e. The location, size, intensity, site layout and periods of operation of any such proposed use must be designated to eliminate any possible nuisance likely to emanate therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration smoke or lights.
- f. The proposed use must provide for proper yard space, parking facilities loading space, percentage of lot coverage, protective walls, size of buildings, lot area and width and other requirements of this ordinance.
- g. The proposed use must be in accord with the spirit and purpose of this ordinance and not be inconsistent with or contrary to the objectives sought to be accomplished by this ordinance and principles of sound planning.
- h. The following conditions shall be prohibited:
  1. Incineration or open burning in the building or on the site shall be prohibited.

2. Overnight storage of any refuse material in the building shall be prohibited.
3. Dumping or storage of any material on the site outside the building at any time shall be prohibited.
- i. The township board may impose such reasonable conditions as it deems necessary to protect the public health, safety, and general welfare from excessive noises, excessive traffic patterns, obnoxious and unhealthy odors, and any detrimental effects from the general operation of such transfer station.
- j. The township board may impose additional conditions and safeguards as it deems necessary to minimize the adverse effects of such an installation on the character of the surrounding area.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1859. - Lighted outdoor commercial sports centers:

Because lighted outdoor commercial sports centers, including baseball and other intense activities, possess the unique characteristic of often being used late into the night while attracting large numbers of spectators and attendant vehicular traffic in conjunction with ingress and egress to parking areas, these uses may be permitted only in I-2 industrial districts subject to the following conditions:

- a. Outdoor commercial sports centers shall be permitted only upon parcels of land zoned I-2 which are surrounded by similarly zoned property on all sides, except a side abutting a major thoroughfare of 120 feet of right-of-way or greater.
- b. Because it is of primary concern to the township to preserve large areas of industrial property for industrial uses, the township when considering approval of such a use shall take into account the compatibility of the lighted outdoor commercial sports center with existing and future industrial development.
- c. In determining the number of parking spaces required to accommodate the lighted outdoor commercial sports center, the township board may take into account the hours of operation and types of activities conducted upon the site. The minimum parking requirements for baseball facilities shall be no fewer than 75 spaces for each of the first four baseball diamonds plus 50 spaces for each additional baseball diamond.
- d. The proposed internal site design of the facility shall meet all standards of the township and other affected governmental agencies, including but not limited to those standards pertaining to proper drainage, lighting, hard surfacing, and other engineering standards.
- e. Points of ingress and egress shall be available to the complex only from abutting major thoroughfares of 120 feet of right-of-way or greater. The site shall comply with all standards of the township and other affected governmental agencies relative to driveways, acceleration and deceleration lanes, and related items.
- f. The use and parking area shall be screened from adjacent major thoroughfares with berms and other approved landscaping.
- g. All lighting used to illuminate the area shall be installed so as to be confined within and directed upon the site.
- h. Devices for the transmission of broadcasting of voices or music shall be so directed as to prevent said sound from being audible beyond the lot lines of the site.
- i. Storage buildings, restroom facilities, facilities for the sale and consumption of food, beverages and refreshments and other similar accessory uses shall comply with all standards of the township and other affected governmental agencies. Such accessory facilities shall operate only during the hours of operation of the principal use of the property.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1860. - Wastewater treatment plants:

Wastewater treatment plants may be permitted in the I-3 industrial district and the I-C industrial commercial district. The township board may grant a use permit under such conditions as it deems necessary for the protection of the public health, safety and general welfare, including but not limited to the following:

- a. There shall be a demonstrated need in the community for such facility.
- b. The proposed plant shall be designed and located within an area where the impacts shall be limited in terms of visual impacts, odors and surrounding land use character.
- c. The location, size, operation and design shall utilize measures to eliminate any possible nuisance likely to emanate therefrom, which might be noxious to the occupants of any other nearby use, whether by reason of odors, fumes or lights. Such measures shall include implementation of odor control measures.
- d. Any such use shall conform to current standards established by the U.S. Environmental Protection Agency and the Michigan Department of Environmental Quality.
- e. The township board may impose such reasonable conditions as it deems necessary to protect the public health, safety and general welfare from obnoxious and unhealthy odors, visual impacts and any detrimental effects to the character of the surrounding area.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1861. - State-licensed residential child and adult care facilities:

State-licensed child and adult care facilities, as defined in article II, definitions, shall meet the following regulations:

- a. These facilities, except for adult/child family day care homes, shall be registered with the Ypsilanti Township Community Development Department and shall continually have on file with the township documentation of a valid license as required by the state.
- b. Since the state law preempts in this area, these facilities shall be brought into compliance with all state building and fire codes pursuant to State Licensing Rules R400.1831—R400.1835. Documentation of such compliance with state requirements shall be provided.
- c. The site shall comply with the sign provisions of section 2109.
- d. Off-street parking shall be provided for the number of employees on site at any one time.
- e. If located in a single-family residential district, the building shall have an appearance which is nonintrusive and consistent in color, materials, roof-line and architecture, as determined by the planning commission.
- f. Documentation of sufficient indoor classroom, crib or play area meeting state requirements shall be provided. Documentation of approved areas, as licensed by the state, shall be provided.
- g. There shall be sufficient outdoor play area to meet state regulations. All required outdoor play areas shall be fenced with a four-foot tall fence, provided that no fence shall be located in a front yard.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1862. - Towing services:

Towing services without an impound or storage yard, taxi terminals and dispatch facilities, limousine services and bus depots, subject to the following:

- a. All repair work on vehicles and equipment associated with the use shall be conducted completely within an enclosed building.
- b. Outdoor storage of vehicles and equipment associated with the use is permitted, provided that the site includes a building of at least 500 feet of gross floor area for office use in conjunction with the use.

( Ord. No. 2018-476, § 20, 2-20-18)

Sec. 1863. - Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies:

Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, provided such is enclosed within a building or within an obscuring wall or fence on those sides abutting all residential or business districts, and on any yard abutting a public thoroughfare. In any I-1 district, the extent of such fence or wall may be determined by the planning commission on the basis of usage. Such fence or wall shall not be less than five feet in height, and may, depending on land usage, be required to be eight feet in height. A chain link-type fence, with heavy evergreen shrubbery inside of said fence, shall be considered to be an obscuring fence.

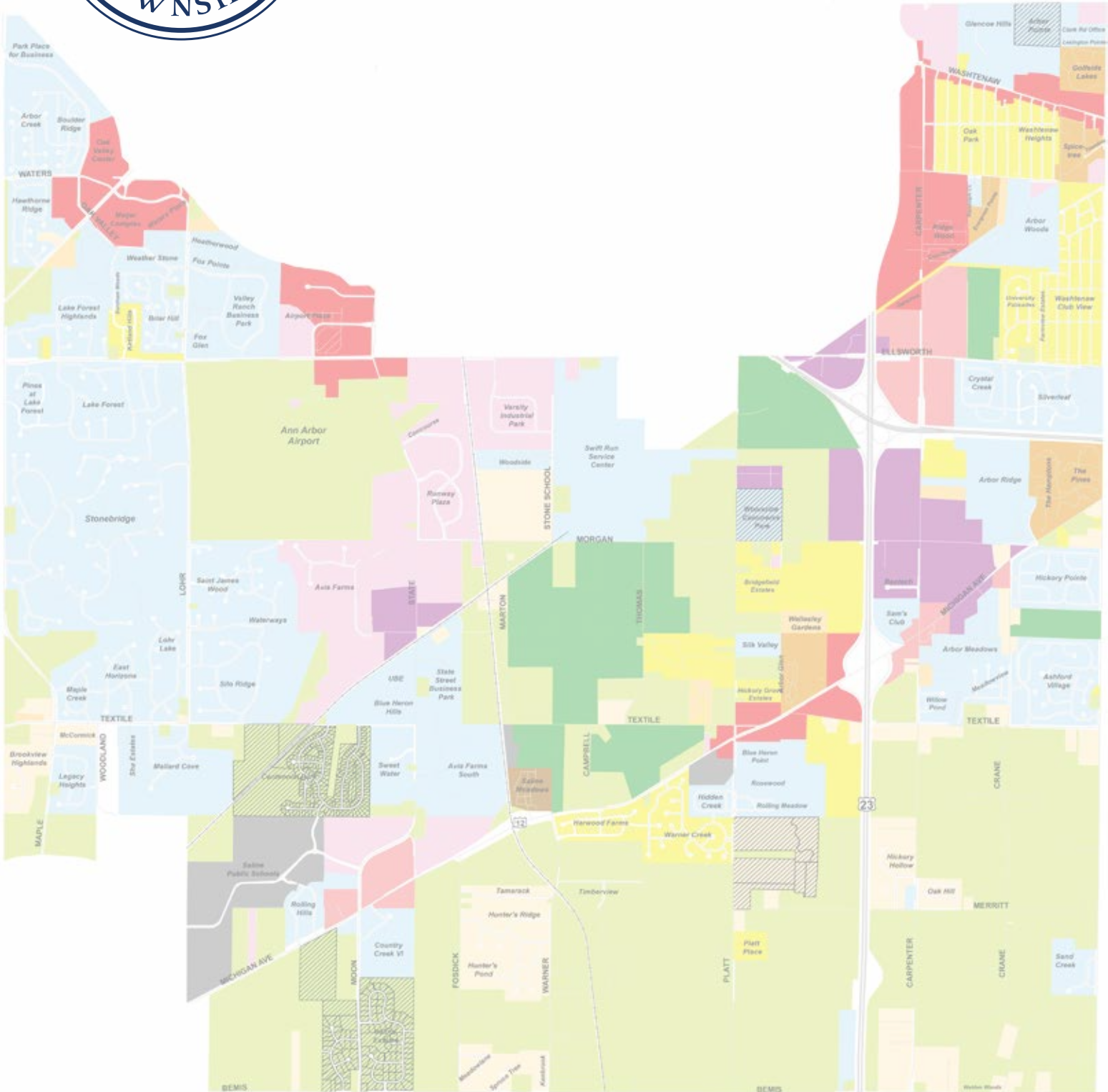
( Ord. No. 2018-476, § 20, 2-20-18)



# Zoning Ordinance

Adopted: May 2015

Revised: November 9, 2017



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## ARTICLE 11

### SPECIFIC USE STANDARDS

#### SECTION 11.01 PURPOSE

It is the purpose of this article to provide regulations for miscellaneous and other requirements that may or may not apply in all zoning districts.

#### SECTION 11.02 AGRICULTURAL PROCESSING AND FOOD STORAGE

##### A. *Application of Regulations.*

1. **Administrative Review.** Buildings and structures used, in whole or in part, for agricultural processing or food storage that meet the following area thresholds shall be reviewed administratively. The thresholds qualifying these uses for administrative review include:
  - a. Agricultural processing uses where the use occupies an area two thousand (2,000) square feet or less.
  - b. Agricultural food storage uses where the use occupies an area five thousand (5,000) square feet or less.

The building/structure area applies whether the subject building is existing, new, and/or an addition to an existing building.

2. **Administrative Review Process.** The administrative review process shall be conducted as follows:
  - a. A property survey, drawn to scale with dimensions, and showing property lines and all structures and other improvements shall be submitted to the Township with an application for zoning compliance.
  - b. The Zoning Administrator shall review the application and supporting materials, using the standards of this section and other applicable provisions of the Zoning Ordinance. The Zoning Administrator shall provide approval or denial within one hundred and thirty-five (135) days from the date the complete application was submitted. If the application is denied, the Zoning Administrator shall notify the applicant in writing of such action and reasons for such rejection.
3. **Site Plan Review.** Buildings and structures used, in whole or in part, for agricultural processing or food storage that exceed the area thresholds for administrative review shall be subject to the provisions of Article 9, Site Plan Review, and reviewed by the Planning Commission.



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### B. **Standards.**

1. **Locally/Regionally Grown Materials.** Raw agricultural products processed and/or stored at such facility shall be locally/regionally grown and obtained from Michigan farms within a radius of no more than one hundred (100) miles from the facility.
2. **Setbacks.** Facilities used for agricultural processing and/or food storage shall be setback a minimum of one hundred (100) feet from any adjacent residential **structure**.
3. **Parking.** Parking areas and surfaces shall be adequate to accommodate anticipated traffic and vehicles on site. No parking or maneuvering lanes shall be permitted within any road **right-of-way**.
4. **Hours of Operation.** The facility shall not create a nuisance to nearby property owners, and shall operate any time between the hours of 7:00am to 7:00pm.
5. **Other Permits.** All other required permits shall be obtained.

## SECTION 11.03 COMMUNITY SUPPORTED AGRICULTURE (CSA) AND FARM MARKETS

### A. **Application of Regulations.**

1. Community supported agriculture or associated distribution/pickup center, u-pick operations, and farm markets occupying less than one thousand five hundred (1,500) square shall be reviewed administratively. The administrative review process shall be conducted as follows:
  - a. A property survey, drawn to scale with dimensions, and showing property lines and all **structures** and other improvements shall be submitted to the Township with an application for zoning compliance.
  - b. The Zoning Administrator shall review the application and supporting materials, using the standards of this section and other applicable provisions of the Zoning Ordinance. The Zoning Administrator shall provide approval or denial within one hundred and thirty-five (135) days from the date the complete application was submitted. If the application is denied, the Zoning Official shall notify the applicant in writing of such action and reasons for such rejection.
2. Community supported agriculture or associated distribution/pickup center, u-pick operations, and farm markets occupying one thousand five hundred (1,500) square feet or more shall require review and approval from the Planning Commission.

### B. **Standards.**

1. **Locally/Regionally Grown Farm Products.** Agriculture products distributed or sold at such facility shall be locally/regionally grown and obtained from Michigan **farms** within a radius



of no more than one hundred (100) miles from the facility. For value-added products sold at any facility, at least fifty percent (50%) of the products' "namesake" ingredient must be produced by a Michigan farm within one hundred (100) miles of the facility.

2. **Minimum Lot Area.** Minimum lot area shall be two and one-half (2.5) acres.
3. **Setbacks.** Facilities or areas used for CSA or farm markets shall be setback a minimum of one hundred (100) feet from any adjacent residential structure.
4. **Parking.** Adequate parking for the maximum number of expected patrons must be provided on site and outside of any road right-of-way. Parking lot and maneuvering lane surfaces shall be adequate for the number and types of vehicles accessing the facility.
5. **Hours of Operation.** The facility shall operate any time between the hours of 7:00am to 7:00pm.
6. **Lighting.** Lighting used in the operation of the CSA and/or farm market shall be downward facing and shielded to minimize light trespass onto adjacent properties. Lights, other than those needed only for security, shall not be turned on when the CSA, or farm market facility is not in use.
7. **Nuisances.** The CSA or farm market facility shall not create nuisances for adjacent property owners. Such nuisances include, but are not limited to, amplified music or sounds, excessive dust or odors, and/or traffic that cannot be accommodated on site.
8. **Other Permits.** All other required permits shall be obtained.
9. **Other Marketing Strategies.** Other marketing strategies, activities, and services designed to attract and entertain customers while they are at the CSA or farm market require additional review by the Township, the Planning Commission, and/or the Township Board.

#### SECTION 11.04 AGRICULTURAL COMMERCIAL/TOURISM

- A. **Application of Regulations.** The following Agricultural Commercial/Tourism Businesses may be permitted after conditional land use review:
  1. Cider mills or wineries selling product, in a tasting room, containing at least fifty percent (50%) of crops or produce grown on-site.
  2. Seasonal outdoor mazes of agricultural origin such as straw bales or corn.
  3. The processing storage and retail or wholesale marketing of agricultural products into a value-added agricultural product in a farming operation if at least fifty percent (50%) of the stored or processed, or merchandised products are produced by the farm operator.



