

**APPENDIX A - ZONING<sup>[1]</sup>**

An ordinance enacted under Act No. 110 of the Public Acts of Michigan of 2006 (MCL 125.3101 et seq.), as amended, governing the unincorporated portions of the Charter Township of Ypsilanti, Washtenaw County, Michigan, to regulate and restrict the location and use of buildings, structures and land for trade, industry, residence and for public and semipublic or other specified uses; and to regulate and limit the height and bulk of buildings, and other structures; to regulate and to determine the size of yards, courts, and open spaces; to regulate and limit the density of population; and for said purposes to divide the Township into districts and establish the boundaries thereof; to provide for changes in the regulations, restrictions and boundaries of such districts; to define certain terms used herein; to provide for enforcement; to establish a board of appeals and to impose penalties for the violation of this ordinance.

**ARTICLE I - SHORT TITLE**

**Sec. 100. - Short title:**

This Ordinance shall be known and may be cited as the Charter Township of Ypsilanti zoning ordinance.

**Sec. 101. - Preamble:**

1. The Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended, M.C.L. 125.3101 et seq.) establishes the right to adopt comprehensive zoning regulations and empowers the Township to enact a zoning ordinance and provides for its administration, enforcement, and amendment.
2. The Township deems it necessary to enact said regulations for the purpose of promoting and protecting the health, safety, comfort, convenience, and general welfare of its residents.
3. The Township has prepared and adopted a Master Plan designed to guide growth in a logical and orderly fashion; to lessen congestion on the public streets; to minimize the burden on public services and utilities; to protect and preserve energy and natural resources, and to ensure a well-balanced community considering its present and potential physical, economic, cultural, and environmental assets.
4. The Township has identified districts and prepared regulations pertaining to such districts in accordance with the Master Plan and in consideration of the character of the districts and their unique suitability for particular uses, with a view towards conserving property values and encouraging the most appropriate use of land throughout the Township.

**Sec. 102. - Purpose:**

The purpose of this ordinance is to promote and safeguard the public health, safety, and welfare, implement the Master Plan, and achieve the following purposes:

1. Promote and regulate growth of the Township to obtain orderly and beneficial development with a balanced mix of uses that will support economic vitality and sustainability.
2. Protect the character and stability of residential neighborhoods.
3. Regulate the intensity and form of land development to ensure compatibility among land uses and, where applicable, provide transitions between land uses to reduce potential negative impacts.
4. Promote the wise use and conservation of energy and vital natural resources.
5. Improve the appearance and design quality of development.
6. Prevent an unreasonable burden on public facilities and services.
7. Lessen and avoid congestion on highways and streets and provide safe and convenient access for property.
8. Conserve the taxable value of land, buildings, and structures of the Township.

**Sec. 103. - Validity And Severability:**

1. If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling.
2. If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot, use, building, or structure, such ruling shall not affect the application of said provision to any other parcel, lot, use, building, or structure not specifically included in said ruling.

**Sec. 104. - Scope And Construction Of Regulations:**

1. This Ordinance shall be liberally construed in such manner as to best effectuate its purpose. In the interpretation and application of this Ordinance, these provisions are the minimum requirements adopted for the promotion of public health, safety, convenience, comfort, prosperity, and general welfare. Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by any other law, rule, regulation, or permit, then the provisions of this Ordinance shall control. Whenever any provision of this Ordinance imposes less stringent requirements, regulations, restrictions, or limitations than are imposed or required by any other law, rule, regulation, or permit, then the provisions of the other law, rule, regulation, or permit shall control.
2. No building or structure, or part thereof, shall be erected, constructed, reconstructed, or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except as permitted by and in conformity with the provisions of this Ordinance.

**Sec. 105. - Conflict With Other Laws:**

1. Except as otherwise provided under the Michigan Zoning Enabling Act (PA 110 of 2006, as amended, M.C.L. 125.3101 et seq.), this Ordinance shall be controlling in the case of any inconsistencies between this Ordinance and an ordinance adopted under any other law.
2. This Ordinance is not intended to prevent compliance with any Federal, State, or local law, ordinance, or regulation, provided that where this Ordinance is more restrictive or imposes a higher standard, the provisions of this Ordinance shall prevail.
3. This Ordinance is not intended to abrogate or annul any easement, covenant, or other private agreement. However, where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this Ordinance shall govern.
4. Nothing within this Ordinance shall be construed to prevent compliance with an order by the appropriate authority to correct, improve, strengthen, or restore to a safe or health condition, any part of a building or premises declared unsafe or unhealthy.

**Sec. 106. - Repeal Of Ordinance:**

The Charter Township of Ypsilanti Zoning Ordinance, and all amendments thereto, and all prior zoning ordinances of the Township, are hereby repealed effective coincident with the effective date of this Ordinance.

## ARTICLE II - CONSTRUCTION OF LANGUAGE AND DEFINITIONS

### Sec. 200. - Construction of language:

The following rules of construction apply to the text of this Ordinance:

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. A "building" or "structure" includes any part thereof.
6. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" or "occupied for."
7. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
  - A. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  - B. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  - C. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
9. Terms not herein defined shall have the meaning customarily assigned to them.

### Sec. 201. - Definitions:

**Abut:** To touch, to lie immediately next to, to share a common wall or lot line, or to be separated by only a street, alley, or right-of-way.

**Access Property:** A property, parcel, or lot abutting Ford Lake, either natural or man-made, and used or intended to be used for providing access to Ford Lake by pedestrian or vehicular traffic to and from offshore land regardless of whether said access to the water is gained by easement, common fee ownership, single fee ownership, lease, license, gift, business invitation or any other form or dedication or conveyance.

**Accessory Use, or Accessory:** A use, which is clearly incidental to, customarily found in connection with, and located on the same zoning lot, unless otherwise specified, as the principal use to which it is related.



When "accessory" is used in this text, it shall have the same meaning as accessory use.

An accessory use includes, but is not limited to, the following:

1. Residential accommodations for servants and/or caretakers.
2. Outdoor swimming pools, hot tubs, and saunas for the use of the occupants of a residence, or their guests.
3. Domestic storage in a barn, shed, toolroom or similar accessory building or other structure.
4. A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays.
5. Storage of merchandise normally carried in stock in connection with a business or industrial use. Such storage maybe excluded in the applicable district regulations.
6. Storage of goods used in or produced by industrial uses or related activities. Such storage maybe excluded in the applicable district regulations.
7. Accessory off-street parking spaces, open or enclosed. Accessory off-street parking spaces are subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
8. Uses clearly incidental to a main use such as but not limited to: offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
9. Accessory off-street loading. Accessory off-street parking is subject to the off-street loading regulations for the district in which the zoning lot is located.
10. Accessory signs. Accessory signs are subject to the sign regulations for the district in which the zoning lot is located.
11. Solar panels, wind generators, television reception antenna and air conditioning units.
12. Common household gardening in a residential district. For purposes of this Ordinance, common household gardening shall include the growing of fruits and vegetables for consumption solely by members of the family residing in the dwelling unit located on the same zoning lot.

**Active Solar Energy Structure:** A structure which utilizes mechanically operating solar collectors to collect, transfer, or store solar energy.

**Adjoining:** Touching or contiguous, as distinguished from lying near or adjacent.

**Adult Day Care Center:** A center other than a private residence, in which more than six (6) adults are supervised and receive group care for periods of time not to exceed sixteen (16) hours in a twenty-four (24) hour period.

**Adult Day Care Home:** A private residence, in which six (6) adults or less are given care and supervision for periods of time not to exceed sixteen (16) hours in a twenty-four (24) hour period.

**Adult care facility, state licensed:** A governmental or non-governmental establishment that provides foster care to adults. It included facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, residential centers for

persons released from or assigned to a correctional, facility, or any other facilities which have been exempted from the definition of adult foster care facility by the Adult Foster Care Facility Licensing Act, 218 of 1979, MCL 400.701, as amended. The types of licensed adult foster care facilities include the following:

1. ***Adult foster care facility.*** A residential structure that is licensed to provide room, board, and supervised care, but not continuous nursing care, for unrelated adults over the age of seventeen (17), in accordance with Public Act 218 of 1979, as amended, and the Adult Foster Care Administrative Rules as administered by the Michigan Department of Social Services. The following four (4) types of adult foster care homes are provided for by these rules:
  - a. ***Adult foster care family home.*** A residence for six (6) or fewer adults. Licensee must live in the home; and local zoning approval is not required prior to issuance of a license.
  - b. ***Adult foster care small group home.*** Residence for twelve (12) or fewer adults. Licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license only if seven (7) or more residents will live in the house.
  - c. ***Adult foster care large group home.*** Residence for thirteen (13) to twenty (20) adults. Licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license.
  - d. ***Congregate facility.*** Residence for more than twenty (20) adults.

***Agricultural Commercial And Tourism:*** A business venture on a working farm, ranch or agricultural enterprise that offers educational and recreational experiences for visitors while generating supplemental income for the owner. Examples include but are not limited to u-pick operations, corn mazes, farm stands, or cider mills.

***Alley:*** Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation. A street shall not be considered an alley.

***Alterations:*** Any change, addition or modification in construction or type of occupancy, or in the structural members of a building such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."

***Ambient:*** Ambient is defined as the sound pressure level exceeded ninety percent (90%) of the time or L90.

***Ambient Noise:*** Regularly occurring background noise not produced by the object or device in question.

***ANSI:*** American National Standards Institute.

***Antique Goods:*** Personal property purchased or made more than fifty (50) years ago.

***Antenna:*** Any device or array that transmits and/or receives electromagnetic signals for voice, data or video communications purposes including, but not limited to, television, AM/FM radio, microwave, cellular telephone, and similar forms of communications.

***Arcade:*** A building or structure, or any part thereof, which is devoted to the commercial use of amusement devices, pinball machines, electronic tables featuring pool, billiards, bowling, basketball, football, or the like, or electronic games of skill or dexterity utilizing videotapes or video screen or TV

adaptations, etc., automatic sport devices or tables or similar activities for hire, or for amusement. An arcade as a primary use falls under the definition of indoor recreation.

**Architectural features:** Steps, windowsills, belt courses, brick and/or wrought iron wing walls, chimneys, architraves, pediments.

**Artisan Food And Beverage Production:** A facility typically operated by a single business entity for the production of small-scale, hand-crafted, specialty food and beverage products for on- and/or off-site sales and consumption. The facility may include wholesale and/or retail sales.

**Awning:** A roof-like mechanism, which projects from the wall of a building for the purpose of affording weather protection to doorways and windows. Often, awnings provide identity for a business and provide shade for display areas.

**Basement:** That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

**Bed and Breakfast Operations:** A use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit and a use in which transient guests are provided room and board in return for payment.

**Berm:** An earthen mound of definite height and location to serve as an obscuring device in carrying out the requirements of this Ordinance.

**Best Management Practices:** Structural and non-structural practices and techniques that mitigate the adverse impacts caused by land development on water quality and quantity.

**Block:** The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river, or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the Township.

**Boarding House:** A private house that provides accommodations and meals for paying guests.

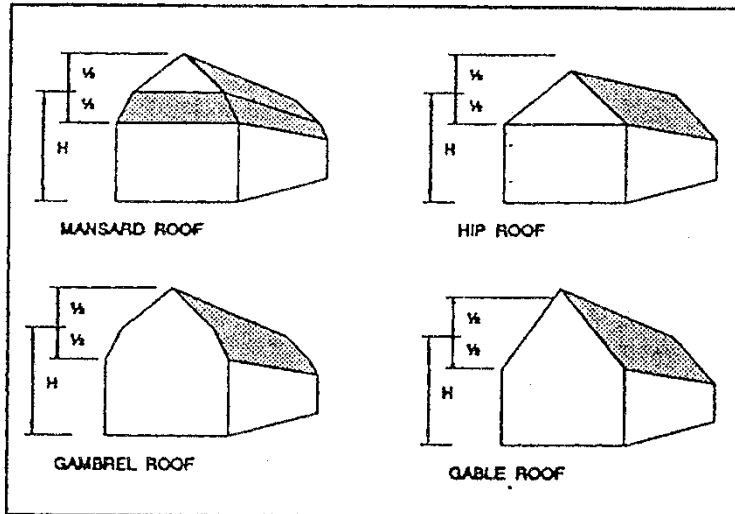
**Body-piercing:** The perforation of human tissue other than an ear for a non-medical purpose.

**Branding:** A permanent mark made on human tissue by burning with a hot iron or other instrument.

**Buffer:** Landscaping (other than solely grass on flat terrain), or the use of landscaping along with berms, walls, or decorative fences, that at least partially and periodically obstruct the view from the street, in a continuous manner, of vehicular use areas; parking lots and their parked cars; detention and retention ponds; different land uses; cellular tower facilities; and other similar uses.

**Building:** Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind.

**Building height:** The vertical measured distance from the established grade to the highest point of the roof surface for flat roofs, to the deck line for mansard roofs, and the average height between eaves and the ridge for gable, hip, and gambrel roofs. Any extension of a mansard, gambrel, hip, or gable roof below a wall shall require building height measurement to take place at the average height between the top of the building wall and the ridge line and the established building grade. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

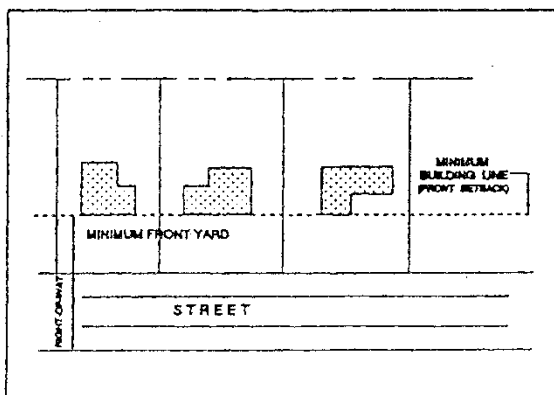


## **BUILDING HEIGHT**

**Building, Main or Principal:** A building in which is conducted the principal use of the lot on which it is situated.

**Building Line:** The minimum distance which any building must be located from a street right-of-way or high-water line.

## **BUILDING LINE**



**Building, Temporary:** Any building not designed to be permanently located at the place where it is, or where it is intended to be, temporarily placed, or affixed.

***Building Footprint Area:*** The area enclosed by the perimeter of a structure as viewed from above, including any overhang or attached structure.

***Caliper:*** The method by which nursery tree stock is measured. Caliper is the diameter of the trunk of a tree measured in inches at a point six (6) inches above ground line if caliper measurement is four (4) inches or less; if caliper measurement is larger, then the measurement is taken twelve (12) inches above the ground.

***Cemetery:*** Grounds and facilities including any one (1) or a combination of more than one (1) of the following: a burial ground for earth interment, including green burials; a mausoleum for crypt entombment; a crematory for the cremation of human remains; and a columbarium for the deposit of cremated remains.

***Cessation:*** To terminate, abandon or discontinue a use of land for a period of time that, under the provisions of this ordinance, would prevent the use from being resumed.

***Child Care Organization, State Licensed:*** A facility for the care of children under eighteen (18) years of age, as licensed and regulated by the State under Act No. 116 of the Public Acts of 1973 and Act No. 218 of the Public Acts of 1979 and the associated rules promulgated by the Michigan Department of Licensing and Regulatory Affairs. Definitions for various care organizations are listed below:

1. ***Child Care Center or Day Care Center.*** A facility other than a private residence, receiving more than six (6) children for group day care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.

The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "day care center" does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

2. ***Child Caring Institution.*** A child care facility which is organized for the purpose of receiving children for care, maintenance, and supervision, usually on a twenty-four (24) hour basis, in a building maintained for that purpose, and operates throughout the year. It includes a maternity home for the care of unmarried mothers who are minors, an agency group home, and institutions for mentally retarded or emotionally disturbed children. It does not include hospitals, nursing homes, boarding schools, or an adult foster care facility in which a child has been placed.
3. ***Foster Family Home.*** A private home in which at least one (1) but not more than four (4) children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
4. ***Foster Family Group Home.*** A private home in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
5. ***Family Day Care Home.*** A private home in which at least one (1) but less than seven (7) children are received for care and supervision for periods of less than twenty-four (24) hours a day,

unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

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

**Class A nonconforming designation:** A nonconforming structure or use of land that has been designated by the Planning Commission to be allowed to be perpetuated and improved in accordance with the provisions of this article and an approved site plan.

**Class B nonconforming status:** Nonconforming structures or uses of land, other than those designated as Class A, are considered to be Class B and are allowed to continue within the restricted provisions of this ordinance.

**Club:** An organization of persons for special purposes or for sports, arts, sciences, literature, politics, or the like, with state and/or national not for profit tax status.

**Commercial Vehicle.** Any of the following shall be considered a commercial vehicle:

1. All motor vehicles used for the transportation of passengers for hire, or constructed or used for transportation of goods, wares, or merchandise, and/or all motor vehicles designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn;
2. A bus, school bus, or motor vehicle, except a motor home, having a gross vehicle weight rating of 26,001 or more pounds, a motor vehicle towing a vehicle with a gross vehicle weight rating of more than 10,000 pounds, or a motor vehicle carrying hazardous material on which is required to be posted a placard as defined and required under Title 49 of the U.S. Code of Federal Regulations, parts 100 to 199. A commercial motor vehicle does not include a vehicle used exclusively to transport personal possessions or family members for nonbusiness purposes;
3. Truck tractor;
4. Semi-trailer, which shall include flat beds, stake beds, roll-off containers, tanker bodies, dump bodies and full or partial box-type enclosures.
5. Vehicles of a type that are commonly used for the delivery of ice cream, milk, bread, fruit or similar vending supply or delivery trucks. This category shall include vehicles of a similar nature which are also of a type commonly used by electrical, plumbing, heating, and cooling, and other construction-oriented contractors;
6. Tow trucks;
7. Commercial hauling trucks;
8. Vehicle repair service trucks;
9. Snow plowing trucks (subject to listed exclusions below);
10. Any vehicle exceeding twelve (12) feet in height or thirty-five (35) feet in length;

**A. *Vehicles excluded from definition of commercial vehicle.***

Pickup trucks and passenger vehicles, with or without snowplows, are specifically excluded from the above definition of commercial vehicle for the purposes of this Section.

***Community Supported Agriculture (CSA):*** An area of land managed by an individual or group of individuals to grow and harvest food and/or farm products for shareholder consumption or for sale or donation.

***Composting:*** The process of biologically decomposing organic matter.

***Condominium:*** A place or project consisting of not less than two (2) condominium units established in conformance with the condominium act, Public Act 59 of 1978 (MCL 559.101 et seq.), as amended, and this Ordinance. The following additional definitions shall apply in the application of the regulations of this Ordinance:

1. ***Condominium Documents:*** The master deed recorded pursuant to the condominium act, and any other instrument referred to in the master deed or bylaws that affects the rights and obligations of a co-owner in the condominium.
2. ***Condominium Unit:*** The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
3. ***General Common Elements:*** The common elements other than the limited common elements.
4. ***Limited Common Elements:*** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
5. ***Master Deed:*** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project and all other information required by Section 8 of the Condominium Act, Public Act 59 of 1978, as amended (MCL 559.108 et. seq.). See “Site Condominium definitions” for definitions specific to site condominiums, also referred to as condominium subdivisions.

***Conservation Easement:*** Conservation easement means an interest in land that provides limitation on the use of land or a body of water or requires or prohibits certain acts on or with respect to the land or body of water, whether or not the interest is stated in the form of a restriction, easement, covenant, or condition in a deed, will, or other instrument executed by or on behalf of the owner of the land or body of water or in an order of taking, which interest is appropriate to retaining or maintaining the land or body of water, including improvements on the land or body of water, predominantly in its natural, scenic, or open condition, or in an agricultural, farming, open space, or forest use, or similar use or condition.

***Crematorium:*** An enclosed facility wherein human or animal remains are cremated in a cremation retort.

***dB(A):*** The sound pressure level in decibels. Refers to the "a" weighted scale defined by ANSI A method of weighting the frequency spectrum to mimic the human ear.

***D.B.H. (Diameter At Breast Height):*** A measurement of the diameter of a tree trunk taken on the outside bark at breast height. Breast height is defined as four and one-half (4.5) feet from the uphill side of the tree.

***Debilitating Medical Condition:*** One (1) or more of the following:

1. Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, Crohn's disease, agitation of Alzheimer's disease, nail-patella syndrome (NPS), or the treatment of these conditions.
2. A chronic or debilitating disease or medical condition that produces one (1) or more of the following: Cachexia or wasting syndrome; severe and chronic pain; severe nausea; seizures, including but not limited to those characteristic of epilepsy; or severe and persistent muscle spasm, including but not limited to those characteristic of multiple sclerosis.
3. Any other medical condition or its treatment approved by the department, as provided for in Section 5 of the Michigan Medical Marihuana Act (MCL 333.26425).

***Decibel:*** The unit of measure used to express the magnitude of sound pressure and sound intensity.

***Deck Line:*** The intersection of two (2) roof surfaces of a mansard or gambrel roof forming the highest horizontal line of the steeper roof slope.

***Dedicated Open Space:*** Open land that is permanently set aside by the owner for retention in a generally undeveloped state which preserves natural features, scenic or wooded conditions, agricultural uses, open space, or similar conditions.

***Development:*** The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

***Dirt Tract:*** An earth track on which motorized recreational vehicles such as motorcycles, mopeds, all-terrain vehicles, and similar vehicles are operated.

***District:*** A portion of the incorporated area of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

***Dripline:*** The area directly located under the outer circumference of the tree branches.

***Drive-Through:*** An establishment so developed that some portion of its retail or service character is dependent upon providing a driveway approach and staging area specifically designed for motor vehicles so as to serve patrons while in their motor vehicles, rather than within a building or structure, for carrying out and consumption or use after the vehicle is removed from the premises.

***Drug Paraphernalia:*** All equipment, products and materials of any kind, which is used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance as defined in Section 7104 of the Michigan Public Health Code (Act No. 368 of the MI Public Acts of 1978 as amended) in violation of the laws of the State of Michigan.

***Dry Cleaning And Laundry Establishment:*** A commercial establishment providing dry cleaning and laundry services on-site for businesses and residents.

***Dry Cleaning Plant:*** A facility used or intended to be used for cleaning fabrics, textiles, clothing, laundry, or other similar Articles, by immersion and/or agitation in solvents or other processes.

***Durable Medical Supplies:*** Sales of medical equipment used in the home to aid in a better quality of living.

***Dwelling:*** Any building, or part thereof, containing sleeping, kitchen, and bathroom facilities designed for and occupied by one-family. In no case shall a travel trailer, motor home, automobile, tent, or other



portable building not defined as a recreational vehicle be considered a dwelling. In the case of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purposes of the Zoning Ordinance.

1. ***Manufacture Dwelling Unit.*** A dwelling unit which is substantially built, constructed, assembled, and finished off the premises upon which it is intended to be located.
2. ***Site Built Dwelling.*** A dwelling unit which is substantially built, constructed assembled, and finished on the premises upon which it is intended to serve as its final location. Site built dwelling units shall include dwelling units constructed of precut materials, and panelized wall roof and floor sections when such sections require substantial assembly and finishing on the premises upon which it is intended to serve as its final location.
3. ***One-Family or Single-Family Detached Dwelling.*** An independent, detached residential dwelling designed for and used or held ready for use by one (1) family only.
4. ***Two-Family or Duplex Dwelling.*** A detached building, designed exclusively for and occupied by two (2) families living independently of each other, with separate housekeeping, cooking, and bathroom facilities for each.
5. ***Single-Family Attached Dwelling.*** A self-contained single-family dwelling unit attached to a similar single-family attached dwelling unit with party or common walls, designed as part of a series of three (3) or more dwelling units, each with:
  - A. A separate entryway with direct access to the outdoors at ground level;
  - B. Each dwelling shall comprise of a single unit from the lowest floor to the highest floor of the structure between the common walls (i.e., units shall not be stacked on top of each other);
  - C. A separate basement, if applicable;
  - D. A separate utility connection and;
  - E. Defined front and rear yards.

Single-family attached dwelling units may also be known as townhouses, row houses, or clustered single-family dwellings. Any three (3) or more attached dwellings not meeting the above criteria shall be considered a multiple-family dwelling.
6. ***Multiple-Family Dwelling.*** A building designed for and occupied by three (3) or more families living independently, with separate housekeeping, cooking, and bathroom facilities for each.
7. ***Apartment Dwelling.*** An apartment is an attached dwelling unit with party or common walls, contained in a building with other dwelling units or sharing the occupancy of a building with other than a residential use. Apartments are commonly accessed by a common stair landing or walkway. Apartments are typically rented by the occupants. Apartment buildings often may have a central heating system and other central utility connections. Apartments typically do not have their own yard space. Apartments are also commonly known as garden apartments or flats.

***Engineering Standards:*** The Engineering Standards of Ypsilanti Charter Township, as they may be amended from time to time, adopted by resolution of the Township Board, to serve as the minimum standard for evaluating development plans and developing property.

**Erected:** Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, and the like shall be considered a part of erection.

**Essential Services:** The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police callboxes, traffic signals and hydrants in connection therewith that are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety and welfare. Wireless communication towers or antennas, utility buildings, and other associated structures shall not be considered essential services under this Article.

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

**Excavation Of Gravel, Sand, Topsoil, Or Earth:** Premises from which any rock, gravel, sand topsoil, or earth in excess of fifty (50) cubic yards in any calendar year is excavated or removed from the purpose of disposition away from the premises except excavation in connection with the construction of a building or within public highway rights-of-way.

**Extraction:** The process of removing stone, rock, aggregate, sand, gravel, earth, clay, or similar materials from an open excavation but not including extraction by underground methods.

**Extractive Operations:** Any pit, excavation, or mining operation for the purpose of searching for, or removing for commercial use, any earth, sand, gravel, clay, stone, slate, marble, or other nonmetallic mineral in excess of fifty (50) cubic yards in any calendar year but shall not include an oil well or excavation preparatory to the construction of a building or structure.

**Family:** Means either of the following:

1. A domestic family, that is, one (1) or more persons living together and related by the bonds of consanguinity, marriage, or adoption, together with servants of the principal occupants and not more than one (1) additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.
2. The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family, with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie organization, or group whose association is temporary or seasonal in character or nature. For the purposes of enforcement, it is presumed [that a functional equivalent of a domestic family is limited to six (6) or fewer persons].

**Farm:** The land, plants, animals, buildings, structures including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

**Farm Operation:** Operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but is not limited to:

1. Marketing produce at roadside stands or farmers markets.

2. The generation of noise, odors, dust, fumes, and other associated conditions.
3. The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan Vehicle Code.
4. Field preparation and ground and aerial seeding and spraying.
5. The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides.
6. Use of alternative pest management techniques.
7. The fencing, feeding, watering, sheltering, transportation, treatment, use, handling, and care of farm animals.
8. The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes.
9. The conversion from a farm operation activity to other farm operation activities.
10. The employment and use of labor.

**Farm Product:** Those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry (ex. chicken) and poultry products, deer, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan commission of agriculture. **Farm Stand or Roadside Stand:** See Farm Operation.

**Farmers Market:** A public market at which farmers, ranchers, artisans, or agricultural businesses sell local and regional foods, farm products, or similar added-value products they have grown, raised, produced, or created. Farmers markets may be seasonal or occur year-round.

**Financial Institution:** A bank, savings and loan, credit union, mortgage office, or similar institution, including branch offices and automated teller machines.

**Finished Ground Floor:** The finished surface of the floor level above the basement or cellar of a structure or building, or the upper surface of the floor of the ground story of a structure or building.

**Finished Ground Floor Height:** The vertical distance from the grade elevation at the top of the curb to the top of the finished ground floor.

**Fence:** The following definitions are related to fences: -

1. **Chain-link fence** - A fence constructed of galvanized steel or similar materials as approved by the Building Official for the purpose of enclosing or securing an area. Chain-link fences shall not include wire fences or fences of similar construction.
2. **Construction fence** - A fence erected for the purpose of securing a construction site against unauthorized access. The Building Official may require such fences as part of an approved permit.
3. **Damaged fence or wall** - A fence or wall that is not properly secured, in danger of collapse, or has otherwise been found by the Building Official to be in a damaged condition.

4. ***Decorative wall*** – A masonry wall consisting of brick, stone, or similar materials as approved by the Building Official and constructed with a design that includes specific pattern elements or ornamentation.
5. ***Illegal fence or wall*** - A fence that was illegally erected or installed, or a fence that is not in compliance with the provisions of this article and does not meet the definition of a legal nonconforming fence.
6. ***Industrial fence*** - A chain-link or ornamental fence constructed of materials approved by the Building Official for the purpose of enclosing or securing an industrial use.
7. ***Legal nonconforming fence or wall*** - A fence or wall which was legally erected or installed but is no longer in compliance with the provisions of this article. Such fences or walls must be located outside of any existing right-of-way and wholly upon the parcel to which they are associated.
8. ***Living fence*** - A continuous hedgerow of living plant material planted and maintained for the purpose of enclosing an area.
9. ***Obscuring wall*** - A masonry wall consisting of brick, stone, or similar materials as approved by the Building Official and constructed for the purpose of enclosing, obscuring, or screening an area from view.
10. ***Ornamental fence*** - A fence consisting of wrought iron, galvanized steel, aluminum, vinyl, wood, or similar materials fabricated into a design with specific pattern elements or ornamentation. All spaces in the fence shall be open and unobstructed and the fence shall not block vision to an extent greater than forty (40%) percent (40%). Ornamental fences shall not include chain-link or wire fences or fences of similar construction.
11. ***Privacy fence*** - A fence constructed of wood, vinyl, or similar materials that blocks vision to an extent greater than 40 forty percent (40%) for the purpose of obscuring or screening an area from public view.
12. ***Rail fence*** – A fence constructed of wood, vinyl or similar materials and consisting of one (1) to four (4) horizontal rails connecting to vertical posts spaced a minimum of six (6) feet apart. All spaces in such fences shall be open and unobstructed and such fences shall not block vision to an extent greater than forty percent (40%).
13. ***Special events fence*** - A fence erected for the purposes of public safety at a special event. Such fences shall not be erected across public rights-of-way except as authorized by the Township or and the Washtenaw County Road Commission for special community events only.
14. ***Temporary fence*** - A fence constructed of canvas, plastic, chain-link, wood, or similar material as approved by the Building Official for the purpose of enclosing or securing an area for a limited period of time.

***Firearm Retail Sales:*** An establishment, or part thereof, devoted to the sale, lease, or purchase of firearms or ammunition.

***Flood or Flooding:*** A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.
3. The collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by and unusually high-water level in a natural body of water, accompanied by a

severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

**Flood, Base:** The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

**Flood Hazard Area:** Land which, on the basis of available floodplain information, is subject to a one percent (1%) or greater change of flooding in any given year.

**Flood Insurance Rate Map (Firm):** The official map of Ypsilanti Charter Township prepared by the Federal Emergency Management Agency, delineating both the areas of special flood hazard and the risk premium zones applicable to Ypsilanti Charter Township.

**Flood Insurance Study:** The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, the water surface elevation of the base flood, and may include a Flood Boundary-Floodway Map.