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4. U-pick operations.
5. Uses 1 through 4 listed above may include any or all of the following ancillary agriculturally related uses and some non-agriculturally related uses so long as the general agricultural character of the business is maintained and the income from these activities represents less than fifty percent (50%) of the gross receipts from the business.
  - a. Value-added agricultural products or activities such as education tours of processing facilities, etc.
  - b. Playgrounds or equipment typical of a school playground, such as slides, swings, etc. (not including motorized vehicles or rides).
  - c. Petting farms, animal display, and pony rides.
  - d. Wagon, sleigh, and hayrides.
  - e. Nature trails.
  - f. Open air or covered picnic area with restrooms.
  - g. Educational classes, lectures, seminars.
  - h. Historical agricultural exhibits.
  - i. Kitchen facilities, for the processing, cooking, and/or baking of goods containing at least fifty percent (50%) produce grown on site.
  - j. Gift shops for the sale of agricultural products and agriculturally related products. Gifts shops for the sale of non-agriculturally related products such as antiques or crafts, limited to twenty-five percent (25%) of gross sales.
6. Other commercial/tourism business that are complementary and accessory to the primary agricultural land use of the subject property including but not limited to: a) small-scale entertainment (e.g. music concert, car show, art fair), b) organized meeting space (e.g. for use by weddings, birthday parties, and corporate events.), c) designated, permanent parking for more than twenty (20) vehicles.

### B. **Standards.**

1. Minimum **lot area** of ten (10) acres.
2. A two hundred (200) foot open buffer shall be provided on all sides of the property not **abutting** a roadway. Agricultural Commercial/Tourism Business activities shall not be allowed within this buffer area. Where possible crops shall remain within this buffer area to help maintain the agricultural character of the site.



3. Buffer plantings shall be provided along the property line where there is an **abutting** residence. Greenbelt plantings are intended to screen views of the proposed operation from the adjacent home or property. Buffer plantings shall meet the standards of Section **13.02**.
4. Must provide off-street parking to accommodate use as outlined in **Article 12**.
  - a. Parking facilities may be located on a grass or gravel area for seasonal uses such as roadside stands, u-pick operations, and agricultural mazes. All parking areas shall be defined by either gravel, cut lawn, sand, or other visible marking.
  - b. All parking areas shall be located in such a manner to avoid traffic hazards associated with entering and exiting the public roadway.
  - c. Parking shall not be located in required **setback** or buffer areas. Paved parking areas must meet all design, and landscape screening requirements as set forth in this Zoning Ordinance.
5. The following additional operational information must also be provided as applicable:
  - a. Ownership of the property.
  - b. Months (season) of operation.
  - c. Hours of operation.
  - d. Anticipated number of customers.
  - e. Maintenance plan for disposal, etc.
  - f. Any proposed signs.
  - g. Any proposed lighting.
  - h. Maximum number of employees at any one time.
  - i. Restroom facilities.
  - j. Verification that all required permits have been granted, i.e. Federal, State, and local permits.
6. All areas of the property to be used including all **structures** on site must be clearly identified.



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### SECTION 11.05 ADULT FOSTER CARE FACILITIES

- A. Adult foster care family homes serving six (6) persons or less. A state-licensed adult foster care home, foster family home, or foster family group home serving six (6) persons or less shall be considered a residential use of property and a permitted use in all residential **districts**.
- B. Adult foster care small group homes serving between seven (7) and twelve (12) persons.
  - 1. A site plan, prepared in accordance with **Article 9** shall be required to be submitted.
  - 2. The subject parcel shall meet the minimum **lot area** requirements for the **zoning district** in which it is located, provided there is a minimum site area of two thousand (2,000) square feet per adult, excluding employees and/or caregivers.
  - 3. The property is maintained in a manner that is consistent with the character of the neighborhood.
  - 4. One (1) off-street **parking space** per employee and/or caregiver shall be provided.
  - 5. Appropriate licenses with the State of Michigan shall be maintained.
- C. Adult foster care large group homes serving between thirteen (13) and twenty (20) persons.
  - 1. A separate drop-off and pickup area shall be required adjacent to the main building entrance, located off of a public **street** and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway.
  - 2. A site plan, prepared in accordance with **Article 9** shall be required to be submitted.
  - 3. The subject parcel shall meet the minimum **lot area** requirements for the **zoning district** in which it is located, provided there is a minimum site area of two thousand (2,000) square feet per adult, excluding employees and/or caregivers.
  - 4. The property is maintained in a manner that is consistent with the character of the neighborhood.
  - 5. One (1) off-street **parking space** per employee and/or caregiver and one (1) visitor shall be provided.
  - 6. Appropriate licenses with the State of Michigan shall be maintained.
- D. Adult foster care congregate facilities serving more than twenty (20) persons.
  - 1. A separate drop-off and pickup area shall be required adjacent to the main building entrance, located off of a public **street** and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway.



- 2. A site plan, prepared in accordance with Article 9 shall be required.
- 3. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of two thousand (2,000) square feet per adult, excluding employees and/or caregivers.
- 4. The property is maintained in a manner that is consistent with the character of the neighborhood.
- 5. One (1) off-street parking space per employee and/or caregiver and one (1) visitor shall be provided.
- 6. Appropriate licenses with the State of Michigan shall be maintained.
- 7. The maximum length of an uninterrupted building façade facing public streets and residentially zoned or used property shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street are required to ensure that the building is not monotonous in appearance. Building wall offsets (projections and recesses), cornices, varying building materials, or pilasters shall be used to break up the mass of a single building.
- 8. Such facilities may include multi-purpose recreational rooms, kitchens, and meeting rooms. Such facilities may also include medical examination rooms and limited space for ancillary services for the residents of the facility, such as barber and beauty facilities.

**SECTION 11.06 SENIOR ASSISTED AND INDEPENDENT LIVING**

- A. **Maximum Density.** The maximum allowable density varies by housing type, but shall not exceed the following:
  - 1. Dwellings may be provided for as single-family detached, two-family or multiple-family units. When such dwellings contain kitchens, the minimum site area requirements for purposes of calculating density shall be as follows:

**Table 11.06.A-1**

Dwelling Unit Size	Site Area Required Per Unit
Efficiency / One (1) bedroom	2,000 square feet
Two (2) bedroom	2,500 square feet
Each additional bedroom	500 additional square feet per bedroom

- 2. Where facilities do not contain kitchen facilities within individual dwelling units, the site area per bed shall be one thousand five hundred (1,500) square feet.
- B. **Height, Lot Coverage, and Setbacks.** Height, lot coverage and setback requirements of the MF Districts as set forth in Article 4, Multiple Family Residential Requirements shall apply.



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- C. **Parking.** Parking is not allowed in any required **front yard**. Parking is permitted in side and rear yards provided a minimum twenty (20) foot **setback** is observed.
- D. **Façade.** The maximum length of an uninterrupted building façade facing public **streets** and residentially zoned or used property shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street are required to ensure that the **building** is not monotonous in appearance. Building wall offsets (projections and recesses); cornices, varying building materials or pilasters shall be used to break up the mass of a single building.
- E. **Drop-Off and Pickup Area.** A separate drop-off and pickup area shall be required adjacent to the main building entrance, located in a manner that will not create congestion on the site or within a public roadway.

### SECTION 11.07      FUNCTIONAL EQUIVALENT FAMILY; ADDITIONAL PERSONS

- A. **Standards.** The limit upon the number of persons who may reside as a functional equivalent of the domestic **family** may be increased or enlarged upon a demonstration by the applicant of all of the following:
  - 1. There are adequate provisions on the subject property for off-street parking for each adult proposed to reside on the premises, and adequate storage for each person proposed to reside on the premises;
  - 2. The extent of increase or enlargement of the limit upon the number of persons shall not, considered cumulatively with existing and reasonable projected population concentration in the area, place an unreasonable burden upon public services, facilities, and/or schools;
  - 3. There shall be a minimum of one hundred and twenty-five (125) square feet of useable floor space per person on the premises; and
  - 4. If the property in question is not serviced with public water and/or sewer facilities, an approval under this section shall be conditioned upon approval by the county health department of the number of persons on the premises in relation to sanitary sewage and water facilities.
- B. **Planning Commission Determination.** If the Planning Commission grants an application under this provision, the determination shall include the specific maximum number of persons authorized to reside on the property, and any minimum parking or storage requirements to be maintained.

### SECTION 11.08      CONVALESCENT CENTER

- A. **Site Area.** All such facilities shall be developed on sites having a minimum area of one (1) acre, or two thousand (2,000) square feet of site area for each one (1) bed in the facility, or



for each person cared for in the facility, whichever is greater. Within this area, a minimum of five hundred (500) square feet of contiguous open space shall be provided, apart from areas required for vehicular uses, for each bed or for each person cared for within the capacity of the **building**.

- B. **Ingress and Egress.** The proposed site shall have at least one (1) property line **abutting** and restricting all vehicular ingress and egress to a **street** classified as urban or suburban in the Township Master Plan.
- C. **Yards.** All **yards** shall be a minimum of fifty (50) feet in width shall be kept free of parking and shall be landscaped.
- D. **Loading and Service Areas.** Delivery loading and service areas and parking areas shall be screened from view of residentially zoned or used property in accordance with the standards set forth in Section **13.02**.
- E. **Façade.** The maximum length of an uninterrupted building façade facing public **streets** and residentially zoned or used property shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street are required to ensure that the **building** is not monotonous in appearance. Building wall offsets (projections and recesses), cornices, varying building materials, or pilasters shall be used to break up the mass of a single building.
- F. **Facilities.** Such facilities may include multi-purpose recreational rooms, kitchens, and meeting rooms. Such facilities may also include medical examination rooms and limited space for ancillary services for the residents of the facility, such as barber and beauty facilities.

## SECTION 11.09      BED AND BREAKFAST

- A. **Resident Proprietor.** The proprietor shall reside at the Bed and Breakfast establishment.
- B. **Length of Stay.** Guest stays shall not exceed fourteen (14) consecutive days nor more than thirty (30) days in one (1) year.
- C. **Primary Residential Use.** The rooms utilized for sleeping shall be a part of the primary residential use and not specifically constructed for rental purposes. Provided, however, that accessory dwellings in existence as of the effective date of this section, and located on the same **parcel** as a Bed and Breakfast may be utilized for sleeping rooms, in accordance with this Section.
- D. **Minimum Room Square Footage.** The rental sleeping rooms shall have a minimum area of one hundred (100) square feet for one (1) or two (2) occupants with an additional thirty (30) square feet for each occupant to a maximum of four (4) occupants per room.



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### SECTION 11.10 ACCESSORY DWELLING UNITS

- A. **Purpose and Intent.** Accessory **dwelling units** are dwelling units which are accessory a principal dwelling unit located on the same **lot or parcel**. The intent of those regulations is to:
1. Provide older homeowners with a means to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave;
  2. Add moderately-priced rental units to the housing stock to meet the needs of smaller households and make housing units available to moderate income household who might otherwise have difficulty finding housing;
  3. Develop housing units in single-family neighborhoods that are appropriate for households at a variety of stages in their life cycle;
  4. Provide housing units for persons with disabilities; and
  5. Protect stability, property values, and the residential character of a neighborhood.
- B. **Application of Regulations.** Accessory **dwelling units** shall be a conditional use in the R1-A, R1-B, and AG districts.
- C. **Standards of Approval.**
1. The units shall be a separate housekeeping unit, and shall not exceed fifty percent (50%) of the **floor area** of the principal residence.
  2. Only one (1) accessory dwelling shall be permitted on each **lot or parcel**.
  3. The owners of the principal residence shall continue to occupy the principal residence.
  4. The accessory **dwelling unit** shall not be occupied by more than two (2) persons meeting the definition of **family**.
  5. All **setback** and lot coverage requirements of the **district** shall be met.
  6. A minimum of one (1) additional off-street **parking space** shall be provided for the accessory dwelling.

### SECTION 11.11 LODGING FACILITIES

Lodging that includes a restaurant, bar/lounge, auditorium, exhibition, or public meeting space shall provide parking to accommodate all uses on the site, in accordance with the standards set forth in Section **12.05**.



## SECTION 11.12 LIVE/WORK UNITS

- A. **Accessibility.** Space devoted to nonresidential uses shall be accessible from the dwelling area.
- B. **Use of Nonresidential Space.** Only residents of the dwelling shall use the nonresidential space for purposes of employment.
- C. **Floor Area.** The floor area of the dwelling unit shall be at least five hundred (500) square feet in area.

## SECTION 11.13 MOBILE HOME PARKS

- A. **Sale Provisions.** The business of selling new and/or used mobile homes as a commercial operation in connection with the operation of mobile home parks shall be prohibited. New or used mobile homes located on lots within the mobile home park to be used and occupied on that site may be sold by a licensed dealer or broker. This Section shall not prohibit the sale of a used mobile home by a resident of the mobile home park provided the park's regulations permit the sale.
- B. **Setbacks.** A mobile home shall be in compliance with the following minimum distances:
  - 1. Twenty (20) feet from any part of an attached or detached structure of an adjacent mobile home which is used for living purposes.
  - 2. Ten (10) feet from an on-site parking space of an adjacent site.
  - 3. Ten (10) feet from either of the following: An attached or detached structure or accessory of an adjacent mobile home which is not used for living purposes.
  - 4. Fifty (50) feet from any permanent building.
  - 5. Ten (10) feet from the edge of an internal street.
  - 6. Twenty (20) feet the right-of-way line of a dedicated public street within the mobile home park.
  - 7. Seven and one half (7½) feet from a parking bay.
  - 8. Seven (7) feet from a common pedestrian walkway.
- C. **Height.** The maximum height of accessory structures in a mobile home park shall be fifteen (15) feet. The height of a storage building on a mobile home site shall not exceed the lesser of fifteen (15) feet or the height of the mobile home.
- D. **Parking Requirements.**



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1. A minimum of two (2) **parking spaces** shall be provided for each **mobile home** site. The minimum number of parking spaces for conditional uses permitted in a mobile home park may be reduced to two-thirds ( $\frac{2}{3}$ ) the number required for such uses as set forth in Article 12, herein, as part of a conditional use permit approval.
2. Additional parking facilities shall be provided as follows:
  - a. For storage of maintenance vehicles.
  - b. At the park office location for office visitors.
  - c. For general visitor parking, at the ratio of one (1) **parking space** for every three (3) **mobile home** sites in the park, in a convenient location for mobile home sites served thereby.

### E. **Streets.**

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

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

- G. **Site Constructed Buildings.** All **buildings** constructed on site within a **mobile home** park must be constructed in compliance with the all applicable Pittsfield Township Codes. Any addition to a mobile home unit that is not certified as meeting the standards of the US Department of Housing and Urban Development for mobile homes shall comply with all applicable Pittsfield Township Codes. Certificates and permits shall be required as provided in Article 3. A final site plan shall be approved prior to construction of any principal **structure**, not including mobile



home units, in accordance with [Article 9](#).

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

1. It shall be unlawful to park a [mobile home](#) unit so that any part of such unit will obstruct a [street](#) or pedestrian walkway.
2. A building permit shall be issued by the Township Building Department before a [mobile home](#) may be placed on a site in a mobile home park.

I. **Application of Regulations.** Construction of a [mobile home](#) park shall require prior approval of a site plan by the Township Planning Commission. For purposes of this section only, a site plan shall provide the following information.

1. The site plan shall be prepared on standard twenty-four (24) inch by thirty-six (36) inch sheets and shall be of a scale not greater than one (1) inch equals twenty (20) feet or less than one (1) inch equals two hundred (200) feet, and of such accuracy that the Planning Commission can readily interpret the plan.
2. Scale, north arrow, name, and date, plus date of any revisions.
3. Name and address of property owner and applicant; interest of applicant in the property; name and address of developer.
4. Name and address of designer. A site plan shall be prepared by an, architect, landscape architect, engineer, or land surveyor registered in the State of Michigan.
5. A vicinity map; legal description of the property; dimensions and area; [lot line](#) dimensions and bearings. A metes and bounds description shall be based on a boundary survey prepared by a registered surveyor.
6. Existing topography, at minimum of two (2) foot contour intervals; existing natural features such as trees, wooded areas, streams, and wetlands; natural features to remain or to be removed; one hundred (100) year flood hazard area.
7. Existing [buildings](#), [structures](#), and other improvements, including drives, utility poles and sewers, [easements](#), pipelines, excavations, ditches, bridges, culverts; existing improvements to remain or to be removed; deed restrictions, if any.
8. Name and address of owners of adjacent properties; use and zoning of adjacent properties; location and outline of [buildings](#), drives, parking lots, and other improvements on adjacent properties.
9. Locations and size of existing [public utilities](#) on or surrounding the property; location of existing fire hydrants; inverts of sanitary and storm sewers; location of existing manholes and catch basins; location of existing wells, septic tanks, and drain fields, if applicable.



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10. Names and rights-of-way of existing **streets** on or adjacent to the property; surface type and width; spot elevations of street surface at intersections with streets and drives of the proposed development.
11. Zoning classification of the subject property; location of required **yards**; total property area; **dwelling unit** density; schedule of dwelling units, by type; phasing information.
12. Grading plan, at a minimum contour interval of two (2) feet.
13. Location and exterior dimensions of proposed **buildings** and **structures** other than **mobile home** dwellings; height and finished floor elevations of such buildings and structures; location of mobile home and **parking spaces**.
14. Location and alignment of all proposed **streets** and drives; rights of way, where applicable; surface type and width; typical street sections; location and details of curbs; curb radii.
15. Location and dimensions of proposed parking lots; number of spaces in each lot; dimensions of spaces and aisles; typical section of parking lot surface.
16. Location, width, and surface of proposed sidewalks and pedestrian paths.
17. Location, use, size, and proposed improvements of open space and recreation areas.
18. Location and type of proposed screens and fences; height, typical elevations, and vertical section of screens, showing materials and dimensions.
19. Location, type, size, area, and height of proposed signs.
20. General proposed utility layout for sanitary sewer, water and storm water systems.
21. An overall map at a smaller scale showing how this property ties in with all other surrounding properties should be developed to include:
  - a. Existing and proposed water mains, sanitary and storm sewers in the area including sanitary sewer service areas;
  - b. The road network in the area;
  - c. The relationship of existing and proposed drainage courses and retention basins in the general area that impact or are impacted by his development as well as an area wide drainage map showing all the sub-areas that affect this site (all drainage must be directed to retention ponds); the map should also be on a twenty-four (24) inch by thirty-six (36) inch sheet.
22. Landscape plan showing location, type, and size of plant materials.
23. Location, dimension, and materials of proposed retaining walls; fill materials; typical vertical



sections.

- J. **Building Permits Required.** No mobile home may be placed on a mobile home site until a building permit therefore has been issued by the Pittsfield Township Building Department. A building permit shall not be issued until all required state approvals have been obtained.
- K. **Occupancy.** A mobile home in a mobile home park shall not be occupied until all required approvals have been obtained from the State of Michigan and a Certificate of Occupancy is issued.
- L. **Storm Shelter.** Storm shelters shall be provided for all mobile home residential uses in conformance with the following requirements:
  1. Shelters shall be located no more than six hundred (600) feet from any dwelling unit and/or occupied area served and on the same property.
  2. Shelters shall provide five and one-half (5.5) square feet of floor area per occupant and accommodate one hundred (100%) occupancy of the facility. For residential use types, this shall be computed for each unit as follows:

Efficiency / One bedroom	5.5 square feet
Two bedroom	11.0 square feet
Three bedroom	16.5 square feet
Four bedroom and over	20.0 square feet

3. Shelters shall be designed to withstand a wind speed of two hundred (200) miles per hour and in accordance with the technical guidelines recommended by the U.S. Federal Emergency Management Agency.

**SECTION 11.14 TEMPORARY HOUSING**

A building may be used for the temporary housing of seasonal agricultural workers provided the farm where located is at least sixty (60) acres. One (1) mobile home may be used for the housing of one (1) agricultural worker and his family provided the farm where located is at least sixty (60) acres in size, is being used for agricultural purposes and that the worker obtains at least thirty percent (30%) of his means from that farm where living. The mobile home shall be located to the rear of the area of farm buildings.

**SECTION 11.15 HOME OCCUPATION/HOME OFFICE**

All home occupations/home offices, with the exception of agricultural operations, shall be in single-family residences subject to the following requirements:

- A. **Incidental and Secondary.** A home occupation/home office must be clearly incidental and secondary to the primary use of a dwelling unit and conducted by a resident of the dwelling.



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- B. **Outside Appearance.** A home occupation/home office shall not change the character or appearance of the **structure** or the premises, or other visible evidence of conduct of such **home occupation/home office**. There shall be no external or internal alterations not customary in residential areas or structures. A home occupation/home office shall be conducted within the **dwelling unit** or within a building accessory thereto. There shall be no outside display of any kind, or other external or visible evidence of the conduct of a home occupation/home office, with the exception of a nameplate sign as set forth in **Article 15**.
- C. **Creation of Nuisance.** A **home occupation/home office** use shall not create a nuisance or endanger the health, safety, welfare, or enjoyment of any other person in the area, by reason of noise, vibrations, glare, fumes, odor, electrical interferences, unsanitary or unsightly conditions, and/or fire hazards. Any electrical equipment processes that create visual or audible interferences with any radio or television receivers off the premises or which cause fluctuations in line voltages off the premises shall be prohibited.
- D. **Percentage.** The **home occupation/home office** shall utilize no more than twenty-five percent (25%) of the total **floor area** of any one (1) story of the residential **structure** therein located.
- E. **Employees.** No more than one (1) employee shall be permitted other than members of the immediate **family** residing in the **dwelling unit**.
- F. **Number of Customers.** No more than two (2) customers or clients shall be permitted to visit the site at any given time. Adequate off street parking shall be provided for customers or clients.
- G. **Vehicular Traffic Creation.** There shall be no vehicular traffic permitted for the **home occupation/home office**, other than as is normally generated for a single-family **dwelling unit** in a residential area, both as to volume and type of vehicles.
- H. **Parking.** Parking for the **home occupation/home office** shall not exceed two (2) spaces. Such spaces shall be provided on the premises. Off street parking is subject to all regulations in **Article 12**. **Parking spaces** shall not be located in the required **front yard**.
- I. **Commodities.** No article shall be sold or offered for sale on the premises except as is prepared within the dwelling or **accessory building** or is provided as incidental to the service or profession conducted therein.
- J. **Storage.** The exterior storage of material, equipment, or refuse associated with or resulting from a **home occupation/home office**, shall be prohibited.

### SECTION 11.16 KENNEL REGULATIONS / PET DAY CARE

#### A. **Application of Regulations.**

- 1. Conditional use required.



- a. Training classes shall be permitted only if specifically authorized in the Conditional Use Permit.
  - b. In **districts** other than AG, the **kennel** shall not be operated for breeding purposes, unless specifically authorized in the Conditional Use Permit.
2. The Conditional Use Permit shall establish a limit on the number of animals that may be boarded at one time.
  3. The Conditional Use Permit may limit the specific species of animals that are permitted.
  4. The Conditional Use Permit may establish a limit on other measures of the intensity of use.

**B. Standards.**

1. **Kennel** shall be subject to the permit and operational requirements of State and County regulatory agencies.
2. Pet grooming (including bathing, fur and nail trimming, brushing, flea and tick treatment, and similar treatment) shall be permitted for animals being boarded; for animals not being boarded, pet grooming shall be permitted if specifically authorized in the Conditional Use Permit.
3. The sale of pet and veterinary products shall be incidental to the **kennel** unless specifically authorized in the Conditional Use Permit.
4. Veterinary care shall be incidental to the **kennel** unless specifically authorized in the Conditional Use Permit.
5. **Structures** in which animals are kept, as well as animal runs and exercise areas, shall not be located in any required front or rear **setback** area and shall be located at least fifty (50) feet from any dwelling or **building** used by the public on adjacent land.

**C. Operations.**

1. All animals shall be kept in an enclosed **structure**, except for walking and outdoor exercise when accompanied and controlled by an employee of the **kennel**. The Conditional Use Permit may limit the time during which the animals are permitted out of the **building**.
2. An operations and maintenance plan shall be submitted that specifically addresses how noise will be attenuated and waste handled.
3. In **districts** other than Agricultural Districts, facilities must be connected to **public utilities** where available.
4. Applicant shall include a waste management plan.



**SECTION 11.17 POST-SECONDARY SCHOOLS (COLLEGES AND UNIVERSITIES)**

- A. **Ingress and Egress.** All ingress and egress from said site shall be directly on to a major arterial.
- B. **Setbacks.** No **building** shall be closer than eighty (80) feet to any property line that is residentially zoned or used. In all other cases, front, side, and rear **setbacks** shall be a minimum of forty (40) feet.
- C. **Off-Street Parking.** **Off-street parking areas** shall be located at least fifty (50) feet from any residential property line.
- D. **Service and Maintenance Buildings.** Those **buildings** to be used for servicing or maintenance, such as heating plants, garages, and storage **structures** shall be screened from view of residentially zoned or used property, in accordance with the standards set forth in Section 13.02.

**SECTION 11.18 PRIMARY/SECONDARY SCHOOLS**

- A. **Yards.** All outdoor play areas shall be located in the **rear** or **side yards** only and shall be enclosed with a durable fence six (6) feet in height, or four (4) feet in height if adjoining a **right-of-way**.
- B. **Approvals.** All required state and local licenses, charters, permits and similar approvals shall be issued prior to occupancy for any educational purposes and shall be maintained in good standing.
- C. **Off-Street Parking.** Off-street parking shall be arranged so the area for bus loading and unloading of students will not be in the path of vehicular traffic.
- D. **Service and Maintenance Buildings.** Those **buildings** to be used for servicing or maintenance, such as heating plants, garages, and storage **structures** shall be screened from view of residentially zoned or used property, in accordance with the standards set forth in Section 13.02.

**SECTION 11.19 HOSPITAL**

- A. **Ingress and Egress.** The proposed site shall have at least one (1) property line **abutting** a major arterial of at least one hundred and twenty (120) feet of **right-of-way** width. All vehicular ingress and egress shall be directly from a major thoroughfare.
- B. **Setbacks.** The minimum distance of any main or **accessory building** or **structure** from any boundary property line or **street** shall be two hundred (200) feet. A minimum depth of one hundred (100) feet of such required **yards**, adjacent to property lines, shall be kept free of off-street parking.
- C. **Accessory Buildings and Uses.** **Accessory buildings** and uses may be permitted, provided the total **floor area** of such uses does not exceed that of the main **hospital** complex. Ambulance and



delivery areas shall be screened from view of adjacent residentially zoned or used property, in accordance with the standards set forth in Section 13.02.

- D. **Off-Street Parking.** Off-street parking shall be provided for such uses in accordance with the requirements of Section 12.05.G. **Accessory building** and uses parking shall be in addition to that required for the main **hospital** complex.
- E. **Hazardous Materials.** Any hazardous materials proposed to be stored, used or handled on site shall be disclosed by the applicant to the Township during the development review process, and all such storage, use, and handling shall be conducted in accordance with the standards set forth in Article 14 and any applicable State or federal requirements.

## SECTION 11.20 CEMETERY

- A. **Screening.** Landscape screening meeting the standards set forth in Section 13.02 shall be provided where a cemetery **abuts** a residentially zoned or used **parcel**.
- B. **Assembly.** The use shall be so arranged that adequate assembly area is provided off-street for vehicles to be used in a funeral procession. This assembly area shall be provided in addition to any required **off-street parking area**.
- C. **Ingress and Egress.** Points of ingress and egress for the site shall be designed so as to minimize possible conflicts between traffic on adjacent major thoroughfares and funeral processions or visitors entering or leaving the site.
- D. **Setbacks.** No **building** shall be located closer than fifty (50) feet from a property line that **abuts** any residentially used or zoned property.

## SECTION 11.21 PLACES OF WORSHIP

- A. **Fully Enclosed Building.** All religious activities shall take place in a fully enclosed **building** except as may be approved by the Township.
- B. **Incidental Facilities.** Facilities incidental to the main religious sanctuary must be used for church, worship, or religious education purposes, in a manner which is consistent with residential zoning and compatible with adjacent residential property. Associated uses on the site such as recreation centers, retreat facilities, conference centers, schools convents, and others shall meet all requirements of this Ordinance for such uses.
- C. **Frontage and Access.** The site shall have frontage on and primary access to a major or minor arterial.
- D. **Maximum Height.** **Buildings** of greater than the maximum height allowed in the District in which a place of worship is located, may be allowed provided that the **front, side** and **rear** yards are increased one (1) foot for each foot of building height which exceeds the maximum



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height allowed.

- E. **Setbacks.** *Front, side,* and *rear yard setbacks* shall be a minimum of fifty (50) feet.
- F. **Parking Location.** Parking shall not be permitted in the required *yards* adjacent to any public *street* or adjacent to any land zoned for residential purposes, other than that which is developed or committed for uses other than the construction of residential dwellings. Such yards shall be maintained as landscaped open space.
- G. **Traffic Control.** Traffic from events, including church worship services and other large assemblies, shall be controlled so as not to create congestion or unreasonable delays on the public *street*.

### SECTION 11.22 GOLF COURSES

- A. **Accessory Uses and Buildings.** Golf courses may also include *accessory uses* such as, but not limited to, clubhouses, restaurants, driving ranges, pro shops, and maintenance *buildings*. Any accessory uses and buildings associated with the golf course, and any buildings on the site shall conform to *setback* and dimensional requirements of the underlying *zoning district*.
- B. **Layout.** The design and layout of a golf course shall be configured to prevent stray golf shots from traveling off the site and onto rights-of-way, neighboring properties or lands within the golf course development designed for uses other than the playing of golf.
- C. **Off-Street Parking.** All off-street parking shall be in compliance with the standards set forth in Section *12.05* of this Ordinance to provide for adequate parking for golfers as well as for banquets, weddings, golf tournaments, conferences, and other activities.
- D. **Storage, Service, and Maintenance Areas.** All storage, service, and maintenance areas shall be screened from view of residentially zoned or used property in accordance with the standards set forth in Section *13.02*.

### SECTION 11.23 SEXUALLY ORIENTED BUSINESSES

- A. **Purpose and Preliminary Statements.** *Sexually oriented businesses* require special supervision from the public safety agencies of the Township in order to protect and preserve the health, safety, and welfare of the patrons of such businesses as well as the citizens of the Township. There is convincing documented evidence that sexually oriented businesses, as a category of establishments, have deleterious secondary effects and are often associated with crime and adverse effects on surrounding properties. The Board of Trustees desires to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from crime; preserve the quality of life; preserve the character of surrounding neighborhoods and deter the spread of urban blight.

Certain sexually oriented products and services offered to the public are recognized as not inherently expressive and not protected by the First Amendment. See, e.g., *Heideman v. South*



Salt Lake City, 348 F.3d 1182, 1195 (10th Cir. 2003) (“[T]he Ordinance applies to all ‘sexually oriented businesses,’ which include establishments such as ‘adult motels’ and ‘adult novelty stores,’ which are not engaged in expressive activity.”); *Sewell v. Georgia*, 233 S.E.2d 187 (Ga. 1977) (upholding ban on commercial distribution of sexual devices), dismissed for want of a substantial federal question, 435 U.S. 982 (1978).

**Sexually oriented businesses** have often manipulated their inventory or business practices to avoid regulation while retaining their “adult” nature. See, e.g., *Z.J. Gifts D-4, L.L.C. v. City of Littleton*, No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001) (finding retail adult store’s “argument that it is not an adult entertainment establishment” to be “frivolous at best”); *People ex rel. Deters v. The Lion’s Den*, Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005) (noting that adult store manager’s testimony was “less than candid” and “suggested an intention to obscure the actual amount of sexually explicit material sold”); *City of New York v. Hommes*, 724 N.E.2d 368 (N.Y. 1999) (documenting manipulation of inventory to avoid regulation); *Taylor v. State*, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002) (noting that “the nonadult video selections appeared old and several of its display cases were covered with cobwebs”).