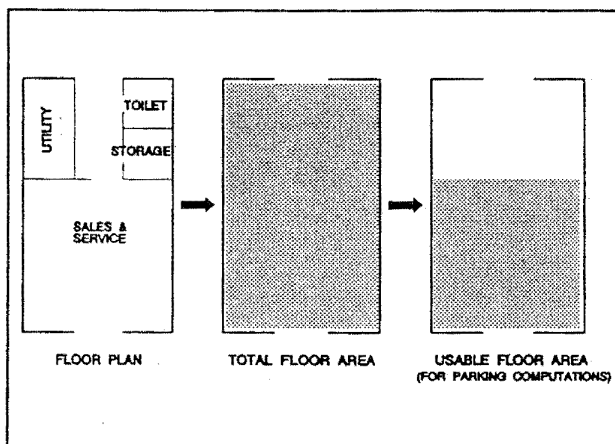
**Floodplain:** Any land area susceptible to be inundated by water from any source (see definition of base flood).

**Floodway:** The channel of a river or other watercourse and the adjacent land areas which must be reserved in order to discharge the base flood.

**Floor Area, Residential:** For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

**Floor Area, Usable (for the purposes of computing parking):** That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of "usable floor area." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

#### **USABLE FLOOR AREA**



**Food Processing:** A commercial establishment operated under license or permit of an appropriate regulatory authority where food is manufactured or packaged for human consumption at another establishment or place.

**Freeway:** A divided highway of not less than two (2) lanes in each direction to which owners or occupants of abutting property or the public have no right of ingress or egress to, from, or across the highway, except at points determined by, or as otherwise provided, by the authorities responsible, therefore.

**Garage, private:** An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats, and similar vehicles and such other lawn and home care equipment owned and used by the occupant of the building to which it is accessory.

**Garage Sale:** Any sale of personal effects, jewelry, or household items, furnishings, and equipment belonging to the owner or occupant of the property held in any district by the owner, occupant, or his personal representative.

**Garage, Service:** Any premises used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

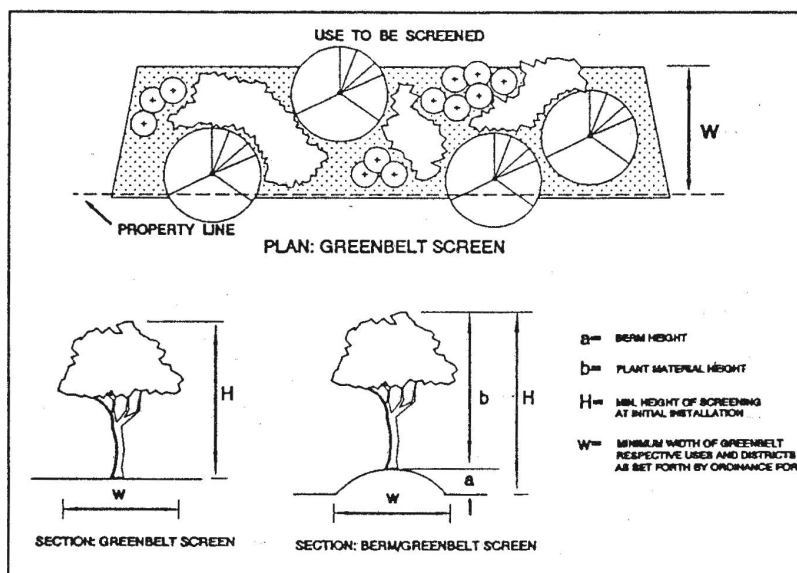
**Generally Accepted Agricultural And Management Practices:** Those practices as defined by the Michigan Commission of Agriculture pursuant to the Michigan Right to Farm Act (MCL 286.471 et seq.).

**Golf Course:** A tract of land laid out for at least nine (9) holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse, driving range, pro shop, shelter, and related accessory uses.

**Grade:** The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

**Greenbelt:** A planting of trees and shrubs to serve as a screening device between abutting land uses.

#### **GREENBELT PLANTING SCREEN ILLUSTRATIONS**



***Greenhouse, Commercial:*** A building that is used for wholesale commercial purposes, constructed of permanent or temporary framing that is set directly on the ground and is covered with glass panels or plastic or other transparent material, and is used to grow plants.

***Ground Story Activation:*** The incorporation of specific design characteristics intended to allow the ground story interior of a building to interact with the public realm immediately outdoors.

***Guarantee:*** A cash deposit, certified check, irrevocable bank letter of credit, or such other instrument acceptable to the city.

***Health Club/Athletic Clubs:*** A building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities, or other customary or usual recreational activities, operated for profit or not-for-profit and which can be open only to members and guests of the organization or open to the public for a fee.

***Home Occupation:*** An occupation carried on by an occupant of a dwelling unit as a secondary use which is clearly subservient to the use of the dwelling for residential purposes.

***Hotel:*** A building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one (1) or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms. This definition does not include apartments.

***Hydraulic Fracturing (Fracking):*** Fluid-driven fracturing of rock for the purpose of stimulating natural gas or oil production.

***Illegal structure:*** A structure or portion thereof, which is not a conforming or a nonconforming structure, or is not in compliance with all applicable federal, state, county and township laws, ordinances, regulations, and codes.

***Illegal use of land:*** A use that occupies one or more contiguous parcels of land, or structures and land in combination, which is not a conforming or a nonconforming use, or is not in compliance with all applicable federal, state, county and township laws, ordinances, regulations, and codes.

***Impervious Material:*** Any material that substantially reduces or prevents the infiltration of water.

***Impervious Surface:*** A surface which does not allow water to be absorbed so it may percolate into deeper ground. Such surfaces are those constructed of Portland cement, bituminous asphalt, paving brick, composed stone or gravel, or any other surface that allows no water penetration.

***Impervious Surface Ratio:*** The percentage of lot area covered by all building, pavement, driveways, parking lots, and all other structures (area of all structures, pavement, and parking lots divided by the gross lot area).

***Improvements:*** Those features, and actions associated with a project which are considered necessary by the Township to protect natural resources or the health, safety, and welfare of the residents of the Township, and future users or inhabitants of the proposed project or project area, including parking areas, landscaping, roadways, lighting, utilities, sidewalks, screening, and drainage. Improvements do not include the entire project which is the subject of zoning approval.

***Indoor Commercial Recreation Facility:*** An enterprise conducted entirely within a building, which receives a fee in return for the provision of some recreational activity or facility. Such activities and facilities include, but are not limited to: arcades, racquetball, tennis courts, gymnasiums, swimming pools,

skating rinks, performance studios, indoor skateboard parks, climbing facilities, indoor driving ranges, batting cages, firing ranges, basketball courts, indoor soccer fields, and similar activities or facilities. Such facilities may provide ancillary accessory uses such as pro shops or snack bars.

**Industrial Park:** A group of two (2) or more lots or parcels devoted to industrial, research, warehousing, or business park uses; developed according to an overall plan for the park, sharing a common public or private street system, and usually identified by a name for the park.

**Interstate Highway:** A highway officially designated as a part of the national system of interstate and defense highways by the Department of Transportation and approved by the appropriate authority of the Federal government.

**Junkyard:** An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including but not limited to: scrap iron and other metals, paper, rags, rubber tires and bottles. A junkyard includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings. A junkyard shall also include any premises upon which two (2) or more motor vehicles, which cannot be operated under their own power, are kept, or stored for a period of fifteen (15) days or more.

**Kennel, Commercial:** Any lot or premises on which three (3) or more dogs, cats, or other household pets are either permanently or temporarily boarded or bred and raised for remuneration.

**Lighting:** The following definitions are related to lighting:

1. **Candela**- A unit of luminance or brightness for electronic message signs. A common candle emits light with a luminous intensity of roughly one (1) candela.
2. **Canopy Structure** - Any overhead protective structure that is constructed in such a manner to allow pedestrians and/or vehicles to pass under.
3. **Flood or Spotlight** - Any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.
4. **Footcandle** - A unit of illuminance, which is the quantity of light, or luminous flux, arriving at a surface divided by the area of the illuminated surface, amounting to one lumen per square foot.
5. **Glare** - Directed light emitted by a lamp, luminous tube lighting, or other light source.
6. **Light Fixture** - The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.
7. **Light Pollution** - Artificial light which causes a detrimental effect on the environment, enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent properties.
8. **Light Trespass** - The shining of light produced by a luminaire beyond the boundaries of property in which it is located.
9. **Lumen** - Unit of luminous flux; the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela. One (1) foot-candle is one (1) lumen per square foot. One (1) lux is one (1) lumen per square meter. One (1) foot-candle equals 10.8 lumen per square meter.
10. **Luminaire** - The complete lighting system including the lamp and light fixture.

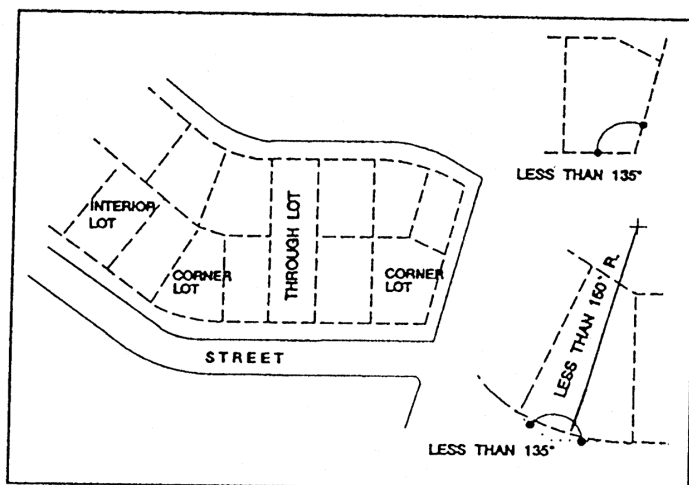


11. **Luminaire Cut-Off Angle** - The angle, measured up from the lowest level or nadir, between the vertical axis and the first line of sight at which the bare source is not visible.
12. **Luminaire, Fully Shielded** - A luminaire constructed or shielded in such a manner that all light emitted by the luminaire, either directly from the lamp or indirectly from the luminaire, is projected below the horizontal plane through the luminaire's lowest light emitting part as determined by photometric test or certified by the manufacturer.
13. **Luminance**: At a point and in a given direction, the luminous intensity in the given direction produced by an element of the surface surrounding the point divided by the area of the projection of the element on a plane perpendicular to the given direction. Units: candelas per unit area. The luminance is the perceived brightness that we see, the visual effect of the illuminance, reflected, emitted, or transmitted from a surface.
14. **Luminous Tube Lighting** - Gas filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g., neon, argon, etc.
15. **Photometric Plan** - A plan which illustrates the intensity of light on a site measured in footcandles.
16. **Outdoor Light Fixtures** - Outdoor artificial illuminating devices, outdoor fixtures, lamps, and other similar devices, permanently installed or portable, used for flood lighting, general illumination, or advertisement.
17. **Shielded Fixture** - Outdoor light fixtures shielded or constructed so that light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted, i.e., "shoe-box type" fixtures. A luminaire mounted in a recessed fashion under a canopy or other structure such that the surrounding structure effectively shields the light in the same manner is also considered fully shielded for the purposes of this Ordinance.

**Livestock**: Means and includes horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine, poultry, and fur-bearing animals being raised in captivity.

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

#### **INTERIOR, THROUGH AND CORNER LOTS**



**Lot:** A parcel of land, excluding any portion in a street or other right-of-way, of at least sufficient size to meet minimum requirements for lot area, and to provide such yards and other open spaces as herein required. In no case of division or combination shall any lot or parcel created, including residuals, be less than that required by this Ordinance. Such lot shall have frontage on a public street, or on an approved private street, and may consist of:

1. A single lot of record.
2. A portion of a lot of record.
3. Any combination of complete and/or portions of lots of record.
4. A parcel of land described by metes and bounds.

**Lot Area (Gross):** The area contained within the lot lines.

**Lot Area (Net):** The area contained within the lot lines, less the total area of that portion encumbered by road or street easements, rights-of-way, required access easements, and all portions covered by wetlands, bodies of water (including streams, ponds, and lakes), or pre-existing County Drain easements multiplied by 0.90.

**Lot, Corner:** A lot located at the intersection of two (2) or more streets.

**Lot Coverage:** The part or percent of the lot occupied by buildings including accessory buildings and including but not limited to: patios, decks, pools, and similar structures.

**Lot Depth:** The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

**Lot, Interior:** Any lot other than a corner lot.

**Lot Lines:** The lines bounding a lot as defined herein:

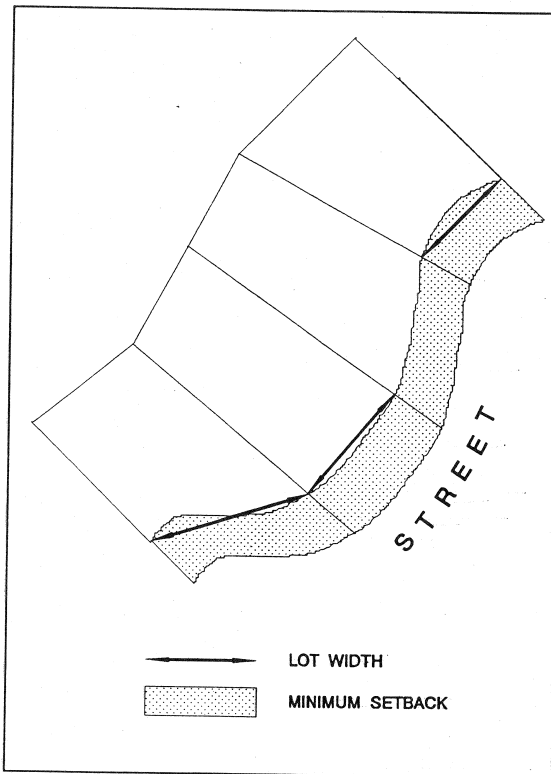
1. **Front Lot Line.** In the case of an interior lot, is that line separating said lot from the street. In the case of a through lot, is that line separating said lot from each street.
2. **Rear Lot Line.** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot. On a corner lot, the rear yard shall be that yard opposite the front facade of the main building.
3. **Side lot Line.** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot, or lots is an interior side lot line.

**Lot of Record:** A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by municipal or county officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

**Lot, Through:** Any interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

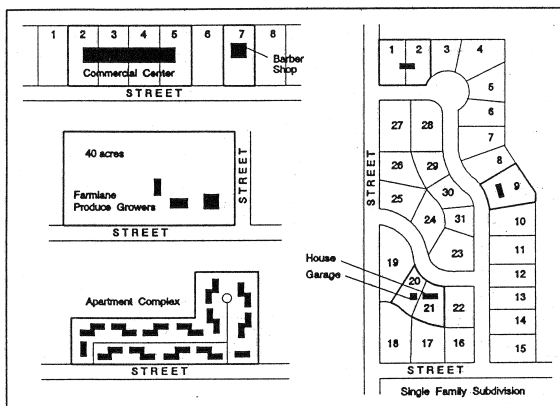
**Lot width:** The horizontal straight-line distance between the side lot lines, measured between the two (2) points where the required front setback line intersects the side lot lines.

## **LOT WIDTH**



**Lot, Zoning:** A single tract of land, located within a single block which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one or more lots of record.

## **EXAMPLES OF ZONING LOTS**



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

***Main Building:*** A building in which is conducted the principal use of the lot upon which it is situated.

***Main Use:*** The principal use to which the premises are devoted and the principal purpose for which the premises exist.

***Manufacturing:*** The process of making products by hand, by machinery, or by other agency, often with the provision of labor and the use of machinery.

***Manufacturing, Compounding, or Processing:*** An enclosed establishment engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, usually in a continuous and regular action or succession of actions.

***Manufactured Home:*** A housing structure that is transportable in one (1) or more Ssections.

***Marihuana:*** Means that term as defined in Section 7106 of the Public Health Code, (Public Act 368 of 1978, as amended, MCL 333.7106 and MCL 333.27102).

***Marina:*** A privately owned commercial facility which extends into or over Ford Lake and offers service to the general public or members of the marina for launching, docking, loading, or other servicing of watercraft.

***Massage Therapist:*** Any person who is engaged in the business or profession of massage therapy, and who receives compensation for his or her services.

***Massage Therapy:*** The act of massage offered or performed by a massage therapist in conjunction with a beauty salon, spa, health club, athletic club, medical office, or physical therapy clinic which is operating legally under this Ordinance.

***Massage Therapy Establishment:*** Any establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, massage studios, massage parlors, or similar establishments by whatever name designated.

***Materials Recovering Facility:*** A specialized plant that receives, separates, and prepares recyclable materials for marketing to end-user manufacturers.

***Major thoroughfare:*** An arterial street which is intended to serve as a large volume trafficway for both the immediate municipal area and the region beyond, and is designated as an interstate, freeway, major, or minor arterial by the National Functional Classification Map published by the Michigan Department of Transportation.

***Master Deed:*** The condominium document recording the condominium project as approved by the Township to which is attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project and all other information required by Section 8 of the Condominium Act, (Public Act 59 of 1978 (MCL 559.101 et seq.), as amended.

***Master Plan:*** The comprehensive community plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the Township, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

**Medical Clinic:** Facilities for medical, dental, or psychiatric diagnosis and treatment, exclusive of major surgical procedures, for sick, ailing, and injured persons who are not kept overnight on the premises.

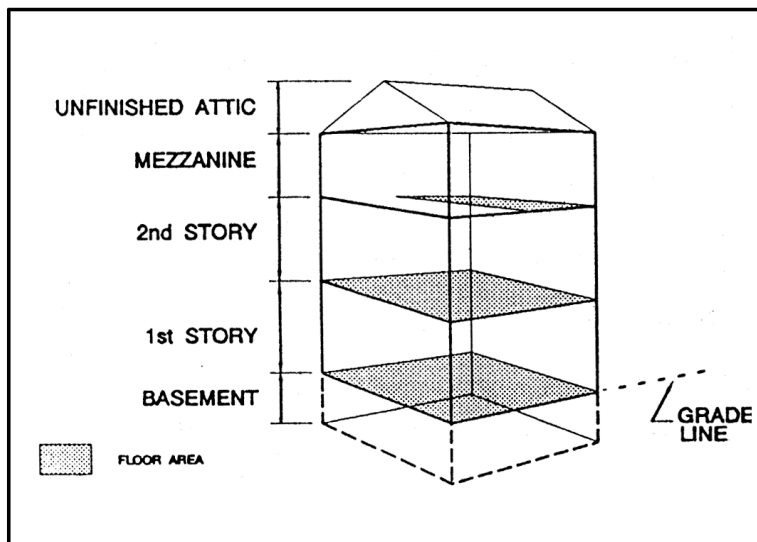
**Medical Marihuana Dispensary:** Any structure used for dispensing marihuana by a primary caregiver or caregivers to one (1) or more qualifying patient(s). A medical marihuana dispensary does not include a qualifying patient's residence if the marihuana transferred is exclusively for the qualifying patient's use.

**Medical Marihuana Nursery:** Any structure which is used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, producing, processing, preparing, packaging, repackaging, or storing medical marihuana for one or more qualifying patients. A medical marihuana nursery does not include a qualifying patient's residence if the marihuana is exclusively for the qualifying patient's use.

**Medical Office:** The place of work for physicians, dentists, or similar professionals where persons are examined or treated on an outpatient basis only. An office may not include facilities for outpatient surgery, laboratories, pharmacies, or facilities for in-patient care.

**Mezzanine:** An intermediate floor in any story occupying not less than one-third (1/3) of the floor area of such story.

## **BASIC STRUCTURAL TERMS**



**Mixed-Use Development:** A development of a tract of land, building, or structure with a variety of complementary and integrated uses as permitted by the applicable zoning district, in a compact form that promotes multiple forms of transportation and supports public gathering spaces.

**Mobile Home:** Any building or structure, transportable in one (1) or more Sections, which is built on a chassis and designed to be sold as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. Mobile home does not include recreational equipment.

**Mobile Home Park:** A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.

**Mortuary/Funeral Home:** An establishment in which the dead are prepared for burial or cremation, and in which wakes, and funerals may be held.

**Motel:** A series of attached, semidetached or detached rental units containing a bedroom, bathroom, and closet space. Units shall provide for overnight lodging, have separate entrances, and are offered to the public for compensation. This definition does not include apartments.

**Multiple Dwelling, High-Rise:** A multiple-family dwelling of over four (4) stories in height.

**Multiple Dwelling, Mid-Rise:** A multiple-family dwelling of two to four (2 to 4) stories in height.

**Municipality:** The Charter Township of Ypsilanti.

**Native Plant Species:** A native plant species is one (1) that has naturally evolved over thousands of years under certain soil, hydrologic, and other site conditions. Where “native plant species” is used in the text, this means a straight species, not a cultivar of a species.

**New Construction:** Structures for which start of construction commenced on or after the effective date of this Ordinance.

**Nonconforming Building Or Structure:** Any building or structure lawfully established which does not comply with all the regulations of this Ordinance or of any amendment thereto governing bulk of the district in which such building or structure is located.

**Nonconforming Use:** Any use thereof or the use of land that does not conform with the regulations of this comprehensive amendment or any amendments thereto governing use of the district in which it is located but conformed with all of the codes, Ordinances, and other legal requirements applicable at the time such building or structure was erected, enlarged, or altered, and the use thereof or the use of land was established.

**Nonconforming lot:** A platted or unplatted parcel of land lawfully existing at the effective date of this ordinance or amendments thereto that does not conform to ordinance provisions for the district in which it is located.

**Nonconforming site:** A parcel of land that was developed or improved with structures and other site improvements prior to the date of adoption of current zoning ordinance provisions for site design, landscaping, pedestrian access, exterior lighting, paving, and other site elements.

**Nuisance Factors:** An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to: (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise of congregation of people, particularly at night, (n) passenger traffic, (o) invasion of nonabutting street frontage by traffic, (p) a burned structure, (q) and a condemned structure.

**Nursery, Plant Materials:** A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building, or structure used for the sale of fruits, vegetables, or Christmas trees.

**Obscene Material:** Any "material" as defined in Section 2 of the Obscene Material Act (Public Act 343 of 1984, as amended, MCL 752.362.2(4), et. seq.) and found to be "obscene" as also defined in that same Act (MCL 752.362.2(5) et. seq.).

**Office Park:** A group of two (2) or more buildings, on individual lots, or one (1) undivided parcel, with a common street or driveway system, developed according to an overall plan for the park, and identified by a name for the park.

**Off-Grid Energy System:** An energy production facility or device that is not connected to the available public utility.

**Off-Street Parking Lot:** A facility providing off-street vehicular parking spaces and drives or aisles for the parking of more than three (3) vehicles.

**On-Grid Energy System:** A supplemental energy production facility or device that is connected to the available public utility.

**On-Site Use Wind Energy Systems:** An on-site use wind energy system is intended to primarily serve the needs of the property owner and/or occupant.

**Open Air Businesses:** Sales and/or display of retail merchandise or services outside of a permanent structure.

**Outdoor Commercial Recreation:** An enterprise conducted primarily outdoors, which receives a fee in return for the provision of some recreational activity or facility. Such activities and facilities include, but are not limited to soccer, baseball, football, or other athletic fields, outdoor miniature golf courses and driving ranges, tennis, basketball or other athletic courts, and other similar facilities or activities.

**Outdoor Storage:** The keeping of personal or business property or motor vehicles in a required open parking space or any other area outside of a building for a period exceeding seventy-two (72) consecutive hours.

**Open Front Store:** A business establishment so developed that service to the patrons may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "open front store" shall not include automobile repair or gasoline service stations.

**Open Space:** A parcel or area of land that is intended to provide light and air, and is designed for resource protection, aesthetic, or recreational purposes. Open space uses may include, but are not limited to lawns, decorative plantings, walkways, active and passive recreation areas, land use buffers, playgrounds, fountains, woodlands, wetlands, and bio-retention facilities. Open space shall not include streets, driveways, parking lots, or other surfaces designed or intended for vehicular traffic.

**Open Space, Common:** Open space within or related to a development, not in individually owned lots, which is designed for and dedicated to the common use or enjoyment of the residents of the development or general public.

**Open Storage:** The storage of any materials or objects outside the confines of a building.

***Parking Garage:*** A building or portion thereof designed or used exclusively for storage of motor vehicles, and in which motor fuels and oils are not sold, and motor vehicles are not equipped, repaired, hired, or sold. Electric vehicle charging stations may be located in a parking garage.

***Parking Space:*** An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

***Parole and/or Probation Offices:*** A facility for the offices of parole supervisory officials or probation supervisory officials, as further described below:

1. ***Parole:*** A term of community supervision afforded by the parole board to a prisoner who has served the minimum portion of his or her sentence, less good time or disciplinary credits if applicable. While on parole, a parolee is supervised by an agent who is an employee of the Department of Corrections. At the successful completion of the parole period, the offender is "discharged" from his or her sentence. If a parolee violates the parole terms, he or she can be sent back to prison. The parole board retains jurisdiction until the maximum-sentence is served in prison or the offender discharges from parole.
2. ***Probation:*** A term of supervision afforded either a convicted felon or a convicted misdemeanor by a court as an alternative to prison or jail, although some judges may sentence offenders to a combination of both probation and jail or boot camp. The Michigan Department of Corrections supervises convicted felons who are serving probation sentences under the jurisdiction of the sentencing court.

***Passive Solar Energy Structure:*** A structure which uses natural and architectural components to collect and store solar energy without using external mechanical energy.

***Pawnbroker:*** Any person, corporation, or member of a co-partnership or firm who loans money on deposit or pledge of personal property, or other valuable thing, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price.

***Performance Standard:*** A criterion established to control smoke and particulate matter, noise, odor, toxic or noxious matter, vibration, fire and explosion hazards, glare or heat, or radiation hazards generated by or inherent in uses of land or buildings.

***Physician:*** An individual licensed as a physician under Part 170 of the Public Health Code, Public Act 368 of 1978, as amended, (MCL 333.17001 to 333.17084, et. seq.) or an osteopathic physician under Part 175 of the Public Health Code, Public Act 368 of 1978, as amended, (MCL 333.17501 to 333.17556, et. seq.).

***Places of Worship:*** A site used for or intended for the regular assembly of persons for the conducting of religious services and accessory uses therewith.

***Planned Unit Development (PUD):*** A development consisting of a combination of land uses in which the specific development configuration and use allocation is based upon a comprehensive physical plan meeting the requirements of this Ordinance.

***Planning Commission:*** The Planning Commission of the Ypsilanti Township.

***Primary Caregiver:*** A person who has agreed to assist with a patient's medical use of marihuana and has a valid registry identification card issued under the Michigan Marihuana Act.



***Principal Building:*** A building or structure in which is conducted the principal use of the lot on which it is situated. May be referred to as the “main building”.

***Principal Use:*** The principal use to which the premises are devoted and the principal purpose for which the premises exist. Commonly referred to as “main use”.

***Public Access Launch Site:*** A publicly owned facility which extends into or over Ford Lake and offers to the general public a site for launching, docking, loading, or other servicing of recreational watercraft or parking of watercraft trailers.

***Public Service Building And Facilities:*** Building or facility used for a public service or purpose.

***Public Utilities:*** A person, firm, corporation, municipal department, board, or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations or franchise agreements to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water. Wireless communications towers or antennas shall not be considered public or private utilities under this Ssection.

***Qualifying Patient:*** A person who has been diagnosed by a physician as having a debilitating medical condition and has a valid registry identification card issued under the Michigan Marihuana Act.

***Recreational Equipment:*** Travel trailers, pickup campers or coaches, motorized dwellings, tent trailers, boats, and boat trailers, snowmobiles, horse trailers, dune buggies, and other similar equipment and conveyances.

***Registry Identification Card:*** A document issued by the Michigan Department of Community Health that identifies a person as a registered qualifying patient or registered primary caregiver.

***Regulating Plan:*** A plan which dictates building forms and uses allowed on every property within an area regulated by a form-based code.

***Resident Patient:*** A person under treatment for substance abuse but not including persons under the jurisdiction of the Department of Corrections.

***Restaurant:*** Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a fast food, standard restaurant, bar/lounge, or combination thereof, as defined below:

1. ***Restaurant, Drive-In:*** A restaurant whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but primarily outside of an enclosed building.
2. ***Restaurant, Fast Food:*** A restaurant in which the method of operation involves minimum waiting for delivery of ready-to-consume food to the customer for consumption on the premises either inside or outside of the structure, or for consumption off the premises, but not intended to be consumed in a motor vehicle at the site.
3. ***Restaurant, Standard:*** A restaurant in which the method of operation involves either: 1) The delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building; or 2) The preparation of food to be delivered to customers at a cafeteria line and subsequently consumed by the customers at tables within a completely enclosed building.

4. **Bar/Lounge:** A type of restaurant which is operated primarily for the dispensing of alcoholic beverages with the ancillary sale of prepared food or snacks. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

**Retail Establishment:** Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. A retail establishment does not include establishments whose principal business is that of a pawnbroker, secondhand dealer, or junk dealer.

**Retail Sales, Large Scale:** A retail establishment, commonly referred to as a “big box” store, which exceeds fifty thousand (50,000) square feet in gross floor area.

**Ridgeline:** The intersection of two (2) roof surfaces forming the highest horizontal line of the roof.

**Right-Of-Way:** A strip of land occupied or intended to be occupied by a street or related facilities, public path or trail, railroad, electric line, oil or gas pipeline, water main, sanitary or storm sewer, communication line, or for other special uses.

**Roof:** The outside top covering of a building.

**Room:** For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom, equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage. Plans presented showing one-, two- or three-bedroom units and including a "den," "library" or other extra room shall count such extra room as a bedroom for the purpose of computing density.

**Rooming House:** A residential building where rooms or suites of rooms are rented, for compensation whether under a written lease or not, by arrangement for definite periods, where the renters use common facilities, such as hallways and bathrooms. A rooming house shall not include hotels, motels, apartment houses, tourist homes, one-family dwellings, two- and multi-family dwellings or fraternity and sorority houses.

**Rotor:** An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

**Satellite Earth Station:** A structure designed, intended, or used to receive communications or other signals from geostationary, communications satellites, or other extraterrestrial sources.

**School:** A building operated and maintained for educational purposes and such other community uses as deemed necessary and desirable. The term “school” shall include all educational functions, the building or structure required to house them, and all accessory uses normally incidental to a school, including but not restricted to, athletic fields, field houses, gymnasiums, parking lots, greenhouses, playgrounds, stadiums, and open space.

**Secondhand Apparel:** Personal property designed to be worn as clothing which has been previously worn by another person.

**Secondhand Dealer or Junk Dealer:** Any person, corporation, or member of a co-partnership or firm whose principal business is that of purchasing storing, selling, exchanging and/or receiving secondhand personal property of any kind or description. A secondhand dealer or junk dealer does not include any person, corporation, or member of a co-partnership or firm whose principal business is antique goods or secondhand apparel.

***Self-Storage Facility:*** A building or group of buildings containing fully enclosed, compartmentalized stalls or lockers which are rented or leased as individual units for the storage of personal property customarily related to residential, office, and/or local commercial activities.

***Senior Housing:*** An institution other than a hospital or hotel, which provides housing or room and board to non-transient persons primarily sixty (60) years of age or older. Housing for seniors may include:

1. ***Independent Living:*** A multiple-family housing form with full facilities for self-sufficiency in each individual dwelling unit.
2. ***Congregate Care:*** A dependent elderly housing facility with cooking facilities within the unit, but with a central dining service option. Limited medical care is available.
3. ***Assisted Living:*** A dependent elderly housing facility without cooking facilities in individual rooms and with and only central dining service. Limited medical care, including memory care, may be provided.
4. ***Convalescent Home:*** A state licensed medical establishment providing accommodation and care for aged or infirmed persons, or for those who are bedfast or needing considerable nursing care, but not including facilities for the treatment of sickness or injuries or facilities for surgical care. Commonly referred to as “nursing home”.