The manner in which an establishment holds itself out to the public is a reasonable consideration in determining whether the establishment is a sexually oriented business. See, e.g., *East Brooks Books, Inc. v. Shelby County*, 588 F.3d 360, 365 (6th Cir. 2009) (“A prominent display advertising an establishment as an ‘adult store,’ moreover, is a more objective indicator that the store is of the kind the Act aims to regulate, than the mere share of its stock or trade comprised of adult materials.”); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215, 261 (1991) (Scalia, J., concurring in part and dissenting in part) (“[I]t is most implausible that any enterprise which has as its constant intentional objective the sale of such [sexual] material does not advertise or promote it as such.”); *Patterson v. City of Grand Forks*, Case No. 18-2012-CV-00742 (Nov. 1, 2012) (upholding sex paraphernalia store location restriction which exempted stores in regional shopping malls because malls are on large parcels that buffer sensitive land uses, have their own security personnel, and limit signage and hours of operation). The Township intends to regulate such businesses as **sexually oriented businesses** through a narrowly tailored ordinance designed to serve the Township’s content-neutral substantial interest in preventing the negative secondary effects of **sexually oriented businesses**, and its regulations shall be narrowly construed to this end.

The purpose and intent of this section is to regulate **sexually oriented businesses**, in order to promote the health, safety, and general welfare of the citizens of the Township, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the Township.

The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize



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the distribution of obscene material.

- B. **Findings and Rationale.** Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the Board of Trustees, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v. Bellanca*, 452 U.S. 714 (1981); *Sewell v. Georgia*, 435 U.S. 982 (1978); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *City of Dallas v. Stanglin*, 490 U.S. 19 (1989); and *Entm't Prods., Inc. v. Shelby County*, 721 F.3d 729 (6th Cir. 2013); *Lund v. City of Fall River*, 714 F.3d 65 (1st Cir. 2013); *Imaginary Images, Inc. v. Evans*, 612 F.3d 736 (4th Cir. 2010); *LLEH, Inc. v. Wichita County*, 289 F.3d 358 (5th Cir. 2002); *Ocello v. Koster*, 354 S.W.3d 187 (Mo. 2011); *84 Video/Newsstand, Inc. v. Sartini*, 2011 WL 3904097 (6th Cir. Sept. 7, 2011); *Plaza Group Properties, LLC v. Spencer County Plan Commission*, 877 N.E.2d 877 (Ind. Ct. App. 2007); *Flanigan's Enters., Inc. v. Fulton County*, 596 F.3d 1265 (11th Cir. 2010); *East Brooks Books, Inc. v. Shelby County*, 588 F.3d 360 (6th Cir. 2009); *Entm't Prods., Inc. v. Shelby County*, 588 F.3d 372 (6th Cir. 2009); *Sensations, Inc. v. City of Grand Rapids*, 526 F.3d 291 (6th Cir. 2008); *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186 (9th Cir. 2004); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003); *Peek-a-Boo Lounge v. Manatee County*, 630 F.3d 1346 (11th Cir. 2011); *Daytona Grand, Inc. v. City of Daytona Beach*, 490 F.3d 860 (11th Cir. 2007); *Heideman v. South Salt Lake City*, 348 F.3d 1182 (10th Cir. 2003); *Williams v. Morgan*, 478 F.3d 1316 (11th Cir. 2007); *Jacksonville Property Rights Ass'n, Inc. v. City of Jacksonville*, 635 F.3d 1266 (11th Cir. 2011); *H&A Land Corp. v. City of Kennedale*, 480 F.3d 336 (5th Cir. 2007); *Hang On, Inc. v. City of Arlington*, 65 F.3d 1248 (5th Cir. 1995); *Fantasy Ranch, Inc. v. City of Arlington*, 459 F.3d 546 (5th Cir. 2006); *Illinois One News, Inc. v. City of Marshall*, 477 F.3d 461 (7th Cir. 2007); *G.M. Enterprises, Inc. v. Town of St. Joseph*, 350 F.3d 631 (7th Cir. 2003); *Richland Bookmart, Inc. v. Knox County*, 555 F.3d 512 (6th Cir. 2009); *Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County*, 256 F. Supp. 2d 385 (D. Md. 2003); *Richland Bookmart, Inc. v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *Spokane Arcade, Inc. v. City of Spokane*, 75 F.3d 663 (9th Cir. 1996); *DCR, Inc. v. Pierce County*, 964 P.2d 380 (Wash. Ct. App. 1998); *City of New York v. Hommes*, 724 N.E.2d 368 (N.Y. 1999); *Fantasyland Video, Inc. v. County of San Diego*, 505 F.3d 996 (9th Cir. 2007); *Bronco's Entm't, Ltd. v. Charter Twp. of Van Buren*, 421 F.3d 440 (6th Cir. 2005); *Charter Twp. of Van Buren v. Garter Belt, Inc.*, 258 Mich. App. 594 (2003); *Jott, Inc. v. Clinton Twp.*, 224 Mich. App. 513 (1997); *Michigan ex rel. Wayne County Prosecutor v. Dizzy Duck*, 449 Mich. 353 (1995); *Gora v. City of Ferndale*, 456 Mich. 704 (1998); *Rental Property Owners Ass'n of Kent County v. City of Grand Rapids*, 455 Mich. 246 (1996); *15192 Thirteen Mile Road, Inc. v. City of Warren*, 626 F. Supp. 803 (E.D. Mich. 1985); *City of Warren v. Executive Art Studio, Inc.*, No. 197353, 1998 WL 1993022 (Mich. App. Feb. 13, 1998); *Tally v. City of Detroit*, 54 Mich. App. 328 (1974); *Z.J. Gifts D-2, L.L.C. v. City of Aurora*, 136 F.3d 683 (10th Cir. 1998); *ILQ Investments, Inc. v. City of Rochester*, 25 F.3d 1413 (8th Cir. 1994); *Enlightened Reading, Inc. v. Jackson County*, 2009 WL 792492 (W.D. Mo. March 24, 2009); *MJJG Restaurant, LLC v. Horry County*, 2014 WL 1314445 (D.S.C. Mar. 28, 2014); *Cricket Store 17, LLC v. City of Columbia*, --- F.Supp.2d ---, 2014 WL 526339 (D.S.C. Feb. 10, 2014); *Taylor v. State*, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002); *Gammoh v. City of La Habra*, 395 F.3d 1114 (9th Cir. 2005); *Z.J. Gifts D-4, L.L.C. v. City of Littleton*, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001); *People*



ex rel. *Deters v. The Lion’s Den, Inc.*, Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005); *Reliable Consultants, Inc. v. City of Kennedale*, No. 4:05-CV-166-A, Findings of Fact and Conclusions of Law (N.D. Tex. May 26, 2005); *Warren Gifts, LLC v. City of Warren*, No. 2:02-cv-70062, R. 26 (E.D. Mich. June 21, 2002) (denying motion for preliminary injunction); *Patterson v. City of Grand Forks*, Case No. 18-2012-CV-00742, Memorandum Decision and Order (Grand Forks Cnty. Dist. Ct. Nov. 1, 2012); and based upon reports concerning secondary effects occurring in and around **sexually oriented businesses**, including, but not limited to, “Correlates of Current Transactional Sex among a Sample of Female Exotic Dancers in Baltimore, MD,” *Journal of Urban Health* (2011); “Does the Presence of Sexually Oriented Businesses Relate to Increased Levels of Crime?” *Crime & Delinquency* (2012) (Louisville, KY); *Metropolis, Illinois – 2011-12*; *Manatee County, Florida – 2007*; *Hillsborough County, Florida – 2006*; *Clarksville, Indiana – 2009*; *El Paso, Texas – 2008*; *Memphis, Tennessee – 2006*; *New Albany, Indiana – 2009*; *Louisville, Kentucky – 2004*; *Fulton County, GA – 2001*; *Chattanooga, Tennessee – 1999-2003*; *Jackson County, Missouri – 2008*; *Ft. Worth, Texas – 2004*; *Kennedale, Texas – 2005*; *Greensboro, North Carolina – 2003*; *Dallas, Texas – 1997*; *Houston, Texas – 1997, 1983*; *Phoenix, Arizona – 1995-98, 1979*; *Tucson, Arizona – 1990*; *Spokane, Washington – 2001*; *St. Cloud, Minnesota – 1994*; *Austin, Texas – 1986*; *Indianapolis, Indiana – 1984, 2009*; *Garden Grove, California – 1991*; *Los Angeles, California – 1977*; *Whittier, California – 1978*; *Oklahoma City, Oklahoma – 1986*; *New York, New York Times Square – 1994*; the Report of the Attorney General’s Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota); *Dallas, Texas – 2007*; “Rural Hotspots: The Case of Adult Businesses,” *19 Criminal Justice Policy Review* 153 (2008); “Stripclubs According to Strippers: Exposing Workplace Sexual Violence,” by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; “Sexually Oriented Businesses: An Insider’s View,” by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; *Sex Store Statistics and Articles*; and *Law Enforcement and Private Investigator Affidavits (Adult Cabarets in Forest Park, GA and Sandy Springs, GA)*, the Board of Trustees finds:

1. **Sexually oriented businesses**, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.
2. **Sexually oriented businesses** should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other sexually oriented businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area.
3. Each of the foregoing negative secondary effects constitutes a harm which the Township has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the Township’s rationale for this ordinance, exists independent of any comparative analysis between sexually oriented and non-**sexually oriented businesses**. Additionally, the Township’s interest in regulating sexually oriented businesses extends to preventing future secondary effects of



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either current or future sexually oriented businesses that may locate in the Township. The Township finds that the cases and documentation relied on in this ordinance are reasonably believed to be relevant to said secondary effects.

The Township hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of **sexually oriented businesses**, including the judicial opinions and reports related to such secondary effects.

C. **Definitions.** For the purpose of this Ordinance, the following additional definitions shall apply:

1. **ADULT BOOKSTORE OR ADULT VIDEO STORE:** A commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas." A "principal business activity" exists where the commercial establishment meets any one or more of the following criteria:
  - a. At least 35% of the establishment's displayed merchandise consists of said items, or
  - b. At least 35% of the retail value (defined as the price charged to customers) of the establishment's displayed merchandise consists of said items, or
  - c. At least 35% of the establishment's revenues derive from the sale or rental, for any form of consideration, of said items, or
  - d. The establishment maintains at least 35% of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in "floor space" maintained for the display, sale, or rental of said items); or
  - e. The establishment maintains at least five hundred square feet (500 sq. ft.) of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in "floor space" maintained for the display, sale, or rental of said items); or
  - f. The establishment regularly offers for sale or rental at least two thousand (2,000) of said items; or
  - g. The establishment maintains an "adult arcade," which means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting "specified sexual activities" or "specified anatomical areas."



2. **ADULT CABARET:** A nightclub, club, bar, juice bar, restaurant, bottle club or similar commercial establishment that regularly features live conduct characterized by semi-nudity. No establishment shall avoid classification as an adult cabaret by offering or featuring nudity.
3. **ADULT MOTION PICTURE THEATER:** A commercial establishment where films, motion pictures, video cassettes, compact discs, slides, or similar photographic reproductions which are characterized by their emphasis upon the display of “specified sexual activities” or “specified anatomical areas” are regularly shown to more than five persons for any form of consideration.

**CHARACTERIZED BY:** Describing the essential character or quality of an item. As applied in this ordinance, no business shall be classified as a sexually oriented business by virtue of showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America.

4. **ESTABLISH OR ESTABLISHMENT:** In regard to sexually oriented business, means and includes any of the following:
  - a. The opening or commencement of any sexually oriented business as a new business;
  - b. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
  - c. The addition of sexually oriented business to any other existing sexually oriented business; or
  - d. The relocation of a sexually oriented business.
5. **FEATURE:** To give special prominence to.
6. **FLOOR SPACE:** The floor area inside an establishment that is visible or accessible to patrons for any reason, excluding restrooms.
7. **NUDITY:** The showing of the human male or female genitals, pubic area, vulva, or anus with less than a fully opaque covering, or showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.
8. **PERSON:** An individual, proprietorship, partnership, corporation, association, or other legal entity.
9. **PREMISES:** The real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in the application for a sexually oriented business license.



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10. **REGIONAL SHOPPING MALL (ENCLOSED):** A group of retail and other commercial establishments that is planned, developed, and managed as a single property, with on-site parking provided around the perimeter of the shopping center, and that is generally at least forty acres in size and flanked by two or more large “anchor” stores, such as department stores. The common walkway or “mall” is enclosed, climate-controlled and lighted, usually with an inward orientation of the stores facing the walkway.
11. **REGULARLY:** The consistent and repeated doing of an act on an ongoing basis.
12. **SEMI-NUDE OR SEMI-NUDITY:** The showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.
13. **SEMI-NUDE MODEL STUDIO:** A place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. This definition does not apply to any place where persons appearing in a state of semi-nudity did so in a class operated:
  - a. By a college, junior college, or university supported entirely or partly by taxation;
  - b. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
  - c. In a structure:
    - i. Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and
    - ii. Where, in order to participate in a class a student must enroll at least three days in advance of the class.
14. **SEXUAL DEVICE:** means any three (3) dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.
15. **SEX PARAPHERNALIA STORE:** A commercial establishment that regularly features sexual devices. This definition shall not be construed to include any:



- a. pharmacy, drug store, medical clinic, or any establishment or entity primarily dedicated to providing medical or healthcare products or services; or
- b. any establishment located within an enclosed regional shopping mall.

16. **SEXUALLY ORIENTED BUSINESS:** An “adult bookstore or adult video store,” an “adult cabaret,” an “adult motion picture theater,” a “semi-nude model studio,” or a “sex paraphernalia store.”

17. **SPECIFIED ANATOMICAL AREAS:**

- a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, and female breasts below a point immediately above the top of the areola; and/or
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

18. **SPECIFIED SEXUAL ACTIVITIES:**

- a. Intercourse, oral copulation, masturbation or sodomy; or
- b. Excretory functions as part of or in connection with any of the activities described in a.

D. **Standards.**

- 1. It shall be unlawful to operate or cause to be operated a sexually oriented business within five hundred (500) feet of any of the following:
  - a. A place of worship.
  - b. A school or childcare facility.
  - c. A public park (not including public trails).
  - d. Any residential zoning district or any parcel used for residential purposes.

It shall be unlawful to cause or permit the operation of a sexually oriented business within one thousand (1,000) feet of another sexually oriented business.

- 2. For the purpose of this section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of the structure used in conjunction with the sexually oriented business to the closest point on a property boundary or right-of-way associated with any of the land use(s) identified in subsection (1) and (2) above. If the sexually oriented business is located in a multi-tenant structure, the distance shall be measured from the closest part of the tenant space occupied by the sexually oriented business to the closest point on a property boundary or



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right-of-way associated with any of the land use(s) identified in subsection (1) and (2) above.

3. A sexually oriented business lawfully operating is not rendered a nonconforming use by the subsequent location of a place of worship, school, childcare facility, public park, residential **district**, or a residential **lot** within five hundred (500) feet of the sexually oriented business. However, if the sexually oriented business ceases operation for a period of one hundred and eighty (180) days or more, regardless of any intent to resume operation, it may not recommence operation in that location unless it achieves conformity with the Pittsfield Township Ordinances.

### SECTION 11.24 MASSAGE THERAPY REGULATIONS

- A. **Standards.** A massage therapist must be licensed by the Department of Licensing and Regulatory Affairs, Bureau of Health Professions.
- B. **Authorized Locations.** Massage Therapy may only be performed in and in conjunction with a beauty salon, health club, athletic club, medical office or physical therapy clinic.
- C. **Massage Therapy in a Beauty Salon, Spa, Health Club, or Athletic Club.** Massage therapy performed in and in conjunction with a beauty salon, spa, health club, or athletic club is subject to the approval of a conditional use permit and the following conditions:
  1. Massage therapists must meet the qualifications established in this section.
  2. Any establishment employing or contracting massage therapists shall annually submit proof to the Township that each therapists license is current and valid.
  3. Floor area for massage therapy shall not exceed twenty percent (20%) of the total floor area.
  4. All licenses shall be prominently displayed on the premises. Upon request of any officer of the Township licenses shall be provided for review and verification.
  5. Any additional conditions required by the Planning Commission such as hours of operation, and massage therapy workspace visibility.
- D. **Massage Therapy in a Medical Office or Physical Therapy Clinic.** Massage therapy performed in, and in conjunction with, a medical office or physical therapy clinic is exempt from the conditional use process, but the conditions of **Section 11.24.C.2 and 4** above apply.

### SECTION 11.25 DRIVE-THROUGH FACILITIES

- A. **On-Site Stacking.** Adequate on-site stacking space for vehicles shall be provided for each drive-in window so that vehicles will not interfere with vehicular circulation or parking maneuvers on this site. Access to and egress from the site will not interfere with peak hour traffic flow on the **street** serving the property. On-site vehicle stacking for drive-in windows shall not interfere with access to, or egress from the site or cause standing of vehicles in a public **right-of-way**.



- B. **Traffic Control.** Projected peak hour traffic volumes which will be generated by the proposed drive-in service shall not cause undue congestion during the peak hour of the **street** serving the site.
  
- C. **Ingress and Egress.** Ingress and egress to drive-through facilities shall be part of the internal circulation of the site and integrated with the overall site design. Clear identification and delineation between the drive-through facility and the parking lot shall be provided. Drive-through facilities shall be designed in a manner which promotes pedestrian and vehicular operation and safety.
  
- D. **Drive-Through Locations.** Single-lane drive-throughs may be located at the side of a **building**. Multiple-lane drive-throughs shall be located in a manner that will be the least visible from a public thoroughfare. Canopy design shall be compatible with the design of the principal building and incorporate similar materials and architectural elements.
  
- E. **Stacking Space Requirements.** Each drive-through facility shall provide stacking space meeting the following standards:
  - 1. Each stacking lane shall be one-way, and each stacking lane space shall be a minimum of twelve (12) feet in width and twenty (20) feet in length.
  - 2. If proposed, an escape lane shall be a minimum of twelve (12) feet in width to allow other vehicles to pass those waiting to be served.
  - 3. The number of stacking spaces per service lane shall be provided for the uses as listed in Table 11.25.E-1. When a use is not specifically mentioned, the requirements for off-street stacking space for the use with similar needs, as determined at the discretion of the Zoning Administration, shall apply.

**TABLE 11.25.E-1**

Use	Stacking Spaces per Service Lane
Banks, Pharmacy, Photo Service, and Dry Cleaning	4
Restaurants with Drive-Through	10
Auto Washes (Self-Service)	
Entry	2
Exit	1
Auto Washes (Automatic)	
Entry	8
Exit	2



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### SECTION 11.26 LARGE-SCALE RETAIL ESTABLISHMENT

#### A. *Building Design and Materials.*

1. ***Façades and Exterior Walls.*** The maximum length of an uninterrupted building façade facing public **streets**, residentially zoned or used property, and/or parks shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street are required to ensure that the **building** is not monotonous in appearance. Building wall offsets (projections and recesses), cornices, varying building materials, or pilasters shall be used to break up the mass of a single building.
2. ***Roofs.*** Roofs shall exhibit one (1) or more of the following features depending upon the nature of the roof and building design:
  - a. ***Flat Roof.*** Parapets concealing flat roofs and rooftop equipment or screening surrounding rooftop equipment such as HVAC units from public view are required. Parapets shall not exceed one-third ( $\frac{1}{3}$ ) of the height of the supporting wall at any point.
  - b. ***Pitched Roof.***
    - i. Overhanging eaves, extending no less than three (3) feet past the supporting walls;
    - ii. An average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run;
    - iii. Three (3) or more roof slope planes.

#### B. *Site Design.*

1. ***Parking Lot Location.*** No more than fifty percent (50%) of the **off-street parking area** devoted to the large-scale **retail** establishment shall be located within the **front yard** and between the front façade of the principal **building** and the **abutting streets**.
2. ***Primary Entrance.*** The primary building entrance shall be clearly identifiable and useable and located facing the **right-of-way**.
3. ***Pedestrian Connection.*** A pedestrian connection shall provide a clear, obvious, publicly-accessible connection between the primary **street** upon which the building fronts and the **building**. The pedestrian connection shall comply with the following:
  - a. Fully paved and maintained surface not less than five (5) feet in width.
  - b. Unit pavers or concrete distinct from the surrounding parking and drive lane surface.
  - c. Located in a separated sidewalk, within a raised median, or between wheel stops to protect pedestrians from vehicle overhangs where parking is adjacent.



4. **Additional Entrances.** In addition to the primary façade facing front façade and/or the **right-of-way**, if a parking area is located in the **rear** or **side yard**, it must also have a direct pedestrian access to the parking area that is of a level of materials, quality, and design emphasis that is at least equal to that of the primary entrance.
5. **Delivery/Loading Operations.** Loading docks, trash collection, outdoor storage, and similar facilities and functions shall be incorporated into the overall design of the **building** and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public **streets**. Use of screening materials that are different from or inferior to the principal materials of the building and landscape is prohibited.

## SECTION 11.27 FIREARM RETAIL SALES

- A. **Purpose.** The purpose and intent of this section is to regulate firearm **retail** sales, to promote the health, safety, morals, and general welfare of the citizens of the Township, and to establish reasonable and uniform regulations to prevent the concentration of firearm retail sales within the Township because of their disruptive and deleterious effect on adjacent properties, especially when constructed near residential zones.
- B. **Application of Regulations.**
  1. It shall be unlawful to operate or cause to be operated a firearm **retail** sales establishment or firearm retail sales as an **accessory use** operation in any location in the Township, except as provided for in this section.
  2. **Conditions of Approval.** The Planning Commission may recommend that the Township Board impose such conditions or limitations upon the establishment, location, construction, maintenance or operation of firearm **retail** sales, as shall, in its judgment, considering the standards set forth in Article **10** of this Ordinance, be necessary for the protection of the public health, safety, welfare, and interest, except that any conditions imposed on an firearm retail sales as defined in this Section shall be limited to those conditions necessary to assure compliance with the standards and requirements of Section **11.27.C**. Any evidence and guarantee may be required as proof that the conditions stipulated in connection with the establishment, maintenance and operation of a firearm retail sales business shall be fulfilled.
- C. **Standards.**
  1. It shall be unlawful to operate or cause to be operated a firearm **retail** sales establishment within five hundred (500) feet (measured from the nearest **lot line** to the nearest lot line on a straight-line basis) of any of the following:
    - a. A place of worship.



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- b. A school or childcare facility.
  - c. A public park (not including public trails).
  - d. Any residential **zoning district** or any **parcel** used for residential purposes.
2. It shall be unlawful to cause or permit the operation of a firearm **retail** sales establishment within one thousand (1,000) feet of another firearm retail sales establishment. The distance between any such businesses shall be measured from the nearest **lot line** to the nearest lot line on a straight-line basis.
  3. It shall be unlawful to cause or permit the operation or maintenance of more than one (1) firearm **retail** sales establishment in the same **building, structure,** or portion thereof.
  4. All **off-street parking areas** and entry door areas of firearm **retail** sales establishment shall be illuminated from dusk until the closing time of the business with a lighting system that provides an average maintained horizontal illumination of one (1) foot-candle of light on all parking surfaces and/or walkways. This requirement level is to help ensure the personal safety of patrons and employees and to reduce the incidence of vandalism and other criminal conduct.
  5. Any firearm **retail** sales establishment shall be subject to the all applicable requirements of the Zoning Ordinance.
  6. A firearm **retail** sales establishment lawfully operating is not rendered a nonconforming use by the subsequent location of a place of worship, school, childcare facility, public park, residential **district,** or a residential **lot** within five hundred (500) feet of the firearm retail sales establishment. However, if the firearm retail sales establishment ceases operation for a period of one hundred and eighty (180) days or more, regardless of any intent to resume operation, it may not recommence operation in that location except in conformity with the Pittsfield Charter Township Ordinances.
  7. No firearms or ammunition shall be displayed in window areas visible from a **street** or sidewalk.
  8. A firearm **retail** sales establishment shall have appropriate measures to ensure the business can be secured at all times.

### SECTION 11.28 INCIDENTAL SALES AND SERVICES

- A. **Within Wholesale Establishments.** Within **wholesale establishments,** **retail** sales of items that are the same or are related by use or design to such wholesale items that are sold on premises shall be permitted, provided that the total amount of retail sales shall not exceed twenty-five percent (25%) of the annual wholesale sales on the premises. Retail sales shall be strictly incidental to wholesale sales.



B. **Within Multi-family Developments, Elderly Housing, Hospitals, and Convalescent Centers.** Within Multi-family Developments, Elderly Housing, Hospitals, and Convalescent Centers, incidental services for convenience of the buildings' residents, such as newsstands, delicatessens, restaurants, personal service shops, and similar uses shall be permitted, provided the following standards are met:

1. Not more than two percent (2%), including hallway space, of the total floor area devoted to dwelling units within the apartment building(s) shall be so used.
2. All such incidental services shall be situated within the interior of a so that no part thereof shall be directly accessible from any street or other public or private way.
3. No sign or window display shall be discernible or visible from a sidewalk, street, or other public or private way.
4. Such incidental service shall not be located on any floor above the first or ground floor.

C. **Within Business, Research, and/or Industrial Park.** Within Business, Research, and/or Industrial Park, incidental services allowed provided that:

1. Such facilities shall be of the kinds needed to serve customers and employees of the research (industrial) park, such as but not limited to restaurants, but not including drive-ins, auto service stations, auto washes, gift shops, offices, and motels.
2. Such facilities shall be concentrated in a center and the layout of the site shall be such that the center is clearly oriented to the research (industrial) park and not to the general public.

## SECTION 11.29 BUILDING MATERIAL SALES, GARDEN CENTERS, AND SIMILAR USES

Building material sales, garden centers, and similar uses which are characterized by outdoor storage and sales, unless otherwise specified herein, shall be subject to the standards set forth in this Section.

- A. **Permanent Sales Office.** A permanent sales and office building shall be located on site. The building or buildings may also include activities which are ancillary to the principal use, such as indoor storage of equipment and materials and equipment repair.
- B. **Outdoor Storage.** Outdoor storage of equipment and materials shall be subject to the standards set forth in Section 11.40, Outdoor Storage of Goods, Materials, and Equipment.

## SECTION 11.30 MATERIALS RECOVERY FACILITY

- A. **Standards.**



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1. All recyclable materials shall at all times be stored within a completely enclosed **building**.
2. The proposed use must be of such location, size, and character that it will be in harmony with the appropriate and orderly development of the surrounding area.
3. The location and size of the proposed use or uses, the nature and intensity of the principal use and all **accessory uses**, the site layout and its relation to **streets** giving access to it shall be such that traffic to and from the use and uses, and the assembly of persons in connection therewith, will not be hazardous or inconvenient to the area nor unduly conflict with the normal traffic of the area. Vehicles loading or unloading shall be contained within the property. All driveways and parking areas on the site shall be hard-surfaced to Township specifications.
4. The location, size, intensity, site layout, and periods of operation of any such proposed use must be designed to eliminate any possible nuisance likely to emanate therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke, or lights, or the presence of toxic materials.
5. All areas shall be screened from view of adjacent residentially zoned or used property, in accordance with the standards set forth in Section **13.02**.

### B. **Prohibited Activities.**

1. Incineration or open burning in any **building** or on the site.
2. Overnight storage of any refuse material, other than recyclable materials, in any **building**.
3. Dumping or storage of material on the site outside the **buildings** at any time.

## SECTION 11.31 SELF-STORAGE FACILITIES

A. **Incidental Uses.** Incidental **accessory uses** such as the sale of boxes, locks, and other supplies shall be permitted.

### B. **Standards.**

1. The storage of any toxic, corrosive, flammable, or hazardous materials is prohibited.
2. Other than the storage of recreation vehicles, all storage and **accessory uses** shall be contained within a **building**. All **recreational vehicle** storage shall be screened from the view of residentially zoned or used property and public roads in accordance with the standards set forth in Section **13.02**.
3. Exterior walls of all storage units shall be of masonry construction.



**SECTION 11.32 VEHICLE REPAIR**

- A. **Outdoor Storage.** Dismantled, wrecked, or inoperable vehicles awaiting repair shall not be stored outdoors for a period exceeding five (5) days. Outdoor storage shall be enclosed by an opaque fence up to eight (8) feet in height and/or landscape screening meeting the standards set forth in Section 13.02.
- B. **Disposal Containers.** Suitable containers shall be provided and used for disposal of used parts, and such containers shall be screened from view.
- C. **Enclosed Buildings.** All repair and maintenance activities, including hydraulic hoists, lubrication pits, and similar activities, shall be performed entirely within an enclosed building.
- D. **Retail Sales Limitations.** Retail sales shall be limited to those items necessary to carry out the vehicle repair occurring on the subject site.

**SECTION 11.33 VEHICLE SALES – NEW, USED, AND VINTAGE**

- A. **Setbacks.** No vehicle shall be parked or displayed within twenty (20) feet of any street right-of-way.
- B. **Noise.** Loud speakers broadcasting voice or music outside of a building shall not be permitted within five hundred (500) feet of any residential zoned or used property.
- C. **Repair and Maintenance.** All repair and maintenance activities shall conform with the standards set forth in Section 11.32.
- D. **Vehicle Delivery.** Vehicle delivery shall be conducted on the premises and shall not interfere with vehicular traffic on a public road.

**SECTION 11.34 VEHICLE FUELING / MULTI-USE STATION**

- A. **Setbacks.** The following minimum setbacks shall apply to canopies and pump facilities constructed in conjunction with Fueling / Multi-Use:

*Table 11.34.A-1*

Setback	Canopy Support	Pump Islands	Canopy Edge
Front	35 feet	30 feet	25 feet
Side	20 feet	20 feet	10 feet
Rear	30 feet	20 feet	20 feet

- B. **Fueling Areas Site Arrangement.** All fueling areas shall be arranged so that motor vehicles do not park on or extend over abutting landscaped areas, sidewalks, streets, buildings, or adjoining property while being served.



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- C. **Canopy Structures.** Canopy structures shall be designed and constructed in a manner which is architecturally compatible with the principal building. The canopy structure shall be attached to and made an integral part of the principal building unless can be demonstrated that the design of the building and canopy in combination would be more functional and aesthetically pleasing if the canopy was not physically attached to the principal building.
- D. **Fire Protection.** Required fire protection devices under the canopy shall be architecturally screened so that the tanks are not directly visible from the street. The screens shall be compatible with the design and color of the canopy.
- E. **Canopy Lighting.** Canopy lighting shall be recessed so that the light source is not visible from off site.
- F. **Pedestrian and Vehicular Safety.** Vehicle fueling / multi-use stations shall be designed in a manner which promotes pedestrian and vehicular safety. The parking and circulation system within each development shall accommodate the safe movement of vehicles, bicycles, pedestrians and refueling activities throughout the proposed development and to and from surrounding areas in a safe and convenient manner.
- G. **Repair and Services.** All repair and maintenance activities shall conform with the standards set forth in Section 11.32. Dismantled, wrecked, or immobile vehicles shall not be permitted to be stored on site.
- H. **Accessory Vehicle Wash.** If a vehicle wash is proposed, it must comply with the standards set forth in Section 11.36.

### SECTION 11.35      VEHICLE TOWING/IMPOUNDMENT LOT

A vehicle impoundment lot shall have a permanent office located on site. The building or buildings may also include activities which are ancillary to the vehicle towing/impoundment business, such as indoor storage of equipment and equipment repair. The impoundment lot shall be located behind the front face of the building and shall meet the standards set forth in Section 11.40, Outdoor Storage.

### SECTION 11.36      VEHICLE WASH

- A. **Use in Building and Setbacks.** All washing activities shall be carried on within a building. Vacuuming activities shall be located at least fifty (50) feet from adjacent residentially zoned or used property.
- B. **Mechanical Dryer.** Automatic carwash facilities shall have a mechanical dryer operation at the end of the wash cycle.
- C. **Exit Ramp.** All automatic carwash facilities must provide a demonstrated means at the exit



ramp for each wash bay to prevent pooling of water or freezing.