***Setback:*** The distance required to obtain minimum front, side, or rear yard open space provisions of this Ordinance. Setbacks for a public street shall be measured from existing or proposed right-of-way lines, whichever is greater. Setbacks for buildings shall be measured from the foundation wall.

***Sidewalk Sales Area:*** A paved sidewalk surface abutting a principal building on a zoning lot for display and sales of merchandise.

***Single Housekeeping Unit:*** All of the associated rooms in a dwelling unit available to and occupied by all of the occupants with a single set of cooking facilities also available to and utilized by all of the occupants of the dwelling unit.

***Site Condominium Definitions:***

1. ***Condominium Unit.*** Means that portion of a condominium project designed and intended for separate ownership and use, as described in the master deed and is a parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. Lot shall mean the same as homesite and condominium unit in site condominium developments.
2. ***Site Condominium (condominium subdivision).*** A method of subdivision where the sale and ownership of sites is regulated by the Condominium Act, Public Act 59 of 1978 as amended, (MCL 559.101 et. seq.) as opposed to the Subdivision Control Act of 1967 (Act No. 288 of the Public Acts of Michigan of 1967 (MCL 560.101 et seq.), as amended. Condominium subdivision shall be equivalent to the term "subdivision" as used in this zZoning Ordinance and the Township subdivision regulations Ordinance.
3. ***Site Condominium Subdivision Plan.*** Means the site, survey, and utility plans; floor plans; and Sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land.

***Shopping Center:*** A group of commercial establishments, primarily retail uses, that are compatible with each other and are mutually supportive, in one (1) or more buildings, on a site that is planned, developed, and managed as one (1) operating unit, with common driveways, parking areas, identification signs, and other common facilities and services.

***Smoking Lounge:*** An establishment that allows smoking of tobacco products or non-tobacco products or substances on the premises. The term “smoking lounge” includes but is not limited to facilities commonly described as cigar bars and lounges, hookah bars, cafes and lounges, tobacco bars and lounges, tobacco clubs, or zero percent nicotine establishments.

***Solar Energy Collector:*** A panel or panels and/or other devices or equipment, or any combination thereof, that collect, store, distribute and/or transform solar, radiant energy into electrical, thermal or chemical energy for the purpose of generating electric power or other form of generated energy for use in or associated with a principal land use on the parcel of land on which the solar energy collector is located and, if permitted, for the sale and distribution of excess available electricity to an authorized public utility for distribution to other lands.

1. ***Building-Mounted Solar Energy Collector:*** A solar energy collector attached to the roof or wall of a building, or which serves as the roof, wall, or window or other element, in whole or in part, of a building.
2. ***Ground-Mounted Solar Energy Collector:*** A solar energy collector that is not attached to and is separate from any building on the parcel of land on which the solar energy collector is located.
3. ***Commercial Solar Energy System:*** A utility-scale facility of solar energy collectors with the primary purpose of wholesale or retail sales of generated electricity. Commonly referred to as solar farms.

***Sound Pressure:*** Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

***Sound Pressure Level:*** The sound pressure mapped to a logarithmic scale and reported in decibels (dB).

***Specified Anatomical Areas:***

1. Less than completely and opaquely covered:
  - A. Human genitals, pubic region,
  - B. Buttock, and
  - C. Female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

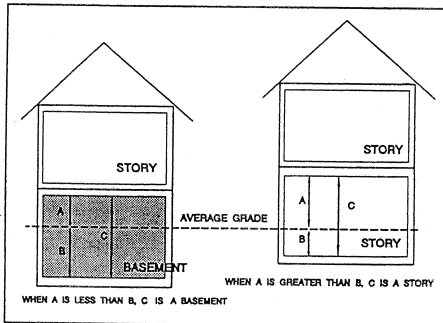
***Specified Sexual Activities:***

1. Human genitals in a state of sexual stimulation or arousal
2. Acts of human masturbation, sexual intercourse, or sodomy.
3. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

***Story:*** That part of a building, except a mezzanine as defined herein, included between the surface of one (1) floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty percent (50%), by cubic content, is below the height level of the adjoining ground.

**Story, Half:** An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet in area with a clear height of seven (7) feet six (6) inches. For the purposes of this Ordinance, the usable floor area is only that area having at least four (4) feet clear height between floor and ceiling.

### **BASEMENT AND STORY**



**Street:** That portion of a public or private right-of-way that affords a primary means of vehicular access to abutting properties, whether designated as a street, avenue, highway, road, boulevard, lane, or thoroughway or however otherwise designated, but not including driveways to buildings. An alley shall not be considered a street.

**Street Frontage:** All of the property fronting on one (1) side of a street, measured along such street between an intersecting or intercepting street and another intersecting or intercepting street, a right-of-way in excess of thirty (30) feet, an end of a dead-end street, or a municipal boundary.

**Streetscape:** The visual elements of a street, including the road, adjoining buildings, street furniture, trees, and open spaces, etc., that combine to form the street's character.

**Street Line:** The dividing line between the street right-of-way and the lot. When such right-of-way is not definable, a line shall be defined as thirty-three (33) feet on either side of the center of the street.

**Structure:** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

**Subdivision:** The partitioning or dividing of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than one (1) year, or of building development, where the act of division creates five (5) or more parcels of land, each of which is ten (10) acres or less in area; or five (5) or more parcels of land, each of which is ten (10) acres or less in area are created by successive divisions within a period of ten (10) years.

**Substantial Construction:** Work of a substantial character done by way of preparing the site for actual use, which includes obtaining all necessary approvals and building permits, and actual physical placement of building materials in their permanent position. Clearing trees, ground, and other preparatory work does not constitute substantial construction.

**Substantial Improvement:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "Substantial improvement" is considered to

occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structures. The term does not, however include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

***Tattoo:*** One (1) or more of the following:

1. An indelible mark made upon the body of another individual by the insertion of a pigment under the skin;
2. An indelible design made upon the body of another individual by production of scars other than by branding.

***Tattoo Parlor:*** A structure or building at which one (1) or more of the following procedures is done for compensation:

1. Tattooing;
2. Branding;
3. Body-Piercing.

***Temporary Use or Building:*** A use or building permitted to exist during a specified period of time.

***Tent Sale:*** A temporary structure of demountable construction in which merchandise is displayed and sold.

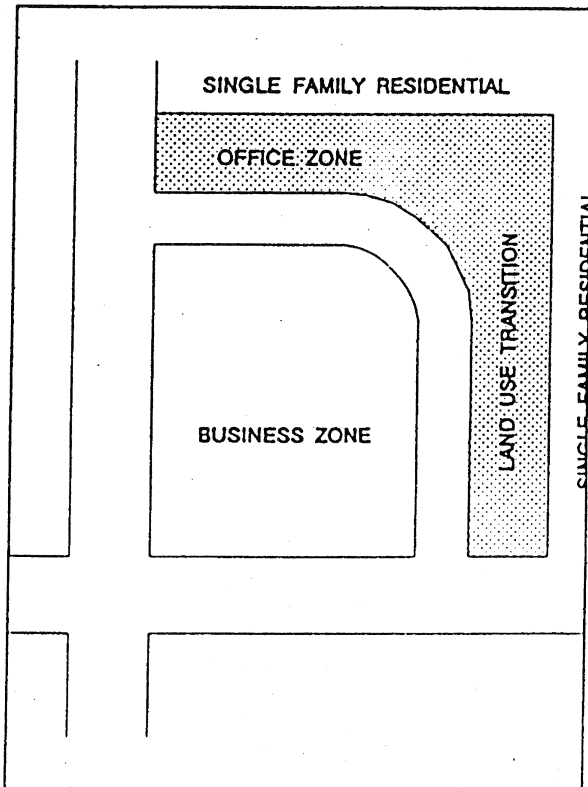
***Township Board:*** The Board of Trustees of the Charter Township of Ypsilanti, also referred to as the Board of Trustees.

***Trade Contractor:*** A building or portion thereof where building and construction trade services are provided to the public. "Trade Contractor" shall include, but will not be limited to, contractor offices, including landscaper's showrooms, construction supplies and storage including plumbing, heating, air conditioning, and building equipment and materials, and other uses similar in nature and impact.

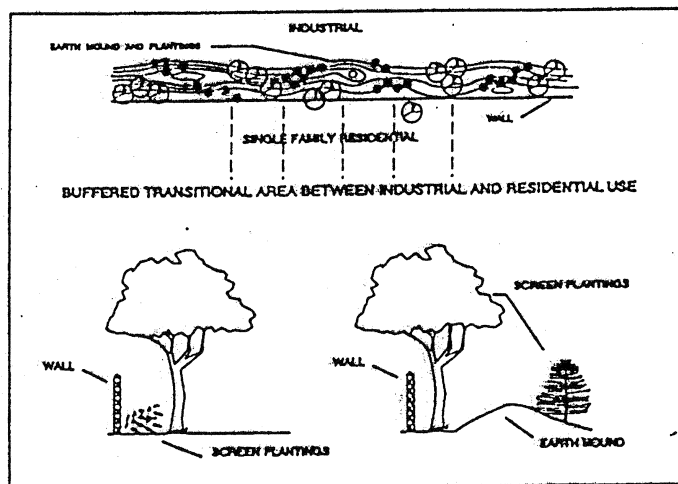
***Transition:*** For the purposes of this Ordinance, the word "transition" or "transitional" shall mean one (1) or more of the following:

1. A zoning district which may serve as a district of transition, (i.e., a buffer zone between various land use districts or land use types).
2. A residential rear or side yard lot or land parcel arrangement abutting a land use of more intense development character.
3. A device such as an earth berm, wall, screening fence, heavy shrub and tree planting, or a combination of such devices providing a buffer between land use types.

**LAND USE TRANSITION THROUGH ZONING DISTRICT**



**TRANSITION DETAILS**



**Trash Enclosure Or Recycling Enclosure:** An area, screened in accordance with requirements of this Ordinance, designed for the storage of garbage dumpsters and other trash receptacles.

**Usable Marihuana:** The dried leaves and flowers of the marihuana plant, and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant.

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

**USGS:** United States Geological Survey

**Variance:** The term ‘variance’ shall mean a modification of the literal physical provisions of the Zoning Ordinance, which may be granted by the Zoning Board of Appeals in accordance with the authority bestowed upon that Board by the provisions of this Ordinance.

**Vehicle Filling/Multi-Use Station:** A building or premises used primarily for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles; together with the sale of minor accessories and services for motor vehicles such as filling tires with air, checking fluid levels, adding water to batteries or radiators, and similar activities but not including major vehicle repair; as well as selling convenience foods and other such items through a convenience store.

**Vehicle Repair, Major:** The general repair, engine rebuilding, rebuilding, or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; and painting of automobiles and any repair of a major component part as defined by the administrative rules promulgated pursuant to the State of Michigan Motor Vehicle Service and Repair Act (MCL 257.1302).

**Vehicle Repair, Minor:** Repairs other than major repair including but not limited to lubrication; oil changes; installing, changing, or otherwise servicing the antifreeze or other coolant; and the replacement, adjustment, repair, or servicing of tires, batteries, fuel pumps, gaskets, brakes and other parts and assemblies listed as minor repair services by the administrative rules promulgated pursuant to in State of Michigan Motor Vehicle Service and Repair Act (MCL 257.1302).

**Vehicle Wash:** A building, or portion thereof, the primary purpose of which is that of washing vehicles either by automatic or self-service means.

**Veterinary Hospital:** A facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases and injuries.

**Visiting Qualifying Patient:** A patient who is not a resident of this state or who has been a resident of this state for less than thirty (30) days.

**Wall, Obscuring:** A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

**Watercraft:** A contrivance used or designed for navigation on water, including a vessel, boat, motor vessel, steam vessel, vessel operated by machinery either permanently or temporarily affixed, scow, or any marine equipment or device capable of carrying passengers.

**Warehouse:** A building or structure used principally for the storage of goods and merchandise.

**Wholesale, Establishment:** Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.



**Wind Energy Conversion System (WECS):** Any device such as a turbine, windmill, or charger that converts wind energy to a usable form of energy. WECS shall fall within two (2) classifications: on-site or commercial and shall typically be defined as horizontal axis or vertical axis.

1. **On-Site Wind Energy Conversion:** A WECS, the energy from which is used only by the primary residence or residences in a cooperative effort, business or agricultural operation and not sold or transferred to the electrical grid for commercial profit. This does not exclude the sale of excess energy sold to a utility through net metering for on-site WECS when the WECS produces more energy than can be stored or used onsite.
2. **Commercial Wind Energy Conversion System:** Any WECS that is exclusively designed and built to provide electricity to the electric utility's power grid as an ongoing commercial enterprise or for commercial profit.
3. **Horizontal-Axis Wind Energy Conversion Systems:** Conventionally designed systems that have a main rotor shaft that is parallel to the ground and a series of "blades" that are perpendicular to the ground, as in a traditional agricultural windmill. Horizontal-axis wind energy conversion systems are traditionally mounted on a tower or pole and must be pointed into the wind.
4. **Vertical-Axis Wind Energy Conversion Systems:** Systems that have a main rotor shaft that is perpendicular to the ground and the system does not need to be pointed into the wind. These systems are more common in areas where wind direction is variable. These systems often resemble a drum, cylinder, or helix.

**Wireless Communications Facilities:** All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, micro-wave relay facilities, telephone transmission equipment building, and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave receiving facilities; amateur (ham) radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority. For purposes of this Ordinance, the following additional terms are defined:

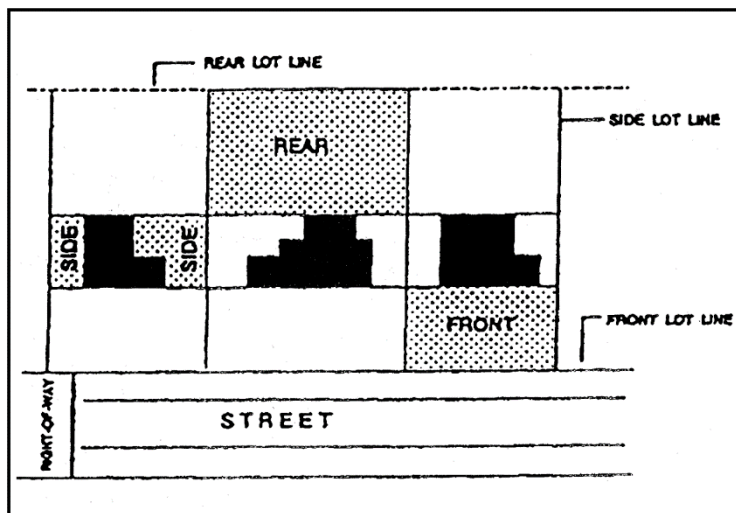
1. **Wireless Communications Antenna (WCA):** Shall mean any antenna used for the transmission or reception of wireless communication signals excluding those used for dispatch communications by public emergency stations, ham radio antennas, and satellite antennas, those who receive video programming services via multi-point distribution services which are forty (40) inches or less in diameter and those which receive television broadcast signals. Antenna may be affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.
2. **Wireless Communication Support Structures:** Shall mean structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.
3. **Collocation:** Shall mean the location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communications antennas within the community.

**Written Certification:** A document signed by a physician, stating the patient's debilitating medical condition, and stating that, in the physician's professional opinion, the patient is likely to receive therapeutic or palliative benefit from the medical use of marihuana to treat or alleviate the patient's debilitating medical condition or symptoms associated associated symptoms with the debilitating medical condition.

**Yard:** The open spaces on the same lot with the main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined in this Ordinance:

1. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.
2. **Rear Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building. In the case of a corner lot, one (1) of the non-front yards shall be considered a side yard; the other side shall be considered a rear yard. In the case of a corner lot, the rear yard shall not extend into the front yard.
3. **Side Yard:** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building. In the case of a corner lot, one (1) of the non-front yards shall be considered a side yard; the other side shall be considered a rear yard.

## YARDS



**Zoning Administrator:** The official of Ypsilanti Township charged with the administration of this Ordinance.

**Zoning Board of Appeals:** The Zoning Board of Appeals of the Charter Township of Ypsilanti.

**Zoning District:** An area or areas within the incorporated area of the Ypsilanti Township within which regulations and requirements governing use, lot area, lot size, and other provisions are uniform.

**Zoning Enabling Act:** The Michigan Zoning Enabling Act, as amended, MCL 125.3101 et. seq. as adopted by Public Act 110 of 2006.

(Ord. No. 95-137, 10-17-95; Ord. No. 96-145, 3-5-96; Ord. No. 97-169, 6-17-97; Ord. No. 98-182, 2-17-98; Ord. No. 99-205, 3-16-99; Ord. No. 99-209, 5-4-99; Ord. No. 99-227, 11-16-99; Ord. No. 2000-238, 7-18-00; Ord. No. 2000-249, § 1, 10-3-00; Ord. No. 2000-260, § 1, 12-19-00; Ord. No. 2000-261, § 1, 12-19-00; Ord. No. 2001-266, § 1, 5-15-01; Ord. No. 2001-273, 8-21-01; Ord. No. 2001-289, § 1, 11-20-01; Ord. No. 2004-333, § 1, 4-20-04; Ord. No. 2004-334, § 1, 4-20-04; Ord. No. 2009-390, 4-7-09; Ord. No. 2010-402, § 1, 3-16-10; Ord. No. 2010-404, § I, 5-18-10; [Ord. No. 2016-462](#), § 1, 3-15-16; [Ord. No. 2016-471](#), §§ I—III, 12-6-16; [Ord. No. 2018-476](#), § 1, 2-20-18)

**ARTICLE III - ADMINISTRATION AND ENFORCEMENT**

**Sec. 300. - Enforcement:**

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator or any other employees, inspectors, and officials as designated by the Township Supervisor.

**Sec. 301. - Duties of the Zoning Administrator:**

The duties and responsibilities of the Zoning Administrator shall include the following:

1. Receive and review for completeness all applications for site plan review, special land uses, planned unit developments, or other matters that the Planning Commission is required to decide under this Ordinance and refer such applications to the Planning Commission, and where applicable, the Township Board for determination.
2. Receive and review for completeness all applications for appeals, variances, or other matters than the Zoning Board of Appeals is required to decide under this Ordinance and refer such applications to the Zoning Board of Appeals for determination.
3. Receive and review for completeness all applications for text or map (rezonings) amendments to this Ordinance and refer such applications to the Planning Commission and Township Board for determination.
4. Investigate complaints regarding violations of the Zoning Ordinance and make periodic site inspections to determine compliance with this Ordinance.
5. Implement the decisions of the Planning Commission, Zoning Board of Appeals, and Township Board.
6. Enforce and interpret the meaning and applicability of the requirements of the Zoning Ordinance.
7. Issue Certificates of Zoning Compliance.

**Sec. 302. - Duties of Building Official:**

1. The Building Official shall have the power to grant occupancy permits, and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Building Official to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until he or she has inspected such plans in detail and found them to conform with this Ordinance.
2. Under no circumstances is the Building Official permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his or her duties as Building Official.
3. The Building Official shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

**Sec. 303. - Fees:**

Fees for zoning change review, site plan review for projects requiring review under Section 903 Site plan review process, uses permitted subject to specific use provisions, special land use review, inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance may be collected by the Township in advance of issuance. The amount of such fees shall be established by resolution of the Township Board and shall cover the cost of inspection and supervision resulting from enforcement of this Ordinance.

**Sec. 304. - Use of Consultants**

From time to time, at the cost of the applicant, the Township may employ planning, engineering, legal, traffic, or other special consultants to assist in the review of special use permits, site plans, rezoning applications, or other matters related to the planning and development of the Township.

**Sec. 305. - Development Agreements:**

1. ***Development agreement requirement.*** Prior to the issuance of permits for a site plan, or planned unit development, based on the determination of the Zoning Administrator or Township Attorney, an applicant may be required to execute a development agreement, in a form approved by the Township, specifying all the terms and understandings relative to the proposed development. All costs incurred by the Township, including attorney fees, in drafting and approving the development agreement shall be paid by the applicant. Unless designated as optional, all improvements shown on the site plan shall be completed prior to the issuance of a certificate of occupancy. However, where it would be impractical to delay occupancy prior to the completion of certain improvements, a certificate of occupancy can be issued upon the approval of the Building Official if an adequate guarantee as required in Section 306 is presented to the Township to secure the improvements.
2. ***Minimum terms.*** The content of the agreement shall outline the specifics of the proposed development, but shall at a minimum provide the following terms:
  - A. Legal description of subject property.
  - B. A description of the ownership of the subject property.
  - C. A land use description, including a specific description of the proposed uses, density, lot dimensions, setbacks, and other dimensional standards.
  - D. Proposed method of dedication or mechanism to protect areas designated as common areas, open spaces, or conservation areas.
  - E. Description of required improvements to common areas, recreational facilities, and non-motorized pathways.
  - F. General description of any improvements to roads or utilities.
  - G. Mechanisms to ensure the continued maintenance of common areas, including but not limited to roadways, sidewalks, lighting, landscaping, utilities, and other site improvements.

- H. Provisions assuring that open space areas shown on the plan for use by the public or residents of the development will be irrevocably committed for that purpose. The Township may require conveyances or other documents to be placed in escrow to accomplish this.
- I. Provisions for the future financing of any improvement shown on the plan as site improvements, open space areas, and common areas, which are to be included within the development, and that maintenance of such improvements is assured by means satisfactory to the Township.
- J. Provisions to ensure adequate protection of natural features.
- K. Financial assurances in accordance with Section 306, Performance Guarantee, to guarantee the completion of all site improvements.
- L. Requirements that the applicant maintain insurance coverage during development in amounts established by the Township, naming the Township as an additional insured, and further, required insurance provisions after the development is completed.
- M. The site plan, special, planned unit development, or conditional rezoning shall be incorporated by reference and attached as an exhibit.
- N. Description of the timing to complete the development of the project. If the project is to be developed in phases, a timeline to complete the construction of each phase.

**Sec. 306. - Performance Guarantee:**

1. *Purpose and intent.* In the interest of insuring compliance with the Zoning Ordinance provisions, protecting the natural resources and the health, safety, and welfare of the residents of the Township and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Township may require the applicant to deposit a performance guarantee for any or all site improvements required by this Ordinance.
  - A. The amount of such guarantee shall cover all improvements not normally covered in the building permit, i.e., berms, walls, landscaping, lighting, surfacing of drives, parking, service drives, acceleration/deceleration lanes, bypass lanes and other traffic control devices, etc. The guarantee shall include a schedule of costs assigned to the different improvements based upon an estimate submitted by the applicant and verified by the Township. The Township shall be authorized to employ the Township Engineer and/or other Township consultants to review cost estimates and conduct periodic inspection of the progress of improvements. Monies may be released to the applicant in proportion of work completed on the different elements after inspection of work and approval of the Building Official.
  - B. If more than one guarantee is involved in construction of the improvements required in this section, each such assurance shall be treated as a separate agreement and may be released upon satisfactory completion of such phase of construction and approval of the Building Official.
  - C. In instances where all improvements, as required in this section, are not completed, and a temporary certificate of occupancy is requested, the estimated cost of such improvement shall be verified by the Building Official, particularly with respect to any delay to another construction season. In those instances where the estimated cost has changed, then a revised

guarantee, acceptable to the Township, shall be filed with the Township covering such improvements.

**2. Procedure.**

- A. When a performance guarantee is required, said performance guarantee shall be deposited with the Township prior to the issuance of a building permit for the development and use of the land. Upon the deposit of the performance guarantee, the Township shall issue the appropriate building permit, and the Township shall thereafter deposit the performance guarantee. The performance guarantee may be in the form of a cash deposit, certified check, or irrevocable letter of credit. The Zoning Administrator shall approve the type of performance guarantee on a case by case basis.
  - B. At the time the performance guarantee is deposited with the Township and prior to the issuance of a building permit, the applicant shall enter into an agreement with the Township incorporating the performance guarantee provisions.
  - C. The agreement shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the building permit.
  - D. In the event the performance guarantee deposited is a cash deposit or a certified check, the Township shall rebate to the applicant, upon request from the applicant, fifty percent (50%) of the deposited funds when the applicant has completed seventy-five percent (75%) of the required improvements as confirmed by the Township. The remaining fifty percent (50%) of the deposited funds shall be returned when the applicant has completed one hundred percent (100%) of the required improvements and is in compliance with the Ordinance as confirmed by the Township.
  - E. In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the Township, the Township shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements.
  - F. If the performance guarantee is not sufficient to allow the Township to complete the improvements for which such guarantee was posted, the applicant shall be required to pay the Township the amount by which the cost of completing the improvements exceeds the amount of the performance guarantee, or a portion thereof, to complete the required improvements, any amounts remaining after said completion shall be applied first to the Township's administrative costs including, without limitation, attorney fees, planning consultant fees, and engineering consultant fees in completing the improvement with any balance remaining being refunded to the applicant.
3. *Guarantee with other agencies.* If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the Township to ensure completion of an improvement associated with the site, the applicant shall not be required to deposit with the Township a performance guarantee for that same improvement.
4. *Site plan completion guarantee.*

- (1) Prior to the issuance of any building permit for any building, and prior to signing of the final plat by the Township Clerk in a platted subdivision, or prior to the issuance of any building permit for any building in a site condominium project, or prior to issuance of a certificate of occupancy for any development which requires site plan review under this Ordinance, the applicant for same shall provide to the Township the following:
  - a. A completion guarantee deposit to the Township. Said deposit shall guarantee completion of all site improvements shown on the approved final site plan or final preliminary plat. For the purpose of this section, completion shall mean inspection by the appropriate Township officials and/or other government agencies for compliance with the final site plan approved by the Planning Commission or preliminary plat finally approved by the Township Board, not less than six (6) months after all site plan or plat improvements have been installed.
    - i. The Township may require the guarantee deposit to cover one hundred twenty-five percent (125%) of landscaping cost and installation for up to one (1) year.
  - b. All site condominiums and subdivision plats shall comply with all of the rules and regulations for posting financial securities of the Township Subdivision Ordinance.
- (2) Site improvements shall mean, but shall not be limited to, drives and streets, curbs and gutters, sidewalks, water and sanitary sewer systems, drainage facilities and retention/detention basins, final grading and swales, retaining walls, landscaping and parking lots.
- (3) In the event the applicant fails to correct any deficiencies within thirty (30) days of written notice from the Township, the Township shall have the authority to use the guarantee to complete the site improvements, or repairs to said improvements, within a period of nine (9) months following the issuance of the last certificate of occupancy unless good cause can be shown by the applicant for the delay in completion. The Township may, at its sole discretion, agree in writing to a specific extension of the nine (9) month period. The Township may use the completion guarantee to hire sub-contractors to complete work, fund inspections and for the administration of the required work including legal fees.
- (4) The guarantee, or portion thereof, shall be promptly released upon the inspection and approval of all improvements in compliance with the approved final site plan or special use permit and all applicable Township standards and specifications. Portions of the guarantee may be released, in not more than three (3) installments, provided:
  - a. The project or approved phase of a project has been completed for six (6) months and the improvements for which the release is requested have been inspected and approved in accordance with the above standards, and the remaining balance is sufficient to cover the remaining improvements, including administrative and contingency expenses.
- (5) *Types of completion guarantees.* The applicant may provide a guarantee in the form of a cash deposit or certified check, or in the form of an irrevocable letter of credit in a form acceptable to the Township. Letters of credit shall be valid for a period of one (1) year past the anticipated request for the last certificate of occupancy for the entire project and shall contain language acceptable to the Township, that thirty (30) days prior to its expiration the letter of credit shall automatically renew for one (1) year periods unless



the issuer of the security sends by certified mail to the Township a notice of its intention to not renew the financial security not less than (60) days prior to the expiration of the security.

**Sec. 307. - Public Hearing Notice Requirements.**

1. *When required.* Public hearings are required in those instances where public hearings are required by this Ordinance and the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended, M.C.L. 125.3101 et. seq.)
2. *Notice requirements.* Notice shall be given not less than fifteen (15) days before each public hearing at which an application will be considered. Notice shall be given by publication in a newspaper that circulates in Charter Township of Ypsilanti, and by personal delivery or mailing, where required, to the following:
  - A. The applicant, and the owner(s) of the property, if the applicant is not the owner.
  - B. All persons to whom real property is assessed within three hundred (300) feet of the boundary for the property for which the approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located within Ypsilanti Township.
  - C. The occupants of any structures within three hundred (300) feet of the boundary for the property for which the approval has been requested, regardless of whether the owner and property is located within Ypsilanti Township, except as set forth below.
  - D. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one (1) occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.
  - E. The notice under this section is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service. If the name of the occupant is not known, the term “occupant” may be used for the intended recipient of the notice.
3. *Actions exempt from notification.*
  - A. Requirements for individual notice to property owners shall not apply to Ordinance text amendments.
  - B. For any group of adjacent properties numbering eleven (11) or more that is proposed for rezoning, the requirement for individual notice as set forth in sub-section 307.2 does not apply to that group of adjacent properties.
4. *Content of notice.* The notice shall include:
  - A. The nature of the request.
  - B. The property(ies) for which the request has been made.

- C. A listing of all existing street addresses within the property(ies) which is (are) the subject of the request. Street addresses do not need to be created and listed if no such addresses exist. If there are no street addresses, another means of identification may be used.
- D. The location where the application documents can be viewed and copied prior to the date the hearing.
- E. The date, time, and location of when the hearing on the application will take place.
- F. The address at which written comments should be directed prior to the hearing.

**Sec. 308. - Establishment of a Planning Commission with zoning authority:**

1. ***Scope, purpose and intent.*** The purpose of this Ordinance is to provide that the Township Board of Trustees shall hereby confirm the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801 et seq., of the Charter Township of Ypsilanti Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321 et seq., to establish the appointments, terms, and membership of the Planning Commission; to identify the officers and the minimum number of meetings per year of the Planning Commission; and to prescribe the authority, powers and duties of the Planning Commission.

This Ordinance is adopted pursuant to the authority granted the Charter Township of Ypsilanti Board (hereinafter Township Board) under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801 et seq., and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101 et seq., to establish a Planning Commission with the powers, duties and limitations provided by those Acts and subject to the terms and conditions of this Ordinance and any future amendments to this Ordinance.

2. ***Membership.*** The Planning Commission shall have seven (7) members. Members of the Planning Commission as of the effective date of this Ordinance shall, except for an ex officio member whose remaining term on the Planning Commission shall be limited to his or her term on the Township Board, continue to serve for the remainder of their existing terms so long as they continue to meet all of the eligibility requirements for Planning Commission membership set forth within the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801 et seq.
3. ***Appointments and terms.*** Subject to approval by a majority vote of the elected and serving members of the Township Board, the Township Supervisor shall appoint all members of the Planning Commission, including one member of the Township Board who shall serve as an ex officio member with full voting rights. The Planning Commission members, other than the ex officio member, shall serve for terms of three (3) years each. The ex officio member's term shall expire with his or her term on the Township Board. A Planning Commission member shall hold office until his or her successor is appointed. A vacancy shall be filled by appointment to the unexpired term in the same manner as the original appointment. Other than the ex officio member, no other elected officer or employee of the Township is eligible to be a member of the Planning Commission.

Planning commission members shall be qualified electors of the Township, except that one (1) Planning Commission member may be an individual who is not a qualified elector of the Township. The membership of the Planning Commission shall be representative of important segments of

the community, such as the economic, governmental, educational, and social development of the Township, in accordance with the major interests as they exist in the Township, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the Township to the extent practicable.

4. *Removal.* The Township Board may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.
5. *Conflict of interest.* The Planning Commission shall in its bylaws provide rules regarding what constitutes a conflict of interest.
6. *Compensation.* The Planning Commission members may be compensated for their services as provided by Township Board resolution. The Planning Commission may adopt bylaws relative to compensation and expenses of its members for travel when engaged in the performance of activities authorized by the Township Board, including, but not limited to, attendance at conferences, workshops, educational and training programs and meetings.
7. *Officers and committees.* The Planning Commission shall elect a chairperson and a secretary from its members, and may create and fill other offices as it considers advisable. A member of the Township Board is not eligible to serve as chairperson. The term of each office shall be one (1) year, with opportunity for reelection as specified in the Planning Commission bylaws.

The Planning Commission may also appoint advisory committees whose members are not members of the Planning Commission.

8. *Bylaws, meetings and records.* The Planning Commission shall adopt bylaws for the transaction of business.

The Planning Commission shall hold at least four (4) regular meetings each year and shall by resolution determine the time and place of the meetings.

Unless otherwise provided in the Planning Commission's bylaws, a special meeting of the Planning Commission may be called by the chairperson or by two (2) other members, upon written request to the secretary. Unless the bylaws otherwise provide, the secretary shall send written notice of a special meeting to Planning Commission members at least forty-eight (48) hours before the meeting.

The business that the Planning Commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, MCL 15.261 et seq.

The Planning Commission shall keep a public record of its resolutions, transactions, findings, and determinations. A writing prepared, owned, used, in the possession of, or retained by the Planning Commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1976, MCL 15.231 et seq.

9. *Annual report.* The Planning Commission shall make an annual written report to the Township Board concerning its operations and the status of the planning activities, including recommendations regarding actions by the Township Board related to planning and development.
10. *Authority to make master plan.* Under the authority of the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801 et seq., and other applicable planning statutes, the Planning

Commission shall make a master plan as a guide for development within the Township's planning jurisdiction. The procedure for adoption or amendment of a master plan shall be as prescribed in Article III of the Act, MCL 125.3831 through 125.3851.

Final authority to approve a master plan or any amendments thereto shall rest with the Township Board after recommendation of the Planning Commission in accordance with the Act. The Township Board shall pass a resolution in accordance with MCL 125.3843(3) asserting its right to approve or reject a master plan.

Unless rescinded by the Township, any plan adopted or amended under the Township Planning Act, Public Act 168 of 1959, MCL 125.321 et seq., need not be readopted under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801 et seq.

11. *Zoning powers.* The Township Board hereby confirms the transfer of all powers, duties, and responsibilities provided for zoning boards or zoning commissions by the former Township Zoning Act, Public Act 184 of 1943, MCL 125.271 et seq.; the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101 et seq.; or other applicable zoning statutes to the Charter Township of Ypsilanti Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321 et seq.

Any existing zoning ordinance shall remain in full force and effect except as otherwise amended or repealed by the Township Board.

12. *Subdivision and land division recommendations.* The Planning Commission may recommend to the Township Board provisions of an ordinance or rules governing the subdivision of land. Before recommending such an ordinance or rule, the Planning Commission shall hold a public hearing on the proposed ordinance or rule. The Planning Commission shall give notice of the time and place of the public hearing not less than fifteen (15) days before the hearing by publication in a newspaper of general circulation within the Township.

The Planning Commission shall review and make recommendation on a proposed plat before action thereon by the Township Board under the Land Division Act, Public Act 288 of 1967, MCL 560.101 et seq. The Planning Commission shall recommend approval, approval with conditions, or disapproval of a plat within sixty-three (63) days after the plat is submitted to the Planning Commission unless the plat proprietor waives this requirement and consents to an extension of the sixty-three (63) day period. Before making its recommendation, the Planning Commission shall hold a public hearing on the proposed plat. A plat submitted to the Planning Commission shall contain the name and address of the proprietor or other person to whom notice of a hearing shall be sent. Not less than fifteen (15) days before the date of the hearing, notice of the date, time and place of the hearing shall be sent to that person at that address by mail and shall be published in a newspaper of general circulation in the Township. Similar notice shall be mailed to the owners of land immediately adjoining the proposed platted land.

**ARTICLE IV. – DISTRICT REGULATIONS**

**Sec. 400. - Districts established:**

For the purpose of this Ordinance, the Charter Township of Ypsilanti is hereby divided into the following districts:

<b>R-1</b>	<b>One-family residential district.</b>
<b>R-2</b>	<b>One-family residential district.</b>
<b>R-3</b>	<b>One-family residential district.</b>
<b>R-4</b>	<b>One-family residential district.</b>
<b>R-5</b>	<b>One-family residential district.</b>
<b>RM-LD</b>	<b>Multiple-family low density residential district.</b>
<b>RM-MD</b>	<b>Multiple-family medium density residential district.</b>
<b>RM-HD</b>	<b>Multiple-family high density residential district.</b>
<b>MHP</b>	<b>Mobile home park district.</b>
<b>NB</b>	<b>Neighborhood business district.</b>
<b>GB</b>	<b>General business district.</b>
<b>TC</b>	<b>Township Center</b>
<b>NC</b>	<b>Neighborhood corridor district.</b>
<b>RC</b>	<b>Regional corridor district.</b>
<b>I-T</b>	<b>Innovation and technology district.</b>
<b>L-M</b>	<b>Logistics and manufacturing district.</b>
<b>I-C</b>	<b>Industrial and commercial revitalization district.</b>
<b>AG</b>	<b>Agricultural overlay district</b>
<b>PD</b>	<b>Planned development district.</b>

(Ord. No. 99-224, § I, 8-3-99; Ord. No. 2001-284, 12-18-01; Ord. No. 2001-285, 12-18-01; Ord. No. 2001-286, 12-18-01; Ord. No. 2001-287, 12-18-01; [Ord. No. 2018-476](#), § 2, 2-20-18)

**Sec. 401. - District boundaries:**

The boundaries of these districts are hereby established as shown on the zoning map for the Charter Township of Ypsilanti, which accompanies this Ordinance, and which map with all notations, references and other information shown thereon shall be as much a part of this Ordinance as if fully described herein.

**Sec. 402. - District boundaries interpreted:**

Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys, shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Township limits shall be construed as following Township limits.
4. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
7. Where physical or natural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections 1 through 6 above, the Board of Appeals shall interpret the district boundaries.
8. Insofar as some or all of the various districts may be indicated on the zoning map by patterns or lines which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.

**Sec. 403. - Text interpreted:**

Where uncertainty exists with respect to uses permitted in any district, or any condition set forth in this Ordinance, the following rules shall apply:

1. No use of land shall be permitted in any use district except those uses specifically set forth in the district.
2. Uses or structures not specifically permitted in a zoning district shall be prohibited in such district.
3. Unless otherwise provided for in this appendix where uses of yard areas are indicated as being permitted, the use of any other yard area for such use shall be prohibited.

**Sec. 404. - Zoning of vacated areas:**

Whenever any street, alley, or other public way, within the Township of Ypsilanti shall be vacated, such street, alley, or other public way or portion thereof, shall automatically be classified in the same zoning district as the property to which it attaches.

**Sec. 405. - District requirements:**

All buildings and uses in any district shall be subject to the provisions of Article 8, General Provisions.

**Sec. 406. - R-1 to R-5 one-family residential districts:**

1. **Intent:** The intent the R-1 to R-3 one-family residential districts is to preserve open space and natural features while providing for an environment of predominantly low-density, one-family dwellings along with other residentially related facilities which serve the residents in the district. The intent the R-4 and R-5 one-family residential districts is to preserve and maintain existing neighborhoods of one-family dwellings along with other residentially related facilities to serve the residents in the district, including maintenance of community assets and re-use and rehabilitation of non-residential buildings
2. **Use regulations:** Section 420 sets forth permitted, accessory and special land uses within the R-1 to R-5 one-family residential districts.
3. **Dimensional requirements:** The following dimensional requirements shall apply to the R-1 to R-5 one-family residential districts.

District	Min. Lot Size		Max. Lot Coverage (all buildings)	Max. Height		Min. Yards & Setbacks in feet				Min. ground floor area in sq. ft.
	Sq. Ft.	Width in feet		Stories	Feet	Front	Side		Rear	
							Least	Total		
R-1	32,500	100	30%	2	25	25	12	25	35	1,200
R-2	21,780	90					10	20		900
R-3	14,000	80					5	16		720
R-4	8,400	60								
R-5	5,400	50	35%			20				

4. **Corner Lots:** When a side yard is across a separating street from a front yard on the opposing lot, the side yard abutting a street must meet the minimum front yard setback of the district in which located. On all other corner lots, the street side yard shall be the larger required side yard. The lot width for corner lots shall be at least ten (10) feet wider than the minimum required for other lots to ensure lot area is adequate to accommodate homes which are similar in size to those which could be constructed on adjacent lots.
5. **Supplemental district standards:**

- A. In addition to those bulk regulations listed in Section 406.3, all development shall conform to supplemental bulk regulations listed in Section 419.
- B. Non-residential uses permitted in the R-1 to R-5 one-family residential districts, the following dimensional requirement shall apply.

Min. Lot Size in acres	Max. Lot Coverage (all buildings)	Max. Height in feet	Min. Yards & Setbacks in feet		
			Front	Side	Rear
1	35 %	48	Equal to the height of the principal building		

Sec. 407. - Residential multiple-family: low density:

1. *Intent:* The intent is to provide sites for low-density multiple-family dwelling structures, and related uses.
2. *Use regulations:* Section 420 sets forth permitted, accessory and special land uses within the RM-LD residential district.
3. *Dimensional requirements:* The following dimensional requirements shall apply to the RM-LD residential district.

Min. Lot Size		Max. Lot Coverage (all buildings)	Max. Height		Min. Yards & Setbacks in feet			
in acres	Width in feet		Stories	Feet	Front	Side		Rear
						Least	Total	
1 or 3 <sup>1</sup>	80	25%	3	35	30	30	60	30

<sup>1</sup> Minimum total lot area of one (1) acre for residential use with a minimum lot area of seven thousand two hundred (7,200) square feet per dwelling unit, and minimum lot area of three (3) acres for non-residential uses

4. *Supplemental district standards:*
  - A. In addition to those bulk regulations listed in Section 407.3, all development shall conform to supplemental bulk regulations listed in Section 419.
  - B. The following minimum dwelling unit size requirements shall apply to the RM-MD residential districts

Efficiency	1 Bedroom	2 Bedroom	3 Bedroom	4+ Bedroom
350 sq. ft.	500 sq. ft.	700 sq. ft.	900 sq. ft.	1,100 sq. ft.

Sec. 408. - Residential multiple-family: medium density:

1. *Intent:* The intent is to provide sites for medium-density multiple-family dwelling structures, and related uses.



2. **Use regulations:** Section 420 sets forth permitted, accessory and special land uses within the RM-MD residential district.
3. **Dimensional requirements:** The following dimensional requirements shall apply to the RM-MD residential districts.

Min. Lot Size		Max. Lot Coverage (all buildings)	Max. Height		Min. Yards & Setbacks in feet			
			Stories	Feet	Front	Side		Rear
in acres	Width in feet					Least	Total	
1 or 3 <sup>1</sup>	100	15%	4	45	40	40	80	50

<sup>1</sup> Minimum total lot area of one (1) acre for residential use with a minimum lot area of seven thousand two hundred (7,200) square feet per dwelling unit, and minimum lot area of three (3) acres for non-residential uses.

4. **Supplemental district standards:**

- A. In addition to those bulk regulations listed in Section 408.3, all development shall conform to supplemental bulk regulations listed in Section 419.
- B. The following minimum dwelling unit size requirements shall apply to the RM-MD residential districts

Efficiency	1 Bedroom	2 Bedroom	3 Bedroom	4+ Bedroom
350 sq. ft.	500 sq. ft.	700 sq. ft.	900 sq. ft.	1,100 sq. ft.

**Sec. 409. - Residential multiple-family: high density:**

1. **Intent:** The intent is to provide sites for high-density multiple-family dwelling structures, and related uses.
2. **Use regulations:** Section 420 sets forth permitted, accessory and special land uses within the RM-HD residential district.
3. **Dimensional requirements:** The following dimensional requirements shall apply to the RM-HD residential districts.

Min. Lot Size		Max. Lot Coverage (all buildings)	Max. Height		Min. Yards & Setbacks in feet			
in acres	Width in feet		Stories	Feet	Front	Side		Rear
						Least	Total	
1 or 3 <sup>1</sup>	150	15%	8	85	50	50	100	50

<sup>1</sup> Minimum total lot area of one (1) acre for residential use with a minimum lot area of seven thousand two hundred (7,200) square feet per dwelling unit, and minimum lot area of three (3) acres for non-residential uses

**4. Supplemental district standards:**

- A. In addition to those bulk regulations listed in Section 409.3, all development shall conform to supplemental bulk regulations listed in Section 419.
- B. The following minimum dwelling unit size requirements shall apply to the RM-H residential districts:

Efficiency	1 Bedroom	2 Bedroom	3 Bedroom	4+ Bedroom
350 sq. ft.	500 sq. ft.	700 sq. ft.	900 sq. ft.	1,100 sq. ft.

**Sec. 410. - Mobile home park districts:**

- 1. **Intent:** The intent is to provide for mobile home and manufactured housing communities.
- 2. **Use regulations:** Section 420 sets forth permitted, accessory and special land uses within the MHP district.
- 3. **Dimensional requirements:** The following dimensional requirements shall apply to the MHP districts.

Minimum Lot Area	Total Lot area for Mobile Home Park	5,500 sq. ft.
Maximum Height	Feet	25

- 4. **Supplemental district standards.** Refer to Section 1162, Mobile home parks.

**Sec. 411. - Agricultural overlay district:**

- 1. **Intent:** The intent is to preserve agricultural lands and prime agricultural soils for farming and provide stability for the farming economy. This overlay zoning district is intended only for existing farm operations at the time of the adoption of this Zoning Ordinance or areas designated for farmland or open space preservation by the Master Plan.
- 2. **Use regulations:** The AG district is an overlay district where the uses in the underlying zoning district are allowed as well as the uses in the AG district. Section 420 sets forth permitted, accessory and special land uses within the AG district and the underlying zoning district.
- 3. **Dimensional requirements:** The dimensional requirements of the underlying zoning district shall apply in AG districts.
- 4. **Supplemental district standards:** In addition to those bulk regulations listed for the underlying zoning district, all development shall conform to supplemental bulk regulations listed in Section 419.

**Sec. 412. - Neighborhood business district:**

1. ***Intent:*** The intent is to meet the day-to-day convenience shopping and service needs of persons residing in immediately adjacent residential areas.
2. ***Use regulations:*** Section 420 sets forth permitted, accessory, and special land uses within the NB district.
3. ***Dimensional requirements:*** The following dimensional requirements shall apply to the NB districts.

Min. Lot Size		Max. Lot Coverage (all buildings)	Max. Height		Min. Yards & Setbacks in feet		
Sq. Ft.	Width in feet		Stories	Feet	Front	Side	Rear
None	None	None	2	25	20	10 or 50 <sup>1</sup>	20 or 50 <sup>1</sup>

<sup>1</sup> If a lot borders a residential zoning district or street, the minimum setback shall be fifty (50) feet.

4. ***Supplemental district standards:*** In addition to those bulk regulations listed in Section 412.3, all development shall conform to supplemental bulk regulations listed in Section 419.

**Sec. 413. - General business district:**

1. ***Intent:*** The intent is to provide sites for more diversified business types which would often be incompatible with the pedestrian movement in the neighborhood business district or neighborhood or regional corridor districts.
2. ***Use regulations:*** Section 420 sets forth permitted, accessory, and special land uses within the GB district.
3. ***Dimensional requirements:*** The following dimensional requirements shall apply to the GB districts.

Min. Lot Size		Max. Lot Coverage (all buildings)	Max. Height		Min. Yards & Setbacks in feet		
Sq. Ft.	Width in feet		Stories	Feet	Front	Side	Rear
None	None	None	2	25	20	10 or 50 <sup>1</sup>	20 or 50 <sup>1</sup>

<sup>1</sup> If a lot borders a residential zoning district or street, the minimum setback shall be fifty (50) feet.

4. ***Supplemental district standards:*** In addition to those bulk regulations listed in Section 413.3, all development shall conform to supplemental bulk regulations listed in Section 419.

**Sec. 414. - Innovation and technology district:**

1. ***Intent:*** The intent is to provide areas for technology, office, craft manufacturing, and light industrial uses.
2. ***Use regulations:*** Section 420 sets forth permitted, accessory, and special land uses within the I-T district.
3. ***Dimensional requirements:*** The following dimensional requirements shall apply to the I-T districts.

Min. Lot Size		Max. Lot Coverage (all buildings)	Max. Height in feet	Min. Yards & Setbacks in feet			
Sq. Ft.	Width in feet			Front	Side		Rear
					Least	Total	
None	None	None	40	20	20 or 50 <sup>1</sup>	40 or 70 <sup>1</sup>	20 or 50 <sup>1</sup>

<sup>1</sup> If a lot borders a residential zoning district or street, the minimum side yard setback shall be fifty (50) feet.

**4. Supplemental district standards:**

- A. In addition to those bulk regulations listed in Section 414.3, all development shall conform to supplemental bulk regulations listed in Section 419.
- B. All storage shall be in the rear yard and shall be completely screened from all public streets and any adjacent residential, business, or corridor zoning district with an obscuring wall or fence, no less than six (6) feet high or with a chain link type fence and greenbelt planting.

**Sec. 415. - Logistics and manufacturing district:**

- 1. **Intent:** The intent is to provide areas for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations, whose external physical effects will be felt to some degree by surrounding districts.
- 2. **Use regulations:** Section 420 sets forth permitted, accessory, and special land uses within the L-M district.
- 3. **Dimensional requirements:** The following dimensional requirements shall apply to the L-M districts.

Min. Lot Size		Max. Lot Coverage (all buildings)	Max. Height in feet	Min. Yards & Setbacks in feet			
Sq. Ft.	Width in feet			Front	Side		Rear
					Least	Total	
None	None	None	50	40	40 or 50 <sup>1</sup>	80 or 90 <sup>1</sup>	50

<sup>1</sup> If a lot borders a residential zoning district or street, the minimum side yard setback shall be fifty (50) feet.

**4. Supplemental district standards:**

- A. In addition to those bulk regulations listed in Section 415.3, all development shall conform to supplemental bulk regulations listed in Section 419.
- B. All storage shall be in the rear yard and shall be completely screened from all public streets and any adjacent residential, business, or corridor zoning district with an obscuring wall or fence, no less than six (6) feet high or with a chain link type fence and greenbelt planting.

**Sec. 416. - Industrial and commercial district:**

1. **Intent:** The intent is to revitalize the area and provide employment opportunities with a focus on high-tech industrial and manufacturing, distribution, and marihuana uses.
2. **Use regulations:** Section 420 sets forth permitted, accessory, and special land uses within the I-C district.
3. **Dimensional requirements:** The following dimensional requirements shall apply to the I-C district.

Min. Lot Size		Max. Lot Coverage (all buildings)	Max. Height in feet	Min. Yards & Setbacks in feet			
Sq. Ft.	Width in feet			Front	Side		Rear
					Least	Total	
None	None	None	50	20	40 or 50 <sup>1</sup>	80 or 90 <sup>1</sup>	50

<sup>1</sup> If a lot borders a residential zoning district or street, the minimum side yard setback shall be fifty (50) feet.

**4. Supplemental district standards:**

- A. In addition to those bulk regulations listed in Section 416.3, all development shall conform to supplemental bulk regulations listed in Section 419.
- B. All storage shall be in the rear yard and shall be completely screened from all public streets and any adjacent residential, business, or corridor zoning district with an obscuring wall or fence, no less than six (6) feet high or with a chain link type fence and greenbelt planting.

**5. Marihuana regulations:**

- A. Co-location shall be permitted in accordance with the Medical Marihuana Facilities Licensing Act.
- B. Standards by type:
  - (1) Grower: Applicable standards for grower facilities:
    - a. All grower facilities and operations must be within an enclosed building.
    - b. A grower may hold more than one (1) class of grower license.
    - c. Class A grower and Class B grower only permitted.
    - d. A grower shall comply with all of the following:
      - i. No pesticides or insecticides which are prohibited by applicable law for fertilization or production of edible produce shall be used on any marihuana cultivated, produced, or distributed by an adult-use marihuana business.
      - ii. An adult marihuana business shall be ventilated so that the odor of marihuana cannot be detected by a person with a normal sense of smell at the exterior of the adult-use marihuana business or at any adjoining use or property.
  - (2) Processor: Applicable standards for processor facilities:
    - a. Only one (1) processor facility license permitted per parcel or lot.
    - b. All processing operations must be conducted within an enclosed building.

- (3) Secure transporter: Applicable standards for secure transporter:
  - a. A secure transporter license authorizes the storage and transport of marihuana, marihuana-infused products and money associated with the purchase or sale of marihuana and marihuana-infused products between marihuana facilities at the request of a person with legal custody of the marihuana, marihuana-infused products, or money. It does not authorize transport to a registered qualifying patient or registered primary caregiver who is not a licensee.
- (4) Dispensary: Applicable standards for dispensary:
  - a. Only one (1) dispensary license per parcel or lot.
  - b. All dispensary activities must be conducted within an enclosed building.
  - c. A dispensary license authorizes the provisioning center to transfer marihuana to or from a safety compliance facility for testing by means of a secure transporter.
- (5) Safety compliance facility: Applicable standards for safety compliance:
  - a. All testing must be conducted within an enclosed building.
- C. Regulations applicable to all districts:
  - (1) All other applicable state laws, rules, and regulations.
  - (2) No person shall establish or operate a medical marihuana commercial entity in the Township without first having obtained from the State a license for each such facility to be operated. License certificates shall be kept current and publicly displayed within the facility. Failure to maintain or display a current license certificate shall be a violation of this Article subject to Section 1900, Violations, civil infractions.
  - (3) Applicant shall be fully licensed with the State of Michigan and any other required licensing body including compliance with all other applicable Township Ordinances.
  - (4) It shall be unlawful to operate or cause to be operated a marihuana facility or establishment within:
    - a. One thousand (1,000) feet of any of the following:
      - i. A place of worship.
      - ii. A school or childcare facility.
      - iii. Three hundred (300) feet of a public park.
  - (5) 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 marihuana retail sales operation to the closest point on a property boundary or right-of-way associated with any of the land use(s) identified in i, ii, and iii above. If the marihuana retail sales operation is located in a multitenant structure, the distance shall be measured from the closest part of the tenant space occupied by the marihuana retail sales operation to the closest point on a property boundary or right-of-way associated with any of the land use(s) identified in subsection i, ii, and iii above.

- (6) A marihuana facility or 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 the distances specified in this Ordinance of the marihuana facility or establishment. However, if a marihuana facility or 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 unless it achieves conformity with the Township Ordinances.
- (7) Co-Location shall be permitted in accordance with the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, as amended (MCL 333.27951...333.27967 et. seq.)
- (8) A marihuana facility or establishment shall be closed for business, and no sale or other distribution of marihuana in any form shall occur upon the premises or be delivered to or from the premises, between the hours of 9:00 p.m. and 7:00 a.m.
- (9) Visibility of activities; control of emissions:
  - a. All activities of marihuana commercial entities, including, without limitation, the cultivating, growing, processing, displaying, manufacturing, and storage of marihuana and marihuana-infused products shall be conducted indoors and out of public view.
  - b. No medical marihuana or paraphernalia shall be displayed or kept in a business so as to be visible from outside the licensed premises.
  - c. Sufficient measures and means of preventing smoke, odors, debris, dust, fluids, and other substances from exiting a marihuana commercial entity must be provided at all times. In the event that any odors, debris, dust, fluids, or other substances exit a marihuana commercial entity, the owner of the subject premises and the licensee shall be jointly and severally liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition. The licensee shall properly dispose of all such materials, items, and other substances in a safe, sanitary, and secure manner and in accordance with all applicable federal, state, and local laws and regulations.
- (10) Odor control:
  - a. No person, tenant, occupant, or property owner shall permit the emission of any odor from any source to result in detectable odors that leave the premises upon which they originated and interfere with the reasonable and comfortable use and enjoyment of another's property.
  - b. Whether or not an odor emission interferes with the reasonable and comfortable use and enjoyment of a property shall be measured against the objective standards of a reasonable person of normal sensitivity.
  - c. A grower or a processor shall install and maintain in operable condition a system which precludes the emission of marihuana odor from the premises.
- (11) Amount of marihuana: The amount of marihuana on the permitted property and under the control of the permit holder or owner or operator of the facility or establishment shall not exceed that amount permitted by the state license or applicable law.

- (12) **Use of marihuana:** The sale, consumption or use of alcohol or tobacco products on the permitted premises is prohibited. Smoking or consumption of controlled substances, including marihuana, on the permitted premises is prohibited except as expressly allowed by state law.
- (13) **Indoor operation:** All activities of commercial medical marihuana facilities and marihuana establishments, including without limitation distribution, growth, cultivation, or the sale of marihuana, and all other related activity permitted under the permit holder's license or permit, must occur indoors. The facility or establishment's operation and design shall minimize any impact to adjacent uses, including the control of any odor, by maintaining and operating an air filtration system so that no odor is detectable outside the permitted premises.
- (14) **Distribution:** No person operating a facility or establishment shall provide or otherwise make available marihuana to any person who is not legally authorized to receive marihuana under state law.
- (15) **Permits:** All necessary building, electrical, plumbing, and mechanical permits must be obtained for any part of the permitted premises in which electrical, wiring, lighting, or watering devices that support the cultivation, growing, and harvesting of marihuana are located.
- (16) **Waste disposal:** The permit holder, owner, and operator of the facility or establishment shall use lawful methods in controlling waste or by-products from any activities allowed under the license or permit.
- (17) **An authorized person shall consent to the entry into a marihuana facility by the Building Official and Zoning Administrator for the purpose of inspection to determine compliance with this Section pursuant to a notice posted in a conspicuous place on the premises two (2) or more days before the date of the inspection or sent by first class mail to the address of the premises four (4) or more calendar days before the date of the inspection.**

**Sec. 417. - Neighborhood corridor and general corridor districts:**

For intent, location, standards, and submittal requirements for the NC and GC Districts refer to Article 5.

**Sec. 418. - PD districts:**

For intent, location, standards, and submittal requirements for the PD Districts refer to Article 6.

**Sec. 419. - Supplemental dimensional regulations applicable to all districts:**

- 1. ***Continued conformity with bulk regulations:*** The maintenance of setback, height, lot coverage, open space, mobile home site, transition strip, lot area, and lot area per dwelling unit required for one (1) use, lot, building, or structure shall be a continuing obligation of the owner of such building, structure, or lot on which such use, building, or structure exists. No setback, height, lot coverage, open space, mobile home site, transition strip, lot area per dwelling unit allocated to or



required about or in connection with one (1) lot, use, building or structure may be allocated to any other lot, use, building, or structure.

2. ***Setbacks and yard requirements:*** The setback and yard requirements established by this Ordinance shall apply to every lot, principal building, or principal structure, except for the following structures, which may be located anywhere on any lot unless as specified below:
  - A. Trees, plants, shrubs, gardens, and hedges.
  - B. Window-mounted air conditioning units, access drives, arbors and trellises, open stairways without a roof, steps and stoops, antennas exempt from review under Section 1150, and little libraries.
  - C. Awnings, canopies, and flag poles, except as regulated in Article 15.
  - D. Bay windows, windowsills, belt courses, cornices, eaves, overhanging eaves, and other architectural features may project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard, and may extend into any front or rear yard not more than twenty-four (24) inches.
  - E. Terraces, decks, and porches: Open porches, decks, and paved terraces may project into a side or rear yard but may not be located closer than five (5) feet from a side or rear property line.
3. ***Minimum lot size:*** The following regulations apply to the minimum lot size in all districts:
  - A. All lots that are not served by either public sanitary sewer or public water, as defined by the Michigan Department of Public Health, (i.e., lots with both on-site well and septic) shall have a minimum lot area as required by the Washtenaw County Health Department.
4. ***Lot depth to width ratio:*** The maximum ratio of lot depth to lot width shall not exceed a depth of four (4) times the width.
5. ***Height:*** The height requirements established by this Ordinance shall apply to every building and structure with the following exceptions provided their location shall conform to the requirements of the Charter Township of Ypsilanti, the Federal Communications Commission, the Federal Aviation Administration, the Willow Run Airport Zoning Agency, and other public authorities having jurisdiction:
  - A. Public utility towers, structures, transmission and distribution lines, and related structures; radio and television broadcasting and receiving antennae; water towers; and wireless communication facilities where the aforementioned structures are permitted in the district therein located or are a special use in said district subject to the provisions of Article 10.
  - B. The highest point of chimneys, spires, cupolas, domes, and towers may be erected to a height that does not exceed one hundred fifty percent (150%) of the maximum permitted building height in the district therein located.
  - C. Rooftop structures for the housing of elevators, stairways, tanks, heating and air conditioning equipment, and other similar apparatus may be erected above the height limits if the Planning Commission finds that the elevation plans illustrate the following conditions are met:

- (1) All rooftop equipment and apparatus shall be housed in a parapet wall or screening structure constructed of the same type of building material and same color used in the principal structure.
  - (2) Structures shall be set back from the outermost vertical walls or parapet of the principal structure a distance equal to at least two (2) times the height of such structure. The height of such structure shall in no instance exceed fifteen (15) feet.
  - (3) Such structure shall not have a total floor area greater than fifteen percent (15%) of the total roof area of the building.
- D. Architectural details incorporated into the façade(s) of a commercial or industrial structure provided that the overall height of any wall area extending above the maximum permitted height for the district therein located shall not exceed one hundred twenty-five percent (125%) of the permitted building height and shall not involve more than fifteen percent (15%) of the width of the front façade.
6. *Setbacks and distances between buildings for multi-building developments:* In addition to the required setback lines provided elsewhere in this Ordinance, in multiple-family dwellings (including semi-detached and multiple dwellings), the following minimum distances shall be as required by the Maximum Distance Between Buildings Table.

Minimum Distance Between Buildings Table				
Minimum Setback From				
	Internal Drive	Building Side to Building Side	Building Side to Building Front or Building Rear	Building Front to Building Front or Building Rear Building Rear to Building Rear
Buildings thirty-five (35) feet in height or under	20 feet	20 feet	30 feet	40 feet
Buildings thirty-six (36) feet in height and higher	20 feet	30 feet	36 feet	50 feet

**Sec. 420. - Residential use table:**

1. In all districts, no building or land shall be used, and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided in this Article. The following land use schedules show the uses which are permitted, permitted as a special use, permitted as an accessory use, or prohibited in specific districts or zones in the Charter Township of Ypsilanti. The land use schedules are intended to serve as a guide for the convenience of the user of this Zoning Ordinance. More detailed standards regarding uses are contained within the individual district standards within Article 11.
2. The schedules of use regulations identifies uses as follows:

- A. P: Principal permitted uses. Uses permitted by right in the applicable zoning district, subject to compliance with all other applicable requirements of this Zoning Ordinance.
- B. SL-PC: Special land uses approved by the Planning Commission. Uses which may be permitted upon the granting of a permit for such use by the Planning Commission, subject to the compliance with all applicable requirements of this Zoning Ordinance, and subject further to such other reasonable conditions which in the opinion of the Planning Commission are necessary to provide adequate protection to the neighborhood and to abutting properties and subject further to a public hearing in accord with Section 310, Public hearing requirements and further shall be reviewed as provided for in Article 10.
- C. SL-TB: Special land uses approved by the Board of Trustees. Uses which may be permitted upon the granting of a permit for such use by the Board of Trustees, upon recommendation by the Planning Commission, subject to the compliance with all applicable requirements of this Zoning Ordinance, and subject further to such other reasonable conditions which in the opinion of the Board of Trustees are necessary to provide adequate protection to the neighborhood and to abutting properties and subject further to a public hearing in accord with Section 310, Public hearing requirements and further shall be reviewed as provided for in Article 10.
- D. A: Accessory uses. Uses which may be permitted as an accessory use incidental to the principal use of the premises, subject to compliance with all other applicable requirements of this Zoning Ordinance.
- E. —: Not permitted. Uses not permitted within the district.