## SECTION 11.37      EXTRACTIVE OPERATIONS

- A. **Intent and Purpose.** This section is intended to ensure that mineral mining activity is compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use, and to ensure that mineral mining activities are consistent with the public health, safety, and welfare of the Township.
- B. **Application of Regulations.** The mining of sand, gravel, stone, and/or other mineral resources in the Township shall be prohibited unless first authorized by the grant of conditional use and site plan approval by the Township Board, after recommendation of the Planning Commission, in accordance with this Section and the requirements of applicable statutes.
- C. **Application Requirements.** The following information shall be submitted:
1. A completed application and all required information for site plan approval as set forth in Article 9 of the Zoning Ordinance.
  2. A completed application for conditional use approval as set forth in Article 10 of the Zoning Ordinance.
  3. **Market Information.** The applicant shall submit a report prepared by a geologist and/or other experts with the credentials to represent compliance with MCL 3205, Sections (3) and (4), that the natural resources to be extracted shall be considered valuable, and the applicant can receive revenue and reasonably expect to profit from the proposed mineral mining operation. The applicant shall also provide documentation that there is a need for the natural resources to be mined by either the applicant or in the market served by the applicant.
  4. There shall be not more than one (1) entrance way from a public road to said lot for each six hundred sixty (660) feet of front lot line.
  5. Such removal shall not take place before sunrise or after sunset.
  6. No activities conducted in conjunction with the extractive operation shall take place closer than one hundred (100) feet to any lot line.
  7. All roads, driveways, parking lots, and loading and unloading areas within one hundred (100) feet of any lot line shall be paved, watered, or chemically treated so as to limit, on adjoining lots and public roads, the nuisance caused by wind-borne dust.
  8. All fixed equipment and machinery shall be located at least one hundred (100) feet from any lot line and five hundred (500) feet from any residential zoning district, but that in the event the zoning classification of any land within five hundred (500) feet of such equipment or machinery shall be changed to residential subsequent to the operation



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of such equipment or machinery may continue henceforth but in no case less than one hundred (100) feet from any lot line.

9. There shall be erected a fence of not less than six (6) feet in height around the periphery of the area being excavated. Fences shall be adequate to prevent trespass, and shall be placed on level terrain no closer than fifty (50) feet to the top edge of any slope.
  10. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural.
  11. The operator or operators shall file with the Township Planning Commission and the County Health Department a detailed plan for the restoration of the development area which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of not greater interval than five (5) feet, steps which shall be taken to conserve topsoil; the type and number per acre of trees or shrubs to be planted and the location of future roads, drive, drainage courses, and/or other improvements contemplated.
  12. The restoration plans shall be filed with and approved by both the Township Planning Commission and the County Health Department before quarrying or removal operations shall begin. The plans shall be certified by a soil or geology engineer. In restoration no filling operations shall be permitted which will likely result in contamination of ground or surface water, or soils, through seepage of liquid or solid waste or which will likely result in the seepage of gases into surface or subsurface water or into the atmosphere.
  13. The operator or operators shall file with the Township Planning Commission a bond, payable to the Township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The rate per acre of property to be used for the required bond shall be fixed by the Township Planning Commission. The bond shall be released upon written certification of the County Health Department that the restoration is complete and in compliance with the restoration plan.
- D. **Standards.** The determination on applications submitted under this section shall be based upon a determination by the Township Board that no very serious consequences would result from the proposed mineral mining based upon the consideration of the following factors:
1. The proposed mining operation shall not result in a probable impairment, pollution, and/or destruction of the air, water, natural resources, and/or public trust therein;
  2. The proposed mining operation shall not result in a probable impairment to the water table and/or private wells of property owners within the reasonably anticipated area of impact during and subsequent to the operation;
  3. The proposed mining operation shall not create a probable impairment of and/or unreasonable alteration in the course, quantity, and quality of surface water, groundwater, and/or the watershed anticipated to be impacted by the operation;



4. The proposed mining operation shall be compatible with surrounding land uses currently in existence, or reasonably anticipated to be in existence, during the operation of the mining operation based upon application of generally accepted planning standards and principles;
  5. The proposed mining operation shall not unreasonably burden the capacity of public services and facilities; and
  6. The proposed mining operation shall not unreasonably impact surrounding property and/or property along all routes, endurance of noise, dust, air, water, odor, light, and/or vibration, and further shall not unreasonably impact upon persons receiving the operation in terms of aesthetics.
- E. **Additional Requirements.** In addition to meeting the standards set forth in Section 11.37.D, the following additional requirements shall apply:
1. Access to the proposed extractive operation shall be limited to a paved country primary road and have necessary and appropriate load-bearing and traffic volume capacity in relation to the proposed intensity of the use.
  2. The proposed transportation route or routes within the Township shall be as direct and minimal in detrimental impact as reasonably possible, as determined in the discretion of the Township Board at the time of application and thereafter.

## SECTION 11.38 WIRELESS COMMUNICATION FACILITIES

- A. **Intent and Purpose.** It is the intent of this section to provide standards for the location, construction and maintenance of wireless communication facilities in a way which will retain the integrity, character, property values, and aesthetic quality of neighborhoods and the Township, and minimize the negative visual impact of wireless communication facilities on neighborhoods, community landmarks, historic sites and buildings, natural beauty areas and public rights-of-way. The priority of the Township is to minimize the overall number of newly established locations for wireless communication support facilities within the community by encouraging the collocation of existing wireless communication support facilities where possible. It is required that all new and modified wireless communication support facilities (WCSFs) shall be designed and constructed so as to accommodate collocation. This section also requires that wireless communication antennas (WCAs), wireless communication facilities (WCFs) and wireless communication support facilities (WCSFs) shall adhere to all applicable Local, State, Federal laws and regulations, and the standards of this section.
- B. **Authorization.**
1. Subject to the standards and conditions set forth in this Section, wireless communication facilities shall be permitted uses in the following circumstances, and in any **districts**:
    - a. An existing **structure** which will serve as an attached wireless communications facility



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where the existing structure is not, in the discretion of the Township, proposed to be either materially altered or materially changed in appearance.

- b. A proposed collocation upon an attached wireless communication facility which has been approved earlier by the Township.
  - c. An existing **structure** which will serve as an attached wireless communication facility consisting of a utility pole located within a **right-of-way**, where the existing pole is not proposed to be modified in a manner which, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.
  - d. An existing wireless communication support **structure** established within a **right-of-way** having an existing width of more than two hundred and four (204) feet.
2. If it is demonstrated by an applicant that a wireless communication facility is required to be established outside an area identified in Section **11.38.B.1**, then, wireless communication facilities may be applied for elsewhere in the Township and must follow the **district** specific criteria and is subject to the criteria and standards set forth in this ordinance.

### C. **General Regulations.**

1. **Standards and Conditions Applicable to All Facilities.** All applications for wireless communication facilities shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed by the Township.
  - a. Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.
  - b. Facilities shall be located and designed to be harmonious with the surrounding areas.
  - c. Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
  - d. The maximum height of the new or modified support **structures** and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant and by other entities to collocate on the structures. The **accessory building** contemplated to enclose such things as switching equipment shall be limited to the maximum height for **accessory structures** within the respective **district**.
  - e. The **setback** of the support **structure** shall be equal to the height of the structure.
  - f. There shall be unobstructed access to the support **structure** for operation, maintenance, repair, and inspection purposes, which may be provided through or over an **easement**. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to



service the tower and any attendant facilities; the location of **buildings** and parking facilities; proximity to residential **districts** and minimizing disturbance to the natural landscape; and the type of equipment which will be needed to access the site.

- g. The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.
- h. Where an attached wireless communication facility is proposed on the roof of a **building**, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an **accessory building**. If proposed as an accessory building, it shall conform with all **district** requirements for principal buildings, including **yard setbacks**.
- i. The design and appearance of the support **structure** and all **accessory buildings**, shall be reviewed and approved so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.
- j. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.
- k. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.

D. **Standards and Conditions.** Applications for wireless communication facilities, which may be approved as conditional uses, and in addition to review requirements as set forth in Article 10, shall be reviewed, and if approved, constructed and maintained, in accordance with the standards and conditions set forth herein.

- 1. The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one (1) or more of the following factors:
  - a. Proximity to an interstate or major thoroughfare.
  - b. Areas of population concentration.
  - c. Concentration of commercial, industrial, and/or other **business centers**.
  - d. Areas where signal interference has occurred due to tall **buildings**, masses of trees, or other obstructions.
  - e. Topography of the proposed facility location in relation to other facilities with which



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the proposed facility is to operate.

f. Other specifically identified reason creating need for the facility.

2. The proposal shall be reviewed in conformity with the collocation requirements of this section.

### E. **Application Requirements.**

1. A site plan prepared in accordance with Article 9, Site Plan Review shall be submitted, showing the location, size, screening, and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.

2. The application shall include a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.

3. The application shall include a description of surety to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in Section 11.38.G, Removal. In this regard, the surety shall, be in a form approved by the Township Attorney.

4. The applicant shall include a map showing existing and known proposed wireless communication facilities within the Township, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the Township in the location, and in the area, which are relevant in terms of potential co-location or in demonstrating the need for the proposed facility. Any proprietary information may be submitted with a request for confidentiality in connection with the development pursuant to MCL 15.243(1)(g). This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the community.

### F. **Collocation.**

1. **Feasibility of Collocation.** Collocation shall be deemed to be “feasible” for purposes of this section where all of the following are met:

a. The wireless communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.

b. The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.

c. The collocation being considered is technologically reasonable, e.g., the collocation



will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the **structure**, antennas, and the like.

- d. The height of the **structure** necessary for collocation will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the several standards set forth herein.

## 2. **Requirements for Collocation.**

- a. An approval for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.
- b. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate collocation.

## G. **Removal.**

1. A condition to every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners when the facility has not been used for one hundred eighty (180) days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use. The applicant shall notify the Township upon cessation of operations or removal of antenna.
2. The situations in which removal of a facility is required, as set forth in paragraph G.1 above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Township.
3. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the facility.

## SECTION 11.39 OPEN AIR BUSINESS

- A. **Outdoor Display and Sales.** Outdoor Display and Sales are subject to the following standards and conditions:

1. Outdoor Display and Sales that is the principal use of the property is permitted as a Conditional Use in the C-2, Regional Commercial District, and the I, General Industrial District subject to the approval of the Planning Commission in accordance with Article 10.



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2. An Outdoor Display and Sales that is as an **accessory use** to the principal use conducted on the premises is permitted within the C-1, Neighborhood Commercial District, the C-2, Regional Commercial District, the I, General Industrial District, BD, Business District and Form-Based **districts** after obtaining a Zoning Compliance Permit from the Zoning Administrator. In the administration of these provisions, the Zoning Administrator may refer a request to the Planning Commission for review and approval where site conditions may create difficulty in adherence to the standards contained herein.
  3. The exterior of the premises shall be kept clean, orderly, and maintained.
  4. The Township shall not be held liable or responsible for any type of damage, theft, or personal injury that may occur as a result of an outdoor display.
  5. The location of the outdoor display shall meet all required **setbacks**, and shall be approved by the Zoning Administrator.
  6. An outdoor display shall not occupy or obstruct the use of any fire lane, roadway, drive-aisle, drive entrance, storage area, off-street parking, or landscaped area required to meet the standards of this Ordinance.
  7. Outdoor sale and display areas that **abut** residentially zoned or used property shall be screened in accordance with Section **13.02**.
  8. Only those products that are sold or are similar to the products sold within the principal building on the same lot may be permitted to be sold or displayed outdoors.
- B. **Seasonal Sales.** The outside sale of seasonal items such as Christmas trees, flowers and plants, pumpkins, and other such seasonal items that are grown shall require a permit from the Zoning Administrator subject to the following standards and conditions:
1. Seasonal sales may be located within any required **side** or **rear yard** and shall be no closer to a public road **right-of-way** than the required **front yard setback** or existing **building**, whichever is less. Where outdoor displays abut residentially zoned property, landscape screening in accordance with Section **13.02** shall also be provided.
  2. Seasonal sales shall not occupy or obstruct the use of any fire lane, required off-street parking, or landscaped area required to meet the requirements of this ordinance.
  3. Ingress and egress shall be provided in a manner so as not to create a traffic hazard or nuisance.
  4. Such sales shall be permitted for a period not to exceed ninety (90) days.
  5. Upon discontinuance of the seasonal use, any temporary **structure** shall be removed.



## SECTION 11.40 OUTDOOR STORAGE AND CONTRACTORS/LANDSCAPERS YARD

Outdoor storage of goods, materials, and equipment shall be prohibited unless otherwise specifically permitted in this section. For those uses where the outdoor storage of goods, materials, and equipment is permitted either by right or through a conditional use, the following conditions shall apply:

### A. *General Regulations.*

1. Such storage shall be strictly and clearly incidental to the principal use and only products and materials owned or produced by the principal business, and equipment owned and operated by the principal use shall be permitted for storage under the subsection.
2. *Location and Size.*
  - a. The location and size of areas for such storage, nature of items to be stored therein, and details of the enclosure, including description of materials, height, and typical elevation of the enclosure shall be provided as part of the conditional use permit application and indicated on a site plan, as set forth in Article 9.
  - b. Such storage shall not be located within the area between the front face of the building, as extended across the entire width of the lot, and to the right-of-way; in any required side or rear yard; or in any required transition strip.
  - c. Such storage shall not be located in any required parking or loading space.
3. *Screening.* The area for such storage shall be screened from view on all sides. Screening shall be constructed of wood or masonry materials. Wire fences with inserted strips of metal, plastic and similar materials shall not be substituted for the required screening. The screen shall not be less than the maximum height of the product being stored.

### B. *Contractors/Landscapers Yard.*

1. The contractor's office building shall be of permanent construction.
2. Outdoor storage shall be accessory to the contractor's principal office use of the property. Such outdoor storage shall not be located within the front yard and shall be enclosed by an opaque fence up to eight (8) feet in height and/or landscape screening meeting the standards set forth in Section 13.02.B.
3. All travel surfaces shall be paved as a condition of approval.
4. Cranes, booms or other extensions on equipment, trucks or other vehicles parked on site shall be stored in the lowest possible configuration.



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### SECTION 11.41 OUTDOOR SEATING AND SERVICE

#### A. **General Standards.**

1. Outdoor seating and service operated by a restaurant or other food establishment which sells food for immediate consumption may be permitted in the C-1, C-2, BD, and Form-based **districts**.
2. Outdoor seating and service shall be allowed only during normal operating hours of the establishment.
3. The exterior of the premises shall be kept clean, orderly, and maintained or the permit may be revoked. All food preparation shall be inside of the premises.
4. The Township shall not be held liable or responsible for any type of damage, theft, or personal injury which may occur as a result of a sidewalk café operation.
5. All sidewalk seating areas shall comply with applicable regulations of the county health department and the state.

- B. **Application.** An application depicting the location and layout of the café facility shall be submitted to the Zoning Administrator. Administrative site plan approval in accordance with Section 9.05 shall be required. The Zoning Administrator may refer any application for outdoor seating and service to the Planning Commission. A permit shall remain in effect, unless there is a change in ownership or the operation fails to meet the standards contained herein.

#### C. **Design Standards.**

1. An outdoor seating and service area shall be located on the same property as the principal establishment. All required **setbacks** must be met.
2. The outdoor seating and service area shall be located in a manner which does not obstruct pedestrian access. If an outdoor café is located on a sidewalk, not less than five (5) feet of unobstructed, pedestrian access along the sidewalk shall be maintained. Seating and service areas shall be enclosed with decorative fencing and/or landscaping.
3. If additional seating is proposed as a result of outdoor seating and service area, all off-street parking requirements shall be met.

### SECTION 11.42 OUTDOOR PROMOTIONAL ACTIVITIES

- A. **Days and Hours.** The event can only be carried on for a period not exceeding four (4) consecutive days and only between the hours of 7:00am and 10:00pm.
- B. **Permits Allowed in Calendar Year.** In any calendar year, no more than five (5) permits for such events may be approved for a particular business establishment.