Residential Districts Use Table	R-1 to R-3	R-4 to R-5	RM-ID to RM-MD	RM-HDS	AG	MHP	Notes
P = Permitted Use SL-PC = Special Use Planning Commission Approval      SL-TB = Special Use Township Board Approval A = Accessory Use      — = Not permitted							
<b>Building Size</b>							
Construction or re-use of any building over 100,000 square feet	SL-TB	SL-TB	SL-TB	SL-TB	SL-TB	--	
<b>Residential Uses</b>							
Detached single-family residential	P	P	P	P	—	—	Subject to regulations in Section 1101
Open Space Communities	P	P	—	—	—	—	Subject to regulations in Section 702.

<b>Residential Districts Use Table</b>	<b>R-1 to R-3</b>	<b>R-4 to R-5</b>	<b>RM-ID to RM-MD</b>	<b>RM-HDS</b>	<b>AG</b>	<b>MHP</b>	<b>Notes</b>
<b>P = Permitted Use</b> <b>SL-PC = Special Use Planning Commission Approval      SL-TB = Special Use Township Board Approval</b> <b>A = Accessory Use      — = Not permitted</b>							
<b>Single-Family Residential Plat or Site Condominium</b>	SL-TB	P	—	—	—	—	
<b>Two-family residential</b>	—	—	P	P	—	—	<b>Must have with individual entrances and garages for each dwelling unit</b>
<b>Townhouses</b>	-	-	P	P	-	-	<b>Subject to regulations in Section 1163.</b>
<b>Multiple-family dwelling units</b>	—	—	P	P	—	—	<b>Subject to regulations in underlying zoning district.</b>
<b>Senior independent and assisted living</b>	—	—	P	P	—	—	<b>Subject to regulations in Section 1160.</b>
<b>Convalescent and nursing homes</b>	—	—	SL-TB	SL-TB	—	—	<b>Subject to conditions in Section 1114.</b>
<b>Mobile Home Parks</b>	—	—	—	—	—	P	<b>Subject to conditions in Section 1162.</b>
<b>Accessory Uses</b>							
<b>Accessory home occupations</b>	A	A	A	A	A	A	<b>Subject to conditions in Section 1102.</b>
<b>Keeping of up to four (4) hens</b>	A	A	—	—	—	—	<b>Subject to conditions in Section 1103</b>
<b>Garage and Yard Sales</b>	A	A	-	-	-	-	<b>Subject to conditions in Section 1158.</b>
<b>Accessory buildings and uses customarily incident to any of the permitted uses in this table</b>	A	A	A	A	A	A	
<b>State-licensed residential child and adult care facilities</b>							

<b>Residential Districts Use Table</b>	<b>R-1 to R-3</b>	<b>R-4 to R-5</b>	<b>RM-ID to RM-MD</b>	<b>RM-HDS</b>	<b>AG</b>	<b>MHP</b>	<b>Notes</b>
<b>P = Permitted Use</b> <b>SL-PC = Special Use Planning Commission Approval      SL-TB = Special Use Township Board Approval</b> <b>A = Accessory Use      — = Not permitted</b>							
Adult/child family day care homes	P	P	P	P	—	—	Subject to the conditions in Section 1155.
Adult/child group day care homes	SL-PC	SL-PC	SL-PC	SL-PC	—	—	Subject to the conditions in Section 1155.
Adult/child day care center + preschools	SL-PC	SL-PC	SL-PC	SL-PC	—	—	Subject to the conditions in Section 1155. Accessory to an allowed non-residential use in the R-1 to R-5 zoning districts
Adult and child foster care family home	P	P	P	P	—	—	Subject to the conditions in Section 1155.
Adult foster care, small group home	SL-PC	SL-PC	SL-PC	SL-PC	—	—	Subject to the conditions in Section 1155.
Adult foster care, large group home	—	—	SL-PC	SL-PC	—	—	Subject to the conditions in Section 1155.
Adult foster care congregate facility	—	—	SL-PC	SL-PC	—	—	Subject to the conditions in Section 1155.
Child foster care family group home	SL-PC	SL-PC	SL-PC	SL-PC	—	—	Subject to the conditions in Section 1155.
<b>Agricultural</b>							
Farm operation	—	—	—	—	P	—	
Community supported agriculture	-	-	-	-	P	-	Subject to conditions in Section 1112.
Seasonal sale of produce on farms	—	—	—	—	P	—	Subject to Michigan Generally Accepted Agricultural Management Practices

<b>Residential Districts Use Table</b>	<b>R-1 to R-3</b>	<b>R-4 to R-5</b>	<b>RM-ID to RM-MD</b>	<b>RM-HDS</b>	<b>AG</b>	<b>MHP</b>	<b>Notes</b>
<b>P = Permitted Use</b> <b>SL-PC = Special Use Planning Commission Approval      SL-TB = Special Use Township Board Approval</b> <b>A = Accessory Use      — = Not permitted</b>							
Farms with agricultural commercial and tourism	—	—	—	—	SL-TB	—	Subject to conditions in Section 1149.
Private stables	A	—	—	—	A	—	Subject to conditions in Section 1109.
Public riding and/or boarding stables	—	—	—	—	P	—	Subject to conditions in Section 1108.
Commercial kennel/pet day care	-	-	-	-	SL-PC	-	Subject to conditions in Section 1161.
Greenhouse and plant material nursery (materials grown and sold on-site)	—	—	—	—	P	—	Subject to conditions in Section 1110.
Artisan food and beverage production	-	-	-	-	SL-PC	-	Subject to conditions in Section 1159.
Tasting rooms for vineyards, distilleries, or micro-breweries on farm operations	—	—	—	—	SL-PC	—	Subject to conditions in Section 1149.
Farmers markets	—	—	—	—	SL-PC	—	
Large solar generation facility on a farm operation	—	—	—	—	SL-PC	—	Subject to conditions in Section 807, Solar energy systems.
<b>Lodging</b>							
Bed and breakfasts operations	SL-PC	SL-PC	—	—	—	—	Subject to conditions in Section 1107
<b>Civic/Institutional</b>							
Publicly owned and operated libraries	SL-PC	SL-PC	P	P	—	P	
Cemeteries	SL-PC	SL-PC	—	—	—	—	Subject to conditions in Section 1111.

<b>Residential Districts Use Table</b>	<b>R-1 to R-3</b>	<b>R-4 to R-5</b>	<b>RM-ID to RM-MD</b>	<b>RM-HDS</b>	<b>AG</b>	<b>MHP</b>	<b>Notes</b>
<b>P = Permitted Use</b> <b>SL-PC = Special Use Planning Commission Approval      SL-TB = Special Use Township Board Approval</b> <b>A = Accessory Use      — = Not permitted</b>							
Houses of worship	SL-PC	SL-PC	P	P	—	P	
Primary schools	SL-PC	SL-PC	—	—	—	—	
Secondary schools	SL-PC	SL-PC	P	P	—	—	A
Colleges, universities, and other such institutions of higher learning	S	S	S	S	—	—	Subject to conditions in Section 1106
Utility and public service buildings and uses (without storage yards) when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity.	SL-PC	SL-PC	SL-PC	SL-PC	SL-PC	SL-PC	
<b>Recreation</b>							
Parks, common greens, plazas, public gathering places, and open space	P	P	P	P	P	P	
Golf courses	SL-PC	SL-PC	P	P	—	—	Subject to conditions in Section 1105
Institutional or community recreation centers and nonprofit swimming pool clubs	SL-PC	SL-PC	P	P	P	P	Subject to conditions in Section 1104
Community buildings for use by the tenants of the mobile home park as well as recreation areas and playgrounds	—	—	—	—	—	P	
Private or public recreation vehicle campgrounds	—	P*	—	—	—	—	*Principal use in R-4 only. Subject to conditions in Section 1146.

<b>Residential Districts Use Table</b>	<b>R-1 to R-3</b>	<b>R-4 to R-5</b>	<b>RM-ID to RM-MD</b>	<b>RM-HDS</b>	<b>AG</b>	<b>MHP</b>	<b>Notes</b>
<b>P = Permitted Use</b> <b>SL-PC = Special Use Planning Commission Approval      SL-TB = Special Use Township Board Approval</b> <b>A = Accessory Use      — = Not permitted</b>							
<b>Other</b>							
One office building to be used exclusively for conducting the business operation of the mobile home park	—	—	—	—	—	P	
Utility buildings for laundry facilities and auxiliary storage space for mobile home tenants	—	—	—	—	—	P	
Storage of recreation vehicles	—	—	—	—	—	P	Subject to conditions in Section 1147.
Incidental Sales and Services	—	—	A	A	—	—	Subject to conditions in Section 1132.
Keeping of more than four (4) dogs in one-family residential districts	P	P	—	—	P	—	Subject to conditions in Section 1113.
Wireless communication towers and antennas	See Section 1144.						

4.

<b>Business Districts Use Table</b>	<b>NB</b>	<b>GB</b>	<b>Notes</b>
<b>P = Permitted Use      SL-PC = Special Use Planning Commission Approval</b> <b>SL-TB = Special Use Township Board Approval      A = Accessory Use      — = Not permitted</b>			
<b>Retail and Services</b>			
<b>Retail</b>	P	P	
<i>With drive-through or drive-in facilities</i>	SL-PC	SL-PC	Subject to conditions in Section 1118.



<b>Business Districts Use Table</b>	<b>NB</b>	<b>GB</b>	<b>Notes</b>
<b>P = Permitted Use    SL-PC = Special Use Planning Commission Approval</b> <b>SL-TB = Special Use Township Board Approval    A = Accessory Use    — = Not permitted</b>			
Antique businesses	P	P	Pawnbrokers, secondhand dealers and junk dealers are not included in this use
Secondhand apparel businesses	P	P	Pawnbrokers, secondhand dealers, and junk dealers are not included in this use
Coin Laundry		P	
Commercial kennel/Pet Day Care	—	—	All activities are conducted within enclosed main building; all buildings are set back at least two hundred (200) feet from abutting residential districts on the same side of the street
Mortuaries/funeral Homes	SL-PC	SL-PC	Subject to conditions in Section 1115.
Personal service establishments	P	P	
	P	P	Up to 15,000 square feet in size
Adult/child day care center + preschools	P	P	Subject to the conditions in Section 1155.
Smoking lounges	—	—	Subject to the conditions in Section 1131.
Veterinary clinics	--	SL-PC	Subject to conditions in Section 1116.
Veterinary hospitals	—	SL-PC	Subject to conditions in Section 1117.
Temporary sidewalk, outdoor and tent sales for principal use	A	A	Subject to conditions in Section 1128.

<b>Business Districts Use Table</b>	<b>NB</b>	<b>GB</b>	<b>Notes</b>
<b>P = Permitted Use    SL-PC = Special Use Planning Commission Approval</b> <b>SL-TB = Special Use Township Board Approval    A = Accessory Use    — = Not permitted</b>			
Temporary sales unrelated to principal use	A	A	Temporary use subject to approval by the Zoning Board of Appeals per Section 1704.4.B
Tattoo parlor		P	
Building material sales, garden center, and similar uses-	—	SL-PC_	Subject to conditions in Section 1125.
Open air business	—	_SL-PC	Subject to conditions in Section 1119.
Banks, credit unions, savings and loan establishments, and similar financial institutions	P	P	With no drive-through
	SL-PC	SL-PC	Up to two (2) drive-through teller windows or automated teller windows and stand-alone automatic bank teller machines, subject to conditions in Section 1118.
		SL-PC	With drive-through, subject to conditions in Section 1118.
Medical offices	P	P	Medical offices up to 15,000 square feet in size
	—SL-PC	SL-PC	Medical offices over 15,000 square feet in size
Medical clinics	--	P	
Massage therapy		P	Subject to conditions in Section 1140
Urgent care facilities	--	P	
Office buildings and uses	P	P	Offices up to 15,000 square feet in size
	--	SL-PC	Offices over 15,000 square feet in size

<b>Business Districts Use Table</b>	<b>NB</b>	<b>GB</b>	<b>Notes</b>
<b>P = Permitted Use    SL-PC = Special Use Planning Commission Approval</b> <b>SL-TB = Special Use Township Board Approval    A = Accessory Use    — = Not permitted</b>			
<b>Restaurants</b>	<b>P</b>	<b>P</b>	
<i>Drive-through restaurants</i>	SL-PC	SL-PC	Subject to conditions in Section 1118.
<i>Outdoor or sidewalk cafes</i>	A	A	Accessory use to existing restaurant, subject to conditions in Section 1120.
<b>Hotels</b>	--	SL-PC	Subject to conditions in Section 1123.
<b>Extended Stay Hotels</b>	--	SL-PC	Subject to conditions in Section 1124.
<b>Motels</b>	—	SL-PC	Subject to conditions in Section 1122.
<b>Civic/Institutional</b>			
<b>Houses of worship</b>	SL-PC	SL-PC	
<b>Public/government buildings</b>	<b>P</b>	<b>P</b>	
<b>Public utility buildings, without storage yards; water and sewage</b>	—	—	Water and sewage pumping stations are excluded in the OS-1 and B-1 districts.
<b>Business schools and colleges or private schools operated for profit</b>	--_	SL-PC	
<b>Recreation</b>			
<b>Theaters, public assembly halls, concert halls or similar places of public assembly</b>	—	<b>P</b>	Conducted completely within enclosed buildings.
<b>Outdoor batting cages, archery ranges, and similar uses</b>	—	SL-PC_	Subject to conditions in Section 1130.
<b>Outdoor children's amusement parks, miniature golf courses, golf driving ranges, and similar uses</b>	—	_SL-PC_	Subject to conditions in Section 1130.

<b>Business Districts Use Table</b>	<b>NB</b>	<b>GB</b>	<b>Notes</b>
<b>P = Permitted Use    SL-PC = Special Use Planning Commission Approval</b> <b>SL-TB = Special Use Township Board Approval    A = Accessory Use    — = Not permitted</b>			
Small group or one-on-one exercise studios	P	P	
Fitness, gymnastics, and exercise centers	—	SL-PC	
Indoor recreational facility, including bowling alley, archery range, tennis/racquet ball court, skating rink, athletic field, swimming pool, and other similar uses	—	SL-PC	Must be located at least one hundred (100) feet from any front, rear, or side yard of any residential lot in an adjacent residential district
<b>Automotive/Transportation</b>			
Vehicle wash, automatic or self-service		SL-PC	Subject to conditions in Section 1129.
Vehicle fueling/multi-use station with or without minor repair and sale of incidental minor accessories or convenience items.	SL-PCP	SL-PCP	Subject to the conditions in Section 1126.
Minor automotive repair businesses	SL-PC	SL-PC	
Dealership for sale of new or used automobiles, boats, house trailers or rental of trailers and/or automobiles	—	SL-PC	Subject to conditions in [Section] 1121
Railroad lines, rail spurs, and similar rail transport access facilities	P	P	Subject to conditions in Section 1145.
Towing services without an impound or storage yard, taxi terminals and dispatch facilities, limousine services, and bus depots	—	—	Subject to conditions in Section 1156.
<b>Accessory Uses</b>			
Accessory buildings and uses customarily incident to any permitted use in this table	A	A	

<b>Business Districts Use Table</b>	<b>NB</b>	<b>GB</b>	<b>Notes</b>
<b>P = Permitted Use    SL-PC = Special Use Planning Commission Approval</b> <b>SL-TB = Special Use Township Board Approval    A = Accessory Use    — = Not permitted</b>			
Incidental Sales and Services	—	A	Subject to conditions in Section 1132
<b>Other</b>			
Wireless communication towers and antennas	See Section 1144		

5. Industrial districts schedule of uses identifies the uses allowed in the following residential districts:

<b>Industrial Districts Use Table</b>	<b>IT</b>	<b>L-M</b>	<b>ICR</b>	<b>Notes</b>
<b>P = Permitted Use    SL-PC = Special Use Planning Commission Approval</b> <b>SL-TB = Special Use Township Board Approval    A = Accessory Use    — = Not permitted</b>				
<b>Industrial Uses</b>				
Blast furnace, steel furnace, blooming, or rolling mill		P		Located not less than eight hundred (800) feet distance from any residential district and not less than three hundred (300) feet distant from any other district
Central dry-cleaning plant, service to more than one facility	P	P		
Crematorium		S		Subject to conditions in Section 115
Garbage, refuse, and rubbish transfer stations		P		Subject to conditions in Section 1152.
Heating and electric power generating plants, and all necessary uses		SL-PC		

<b>Industrial Districts Use Table</b>	<b>I-T</b>	<b>I-M</b>	<b>ICR</b>	<b>Notes</b>
<b>P = Permitted Use    SL-PC = Special Use Planning Commission Approval</b> <b>SL-TB = Special Use Township Board Approval    A = Accessory Use    — = Not permitted</b>				
Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant		P		Located not less than eight hundred (800) feet distance from any residential district and not less than three hundred (300) feet distant from any other district
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		P		Subject to conditions in Section 1137 and Article V, Junkyards and automobile dismantling, of Chapter 22 of the Charter Township of Ypsilanti Code of Ordinances I
Lumber and planing mills	SL-PC	SL-PC		Must be in enclosed building and located in the interior of the district so that no property line shall form the exterior boundary of the zoning district
Manufacture of corrosive acid or alkali, cement, lime, gypsum, or plaster of Paris.		P	P	Located not less than eight hundred (800) feet distant from any residential district and not less than three hundred (300) feet distant from any other district
Manufacture of musical instruments, toys, novelties and metal or rubber stamps, or other small molded rubber products	SL-PC	P		In I-T, must be in enclosed building
Manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas	SL-PC	P		In I-T, must be in enclosed building
Manufacture or assembly of electrical appliances, electronic instruments and devices, radios, and phonographs	SL-PC	P		In I-T, must be in enclosed building

<b>Industrial Districts Use Table</b>	<b>I-T</b>	<b>I-M</b>	<b>ICR</b>	<b>Notes</b>
<b>P = Permitted Use    SL-PC = Special Use Planning Commission Approval</b> <b>SL-TB = Special Use Township Board Approval    A = Accessory Use    — = Not permitted</b>				
Manufacture, compounding, assembling or treatment of Articles or merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, sheet metal (excluding large stamping such as: automobile fenders or bodies), shell, textiles, tobacco, wax, wire, wood (excluding saw and planing mills), and yarns.	SL-PC	P		In I-T, must be in enclosed building
Manufacture, compounding, processing, packaging, or treatment of such products as: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware, and cutlery; tool, die, gauge and machine shops	SL-PC	P		In I-T, must be in enclosed building
Metal plating, buffing, and polishing	SL-PC	SL-PC		Subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances
Self-Storage Facilities and storage buildings for lease to the public	SL-PC	SL-PC		Subject to conditions in Section 1134.
Petroleum or other inflammable liquids, production, refining, or storage		P		Located not less than eight hundred (800) feet distant from any residential district and not less than three hundred (300) feet distant from any other district
Sand and gravel extraction		P		Subject to conditions in Section 1148.
Smelting of copper, iron, or zinc ore		P		Located not less than eight hundred (800) feet distant from any residential district and not less than

<b>Industrial Districts Use Table</b>	<b>I-T</b>	<b>I-M</b>	<b>ICR</b>	<b>Notes</b>
<b>P = Permitted Use    SL-PC = Special Use Planning Commission Approval</b> <b>SL-TB = Special Use Township Board Approval    A = Accessory Use    — = Not permitted</b>				
				three hundred (300) feet distant from any other district
Last mile logistics and distribution warehouses and uses.			P	
Large Scale Customer Fulfillment Centers			P	
Laboratories, experimental technology testing facilities.			P	
Avionic repair and manufacturing including airplanes, helicopters, and drones.			P	
Green infrastructure and technology			P	
Data centers for the storage and warehousing of computer servers.			P	
Outdoor Storage and Contractors/Landscapers Yard	P	P		Subject to conditions in Section 1157.
Open Air Business	SL-PC	SL-PC		Subject to condition is Section 1119.
Warehouses and storage	P	P		
Uses which have an industrial character in terms of either their outdoor storage requirements or activities such as, but not limited to: lumberyard, building materials outlet, upholsterer, cabinetmaker, outdoor boat, house trailer, automobile garage, or agricultural implement sales	SL-PC	SL-PC		
Laboratories, experimental, film, or testing	SL-PC	P		In I-T, must be in enclosed building
Medical laboratories	P	P		



<b>Industrial Districts Use Table</b>	<b>I-T</b>	<b>I-M</b>	<b>ICR</b>	<b>Notes</b>
<b>P = Permitted Use    SL-PC = Special Use Planning Commission Approval</b> <b>SL-TB = Special Use Township Board Approval    A = Accessory Use    — = Not permitted</b>				
Research and development, including laboratories, prototype development and testing facilities, design and pilot or experimental product development	P	P		In I-T, must be in enclosed building
<b>Agricultural</b>				
Farm operation	P	P		
Greenhouse and plant material nursery (materials grown and sold on-site)	P	P		
Community Supported Agriculture	SL-PC			
<b>Office and Financial</b>				
Office buildings	P			
Data processing and computer centers, including service and maintenance of electronic data processing equipment	P			
<b>Retail and Services</b>				
Sexually Oriented Businesses			SL-PC	Subject to conditions in Section 1139.
Adult/child day care center + preschools	SL-PC			
Commercial kennels/ pet day care	P	P		Subject to conditions in Section 1161
Massage therapy			SL-PC	Subject to conditions in Section 1140.
Pawnbroker, secondhand dealer, and junk dealer facilities			SL-PC	Subject to conditions in Section 1141.

<b>Industrial Districts Use Table</b>	<b>IT</b>	<b>I-M</b>	<b>ICR</b>	<b>Notes</b>
<b>P = Permitted Use    SL-PC = Special Use Planning Commission Approval</b> <b>SL-TB = Special Use Township Board Approval    A = Accessory Use    — = Not permitted</b>				
Incidental Sales and Services	A	A	A	Subject to conditions in Section 1132
Tattoo parlor			SL-PC	
<b>Medical Marihuana</b>				
Class A Grower (may grow up to five hundred (500) marijuana plants), Class B Grower (may grow up to one thousand (1,000) marijuana plants), and Class C Grower (may grow up to one thousand-five hundred (1,500) marijuana plants)			P	
Processor			P	
Safety Compliance Facility			P	
Dispensary			P	
Secure Transporter			P	
Provisioning Center			P	
Microbusiness			P	
<b>Recreational Marihuana</b>				
Class A Marijuana Grower (may grow up to one hundred (100) plants), Class B Marijuana Grower (may grow up to five hundred (500) plants), and Class C Marijuana Grower (may grow up to two thousand (2,000) plants)			P	
Processor			P	

<b>Industrial Districts Use Table</b>	<b>I-T</b>	<b>I-M</b>	<b>ICR</b>	<b>Notes</b>
<b>P = Permitted Use    SL-PC = Special Use Planning Commission Approval</b> <b>SL-TB = Special Use Township Board Approval    A = Accessory Use    — = Not permitted</b>				
Safety Compliance Facility			P	
Provisioning Center			P	
Secure Transporter			P	
Retailer			P	
Microbusiness			P	
<b>Lodging and Restaurants</b>				
Hotels	P			Subject to condition in Section 1123.
Motels	P			Subject to conditions in Section 1122.
Restaurants	SL-PC			
<b>Civic/Institutional</b>				
Hospitals	P			
Trade or industrial schools	P	P		No outdoor storage
Parole or probation offices			SL-PC	Subject to conditions in Section 1143.
Public/government buildings	P			
Public utility buildings, excluding wastewater treatment plants	P	P		
Transfer and electricity and gas service buildings and yards	P	P		
Wastewater treatment plants		P	SL-PC	Subject to conditions in Section 1154.
<b>Recreation</b>				

<b>Industrial Districts Use Table</b>	<b>I-T</b>	<b>I-M</b>	<b>ICR</b>	<b>Notes</b>
<b>P = Permitted Use    SL-PC = Special Use Planning Commission Approval</b> <b>SL-TB = Special Use Township Board Approval    A = Accessory Use    — = Not permitted</b>				
Assembly halls, display halls, convention center, theater, or similar places of assembly	P			Conducted in completely enclosed building
Health clubs, fitness centers, gyms and aerobic clubs, health, and fitness centers	SL-PC	SL-PC		Permitted as accessory use only in I-T
Indoor recreational facility, including bowling alley, archery range, tennis/racquet ball court, skating rink, athletic field, swimming pool, and other similar uses	SL-PC	SL-PC		Permitted as accessory use only in I-T. Must be located at least one hundred (100) feet from any front, rear, or side yard of any residential lot in an adjacent residential district. Subject to conditions in Section 1135.
Lighted outdoor commercial sports centers, including baseball and other intense activities		P		Subject to conditions in Section 1153.
Outdoor spat ball, simulated war games, and similar activities		P		Subject to conditions in Section 1151.
Outdoor theaters		SL-PC		Subject to conditions in Section 1138.
Racetracks (including midget auto and karting tracks) and dirt tracks		P		Subject to conditions in Section 1150.
<b>Automotive/Transportation</b>				
Airports	SL-PC	SL-PC		Subject to conditions in Section 1133.
Auto engine, and body repair, and undercoating shops	SL-PC			When conducted in enclosed building
Automobile mechanical component dismantling and recycling			SL-PC	Subject to conditions in Section 1142.
Freight terminals	P	P		

<b>Industrial Districts Use Table</b>	<b>I-T</b>	<b>I-M</b>	<b>ICR</b>	<b>Notes</b>
<b>P = Permitted Use    SL-PC = Special Use Planning Commission Approval</b> <b>SL-TB = Special Use Township Board Approval    A = Accessory Use    — = Not permitted</b>				
Railroad transfer and storage tracks, railroad rights-of-way	P	P		
Railroad lines, rail spurs, and similar rail transport access facilities	P	P	P	Subject to conditions in Section 1145.
<b>Accessory Uses</b>				
Accessory buildings and uses customarily incident to any permitted use in this table	A	A	A	
<b>Other</b>				
Wireless communication towers and antennas	See Section 1144.			

( Ord. No. 2018-476 , § 2, 2-20-18)

## ARTICLE V – FORM BASED DISTRICTS

### Sec. 500. - Intent and Purpose:

1. **Intent:** The Master Plan identified development areas within the Township that place greater emphasis on regulating urban form and character of development. Within these development areas the Township encourages development with a mix of uses, including public open space, in order to provide transit-oriented development in a sustainable way. The Form-Based Mixed-Use Districts are intended to implement the vision, goals, and objectives of the Township Master Plan, the E. Michigan Avenue and Ecorse Road Placemaking Plan, and the Re-Imagine Washtenaw Plan.

Located along Township corridors, the purpose is to transform the corridors into a vibrant, dynamic area through placemaking and the attraction of new investment. Development of buildings and sites, including retrofitting and redevelopment of existing sites and buildings, can include residential, retail, office, and service uses. The redevelopment of corridors will help diversify the Township housing and commercial stock and incorporate architecturally interesting buildings.

2. **Purpose:** The general purpose of these regulations is as follows:
  - A. Promote new investment opportunities by allowing a wide range of potential uses and techniques to expand the employment and economic base.
  - B. Ensure that development is of human scale, primarily pedestrian-oriented, and designed to create attractive streetscapes and pedestrian spaces.
  - C. Ensure that development is designed for all modes of transportation.
  - D. Promote mixed-use development.
  - E. Ensure reasonable transition between higher intensity development and adjacent neighborhoods.
  - F. Improve mobility options and reduce the need for on-site parking by encouraging all modes of transportation, through shared parking, and through on-street parking.
  - G. Provide predictable development approval process.
  - H. Encourage lot consolidation to provide for larger developable sites.

### Sec. 501. - Factors for Regulation:

These regulations are based on three (3) significant factors: corridor type identified in the Master Plan, site context, and building features.

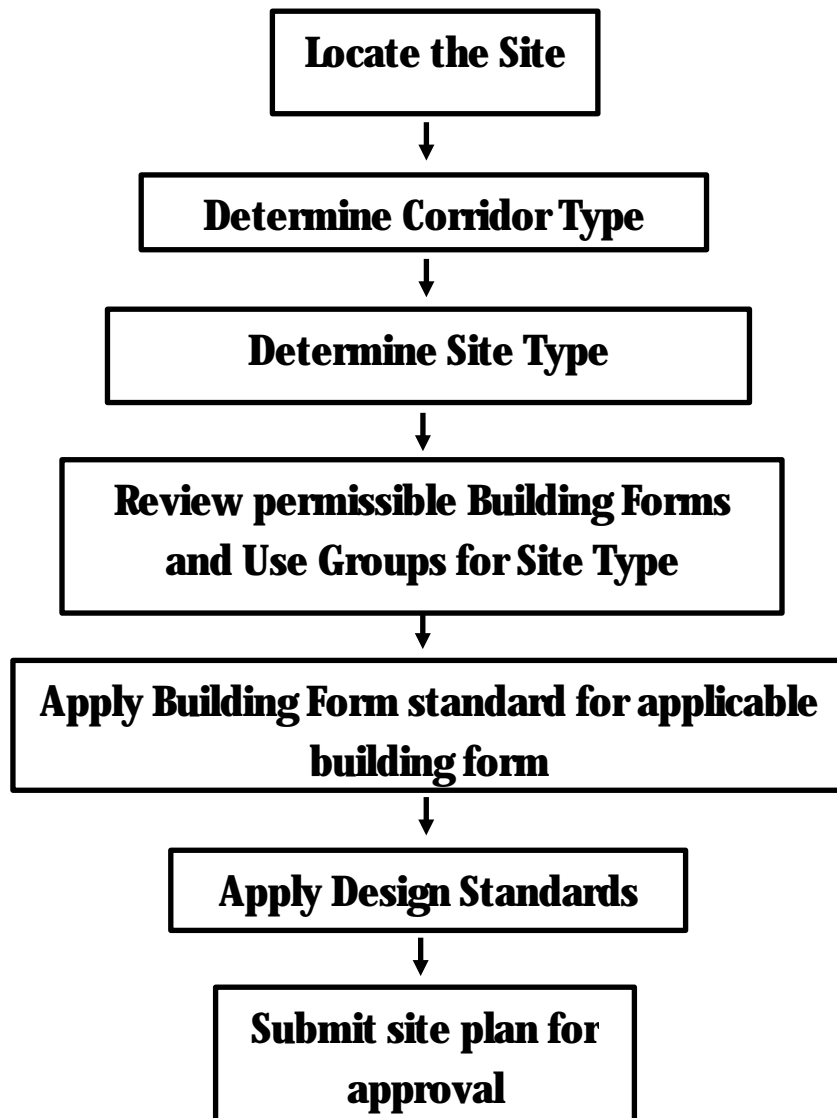
1. The Township Master Plan has identified two (2) types of corridors:
  - A. Neighborhood Mixed-Use Corridors are located along high traffic areas and intended for local businesses to serve daily needs and services of the adjacent residential areas; and
  - B. Regional Mixed-Use Corridors areas are located along the busiest corridors, which support a high volume of both local and regional traffic.