- C. **Parking Location.** Parking for such activity is provided on same site.
- D. **Temporary Structures.** The total number, size, and location of tents or other temporary structures shall be subject to the review and approval of the Zoning Administrator based on factors such as the size and overall layout of the site, the street frontage, and the design and occupancy of the building.
- E. **Total Area.** The total square footage dedicated to the outdoor promotional activity cannot exceed ten percent (10%) of the lot area.
- F. **Setbacks.** Outdoor display and sale of merchandise is conducted at least one hundred (100) feet from any premises used or zoned for residential purposes.
- G. **Traffic Control.** The event does not occupy or utilize the street right-of-way nor block traffic movement on the street, and allows pedestrians to utilize the sidewalks.
- H. **Sanitation Facilities.** Available sanitation facilities are adequate to meet the requirements of the expected attendance and any temporary facilities are approved for use by the Washtenaw County Health Department.
- I. **Fire or Other Hazards.** Equipment and products used in the event pose no unusual fire or other hazard.
- J. **Nuisance.** The use of any sound system shall be controlled so as not to become a nuisance to adjacent properties.
- K. **Application Rejections.** The Zoning Administrator may reject such applications for cause including, but not limited to, the advice of the Department of Public Safety or the Township Engineer.
- L. **Special Events Permits Applications.** Events that fall under the Pittsfield Charter Township Special Events Policy require a Special Events Permit.

#### SECTION 11.43 OUTDOOR COMMERCIAL RECREATION

- A. **Physical Barriers and Setbacks.** Such facilities that include paint-ball, archery, and/or shooting ranges shall employ effective physical barriers and isolation distances to assure that no projectile shall carry, or be perceptible, beyond the property limit.
- B. **Fencing.** The Planning Commission may require that any or all of the property of a club facility be fenced to contain any debris or materials used or discarded on site and/or to prevent unauthorized access to the grounds.
- C. **Noise.** Loud speakers broadcasting voice or music outside of a building shall not be permitted within five hundred (500) feet of any residentially zoned property.



## Pittsfield Township Zoning Ordinance

### SECTION 11.44 OUTDOOR WOOD FIRE BOILER

- A. **Lot Size.** An Outdoor Wood Boiler may be installed and used only on a lot that is five (5) acres or more.
- B. **Setbacks, Location.**
1. An Outdoor Wood Boiler shall be located a minimum of one hundred and fifty (150) feet from any property line of the **lot** on which it is situated.
  2. An Outdoor Wood Boiler shall be located a minimum of three hundred (300) feet from the principal **building** on any adjacent **lot**.
- C. **Fuel.**
1. **Permitted Fuels.** The following combustible materials may be burned in an Outdoor Wood Boiler in accordance with the manufacturer's specifications.
    - a. Natural wood, untreated and with no additives.
    - b. Wood pellets, without additives.
    - c. Agricultural seeds in their natural form.
  2. **Prohibited Fuels.** All other combustible materials are prohibited from being burned in an Outdoor Wood Boiler, including without limitation:
    - a. Treated or painted wood, including but not limited to plywood, composite wood products, or other wood products that are painted, varnished, or treated with preservatives.
    - b. Waste petroleum products, paints, varnishes, or other oily wastes.
    - c. Asphalt and products containing asphalt.
    - d. Any plastic, nylon, PVC, ABS, urethane foam, and other synthetic materials.
    - e. Rubber products.
    - f. Newspapers, corrugated cardboard, container board, office paper, and other paper products.
    - g. Grass clippings, brush trimmings, leaves, and general yard waste.
    - h. Rubbish, garbage, construction or demolition debris, or other household or business wastes.
    - i. Any materials containing asbestos, lead, mercury, heavy or toxic metals, or chemicals.



- D. **Chimney.** An Outdoor Wood Boiler shall have a permanent attached chimney (or stack) that extends at least fifteen (15) feet above the ground surface.
  - 1. **Exception.** If the Outdoor Wood boiler is located more than three hundred (300) feet but less than five hundred (500) feet from a principal building on any adjacent lot, then the chimney shall extend to a height equal to or greater than the peak of the roof of the principal building on the adjacent lot. Where two (2) or more adjacent lots have principal buildings within the above range of distances, the required chimney height shall be equal to or greater than the highest of the roof peaks of the adjacent principal buildings. In no event shall the chimney be less than fifteen (15) feet in height.
- E. **Applicability.** Does not apply to grilling or cooking food using charcoal, wood, propane, or natural gas in cooking or grilling appliances nor apply to the use of propane, acetylene, natural gas, gasoline, or kerosene in a device intended for heating, construction, or maintenance activities.

**SECTION 11.45 GARAGE AND YARD SALES**

- A. **Standards.** The owner or occupant of any one or two family residents may conduct up to six (6) garage, rummage, or yard sales per calendar year. Each sale may be for a period not to exceed seventy-two (72) hours. Signage for said sale(s) shall be as permitted in Section 15.04.B.

**SECTION 11.46 ARTISAN FOOD AND BEVERAGE PRODUCTION**

- A. **Retail Sales.** Retail sales of the product produced on-site are allowed. If to be consumed off-site, the product must be in the original packaging. The product may also be soled and served on-site, and accessory retail sales of related items are permitted.
- B. **Wholesale.** No more than 50% of the product may be produced for sale to a wholesaler and at least 50% of the product must be sold for retail use, to be consumed either on- or off-site.
- C. **Enclosed Buildings.** All equipment used in the production and all products produced must be located within the principal building.
- D. **Nuisance.** The production process shall not produce odors, dust, vibration, noise, or other external impacts that are detectable beyond the property lines of the subject property.

**SECTION 11.47 SMOKING LOUNGE**

- A. **Limitations.** Smoking lounges shall only be permitted as a conditional use in the C-2, Regional Commercial; I, Industrial; or BD, Business Districts and only if approved by the State of Michigan Department of Community Health as a Tobacco Specialty Retail Store or cigar bar and possess



## Pittsfield Township Zoning Ordinance

a valid exemption of the State of Michigan smoking prohibition as set forth in Section 12606a of the Michigan Clean Indoor Air Act. Smoking lounges or cigar bars not possessing a valid state exemption as a tobacco specialty retail store or cigar bar are prohibited.

### B. **Standards.**

1. **Off-street parking.** Smoking lounges shall provide off-street parking per the standard for Restaurants & Cafes, Standard Restaurant in [Table 12.05.G-1](#).
2. **Mechanical ventilation required.** Mechanical ventilation shall be supplied in compliance with the Michigan Mechanical Code to ensure sufficient ventilation of the smoking lounge. The recirculation and the natural ventilation of air from the smoking lounge are prohibited. The air supplied to the smoking lounge shall be exhausted and discharged to an approved location in compliance with the Michigan Mechanical Code.
3. **Hours of operation; and outdoor activities prohibited.**
  - a. Businesses operating a licensed smoking lounge shall be closed between the hours of Midnight to 10:00 a.m.
  - b. All smoking lounge business activities shall be conducted wholly indoors, unless otherwise approved by the Township Board.
4. **Notice on exterior.** A clearly visible notice shall be posted by the entry door to the premises that:
  - a. Indicates that it contains a smoking lounge;
  - b. Indicates that it is a smoking lounge;
  - c. Indicates that it is not a food service establishment;
  - d. States that no loitering is permitted on the premises; and
  - e. States that no minors are permitted on the premises.
5. **Setbacks.** It shall be unlawful to operate a smoking lounge within five hundred (500) feet of any of the following:
  - a. A place of worship.
  - b. A school or childcare facility.
  - c. A public park (not including public trails).
  - d. Another smoking lounge.



6. ***Alcoholic Beverages.*** No alcoholic beverages shall be sold or consumed on the premises.
7. ***Minors.*** No persons under eighteen (18) years of age shall be permitted within the business.
8. The interior of the smoking lounge shall be maintained with adequate illumination to make the conduct of patrons within the premises readily discernible to persons with normal visual acuity.
9. No window coverings shall prevent visibility of the interior of the smoking lounge from outside the premises during operating hours. Any proposed window tint shall be approved in advance by the Township Public Safety Department.
10. Smoking lounges may only be located on premises that are physically separated from any areas of the same or adjacent establishments in which smoking is prohibited by state law and where smoke does not infiltrate into those nonsmoking areas. "Physically separated" shall mean an area that is enclosed on all sides by any combination of solid walls, windows, or doors that extend from the floor to ceiling.



**Pittsfield Township  
Zoning Ordinance**

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## **DETROIT GREENFIELD RV PARK**

Michael Priemer, Manager  
6680 Bunton Road  
Ypsilanti, MI 48197

December 10, 2019

Ms. Charlotte Wilson  
Planning and Development Coordinator  
Charter Township of Ypsilanti  
7200 S. Huron River Drive  
Ypsilanti, MI 48197

Dear Ms. Wilson:

Re: Proposed Zoning Ordinance Text Amendments

I am the manager of Detroit Greenfield RV Park, a long-time Township business and local cultural institution at 6680 Bunton Road. The campground has been in operation there since the early 1970's, when my family and I as a young adolescent first began spending summers there. I grew to love the place and am proud to now manage it.

The current owners of the campground have enjoyed owning and operating the campground since 1999, but recently the owners have decided to sell the campground. As part of their due diligence in the sale process, they performed a review of the Township zoning ordinance. This review made them aware of several concerns with the wording of the current zoning ordinance that could seriously and unnecessarily affect the continued operation and potential reasonable growth of the campground.

We appreciate the insights you offered with respect to how to handle our concerns, and the news that the Township is in the process of rewriting the zoning ordinance. Therefore, we are following your suggestion that we offer the planning commission input on our concerns and how the ordinance language might be better written. Hopefully, our knowledge and input will help the planning commission and township board revise the zoning ordinance so that any new owner will be able to continue and reasonably grow the campground to meet the changing needs of the modern world.

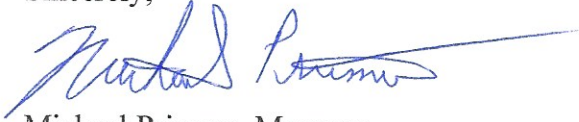
In the attached pages, we have shown the existing Township zoning ordinance language, together with modifications that we suggest (with strikeouts for deletions, redline additions, and blue line comments) for adoption. There are only 3 principal areas of concern, which do not affect the present owners because the campground is a lawful nonconforming use. However, our proposed changes to the ordinance would be necessary for any future owner, who would likely want to modernize and moderately grow the campground to meet current needs and tastes of the camping public. We would like to have these changes incorporated into the Township zoning ordinance so that we can continue to operate the campground in its current state while also offering any potential new owner the opportunity to operate and expand the campground.

As business owners and residents of Ypsilanti Township, we have enjoyed living and working in our community. We appreciate the time and energy that our community leaders put into running and maintaining the Township and we have appreciated the good working relationship we have always had with the Township.

We would welcome the chance to be involved in the planning commission and township board consideration of these amendments. If you could let me know when they will be up for any hearing or consideration, we will attempt to attend any meetings to help explain the need for these amendments and to answer any questions that the planning commission or township board may have concerning the proposed amendments.

Thank you for considering our requests.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Priemer", with a long horizontal flourish extending to the right.

Michael Priemer, Manager  
Detroit Greenfield RV Park

## Detroit Greenfield RV Park's Proposed Zoning Ordinance Amendments

### **Sec. 1852 - Private or public recreation vehicle campgrounds.**

Recreation vehicle campgrounds are intended to provide sites for persons seeking a temporary location for vacation or recreation purposes with recreational units such as, but not limited to: tents, travel trailers, camping trailers, motor homes, truck campers, slide-in campers and chassis-mounted campers. It is recognized that there are areas contained in the community that were subjected to extensive mining operations formerly for sand and gravel with little or no concern given to its ultimate reclamation and reuse. Recreation vehicle campgrounds are considered to be an adaptable use for these areas that due to present grade elevations, drainage conditions, headwall slopes and the like that otherwise could not be developed soundly as a conventional residential subdivision. Therefore, it is the intent of this ordinance to permit recreation vehicle campgrounds to be located so as to allow reasonable use of these areas and provide a transition of use between extensive nonresidential areas, i.e., light and heavy industrial uses and single-family residential areas. Recreation vehicle campgrounds shall further be subject to the following conditions:

#### *a. Locational requirements.*

- (1) Parcels being proposed for recreation vehicle campgrounds may be permitted in the R-4 one-family residential district when said recreation vehicle campgrounds afford a buffer to I-1, I-2, and/or MH districts and single-family districts. A recreation vehicle campground shall not be bounded on more than three sides by a single-family residential district, except that the planning commission and township board may waive this requirement where it can be shown that the abutting property will be developed for nonresidential purposes or for another recreation vehicle campground.
- (2) The site shall have direct access to a major thoroughfare, as designated on the major thoroughfare plan, and with appropriate frontage thereon to provide for the design of entrances and exits.

#### *b. Site conditions.* Condition of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.

#### *c. Uses permitted.* Uses such as, but not limited to, campground sites, management headquarters, recreational facilities, toilets, showers, coin-operated laundry facilities, parking areas and other uses and structures customarily found incidental to this use, shall be permitted. Such uses shall be restricted in their use to occupants of the site, except that temporary storage of recreational vehicles may be permitted upon the site when it can be clearly demonstrated that such storage is ancillary to the recreation vehicle campgrounds and subject to the conditions set forth under [subsection] g. (5) of this subsection 3.

d. *Height and area requirements.*

- (1) No building or structure hereafter erected or altered in a recreation vehicle campground shall exceed a height of ~~one~~**two** stories or ~~14~~**30** feet.

Explanation: The campground currently has an A-frame building that is 26 feet to its peak. There is a pole barn situated next to the A-frame building that is 20 feet high. Although we do understand the idea of limiting the heights of buildings, we also see multiple residential developments being built with two-story houses. This change would be in line with current construction trends in the area.

- (2) Recreation vehicle campgrounds shall be permitted only on parcels of 25 acres or more.
- (3) Each campground site shall have a minimum ~~40-foot~~ **15-foot** road frontage and a minimum area of at least ~~2,400~~ **1,200** square feet.

Explanation: The current Michigan administrative rule requirements for campground sites provide:

Rule 6. (1) A site in a campground, unless designated on an approved plan as a walk-in site, shall abut on a roadway, shall be of such size and so arranged to provide space for a recreational unit and vehicle parking, and shall have not less than 15 feet of road frontage width and 1,200 square feet of area.

The campground currently meets these State requirements. We have two undeveloped areas on the property that can potentially be used to add more sites, well within the State requirements. Although the current owners do not intend to add new sites, the potential buyers who have expressed interest in the campground have expressed an interest in adding additional sites compliant with the State requirements. The Township ordinance, as currently written, would significantly reduce the number of new sites that could be constructed, and would require sites that are not consistent with the size and orientation of our current sites. We would like to have the ordinance changed to follow the state rules.

e. *Yard and setback requirements.*

- (1) No campground site shall be located closer than ~~200~~ **100** feet to the right-of-way line of a major thoroughfare and ~~100~~ **50** feet to the campground boundary when it abuts or is adjacent to a residential district. Where the campground abuts or is adjacent to a nonresidential district, no campground site shall be located closer than 35 feet.

Explanation: The proposed amendments reflect and are consistent with the current site layout of the campground. The campground is surrounded on three sides by two residential districts and one mobile home park. There is a lake between the campground and the mobile home park to the north. There is a new construction project located to the west. There is a residential district to the south. The only potential issue is with the southern residential district. However, every yard in that abutting residential district is at least 500 feet in depth. We do not have any issues with our neighbors that

we are aware of and we are currently laid out with some of our sites located within 50 feet from the abutting right-of-way line. We understand the need for some separation, but our campground has a natural greenbelt barrier, as required below in subsection (f), that separates and buffers the campground from our neighboring properties. Although the ordinance theoretically needs to be written for other potential campgrounds as well, it is unlikely that any other sites in the Township would be developed for campgrounds, and these proposed changes would provide a good compromise. With the current ordinance language, any potential expansion or modernization of our campground would be severely limited, making it not cost-effective for potential future owners.

- (2) No service building or any other similar structure shall be located closer than 250 feet to a major thoroughfare or campground boundary.