2. Site context is derived from existing and desired characteristics of an area and recognizes the inherent conditions of the areas where these regulations are applied. Regulated site types are organized by shape, size, orientation, and location.
3. Building features address the manner in which buildings and structures relate to their lots, surrounding buildings, and street frontage. The shape of the building, the land area to volume ratio, and the orientation of the building has a significant impact upon the character of an area. Building form standards control height, placement, building configuration, parking location, and building transparency applicable to the site context.

**Sec. 502. - Applicability and Organization:**

1. ***Applicability:***
  - A. Any new use or expansion of existing use that requires site plan review shall comply with the requirements of this Article and other applicable requirements of this Ordinance.
  - B. The requirements of this Article shall not apply to:
    - (1) Continuation of a permitted use within an existing structure.
    - (2) Changes of use within existing structures that do not require increased parking.
    - (3) Normal repair and maintenance of existing structures that do not increase its size or parking demand.
2. ***Regulating plan:*** The Form Based District shall be governed by a Regulating Plan that is specific to the area.
  - A. The Regulating plan based on the site type determines building form and allowable use for each property within a form-based district.
  - B. The Regulating plan is based on four (4) factors: Corridor Type, Site Type; Building Form; and Use Group.
    - (1) **Corridor Type:** Corridor types are identified as Neighborhood, Regional, or Town Center as determined by the Master Plan.
    - (2) **Site Types:** Site Types are determined by street orientation, lot size, lot configuration, location, and relationship to neighboring sites. Site type provides the basis for building forms and authorized use groups.
    - (3) **Building Form Standards and Types:** Building form standards and types establish the parameters for building form, height, and placement; specifically applied to each district based upon the regulating plan.
    - (4) **Authorized Use Groups:** Authorized land uses are organized by use groups. Authorized use groups are specifically applied to each District based upon the regulating plan.
  - C. The steps to determine the regulations that apply to a specific property within a form-based district are as follows:
    - (1) Find the site in question on the regulating plan map.

- (2) **Identify the corridor type:** Corridors will be classified Neighborhood, Regional, or Town Center.
- (3) **Identify the site type for the site in question.** Sites will be classified Site Type A, B, or C.
- (4) **Consult the Use Groups and Building Forms Permitted table in which the site is located.** The table will identify if a use group or building form is permitted, permitted with conditions, or not permitted for the site type and street type combination of the site in question.
- (5) **Follow the regulations for the chosen building form when designing the development application.**
- (6) **Follow the design standards as listed in Section 507.**
- (7) **Obtain site plan approval or special use approval for the chosen building form and use, as appropriate.**





3. **Design standards:** General design standards, set forth in Section 507, are supplementary to other requirements of the Ordinance. Generally, the design standards regulate building placement, parking orientation, landscaping, and other site design requirements.
4. **Modification of district boundaries:** Any modification to the boundaries of any form-based district shall require rezoning, in accordance with the provisions of Article 18.
5. **Modification of regulating plan:** Specific building form, use group, and design standards applied within each regulating plan are based upon the designation of site type. Any modification of site type may be determined by the Planning Commission, notice and after conducting a public hearing in accordance with Article 18.

The Planning Commission shall consider the following in making a determination to modify a site type or street type designation:

- A. The applicant's property cannot be used for the purpose permitted in the form-based district.
  - B. Area has been added to or deleted from the subject property in question, requiring the modification.
  - C. The proposed modification and resulting development will not alter the essential character of the area.
  - D. The proposed modification meets the intent of the district.
  - E. Existing streets have been improved and/or new streets constructed that may result in the modification of a specific site type.
  - F. Modification to the Regulating Plan is in conformance to the Master Plan and Placemaking Plan.
6. **Nonconformities:** Nonconformities shall be regulated in accordance with Article 16 of this Ordinance.

**Sec. 503. – Standards:**

**1. *Corridor types:***

- A. **Neighborhood:** Neighborhood Mixed-Use Corridors are located along high traffic areas and intended for local businesses to serve daily needs and services of the adjacent residential areas. Buildings are set close the street with parking in back. Generally, the sites and buildings are of a smaller scale that can be accessed by pedestrians with as much ease as vehicles.
- B. **Regional:** Regional Mixed-Use Corridors areas are located along the busiest corridors, which support a high volume of both local and regional traffic. This area may include large national chains, regional retailers, and auto oriented uses that draw customers both regionally and locally. Compared to Neighborhood Mixed-Use Corridors areas they are high intensity and feature the largest scale of commercial development.
- C. **Town Center:** The Town Center is intended to be the central core of the Township. It includes the governmental center of the Township with the Civic Center, County Courthouse, and the district library. Huron Street and the immediately surrounding area is meant to host a mix of uses from multiple-family residential to commercial to light industrial.

**2. *Site types:***

Site types are determined by a number of factors including size, access, length of frontage, location, and context. Not all site types are located in every corridor.

**A. Site Type A:**

Site Type A is composed of lots one-half (0.5) acre or smaller and is reserved primarily for residential use and for smaller non-residential use which is compatible with a residential setting. Site Type A is generally located in areas which serve as a transition between the street and neighboring residential areas. Site Type A lots are typically mid-block and not located on a corner. The building form selected for these sites must consider both the front elevation that fronts on the street but also the rear/side elevation that is adjacent to residential in order to maintain compatibility with adjacent uses. These sites are intended for small sized neighborhood residential, commercial/office, or mixed-use sites.

**B. Site Type B:**

Made up mostly of lots mostly between one-half (0.5) and one (1) acre in area, the Site Type B category may include free standing single-use sites developed for residential, commercial, and office uses serving the surrounding neighborhood or mixed-use developments. Size and character may vary based on the unique characteristic of each parcel. Small retail and food service uses would often be found in this category, as well as small single or multi-tenant commercial or office buildings.

**C. Site Type C:**

The sites in Site Type C are mostly larger than one (1) acre in area. Site Type C size and character may vary based on the unique characteristic of each parcel. This category can include free standing single-use or mixed-use developments that are designed to serve a broader community-wide market. These sites are intended for community commercial/office, multiple family residential, and mixed-use sites.

**D. Site Type D:**

The sites in Site Type D are very large sites are generally two (2) acres or greater in area. Site Type D size and character may vary based on the unique characteristic of each parcel. This category is intended for light industrial, mixed-use sites, large scale retail, and campus style developments. Site Type D are large lots with the potential for out lots of smaller building types on same parcel.

**3. *Building form standards:***

**A. The form-based districts permit a series of building forms, dependent on the site context. The building forms are designated within the district location based on the regulating plan. Building forms are classified in the following manner:**

- (1) Permitted building forms: These building forms are permitted as of right in the locations specified.
- (2) Prohibited building forms: Building forms that are not identified as permitted in the locations specified are prohibited.

- (3) Exceptions: For all building forms in all locations, awnings, signs, other projections (architectural projections, bay windows, etc.) may project into the required building line by up to five (5) feet. Projections will be reviewed by the Township to ensure public safety.
- B. The regulating plan dictates the site type for each individual property in the district. Building forms are identified within each district as permitted or not permitted based upon the site type.
- C. Non-residential development shall follow the height, setback, and greenbelt provisions below when adjacent to any residentially zoned or used property:
- (1) Setback and greenbelt:
- a. Site Type A and B: The following setback and greenbelt shall be provided for any parcel zoned Site Type A or B that is adjacent to a residentially zoned or used parcel.
    - i. When a parcel is abutting or adjacent to a residentially zoned or used parcel without an intervening constructed alley or street, the building setback from the property line of the residentially zoned or used parcel shall be no less than the height of the building on the parcel zoned form-based.
    - ii. When a parcel is abutting or adjacent to a residentially zoned or used parcel without an intervening alley or street, a minimum ten (10) foot landscaped greenbelt shall be maintained from the property line of the residentially zoned or used parcel. The greenbelt shall be landscaped and screened with a solid fence or decorative wall up to six (6) feet in height erected parallel to any common lot line, with a ten (10) foot wide planting strip along the base of the wall or fence that consists of one (1) evergreen tree and one (1) canopy tree per thirty (30) lineal feet along the property line.
    - iii. The Planning Commission may deviate from these setback and greenbelt provisions in the course of its site plan review process; however, the Planning Commission shall not permit a setback or greenbelt that is less than required in the building form. In the review of the deviation, the Planning Commission shall consider the standards as set forth in Section 503.c.2.a.
  - b. Site Type C and D: The following setback and greenbelt shall be provided for any parcel zoned Site Type C and D that is adjacent to a residentially zoned or used parcel.
    - i. When a property is abutting or adjacent to a residentially zoned or used parcel without an intervening alley or street, the setback from the property line of the residentially zoned or used parcel shall be no less than one and a half (1.5) times the height of the building on the non-residential parcel.
    - ii. When a property is abutting or adjacent to a residentially zoned or used parcel without an intervening alley or street, a minimum twenty (20) foot landscaped greenbelt shall be maintained from the property line of the residentially zoned or used parcel. The greenbelt shall be landscaped in accordance with Section 1301.3.H.
    - iii. The Planning Commission may deviate from these setbacks and greenbelt provisions in the course of its site plan review process; however, the Planning Commission shall not permit a setback or greenbelt that is less than required in

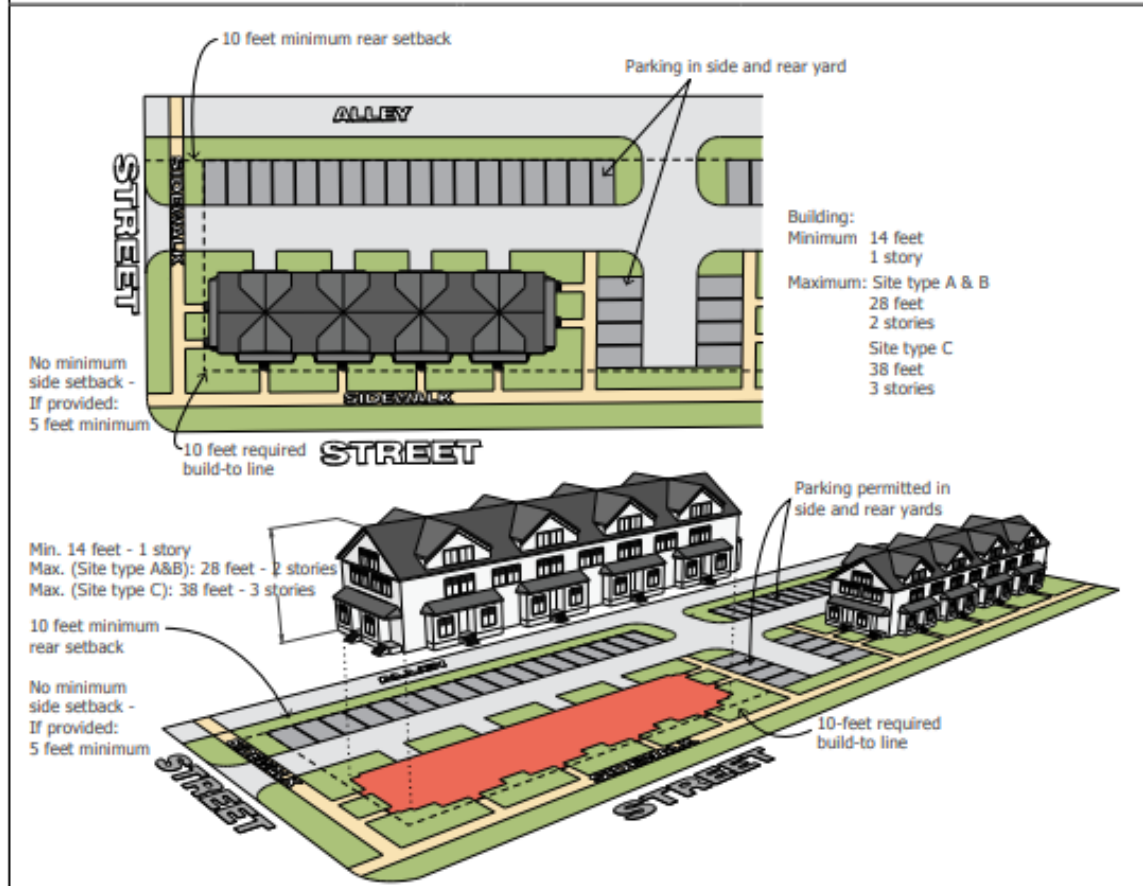
the building form. In the review of the deviation, the Planning Commission shall consider the standards set forth in Section 503.c.2.a.

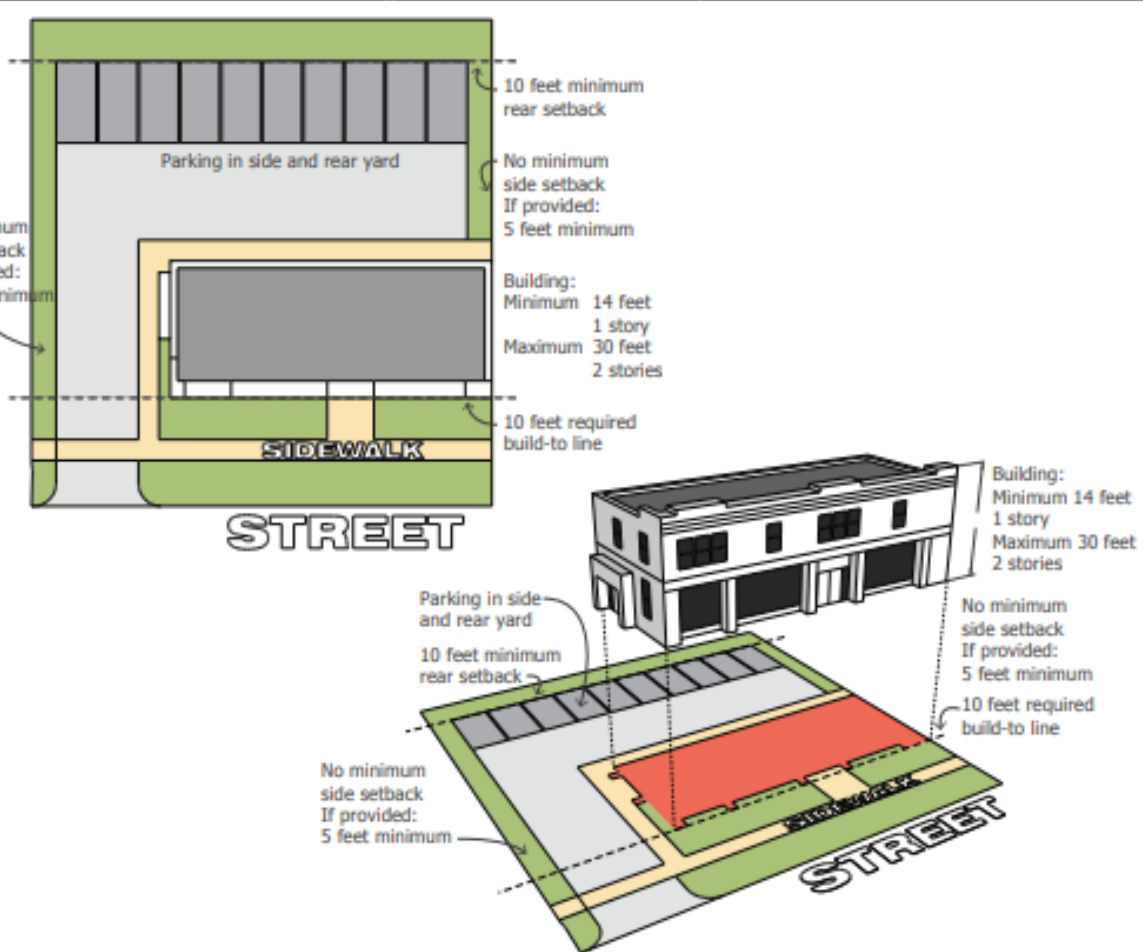
**(2) Deviation Standards:**

- a. Height, setback, and greenbelt deviations may be granted by the Planning Commission if the following is found:**
  - i. The deviation shall not adversely impact public health, safety, and welfare.**
  - ii. The deviation shall maintain compatibility with adjacent uses.**
  - iii. The deviation shall be compatible with the Master Plan and in accordance with the goals and objectives of the Master Plan and any associated subarea and corridor plans.**
  - iv. The deviation shall not adversely impact essential public facilities and services, such as: streets, pedestrian or bicycle facilities, police and fire protection, drainage systems, refuse disposal, water and sewage facilities, and schools.**
  - v. The deviation shall be in compliance with all other standards in this Ordinance.**
  - vi. The deviation shall not adversely impact any on-site or off-site natural features.**

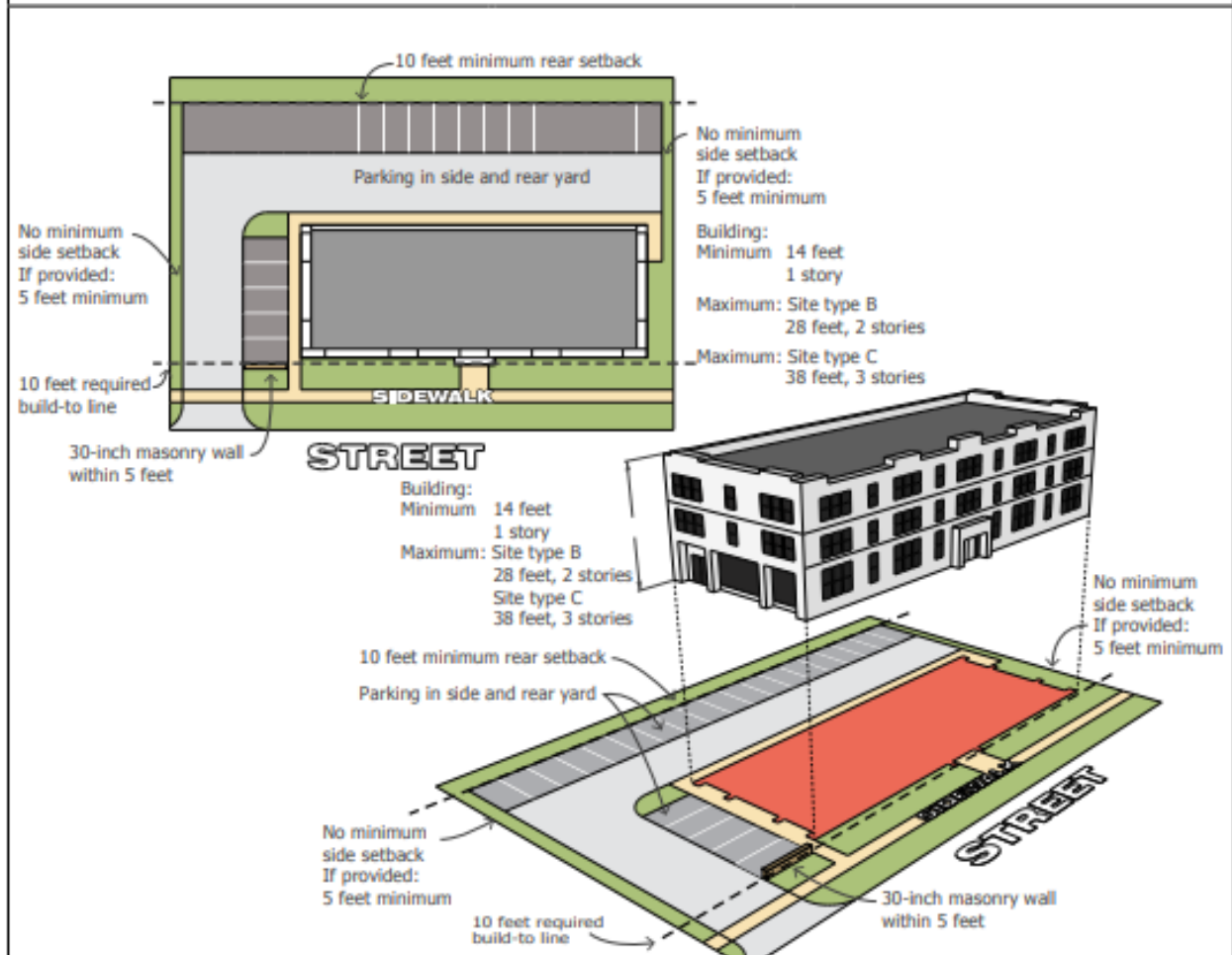
**4. Building Form Types:**

Building Form A.1		
Building Form A.1: Small, generally single-purpose buildings for residential. Typically situated on a smaller lot, adjacent to single family residential.		
Building Height		
Minimum 1 story, 14-foot height, <b>Max.:</b> 2 stories, 28-foot height (Site type A & B), <b>Max.:</b> 3 stories, 38-foot height (Site type C & D)		
Building Placement		
<b>Front Yard:</b> 10-foot required build-to line <sup>1</sup> 75% of the building façade must meet the required build-to line, while up to 25% of the façade can be setback to allow for architectural consideration.	<b>Side Yard:</b> No minimum side setback  <b>If provided,</b> minimum 5 feet.  For corner lots, side street yard, minimum 5 feet.	<b>Rear Yard:</b> Minimum 10-foot rear setback
Lot		
<b>Impervious Surface:</b> Maximum 80%  <b>Access and circulation:</b> Driveways may access the site from any side, pedestrian pathways must be provided from the right-of-way.	<b>Parking location:</b> Parking shall be located in a side or rear yard; when located in a side yard and abutting the required build-to line adjacent to the right-of-way, parking shall be screened with a minimum 30-inch masonry wall on the required build-to line, or within 5 feet of the required build-to line, provided that a landscape treatment is added between the wall and the required build-to line.	
<sup>1</sup> The Planning Commission may adjust the required build-to line to a maximum of 30 feet beyond the property line for projects incorporating a permanent space for an outdoor café, public space, or a cross access drive with an adjacent parcel. Outdoor cafés or public spaces must be developed as part of the primary building and must incorporate a permanent wall or landscaping area along the required build-to line.		



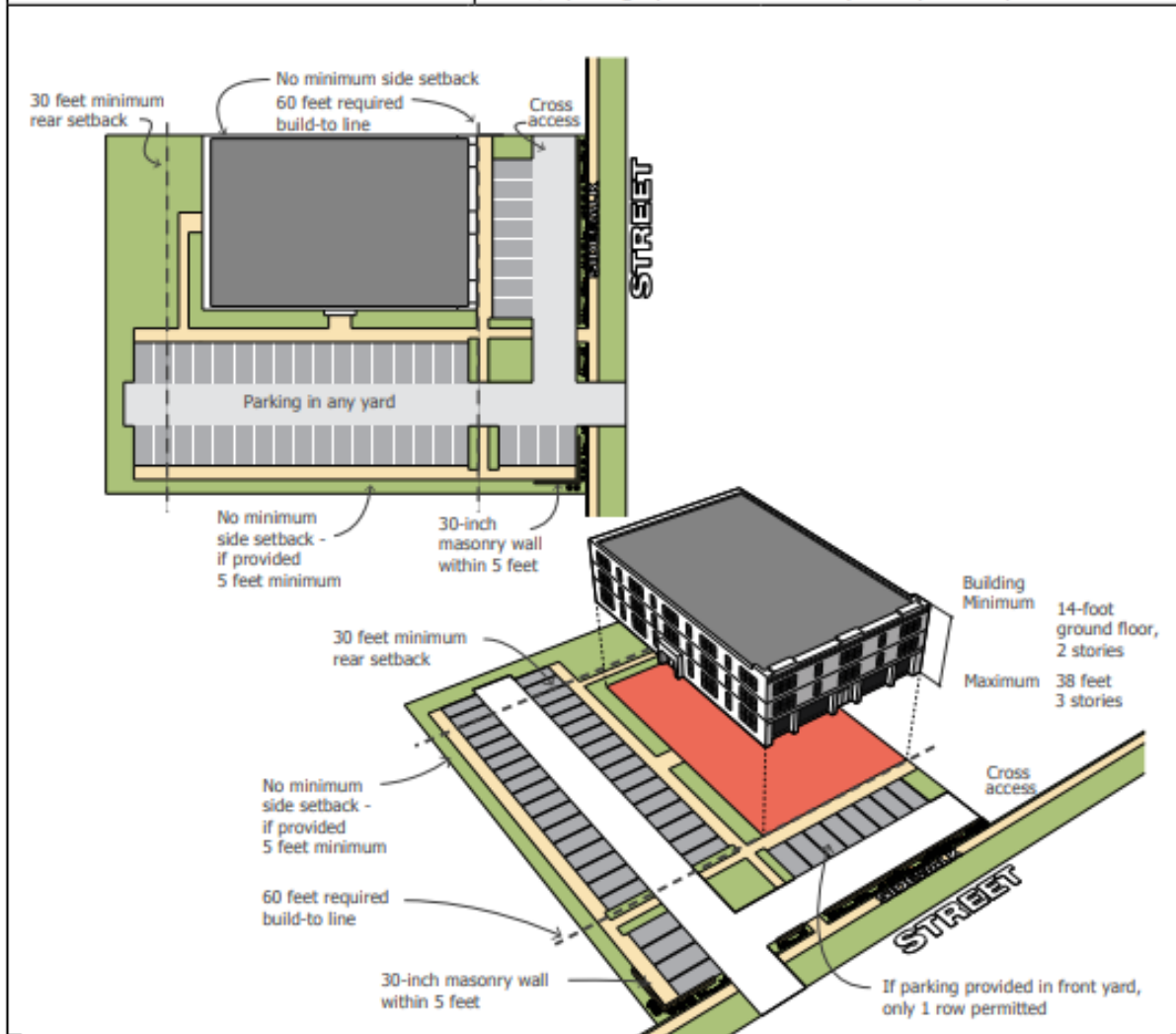
Building Form A.2		
Building Form A.2: Small, generally single-purpose buildings for retail, office, restaurant, or service uses. Typically situated on a smaller lot within the district. Adjacent to single-family residential.		
Building Height		
Minimum 1 story, 14-foot height, Maximum 2 stories, 30-foot height		
Building Placement		
<b>Front Yard:</b> 10-foot required build-to line <sup>1</sup> 75% of the building façade must meet the required build-to line, while up to 25% of the façade can be setback to allow for architectural consideration	<b>Side Yard:</b> No minimum side setback If provided, minimum 5 feet For corner lots, side street yard, minimum 5 feet.	<b>Rear Yard:</b> Minimum 10-foot rear setback
Lot		
<b>Impervious Surface:</b> Maximum 80% <b>Access and circulation:</b> Driveways may access the site from any side, pedestrian pathways must be provided from the right-of-way.	<b>Parking location:</b> Parking shall be located in a side or rear yard; when located in a side yard and abutting the required build-to line adjacent to the right-of-way, parking shall be screened with a minimum 30-inch masonry wall on the required build-to line, or within 5 feet of the required build-to line, provided that a landscape treatment is added between the wall and the required build-to line.	
<sup>1</sup> The Planning Commission may adjust the required build-to line to a maximum of 30 feet beyond the property line for projects incorporating a permanent space for an outdoor café, public space, or a cross access drive with an adjacent parcel. Outdoor cafés or public spaces must be developed as part of the primary building and must incorporate a permanent wall or landscaping area along the required build-to line.		
 <p>The diagrams illustrate the building placement and setbacks for Building Form A.2. The top diagram is a 2D site plan showing a building footprint, parking areas in the side and rear yards, and setbacks from the street and side street. The bottom diagram is a 3D perspective view of the same building and lot, showing the building's height and the required build-to line. Both diagrams include labels for setbacks and building dimensions.</p> <p><b>Setbacks and Building Dimensions:</b></p> <ul style="list-style-type: none"><li><b>10 feet minimum rear setback</b></li><li><b>No minimum side setback</b> If provided: 5 feet minimum</li><li><b>10 feet required build-to line</b></li><li><b>Building:</b> Minimum 14 feet, Maximum 30 feet, 1 story to 2 stories</li><li><b>Parking in side and rear yard</b></li><li><b>STREET</b> and <b>SIDE STREET</b> labels are present.</li></ul>		

Building Form B		
Building Form B: Medium-sized, single- or multiple-purpose buildings for retail, office, restaurant, or service uses. Typically situated in an out lot of a larger classification building form, or on a smaller, more remote site location within the district.		
Building Height		
Minimum 1 story, 14-foot height, Maximum 2 stories, 28-foot height (Site type B), Max: 3 stories, 38 foot height (Site type C, D)		
Building Placement		
<b>Front Yard:</b> 10-foot required build-to line <sup>1</sup> 75% of the building façade must meet the required build-to line, while up to 25% of the façade can be setback to allow for architectural consideration	<b>Side Yard:</b> No minimum side setback  If provided, minimum 5 feet	<b>Rear Yard:</b> Minimum 10-foot rear setback
Lot		
<b>Impervious Surface:</b> Maximum 80%  <b>Access and circulation:</b> Driveways may access the site from any side, pedestrian pathways must be provided from the right-of-way.	<b>Parking location:</b> Parking shall be located in a side or rear yard; when located in a side yard and abutting the required build-to line adjacent to the right-of-way, parking shall be screened with a minimum 30-inch masonry wall on the required build-to line, or within 5 feet of the required build-to line, provided that a landscape treatment is added between the wall and the required build-to line.	
<sup>1</sup> The Planning Commission may adjust the required build-to line to a maximum of 30 feet beyond the property line for projects incorporating a permanent space for an outdoor café, public space, or a cross access drive with an adjacent parcel. Outdoor cafés or public spaces must be developed as part of the primary building and must incorporate a permanent wall or landscaping area along the required build-to line.		



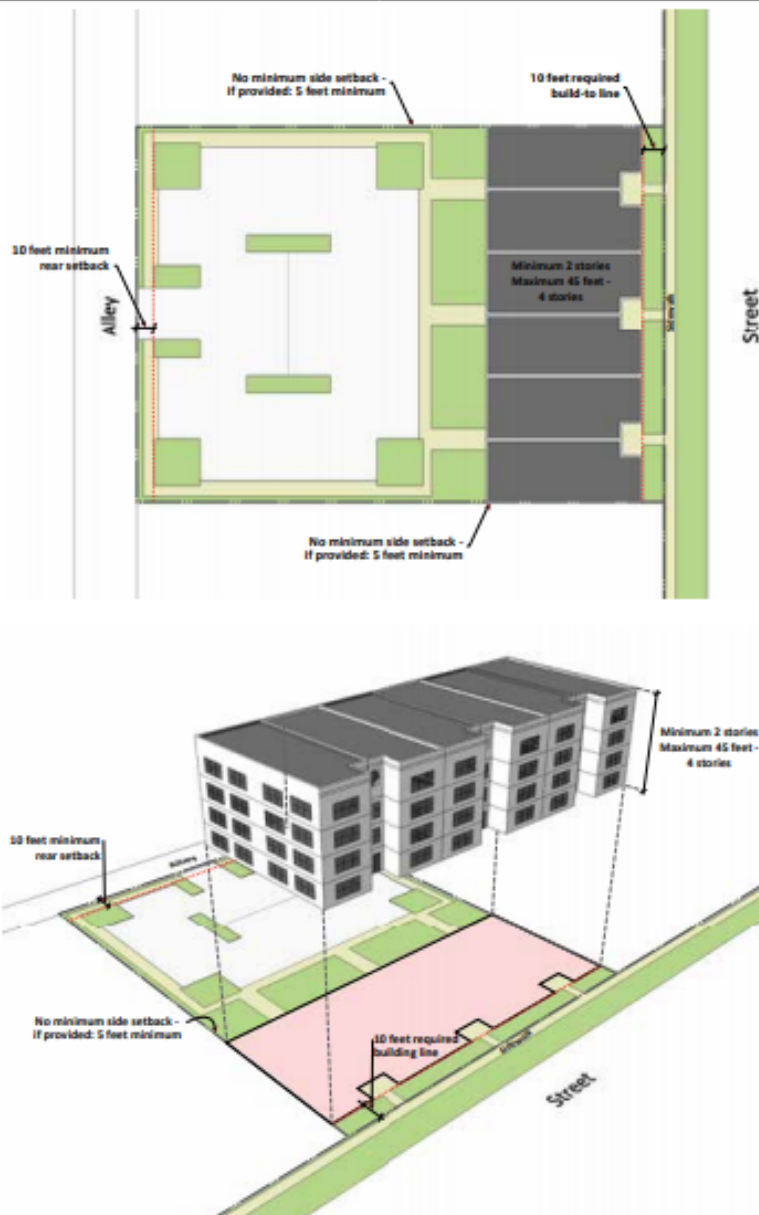


Building Form C		
Building Form C: Medium sized single- or multiple-tenant buildings for retail, restaurant, office, service, or residential uses. This category also includes multiple-tenant development, although it requires a second story to encourage a mix of use.		
Building Height		
Minimum 2 stories, Ground floor 14-foot minimum height, Maximum 3 stories, 38-foot height, Ground floor 14-foot min. height		
Building Placement		
Front Yard: Maximum 60-foot required build-to line.	Side Yard: No minimum side setback  If provided, minimum 5 feet	Rear Yard: Minimum 30-foot rear setback
Lot		
Impervious Surface: Maximum 80%	Parking location: Parking may be located in any yard; when located in a front or side yard adjacent to the primary building and abutting the right-of-way, parking shall be screened with a minimum 30-inch masonry wall on the required build-to line, or within 5 feet of the required build-to line, provided that a landscape treatment is added between the wall and the required build-to line; if parking is provided in the front yard only 1 row is permitted	
Access and circulation: Driveways may access the site from any side, pedestrian pathways must be provided from the right-of-way.		





Building Form D		
Building Form D: This category is primarily designed for attached residential, however, non-residential use may be included in the ground floor. Townhouses and urban-style residential developments that are compatible with the Master Plan identified higher-density and more urban character of this area.		
Building Height		
<b>Minimum:</b> 2 stories, no minimum height, <b>Maximum:</b> 4 stories, 45-foot height, <b>Ground floor:</b> No minimum height		
Building Placement		
<b>Front Yard:</b> 10-foot required build-to line <sup>1</sup> 75% of the building façade must meet the required build-to line, while up to 25% of the façade can be setback to allow for architectural consideration.	<b>Side Yard:</b> No minimum side setback <b>If provided,</b> minimum 5 feet.	<b>Rear Yard:</b> Minimum 10-foot rear setback
Lot		
<p><b>Impervious Surface:</b> Maximum 60%</p> <p><b>Access and circulation:</b> Parking may be accessed from right-of-way (ROW) or alley; detached garages or multi-garage structures are permitted only in a rear yard, or behind primary buildings; pedestrian pathways shall be provided from the right-of-way.</p> <p><b>Parking location:</b> Parking shall be located in a rear yard; parking may also be provided in integrated garages or detached garages; on-street parking within private roads in developments is highly encouraged</p>		
<p><sup>1</sup> The Planning Commission may adjust the required build-to line to a maximum of 30 feet beyond the property line for projects incorporating a permanent space for an outdoor café, public space, or a cross access drive with an adjacent parcel. Outdoor cafés or public spaces must be developed as part of the primary building and must incorporate a permanent wall or landscaping area along the required build-to line.</p>		



Building Form E		
<p><b>Building Form E:</b> This category provides an opportunity for large-format retail or entertainment uses within the district. They directly abut the right-of-way, provide parking in the rear or side yards, and contribute to the street atmosphere by providing a consistent street front with other, more pedestrian-oriented projects. They may be set back from the right-of-way, but only when they provide out-lots within the same project for category B, C, or D building forms on the same or on separate lots.</p>		
Building Height		
<p><b>Rear Building:</b> Minimum 14-foot minimum ground floor; Maximum 38 feet, 3 stories  <b>Front Buildings:</b> Minimum 14-foot minimum ground floor; Maximum 30 feet, 2 stories</p>		
Building Placement		
<p><b>Front Yard:</b> 10-foot required build-to-line<sup>1</sup></p>	<p><b>Side Yard:</b> No minimum side setback; if provided, minimum 5 feet</p>	<p><b>Rear Yard:</b> Minimum 10 feet rear setback</p>
Lot		
<p><b>Building Frontage:</b> Minimum 70% of lot frontage for 2-story buildings and 50% for 3-story buildings or more  <b>Impervious Surface:</b> Maximum 90%  <b>Access and circulation:</b> Driveways may access the site from any side, pedestrian pathways must be provided from the right-of-way, and cross access shall be provided in instances where a development is within an out lot of a higher classified building form.  <b>Parking location:</b> Parking shall be located in a side or rear yard; when located in a side yard and abutting the required build-to line adjacent the primary building, parking shall be screened with a minimum 30-inch masonry wall on the required build-to line, or within 5 feet of the required build-to line, provided that a landscape treatment is added between the wall and the required build-to line.</p>		

<sup>1</sup> The Planning Commission may eliminate the required build-to line for projects incorporating a permanent series of additional lots or smaller buildings in the A, B, C, or D building form categories, provided that those additional lots and/or buildings make up the entire frontage of the overall development along the required build-to line, with the exception of access drives. The required build-to line frontage minimum for the additional lots and/or other buildings forms along the required build-to line shall apply for each individual additional lot and/or building.

**Sec. 504. – Neighborhood corridors:**

**1. *Authorized use groups:***

- A. Authorized uses are categorized by use groups. Use groups generally contain similar types of uses in terms of function, character, and intensity.
- B. Use groups are designated in locations within each district based on the regulating plan. Use groups are classified in the following manner:
  - (1) Permitted Use Groups. These use groups are permitted as of right in the locations specified.
  - (2) Special Use Groups. These use groups are permitted after review and approval by the Planning Commission, in accordance with the procedures set forth in Article 10 and the standards in this Ordinance.
  - (3) Prohibited Use Groups. These use groups not indicated as permitted are prohibited in the locations specified.
  - (4) Uses permitted in all locations include public parks and essential public services.
  - (5) Similar Uses. If a use is not listed but is similar to other uses within a use group, the Zoning Administrator may make the interpretation that the use is similar to other uses within a use group.

The Zoning Administrator may also make the determination whether the use is permitted as of right, permitted in upper stories only, or permitted as a special use. The Zoning Administrator may obtain a recommendation from the Planning Commission as to whether or not the proposed use is similar to a use permitted as of right, permitted in upper stories only, or permitted as a special use.

**2. *Use groups by category-neighborhood corridors:***

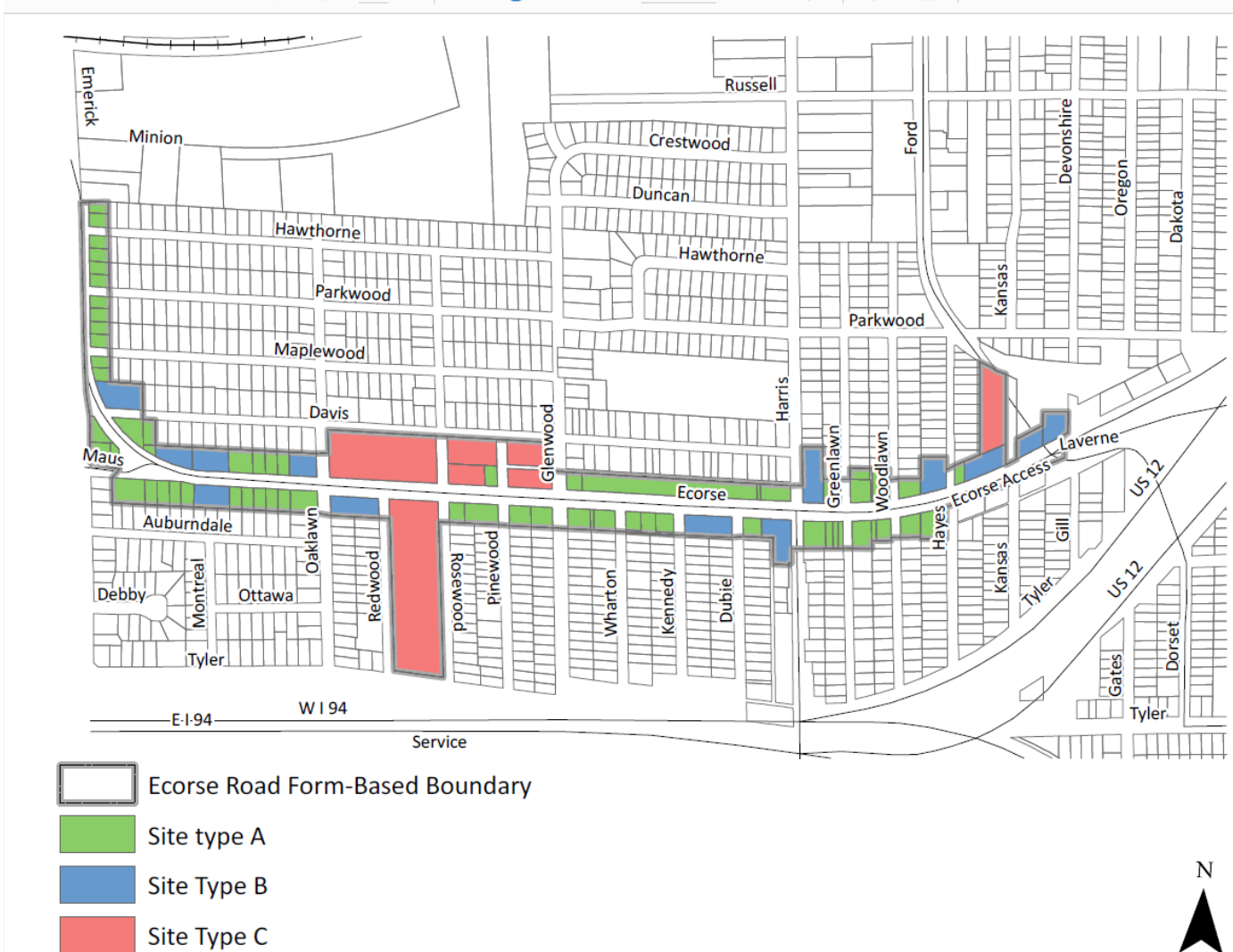
<b>Neighborhood Corridors</b>
<b>Use Group 1</b>
<b>Residential Uses:</b>
One-Family detached and attached dwellings, subject to regulations in Section 1101.
Two-Family dwellings.
<b>Use Group 2</b>
<b>Misc. Residential/Related Uses:</b>
Mixed-use. Any combination of uses located in group 1, 2, or 3, that is mixed vertically in a building or horizontal on one (1) parcel.
Multiple-Family dwellings.
Live/Work units.
Child care centers, subject to regulations in Section 1155.

Bed and breakfast operations, subject to regulations in Section 1107.
<b>Use Group 3</b>
<b>Office/Institutional:</b>
Civic buildings.
Place of worship.
Professional and medical office.
Publicly owned/operated office and service facilities.
<b>Use Group 4</b>
<b>Retail, Entertainment, and Service Uses:</b>
Financial institution without drive-through.
General retail.
Quick serve food or restaurant use without a drive-through.
Personal services.
Business services.
Small group or one-on-one exercise or art studio.
<b>Use Group 5</b>
<b>Misc. Uses:</b>
Any single use building over ten thousand (10,000) sq/ft.
Veterinary clinics or hospitals, subject to regulations in Section 1116, or Section 1117.
Commercial kennels/pet day care, subject to regulations in Section 1161.
Technology centers/office research/data center.
Mortuaries/Funeral homes, subject to regulations in Section 1115.
Senior assisted/independent living, subject to regulations in Section 1160.
Group day care homes, subject to regulations in Section 1155.
Lodging, subject to regulations in Section 1122, Section 1123, or Section 1124, as applicable.
Fitness, gymnastics, and exercise centers.
Theatres and places of assembly.
Indoor commercial recreational facilities, subject to regulations in Section 1135.
<b>Use Group 6</b>
<b>Automotive Uses:</b>
Vehicle car wash, subject to regulations in Section 1129.
Financial Institution with drive-through, subject to regulations in Section 1118.
Vehicle fueling/multi-use station, subject to conditions in Section 1126.

A. Uses are subject to Specific Use Standard set forth in Article 11 when applicable.

**3. Ecorse Road:**

A. Ecorse Road Form Based Code District Regulating Plan:



**B. Ecorse Road Form Based Code District Regulating Plan Table:**

Site Type	Building Form		Use Group-Table	
Site Type: A	Permitted Building Form	A1, A2	Permitted Use Group	1, 2, 3, 4
			Special Use Group	
Site Type: B	Permitted Building Form	A1, A2, B	Permitted Use Group	2, 3, 4
			Special Use Group	
Site Type: C	Permitted Building Form	A1, A2, B, C	Permitted Use Group	2, 3, 4
			Special Use Group	5, 6

**4. Packard Road:**

**A. Packard Road Form Based Code District Regulating Plan:**



**B. Packard Road Form Based Code District Regulating Plan Table:**

Site Type	Building Form		Use Group-Table	
			Permitted Use Group	1, 2, 3, 4
Site Type: A	Permitted Building Form	A1, A2	Special Use Group	
Site Type: B	Permitted Building Form	A1, A2, B	Permitted Use Group	2, 3, 4
			Special Use Group	5
Site Type: C	Permitted Building Form	A1, A2, B, C	Permitted Use Group	2, 3, 4
			Special Use Group	5, 6

**Sec. 505. – Regional corridors:**

**1. Authorized use groups:**

- A. Authorized uses are categorized by use groups. Use groups generally contain similar types of uses in terms of function, character, and intensity.
- B. Use groups are designated in locations within each district based on the regulating plan. Use groups are classified in the following manner:
  - (1) Permitted use groups: These use groups are permitted as of right in the locations specified.
  - (2) Special use groups: These use groups are permitted after review and approval by the Planning Commission, in accordance with the procedures set forth in Article 10 and the standards in this Ordinance.
  - (3) Prohibited use groups: These use groups not indicated as permitted are prohibited in the locations specified.
  - (4) Uses permitted in all locations include public parks and essential public services.
  - (5) Similar Uses: If a use is not listed but is similar to other uses within a use group, the Zoning Administrator may make the interpretation that the use is similar to other uses within a use group.

The Zoning Administrator may also make the determination whether the use is permitted as of right, permitted in upper stories only, or permitted as a special land use. The Zoning Administrator may obtain a recommendation from the Planning Commission as to whether or not the proposed use is similar to a use permitted as of right, permitted in upper stories only, or permitted as a special use.



**2. Use groups by category-regional corridors:**

<b>Regional Corridors</b>
<b>Use Group 1</b>
<b>Residential Uses:</b>
One-Family detached and attached dwellings, subject to regulations in Section 1101.
Two-Family dwellings.
<b>Use Group 2</b>
<b>Misc. Residential/Related Uses:</b>
Mixed-use. Any combination of uses located in group 1, 2, or 3, that is mixed vertically in a building or horizontal on one (1) parcel.
Multiple-Family dwellings.
Live/Work units.
Child care centers, subject to regulations in Section 1155.
Bed and breakfast operations, subject to regulations in Section 1107.
<b>Use Group 3</b>
<b>Office/Institutional:</b>
Civic Buildings.
Professional and medical office.
Primary/secondary schools (private).
Publicly owned/operated office and service facilities.
Place of worship.
Veterinary clinics or hospitals, subject to regulations in Section 1116 or Section 1117, as applicable.
<b>Use Group 4</b>
<b>Retail, Entertainment, and Service Uses:</b>
Financial institutions without a drive-through.
General retail.
Food use without a drive-through.
Personal services.
Business services.
Small group or one-on-one exercise or art studio.

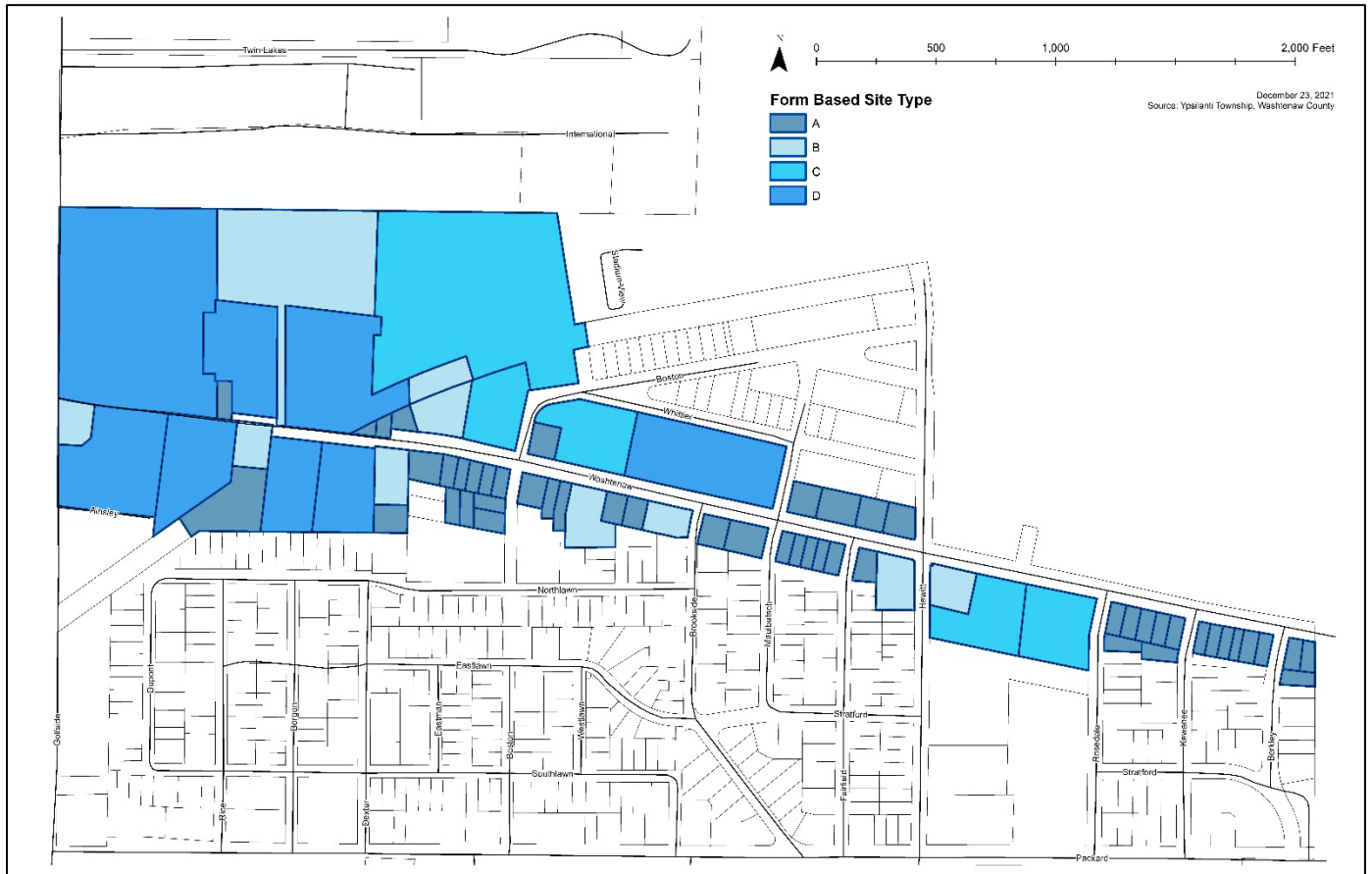


<b>Use Group 5</b>
<b>Misc. Uses:</b>
Retail over 30,000 sq./ft.
Commercial kennels/pet day care, subject to regulations in Section 1161.
Hospitals.
Technology centers/office research/data center.
Mortuaries/Funeral homes, subject to regulations in Section 1115.
Senior assisted/independent living, subject to regulations in Section 1160.
Group day care homes, subject to regulations in Section 1155.
Lodging, subject to regulations in Section 1122, Section 1123, or Section 1124, as applicable.
Fitness, gymnastics, and exercise centers.
Theatres and places of assembly.
Use with a drive-through, subject to regulations in Section 1118.
Indoor commercial recreational facilities, subject to regulations in Section 1135.
Outdoor commercial recreational facilities, subject to regulations in Section 1130.
<b>Use Group 6</b>
<b>Automotive Uses:</b>
Vehicle wash, subject to regulations in Section 1129.
Vehicle fueling/multi-use station, subject to regulations in Section 1126.
Dealership for sales of new or used vehicles, boats, house trailers or rental of trailers or vehicles, subject to regulations in Section 1121.

A. Uses are subject to Specific Use Standard set forth in Article 11 when applicable.

3. **Washtenaw Avenue:**

A. **Washtenaw Avenue Form Based Code District Regulating Plan:**



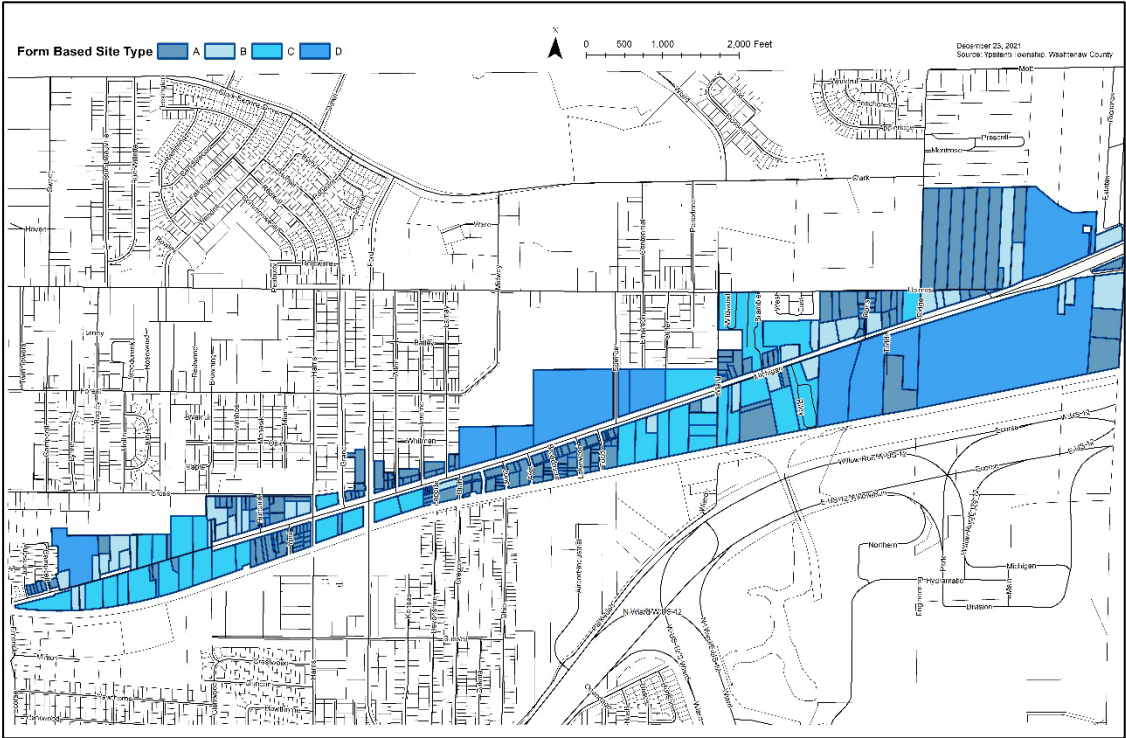
B. **Washtenaw Avenue Form Based Code District Regulating Plan Table:**

Site Type	Building Form		Use Group-Table	
Site Type: A	Permitted Building Form	A1, A2	Permitted Use Group	1, 2, 3, 4
			Special Use Group	
Site Type: B	Permitted Building Form	A1, A2, B	Permitted Use Group	2, 3, 4
			Special Use Group	
Site Type: C	Permitted Building Form	A2, B, C	Permitted Use Group	2, 3, 4
			Special Use Group	5, 6
Site Type: D	Permitted Building Form	B, C, D, E, and A2 as outlot development	Permitted Use Group	2, 3, 4
			Special Use Group	5, 6

4.

5. *Michigan Avenue:*

A. Michigan Avenue Form Based Code District Regulating Plan:



**B. Michigan Avenue Road Form Based Code District Regulating Plan Table:**

Site Type	Building Form		Use Group-Table	
Site Type: A	Permitted Building Form	A1, A2	Permitted Use Group	1, 2, 3, 4
			Special Use Group	
Site Type: B	Permitted Building Form	A1, A2, B	Permitted Use Group	2, 3, 4
			Special Use Group	
Site Type: C	Permitted Building Form	A2, B, C	Permitted Use Group	2, 3, 4
			Special Use Group	5, 6
Site Type: D	Permitted Building Form	B, C, D, E, and A2 as outlot development	Permitted Use Group	2, 3, 4
			Special Use Group	5, 6

**Sec. 506. – Town Center:**

**1. Authorized Use Groups:**

- A. Authorized uses are categorized by use groups. Use groups generally contain similar types of uses in terms of function, character, and intensity.
- B. Use groups are designated in locations within each district based on the regulating plan. Use groups are classified in the following manner:
  - (1) Permitted Use Groups: These use groups are permitted as of right in the locations specified.
  - (2) Special Use Groups: These use groups are permitted after review and approval by the Planning Commission, in accordance with the procedures set forth in Article 10 and the standards in this Ordinance.
  - (3) Prohibited Use Groups: These use groups not indicated as permitted are prohibited in the locations specified.
  - (4) Uses permitted in all locations include public parks and essential public services.
  - (5) Similar Uses: If a use is not listed but is similar to other uses within a use group, the Zoning Administrator may make the interpretation that the use is similar to other uses within a use group.

The Zoning Administrator may also make the determination whether the use is permitted as of right, permitted in upper stories only, or permitted as a special land use. The Zoning Administrator may obtain a recommendation from the Planning Commission as to whether or not the proposed use is similar to a use permitted as of right, permitted in upper stories only, or permitted as a special use.

**2. Use Groups by Category-Town Center:**

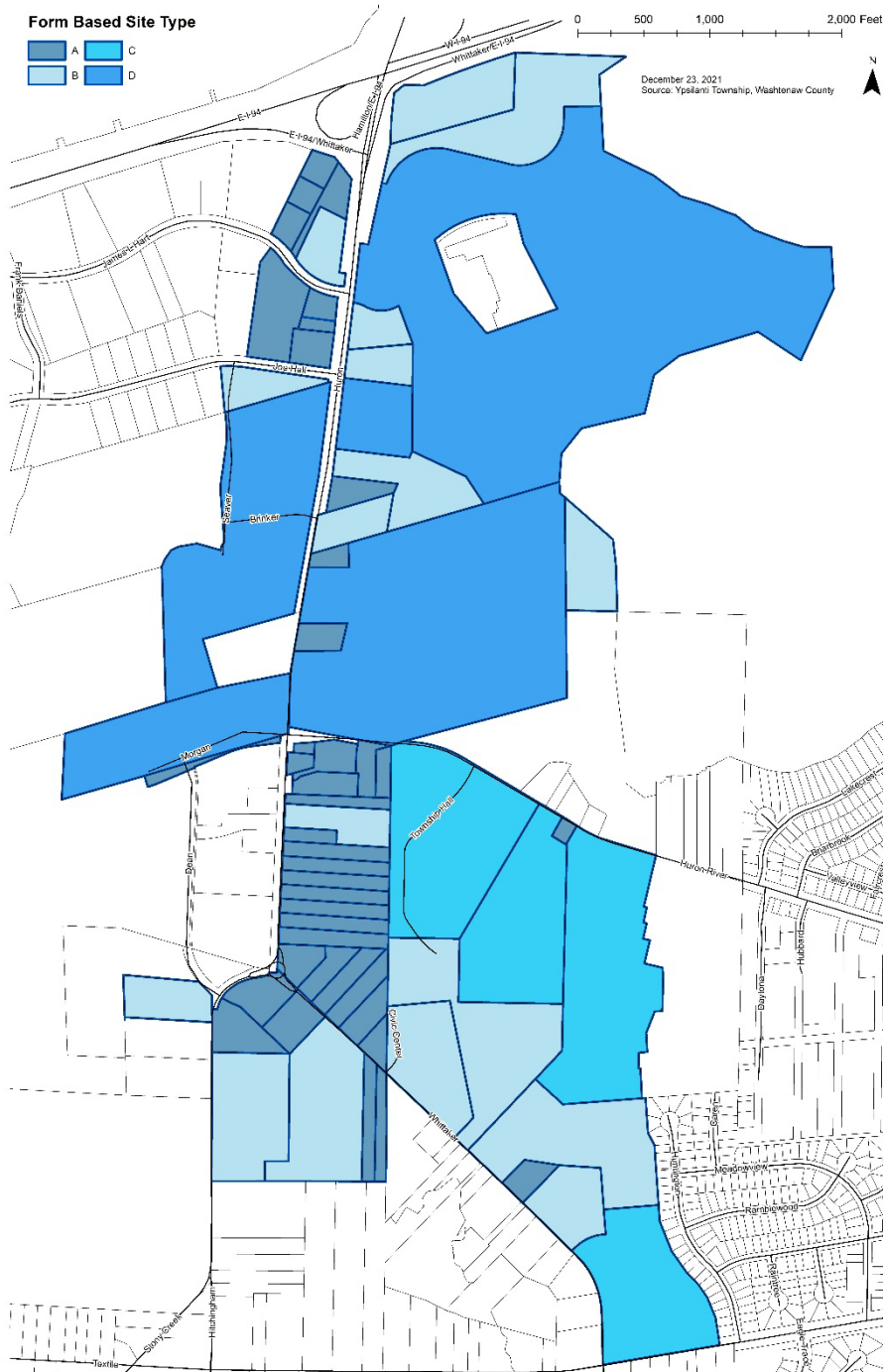
<b>Town Center Corridors</b>
<b>Use Group 1</b>
<b>Residential Uses:</b>
One-Family detached and attached dwellings, subject to regulations in Section 1101.
Two-Family dwellings.
<b>Use Group 2</b>
<b>Misc. Residential/Related Uses:</b>
Mixed-use. Any combination of uses located in group 1, 2, or 3, that is mixed vertically in a building or horizontal on one (1) parcel.
Multiple-Family dwellings.
Live/Work units.
Child care centers, subject to regulations in Section 1155.
Bed and Breakfast operations, subject to regulations in Section 1107.
<b>Use Group 3</b>
<b>Office/Institutional:</b>
Civic Buildings.
Professional and medical office.
Primary/secondary schools (private).
Publicly owned/operated office and service facilities.
Place of worship.
Veterinary clinics or hospitals, subject to regulations in Section 1116 or Section 1117, as applicable.
<b>Use Group 4</b>
<b>Retail, Entertainment, and Service Uses:</b>
Financial institutions without a drive-through.
General retail.
Food use without a drive-through.
Personal services.
Business services.
Small group or one-on-one exercise or art studio.