*f. Buffers and landscaping.*

- (1) A greenbelt 20 feet in width and six feet in height shall be located and continually maintained along all campground borders. Where the campground borders a residential district, this greenbelt will provide a total obscuring effect. This greenbelt shall consist of such materials as trees and shrubs to provide privacy to occupants of the site and to visually shield the recreation vehicle campgrounds from surrounding property. Earthen berms are encouraged to be used to achieve this purpose.
- (2) A chain link fence of not less than four nor more than six feet in height shall be erected on the boundary line where any portion of the campgrounds abuts or is adjacent to a single-family residential district.

*g. Other conditions.*

- (1) All sanitary sewage and water facilities including connections provided to individual campground sites, shall meet the requirements of the Ypsilanti Township sewer and water departments and the Michigan state health department.
- (2) Entrances and exits from county or state highways shall have the prior written approval of the highway authority having jurisdiction within the township.
- (3) The campgrounds shall be located on a well-drained site properly graded to insure rapid drainage and freedom from stagnant pools.
- (4) All lighting shall be shielded to reduce glare and shall be so arranged as to reflect the light away from abutting or adjacent properties.
- (5) Areas provided for the storage of recreational vehicles may be permitted subject to the following:

- (a) The area shall be enclosed with a chain link fence of not less than five feet in height.
  - (b) A minimum setback distance of 250 feet is maintained from any abutting or adjacent residential district.
  - (c) Any areas established for this purpose shall not be more than ten percent of the total campgrounds.
- (6) ~~Occupants of any rented campground site shall not remain in the same recreation vehicle campground for more than 15 consecutive days within any calendar year.~~

Explanation: Since the campground has been in operation, many campers (including my own family, who camped there from almost the very beginning) have stayed in the campground for the entire season. As the RV industry has changed, so has camping. Many people purchase RVs and live in them full-time, especially many retirees. Many people also like to park their RV in one spot and simply travel back and forth from their permanent homes throughout the season, without the trouble of setting up and taking down their campsite. Our campground offers customers the option of staying daily, weekly, monthly, and seasonally. We recognize that the campground is currently grandfathered as a lawful nonconforming use, so the current ordinance limitation on the length of stay does not apply if the campground is not changed. But if the current or future owners change the campground, the limitation on the length of stay might become effective, which would completely change the current operations and make the business unmarketable to many of our existing and future customers who find longer-term stays enjoyable and convenient. We cannot see any reasonable purpose served by this limitation and would like to remove it from the ordinance.

- (76) The licensee shall provide a sufficient number of containers for the storage of garbage and other refuse, and provide for the transportation of garbage and refuse, not less than once each week at the licensee's own expense to a licensed sanitary landfill.
- (87) All recreational vehicle campground developments shall further comply with Act No. 171 of the Public Acts of Michigan of 1970 (MCL 325.651 et seq., MSA 14.447(121) et seq.), as amended.



**Carlisle | Wortman**  
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

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**MEMORANDUM**

**To:** Charter Township of Ypsilanti Planning Commission  
**From:** Megan Masson-Minock, AICP  
**Subject:** Proposed Zoning Ordinance Amendment for Medical Marihuana Uses  
**Date:** January 9, 2020


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Please find attached a zoning ordinance amendment to restrict medical marihuana uses to the I-C zoning district. Please note that this proposed amendment applies to *medical* marihuana, not recreational marihuana. The Township Board has agreed to opt out on the recreational marijuana question until later this year.

Currently, medical marihuana uses are allowed as a special use in the I-1 and I-2 zoning districts when they comply with Section 1841 (see attached). No changes are proposed to Section 1841. Sub-section 1841.a limits medical marihuana dispensaries and medical marihuana nurseries to a few areas in the Township based on zoning and proximity to places of worship, schools, child care organizations, public libraries, colleges or universities and residentially zoned districts or uses. However, with the anticipated changes of use on James L. Hart Parkway (place of worship ceasing at 770 and 660 James L. Hart Parkway and the Girl Scouts possibly leaving 550 James L. Hart Parkway), medical marihuana uses may be able to locate on land zoned I-1 in the Township Center or Township Core area. The Development Team (Supervisor, Clerk, Treasurer, Attorney, planning consultant and staff ) has discussed this situation and shared their belief that it was always the intent to restrict medical marihuana to the I-C zoning district. You have discussed restricting medical marihuana uses to the I-C district as part of the zoning ordinance rewrite. However, while we anticipate that the new version being adopted in 2020, that timeline is not guaranteed.

We would like to hear your opinion on this matter at our meeting on January 14. In the meanwhile, do not hesitate to contact me at [mmasson-minock@cwaplan.com](mailto:mmasson-minock@cwaplan.com) or 734-646-3163 with any questions or comments.

Sincerely,

  
CARLISLE/WORTMAN ASSOC., INC.  
Megan Masson-Minock, AICP  
Planner

Attachments: Proposed Medical Marihuana Zoning Ordinance Amendment, Section 1841, Current Zoning Map

Richard K. Carlisle, *President* Douglas J. Lewan, *Executive Vice President* John L. Enos, *Principal*  
David Scurto, *Principal* Benjamin R. Carlisle, *Principal* Sally M. Elmiger, *Principal* Craig Strong, *Principal* R. Donald Wortman, *Principal*  
Laura K. Kreps, *Senior Associate* Paul Montagno, *Associate*

**PROPOSED ORDINANCE 2020-XYZ**

*An Ordinance Amending the Zoning Code of the Charter Township of Ypsilanti*

The Charter Township of Ypsilanti hereby ordains that the Ypsilanti Township Zoning Code, adopted May 18, 1994, shall be amended as follows:

**SECTION 1. AMENDMENT TO TOWNSHIP ZONING ORDINANCE ARTICLE III:** Township Zoning Ordinance Article III, “Zoning Districts and Map” by amending Section 306 “Schedule of Uses”, sub-section 5, table “Industrial Districts Use Table”, “Retail and Services” as follows:

<b>Industrial Districts Use Table</b>	<b>IRO</b>	<b>I-1</b>	<b>I-2</b>	<b>I-3</b>	<b>I-C</b>	<b>Notes</b>
P= Permitted Use    S=Special Conditional Use    A= Accessory Use    -- = Not permitted						
<b>Retail and Services</b>						
Adult entertainment facilities					S	Subject to conditions in Section 1844
Adult/Child Day Care Center + Preschools	S	S				
Commercial kennels		P	P			
Massage establishment					S	Subject to conditions in Section 1845
Medical marihuana dispensaries and medical marihuana nurseries		S	S		S	Subject to conditions in Section 1841
Pawnbroker, secondhand dealer and junk dealer facilities					S	Subject to conditions in Section 1846
Personal service establishments	S					Permitted as accessory use only in IRO, subject to conditions in Section 1837
Retail	S					Such uses shall comprise not more than 20 percent of the land area of an overall development, subject to conditions in Section 1837
Tattoo facilities					S	Subject to conditions in Section 1847

**SECTION 3. SEVERABILITY.** In the event that any one or more sections, provisions, phrases or words of this ordinance shall be found to be invalid by a Court of competent jurisdiction, such holding shall not affect the validity nor the enforceability of the remaining sections, provisions, phrases or words of this Ordinance unless expressly so determined by a Court of competent jurisdiction.

**SECTION 4. PUBLICATION.** This ordinance shall be published in a newspaper of general circulation as required by law.

**SECTION 5. EFFECTIVE DATE:** This ordinance shall become effective upon publication in a newspaper of general circulation as required by law.

**SECTION 6. REPEAL:** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

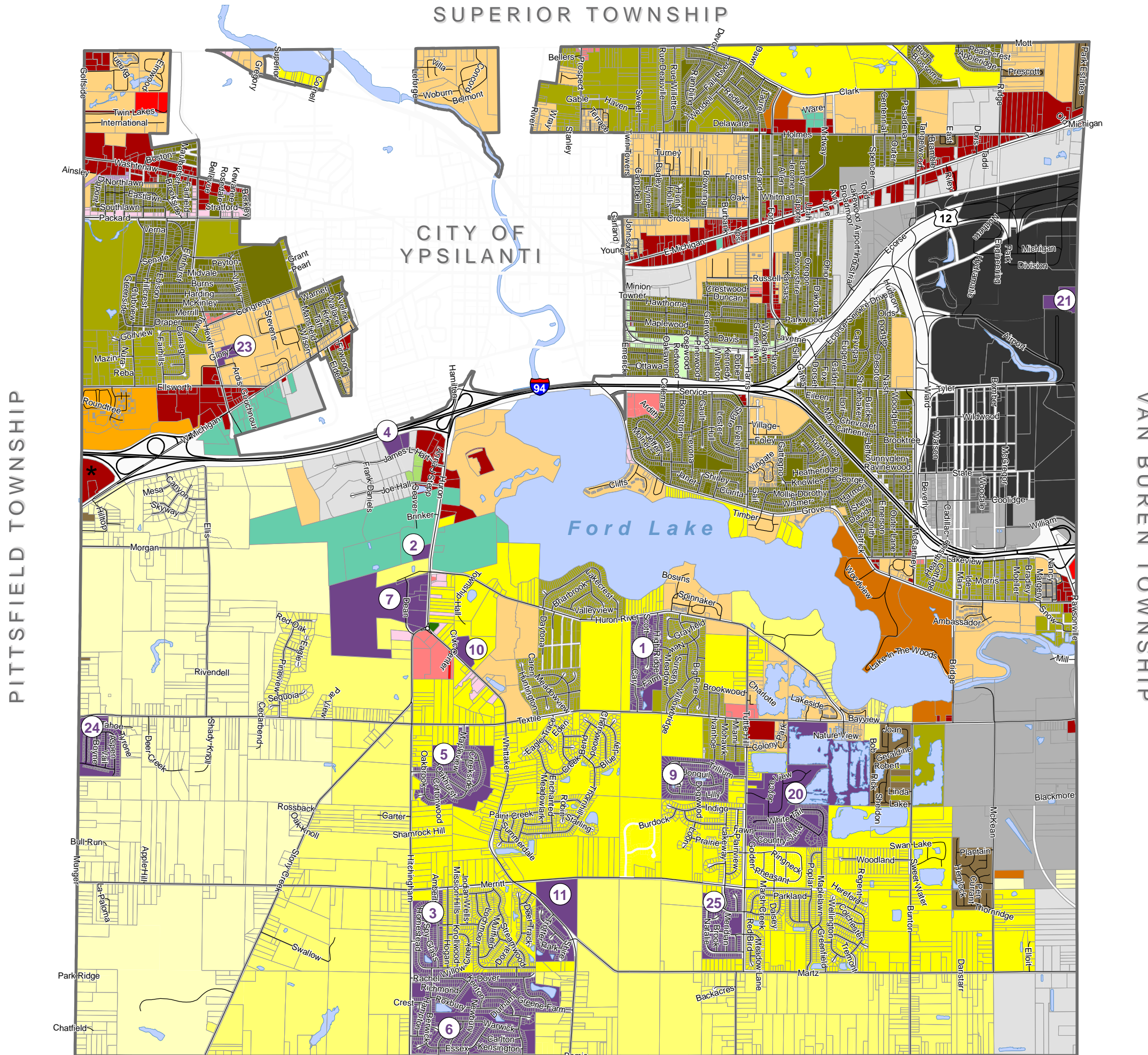
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Section 1841 of the Ypsilanti Charter Township Zoning Ordinance

Sec. 1841. - Medical marihuana dispensaries and medical marihuana nurseries:

- a. No medical marihuana dispensary or medical marihuana nursery shall be located within 1,000 feet of any other medical marihuana dispensary or medical marihuana nursery nor within 1,000 feet of any of the following uses:
  - (1) Any church, synagogue, mosque or any house of worship.
  - (2) Any school, public or private, having a curriculum including kindergarten or any one or more of the grades one through 12.
  - (3) Any child care organization.
  - (4) Any public library.
  - (5) Any residentially zoned district or residential use.
  - (6) Any community college, university or professional school.
- b. All activity related to a medical marihuana dispensary or medical marihuana nursery including, but not limited to, growing shall be done indoors in a locked structure.
- c. Medical marihuana dispensary and medical marihuana nurseries shall be operated in compliance with the provisions of the Michigan Department of Community Health and the Medical Marihuana Act, MCL 333.26421 et seq.
- d. Smoking, inhalation, or consumption of medical marihuana shall not be allowed on the site of the medical marihuana dispensary or medical marihuana nursery.
- e. No qualifying patients under the age of 18 shall be permitted in the medical marihuana dispensary or medical marihuana nursery at any time except in the presence of qualifying patient's parent or legal guardian or their primary caregiver.
- f. No retail sales of drug paraphernalia are permitted at the medical marihuana dispensary or medical marihuana nursery, except to qualifying patients or their primary caregivers.
- g. Each medical marihuana dispensary or medical marihuana nursery shall display in a manner legible and visible to its clientele:
  - (1) Notice that qualifying patients under the age of 18 are not allowed in the medical marihuana dispensary or medical marihuana nursery except in the presence of his/her parent or legal guardian;
  - (2) No consumption, inhalation or consumption of medical marihuana shall occur within the vicinity of the medical marihuana dispensary or medical marihuana nursery.
- h. Only operators and their employees, qualifying patients, parents or guardians of qualifying patients under 18 years of age, and their primary caregiver may be permitted to enter a medical marihuana dispensary or medical marihuana nursery for the purpose of obtaining medical marihuana or other goods or products associated with its use.
- i. Medical marihuana nurseries can grow a maximum of 72 marihuana plants.

# Zoning Map Charter Township of Ypsilanti

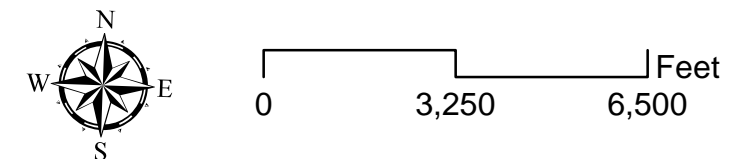


- R-1 One-Family Residential
- R-2 One-Family Residential
- R-3 One-Family Residential
- R-4 One-Family Residential
- R-5 One-Family Residential
- RM-2 Multiple-Family Residential
- RM-3 Multiple-Family Residential
- RM-4 Multiple-Family Residential
- MHP Mobile Home Park
- OS-1 Office Service
- B-1 Local Business
- B-2 Community Business
- B-3 General Business
- TC-1 Town Center
- TC-3 Town Center
- IRO Industrial Research Office
- I-1 Light Industrial
- I-2 General Industrial
- I-3 Heavy Industrial
- I-C Industrial and Commercial
- P-1 Vehicular Parking
- PD Planned Development
- Ecorse Road Form Based District
- \* Conditional Rezoning
- Water

## Planned Developments

- |                             |                                  |
|-----------------------------|----------------------------------|
| 1 Ford Lake Village         | 11 Whittaker Village Condominium |
| 2 Post Office               | 12-19 N/A                        |
| 3 Amberly Grove Condominium | 20 Majestic Lakes                |
| 4 Burning Bush              | 21 Yankee Air Museum             |
| 5 Paint Creek Farms         | 22 Villas at McCalla Woods       |
| 6 Greene Farms              | 23 Latter Rain Ministries        |
| 7 Paint Creek Crossing      | 24 Aspen Ridge                   |
| 8 N/A                       | 25 Creekside South/Manors        |
| 9 Whispering Meadows        | 26 Forestview Estates            |
| 10 Library                  |                                  |

We hereby certify the above zoning map is the original adopted and made a part of Ordinance No. 74 the Zoning Ordinance of the Charter Township of Ypsilanti, by the Board of Trustees assembled at a special meeting held on February 14, 2000 and includes approved zoning amendments last updated on July 19, 2019.



Sources: Charter Township of Ypsilanti, State of Michigan

# **OPEN DISCUSSION**

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A. NONE

# **PLANNING DEPARTMENT**

## REPORT

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# TOWNSHIP BOARD REPRESENTATIVE REPORT

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THERE IS NO WRITTEN REPORT

# TOWNSHIP ATTORNEY REPORT

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THERE IS NO WRITTEN REPORT

# ZONING BOARD OF APPEALS REPRESENTATIVE REPORT

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THERE IS NO WRITTEN REPORT

# OTHER BUSINESS

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1. Any other business that may come before the Planning Commission