<b>Use Group 5</b> <b>Misc. Uses:</b>
Commercial kennels/pet day care, subject to regulations in Section 1161.
Retail over 10,000 sq./ft.
Technology centers/office research/data center.
Senior assisted/independent living, subject to regulations in Section 1160.
Group day care homes, subject to regulations in Section 1155.
Lodging, subject to regulations in Section 1122, Section 1123, or Section 1124, as applicable.
Fitness, gymnastics, and exercise centers.
Theatres and places of assembly.
Light Industrial/Warehousing.
Research and development.
Indoor commercial recreational facilities, subject to regulations in Section 1135.
<b>Use Group 6</b> <b>Automotive Uses:</b>
Drive-through use, subject to regulations in Section 1118.

A. Uses are subject to Specific Use Standard set forth in Article 11 when applicable.

3. *Town Center:*

A. Town Center Form Based Code District Regulating Plan:



**B. Town Center Avenue Form Based Code District Regulating Plan Table:**

Site Type	Building Form		Use Group-Table	
			Permitted Use Group	1, 2, 3, 4
Site Type: A	Permitted Building Form	A1, A2	Special Use Group	
Site Type: B	Permitted Building Form	A1, A2, B	Permitted Use Group	2, 3, 4
			Special Use Group	
Site Type: C	Permitted Building Form	A,2, B, C	Permitted Use Group	2, 3, 4
			Special Use Group	
Site Type: D	Permitted Building Form	B, C, D, E, and A2 as outlot development	Permitted Use Group	2, 3, 4
			Special Use Group	5, 6

**Sec. 507. - Design Standards:**

1. ***Design standards:*** In addition to standards set forth in this Ordinance, all proposed development shall comply with the standards set forth herein.

**A. Pedestrian/non-motorized access:**

- (1) **Intent:** To ensure that site layout and building design provides safe and convenient pedestrian and bicycle access both to and within a site and between adjacent sites.
- (2) **Standards:**
  - a. A pedestrian connection shall provide a clear connection between the primary street upon which the building fronts and the building. Connection may include pavement striping.
  - b. Pedestrian access shall be clearly identified from parking areas and all entrances to a building.
  - c. Where appropriate, sidewalks fronting the public right-of-way should be designed to accommodate space for activities such as outdoor dining.
  - d. All sites shall provide a bike rack for at least two (2) bicycles within fifty (50) feet of the building entrance.

**B. Building placement and orientation:**

- (1) **Intent:** To require building placement that provides a strong visual and functional relationship with its site, adjacent sites, and the primary street upon which the site is located. Ensure consistency within sites and to adjacent sites to provide distinct building groups which exhibit similar orientation, scale, and proportion.
- (2) **Standards:**
  - a. Setbacks and building orientation shall reinforce a consistent pattern of siting.
  - b. Primary building entrances shall be located so that they are easily identifiable with convenient public access.



- c. Buildings should enhance street corners through the use of prominent architectural or site features.

**C. Parking placement, orientation, and screening:**

- (1) Intent: To provide a circulation system that efficiently moves vehicles in a well-defined manner, while reducing the visual impact of parking areas and mitigating conflict between pedestrians, bicycles, and automobiles.

- (2) Standards:

- a. Required Parking: Off-street parking shall be provided for a principal use erected, altered, or expanded after the effective date of this Ordinance in accordance with the standards set forth in Section 1205.

- i. The Form Based districts are intended to encourage pedestrian and friendly design and compact mixed-use developments. Applicants are encouraged to consider the provisions for shared parking and flexibility in application set forth in Section 1205.
  - ii. The placement and design of parking areas and structures shall foster safe pedestrian access and circulation and clearly identifiable public access and visitor parking. Pedestrian access shall be provided between all parking areas and public building entrances.

- b. Location:

- i. When parking is located in a side yard (behind the front building line) but fronts on the required building line, no more than twenty-five percent (25%) of the total site's linear feet along the required building line or sixty (60) feet, whichever is less, shall be occupied by parking.
  - ii. For a corner lot, no more than twenty-five percent (25%) of the site's cumulative linear feet along the required building lines or sixty (60) feet, whichever is less, shall be occupied by parking. The building shall be located in the corner of the lot adjacent to the intersection.
  - iii. Where off-street parking is visible from a street, it should be screened in accordance with the standards set forth in Section 1301.3.D.

**D. Architectural design and building materials:**

- (1) Intent: To create a character for the form-based district that encourage the greatest amount of visual interest, architectural consistency, and high-quality material use. The standards are not intended to limit imagination, innovation, or variety.

- (2) Building materials: Building material should be of high quality and durable, such as but not limited to stone, brick, glass, and metal. E.I.F.S. or material equivalent shall only be used as an accent material.

- (3) Architectural design standards:

- a. Building massing and scale:

- i. Rooflines and pitches shall be proportionate to nearby structures so as to provide transition or mitigation of significant changes to scale. Variety in massing can occur through step-backs as a building ascends upward.
  - ii. Buildings shall maintain a consistent street wall with the longest edge of the buildings oriented parallel to the roadway, where possible.
  - iii. Buildings within the same development shall be designed to provide a unified and easily identifiable image. Methods to achieve this include using similar architectural styles and materials, complementary roof forms, signs, and colors.
- b. Façade variation:
- i. Façade articulation or architectural design variations for building walls facing the street are required to ensure that the building is not monotonous in appearance, using the following architectural techniques: Building wall offsets (projections and recesses); cornices, varying building materials or pilasters used to break up the mass of a single building; staggering of vertical walls; recessing of openings; providing upper-level roof overhangs; contrasting compatible building materials; use of variety and rhythm of window and door openings; use of horizontal and vertical architectural elements, use of horizontal bands of compatible colors; and providing changes in roof shape or roof-line.
  - ii. Materials shall be selected for suitability to the type of buildings and the architectural design in which they are used.
  - iii. Material selection shall be consistent with architectural style in terms of color, shades, and texture; however, monotony shall be avoided.

**E. Transparency:**

- (1) Intent: The first floors of all buildings shall be designed to encourage and complement pedestrian-scale activity and crime prevention techniques. It is intended that this be accomplished principally by the use of windows and doors arranged so that active uses within the building are visible from or accessible to the street and parking areas are visible to occupants of the building.
- (2) Transparency standards:
  - a. Façade transparency shall be defined as the use of glass or transparent material that provides from the building exterior a view into the building of interior habitation and human scale. Signs covering windows, and the use of tinted, reflective, or opaque glass do not meet the definition of façade transparency.
  - b. The first floors of all buildings shall be designed to encourage and complement pedestrian-scale activity and crime prevention techniques. It is intended that this be accomplished principally by the use of windows and doors arranged so that active uses within the building are visible from or accessible to the street, and parking areas are visible to occupants of the building. The first floor of any front façade facing a right-of-way shall be no less than fifty percent (50%) windows and doors, and the minimum transparency for facades facing a parking area shall be no less than thirty percent (30%) of the façade.

- c. First-floor transparency is measured between two (2) and eight (8) feet above the first-floor elevation.
- d. Nothing shall be placed on or inside window to reduce transparency less than the fifty percent (50%) requirement.
- e. For multiple tenant buildings, the minimum transparency requirement must be met by each suite or tenant.

**F. Landscaping:**

- (1) Intent: To incorporate appropriate landscaping to enhance visual appearance, provide transitions between properties, and screen unsightly areas.
- (2) Landscaping standards:
  - a. In addition to the standards set forth in Section 1301, Landscaping requirements, the following standards shall be met.
  - b. Landscaping shall conform and incorporate existing landscape and topographic features.
  - c. Landscaping within courtyards, patios, and pedestrian realm may include hardscape and softscape materials.
  - d. Landscaping shall maintain adequate sight lines for visual safety, visibility, and efficient security.
  - e. Landscaped areas, including landscaped parking islands and medians, shall be separated from vehicular and pedestrian encroachment by curbs and raised planting areas.

**G. Loading and storage areas:**

- (1) Intent: To ensure that loading, storage, and other building utility features are designed to be a part of the overall building as so to reduce the visual impact.
- (2) Standards:
  - a. Utilities and mechanical screening:
    - i. Utility structures located between the building and the public right-of-way shall be screened as set forth in Section 805, Essential services. Utility. screening may include walls, fencing, or landscaping that is consistent with the character and materials of the development.
    - ii. Trash enclosures shall be placed adjacent to the rear wall of corresponding buildings or shall be located away from portions of the site which are highly visible from public roadways or private properties with dissimilar improvements. Trash enclosures shall be screened as set forth in Section 11302, Trash, and recycling receptacles with walls, fencing or landscaping that are consistent with the character and materials of the development.
  - b. Loading:

- i. Service areas shall be designated by markings and/or signage to delineate them from pedestrian access and limit conflicts between service/delivery vehicles and patrons (e.g., pedestrians, bicyclists, and transit users).**
- ii. Loading and service areas shall be located on the sides or rears of the buildings.**
- iii. Loading and service areas shall be screened from the public right-of-way with the use of fencing, landscaping, or walls.**

**ARTICLE VI - PD PLANNED DEVELOPMENT REGULATIONS**

**Sec. 600. – Intent and applicability:**

1. The Planned Development (PD) district is intended to permit, with Township approval, development or redevelopment of areas throughout the Township which shall be substantially in accord with the goals and objectives of the Charter Township of Ypsilanti Master Plan. A proposed Planned Development shall provide a desirable environment and shall be harmonious with the general surrounding uses while permitting flexibility in overall development and ensuring the highest of safeguards and standards for public health, safety, convenience, and general welfare. Such PD district may embrace a mixture of one (1) or more distinct uses or zoning categories, in the vertical or horizontal plane. A PD district shall encourage the use of land in accordance with its character and adaptability; conserve natural and social/cultural resources and provide sustainable design and energy efficiency; encourage innovation in land use and community planning; and bring about a greater compatibility of design and use. It is the intent of this Article to offer an alternative to traditional development through the use of planned unit development legislation, as authorized by Section 503 of the Michigan Zoning Enabling Act (Act No. 110 of the Public Acts of Michigan of 2006, as amended) for the purpose of:
  - A. Encourage the use of land in accordance with its character and adaptability;
  - B. Allow innovation and greater flexibility in design;
  - C. Assure the permanent preservation of natural, social, cultural, and historic resources;
  - D. Provide open space and recreational facilities within a reasonable distance of all residents of the development;
  - E. Provide non-motorized circulation to, from, and within the development;
  - F. Provide convenient vehicular access throughout the development and minimize adverse traffic impacts;
  - G. Facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner;
  - H. Provide better housing, employment, and shopping opportunities particularly suited to residents of the Township;
  - I. Ensure various land uses and buildings located within the development will relate to each other and to adjoining existing and planned uses in such a way that they will be compatible, ~~and have~~ having no material adverse impact of one use on another;
  - J. Ensure compatibility of design and use between neighboring properties;
  - K. Encourage the use and improvement of existing sites;
  - L. Allow for infill development and redevelopment within older neighborhoods, particularly in the northern portion of the Township that is compatible with established neighborhoods and consistent with traditional neighborhood design standards.

2. The use of this option shall not be for the sole purpose of avoiding applicable zoning requirements. Any permission given for any activity or building or use not normally permitted shall result in an improvement to the public health, safety, and welfare in the area affected.
3. The PD shall not be utilized in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards. Problems or constraints presented by applicable zoning provisions shall be identified in the PD application.

(Ord. No. 2003-328, 1-20-04)

**State Law reference—** Planned unit development, MCL 125.286c.

**Sec. 601. - Eligibility criteria:**

To be eligible for PD consideration, the applicant shall demonstrate that the following criteria which are reasonably applicable to the site and are met:

1. **Recognizable benefits:** A PD shall result in a recognizable and substantial benefit, both to the residents and/or users of the property and to the overall quality of life in the Township. The benefits can be provided through site design elements in excess of the requirements of this Ordinance, such as high-quality architectural design, extensive landscaping, compatible transition from adjacent land uses, unique site design features, unified access, provision of social space, preservation of woodlands and open space, particularly along major thoroughfares, and buffering development from lakes, rivers, streams, and wetlands. This benefit should accrue, in spite of any foreseeable detriments of the proposed development.
2. **Proposed development:** The proposed development will have a beneficial effect, in terms of public health, safety, welfare, or convenience or any combination thereof, on present and potential surrounding land uses. The proposed development will encourage a more efficient use of public utilities and services and lessen the burden on circulation systems, surrounding properties, and the environment. This development shall be a development which could not be achieved under any other single zoning classification. The zoning is warranted by the design and amenities incorporated in the development proposal.
3. **Cohesive neighborhood:** The proposed development shall be designed to create cohesive community neighborhoods through a network of spaces such as parks, plazas, and common open space areas for passive or active recreation and resident interaction. All open space areas shall be equally available to all residents of the PD.
4. **Unified control:** The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
5. **Density impact:** The proposed type and density of use shall not result in an unreasonable increase in the need for or impact to public services, facilities, roads, and utilities in relation to the use or uses otherwise permitted by this Ordinance and shall not place an unreasonable impact to the subject and/or surrounding land and/or property owners and occupants and/or the natural environment. The Township may require that the applicant prepare an impact statement

documenting the significance of any environmental, traffic, or socio-economic impact resulting from the proposed PD.

6. ***Significant natural assets:*** The site contains significant natural assets such as woodlands, rolling topography with grades exceeding fifteen percent (15%), significant views, natural drainage ways, water bodies, floodplains, regulated or non-regulated wetlands, or natural corridors that connect quality wildlife habitats which would be in the best interest of the Township to preserve and which might be negatively impacted by conventional development.
7. ***Recreation facilities:*** If the site lacks natural features, a residential development can qualify if the development will preserve existing or provide new recreation facilities and open spaces to which all residents of the development shall have reasonable access. Such facilities include areas such as a neighborhood park, plazas, golf course, passive recreational facilities, soccer fields, ball fields, bike paths, or similar facilities which provide a feature of community-wide significance and enhance residential development.
8. ***Mixed use:*** A site can qualify if the development will provide a complimentary and integrated mixture of uses, residential densities, and housing types. A mixed-use project shall be considered a project which proposes a combination of single-family detached and multiple-family housing or a mixture of compatible residential and commercial uses. Such mixture of uses shall be integrated into a cohesive, pedestrian scale neighborhood.
9. ***Infill development/redevelopment:*** Land located within the older neighborhoods, and areas of the Township may qualify for development as a PD where the site standards of Article 13 and the design standards of the underlying zoning district are met or exceeded.

**Sec. 602. - Permitted uses:**

1. ***Single-family residential:*** Detached single-family residential shall be permitted in any PD.
2. ***Multiple-family residential:*** Multiple-family residential shall be permitted in any PD as follows:
  - A. Where existing zoning is multiple-family residential, any type of dwelling unit otherwise authorized in a multiple-family residential district shall be permitted meeting the density and design standards of this Ordinance.
  - B. Where existing zoning is single-family residential, up to forty percent (40%) of the dwelling units may be two-family and/or attached single-family housing, provided the remaining dwelling units (at least sixty percent (60%)) shall be detached single-family residential and provided further that at least an additional ten percent (10%) of the site will be preserved as open space, above the minimum requirement.
3. ***Nonresidential:*** Nonresidential uses shall be permitted in a PD as follows:
  - A. Where existing district is zoned for nonresidential uses, all commercial business, services, professional offices, and industrial uses listed as a permitted use in the existing (pre PD) zoning district shall be permitted.
  - B. Where the existing zoning is residential, the Township Board may permit a commercial land use component , provided the Township Board determines the use will be compatible with the surrounding area and all of the following are met:

- (1) The commercial component shall be located on a lot of sufficient size to contain all commercial structures, parking, and landscape buffering.
- (2) All commercial uses shall be compatible with the residential area. The allowable commercial uses within such an area shall be limited to those permitted in the NB Neighborhood Business district.
- (3) The Township finds that the architectural design of the structures is compatible with the balance of the PD and surrounding development.
- (4) All commercial structures are integrated and connected to a non-motorized (pedestrian and bicycle) access system servicing the PD.
- (5) The Township makes the finding that the overall site layout and the vehicular circulation pattern will not have a detrimental effect on residential streets.
- (6) The commercial land use is consistent with the land use designated in the master plan.
- (7) The Township Board may require that one (1) or more phases of residential be completed prior to approving the PD stage II final site plan for the commercial component.

**Sec. 603. - Dwelling density:**

1. *Single-family residential:* Where the existing zoning is single-family residential, the number of dwelling units allowable within a PD shall be determined through preparation of a "parallel plan."
  - A. The applicant shall prepare, and present to the Township for review, a concept plan of the property with a conventional layout, as described in Section 702.5.B for . Lots in the concept plan shall provide sufficient building envelope size without impacting wetlands regulated by the Michigan Department of Environment, Great Lakes, and Energy.
  - B. The Township shall review the design and determine the number of lots that could be feasibly constructed and be economically viable following the concept plan. This number, as determined by the Township, shall be the maximum number of dwelling units allowable for the PD. The regulatory flexibility of a PD may be allowed to cluster the dwellings on smaller lots or mix housing types, provided the overall density shall not exceed that determined in the parallel plan, unless a density bonus is provided under subsection (5) below.
2. *Multiple-family residential:* Where the existing ) zoning is multiple-family residential, the density shall be the maximum allowed by the existing zoning district, unless a density bonus is provided under subsection (5) below.
3. *Nonresidential:* Where the existing zoning is business or form-based, mixed-use (i.e., NB, GB, NC, RC), residential use may be permitted at the density permitted in RM-MD. Such density shall be permitted in those portions of the PD proposed for residential use. Land areas of a PD proposed exclusively for nonresidential use shall not be counted towards the maximum allowable density. Residential dwelling units may be permitted on the same site as nonresidential uses, provided designated residential parking shall be provided in addition to parking requirements for commercial uses and the site and buildings shall be designed to allow a complementary mixture of uses on the site with minimal conflict, based upon the criteria of Section 601.



4. ***More than one (1) existing zoning districts:*** Where a PD is proposed for a land area that includes more than one (1) existing zoning district, density shall be determined separately for each respective zoning district then combined for a maximum permitted dwelling unit density for the overall project. Following the determination of density, residential dwelling unit types may be integrated within the overall design for the project and need not be segregated by the existing zoning districts. The location and distribution of dwellings within the PD shall be determined through design that meets the intent of this Ordinance, preservation of natural features, and compatibility with surrounding land uses.
5. ***Density bonus:*** At the option of the applicant and with approval by the Township Board, a variable density bonus of up to twenty percent (20%) may be allowed, based upon the general eligibility criteria of Section 601, and in particular the density impact evaluation. Where a density bonus is granted, one (1) or more of the following shall be required by the Township Board:
  - A. Common open space shall be increased in an amount that is proportional to that increase in density as set forth in Section 605.2.
  - B. An integrated mixture of housing types.
  - C. Recreation facilities, plazas, town squares, or "commons" that are available to the public. The applicant has the option to provide the additional public spaces or recreational facilities (above and beyond the minimum open space requirements) at an off-site location approved by the Township Board.
  - D. Streetscape and roadway improvements along abutting thoroughfares.
  - E. Removal or renovation of blighted buildings or cleanup of site contamination as documented through a phase I and phase II environmental site assessment and a baseline environmental assessment.
  - F. Other similar elements as determined by the Township Board, based upon a the findings of the Planning Commission.

(Ord. No. 2003-328, 1-20-04)

**Sec. 604. - Area and bulk regulations:**

1. ***Basic regulations:*** All regulations applicable to setbacks, parking and loading, general provisions, and other requirements shall be met in relation to each respective land use in the development based upon zoning districts in which the use is listed as a permitted or special conditional use. The height, bulk, and area conditions set forth in Article 4, District Regulations and Article 5, Form Based Districts, shall be used as guidelines for the use areas set forth in the PD plan. Within a single-family residential PD, lot sizes may be reduced below the minimum requirement of the existing zoning district, provided that the open space within the PD equals or exceeds the total area of lot size reduction.
2. ***Regulatory flexibility:*** To encourage flexibility and creativity consistent with the intent of the PD regulations, the Township may permit specific departures from the requirements of this Ordinance for yards and lots as a part of the approval process. Any regulatory modification shall

be approved through a finding by the Township that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards.

Details of all deviations from the established zoning area, height and setback regulations, off-street parking regulations, general provisions, or subdivision regulations which would otherwise be applicable to the uses and development proposed in the absence of the proposed PD shall be provided in the written PD Agreement. This specification should include Ordinance provisions from which deviation are sought, and the reasons and mechanisms to be utilized for the protection of the public health, safety, and welfare in lieu of the regulations from which deviations are sought. Only those deviations consistent with the intent of this Ordinance shall be considered.

(Ord. No. 2003-328, 1-20-04)

**Sec. 605. - Open space requirements:**

1. ***Common open space:*** Common open space, other common properties and facilities, individual properties, and all other elements of a PD district are so planned that they will achieve a unified open space, community green or plaza and recreation area system, with open space and all other elements in appropriate locations, suitably related to each other, the site, and surrounding lands. All land within a development that is not devoted to a residential unit, an accessory use, vehicle access, vehicle parking, a roadway, an approved land improvement or a commercial use, shall be set aside as common land for community use, recreation, or conservation. Grading in the open space shall be minimal, with the intent to preserve existing significant topographic features, where such resources exist.
2. ***Amount of open space:*** A PD shall maintain a minimum of twenty percent (20%) of the gross area of the site as dedicated open space held in common ownership. Projects proposed under Section 603.5.A shall require an increase in open space that is proportional to the increase in density (i.e., an increase in density of twenty percent (20%) would require an increase in open space by twenty percent (20%). Any undeveloped land area within the boundaries of the site meeting the open space standards herein may be included as required open space for the purposes of this Article, except for the following land areas which shall not be included as dedicated open space:
  - A. Area proposed as single-family residential lots or site condominiums.
  - B. Area proposed to be occupied by multiple-family dwellings, including the minimum required setbacks around buildings.
  - C. Any portion of the project used for commercial or office purposes.
  - D. The area of any street right-of-way or equivalent private road easement.
  - E. Any submerged land area of a lake, river, stream or stormwater detention, or retention pond.
3. ***Recreational open space area:*** At least fifty percent (50%) of the minimum required open space shall be usable, active recreational open space that is accessible to all residents of the PD and not include any part of a golf course. Such recreational open spaces shall be exclusive of any wetland, floodplain, stormwater detention/retention, or landscape buffers. Recreational facilities such as playgrounds, athletic fields, or picnic pavilions shall be provided.
4. ***Location of open space:*** Common open space shall be planned in locations visible and accessible to all users in the PD (i.e., centrally located and not isolated corners of the development). The common

open space may either be centrally located along the road frontage of the development, located to preserve significant natural features, or located to connect open spaces throughout the development. The open space along the exterior public roads shall generally have a depth of at least one hundred (100) feet, either landscaped or preserved in a natural wooded condition.

5. *Open space corridors:* Connections with adjacent open space, public land and/or existing or planned pedestrian/bike paths may be required by the Township.

6. *Protection of open space:*

A. The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the Township, such as: recorded deed restrictions, covenants that run perpetually with the land, or conservation easements.

B. Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. Such conveyance shall:

(1) Indicate the proposed allowable use(s) of the dedicated open space. The Township may require the inclusion of open space restrictions that prohibit the following:

- a. Dumping or storing of any material or refuse;
- b. Activity that may cause risk of soil erosion or threaten any living plant material;
- c. Cutting or removal of live plant material except for removal of dying or diseased vegetation;
- d. Use of motorized off road vehicles;
- e. Cutting, filling, or removal of vegetation from wetland areas;
- f. Use of pesticides, herbicides, or fertilizers within or adjacent to wetlands.

(2) Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.

(3) Provide standards for scheduled maintenance of the open space.

C. The dedicated open space shall forever remain open space, subject only to uses approved by the Township on the approved site plan. Further subdivision of open space land or its use for other than recreation, conservation, or agricultural purposes, except for easements for utilities and septic systems, shall be strictly prohibited. Open space may include golf course area, provided that it forever remains outdoor recreation or natural undeveloped land.

8. *Allowable structures:* Any structure(s) or building(s) accessory to a recreation use may be erected within the dedicated open space, subject to the approved open space plan. These accessory structure(s) or building(s) shall not exceed, in the aggregate, one percent (1%) of the required open space area.

(Ord. No. 2003-328, 1-20-04)

Sec. 606. - Natural features:

1. ***Preservation of natural features:*** The development shall be designed so as to preserve natural resources and natural features to the extent practical. Compliance with this requirement shall be determined by the Township after review of a site analysis plan, prepared by the applicant, that inventories these features. The PD shall comply with the Township Woodlands Ordinance, Article 3 of Chapter 24 of Charter Township of Ypsilanti Code of Ordinances. The limits of tree clearing and grading shall be clearly shown on the preliminary and final PD site plans.
2. ***Habitat:*** If animal or plant habitats of significant value exist on the site, the Township, as a condition of approval, may require that the PD plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas.
3. ***Natural feature setback:*** A minimum fifty (50) foot wide undisturbed setback shall be maintained from the ordinary high-water mark of any, lake, pond, river, stream, or the edge of any county drain or wetland; provided that the Township may permit trails, boardwalks, observation platforms or other similar structures that enhance passive enjoyment of the site(s) natural amenities within the setback.

(Ord. No. 2003-328, 1-20-04)

Sec. 607. - Compatibility with adjacent uses:

1. ***Compatibility with adjacent uses:*** The proposed location of uses or structures that are of a significantly different scale intensity or character than the abutting residential districts, such as access drives, parking areas, solid waste pick-up points, swimming pools, tennis courts, and facilities of a similar nature, shall not be located near the boundary of the development or so as to negatively impact the residential use of adjacent lands.
2. ***Transition areas:*** Where the PD abuts a single-family residential district, the Township may require a transition area to ensure compatibility between uses. Grading within the transition area shall be minimal unless needed to provide effective buffering or accommodate drainage. The Township may require that the transition area consist of one (1) or more of the following:
  - A. A row of single-family lots or condominium sites similar to adjacent single-family development in terms of density, lot area, lot width, setbacks, and building spacing.
  - B. Woodlands, natural features, or a landscaped greenbelt sufficient to provide an obscuring effect.
  - C. Open or recreation space.
  - D. Significant changes in topography which provide an effective buffer.
  - E. Other measures that may provide an effective transition, as determined by the Township Board.

(Ord. No. 2003-328, 1-20-04)

Sec. 608. - Landscaping:

The following landscaping requirements shall be met in addition to other landscaping requirements contained in this Ordinance, the Township Subdivision Regulations Ordinance, Appendix C of the Charter Township of Ypsilanti Code of Ordinances, and other applicable Township Ordinances.

1. **Street trees:** Both sides of all internal roads shall be landscaped with street trees. For road frontages of individual lots or condominium sites, a minimum of two (2) canopy trees shall be provided per dwelling. For sections of road that do not abut lots or condominium sites, one (1) canopy trees shall be provided on each side for every forty (40) feet of road. Existing trees to be preserved within five (5) feet of the road right-of-way or easement may be credited towards meeting this requirement.
2. **Frontage greenbelt:** The open space along the exterior public roads shall be landscaped with a minimum of one (1) evergreen tree or canopy tree for each twenty (20) feet of road frontage. Preservation of existing trees may be credited towards meeting the frontage landscaping requirement.
3. **Buffering:** Where nonresidential uses adjoin residentially zoned property, noise reduction and visual screening mechanisms such as landscape berms and/or decorative walls, shall be employed.

(Ord. No. 2003-328, 1-20-04)

**Sec. 609. - Architectural and site design standards:**

1. **Residential architecture:** Residential facades shall not be dominated by garages; at least forty percent (40%) of residential units shall have side entry garages or recessed garages where the front of the garage is at least five(5) feet behind the front line of the living portion of the principal dwelling. The intent of encouraging recessed or side entry garages is to enhance the aesthetic appearance of the development and minimize the aesthetic impact resulting from the close clustering of units allowed under these regulations.
2. **Nonresidential architecture:** Nonresidential buildings shall provide distinct and prominent architectural features that create a positive visual landmark. Walls facing the street shall include windows and architectural features customarily found on the front facade of a building, such as awnings, cornice work, edge detailing, or other decorative finish materials. Blank walls shall not face the street. Single story buildings shall have pitched roofs. Flat roofs shall be allowed on nonresidential two-story buildings, provided the roof is enclosed by parapets and a decorative cornice. The design standards of Section 1306, Building design requirements or the design standards of the underlaying form-based district shall be met.
3. **Site elements:** Signage, lighting, landscaping, building architecture and materials, and other features of the project, shall be designed to achieve an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.

(Ord. No. 2003-328, 1-20-04)

**Sec. 610. - Off-street parking:**

1. **Parking requirement:** The number and dimensions of off-street parking shall be sufficient to meet the minimum required by Ordinances of the Township. However, where warranted by

overlapping or shared parking arrangements, the Township may reduce the required number of parking spaces by up to twenty percent (20%).

2. ***Parking location:*** All parking and loading areas serving the commercial uses shall be to the rear or side of the structure and fully screened from view of any public roadway, except that the Township may allow up to twenty-five percent (25%) of the minimum number of required parking spaces in the front yard.
3. ***Parking lot screening:***
  - A. All off street parking spaces or loading areas must be screened from view of any public road or pedestrian path, or private road/drive within the project by a street-wall or hedge along the frontage. Street-walls shall be between three (3) feet in height and made of brick or stone.
  - B. Where a nonresidential use or parking lot is adjacent to a residential use, a six (6) foot tall brick screening wall shall be required. The Township may substitute this requirement for a three (3) foot tall landscape berm with a row of evergreen trees spaced no more than ten (10) feet on-center.
4. ***Parking lot greenbelt:*** Off-street parking lots serving three (3) or more dwelling units shall provide a ten (10) foot wide open green space area around the perimeter of the parking lot.
5. ***Parking lot trees:*** Landscaping shall be provided within parking lot landscape islands or surrounding the parking lot at a rate of one (1) deciduous tree for every ten (10) parking spaces.

(Ord. No. 2003-328, 1-20-04)

**Sec. 611. - Lighting:**

1. ***Limitations on intensity:*** Exterior lighting shall meet the standards set forth in Section 1303 and shall be restrained and excessive brightness avoided to help ensure compatibility with adjacent land uses.
2. ***Ornamental lighting:*** The Township may require a consistent type of pedestrian scale ornamental lighting along all streets, and sidewalks, and within any off-street parking lots.
3. ***Lighting plan:*** A lighting plan including illustration of a foot candles grid and details of lighting fixtures shall be provided for nonresidential parking lots and loading areas.

(Ord. No. 2003-328, 1-20-04)

**Sec. 612. - Signs:**

Residential entrance signs and commercial signs shall be approved as part of the final PD.

(Ord. No. 2003-328, 1-20-04)

**Sec. 613. - Circulation:**

1. ***Internal roads:*** All streets within the PD shall meet the minimum construction and other requirements of Township Ordinances, unless modified by Township Board.

**2. *Pedestrian circulation:***

- A. Sidewalks, a minimum of five (5) feet wide shall be provided on both sides of all streets within the PD.
- B. Sidewalks shall be at least eight (8) feet wide in commercial areas or in residential areas adjacent to parking spaces where the sidewalk is connected to the curb.
- C. Ten (10) foot wide bike paths shall be provided along major thoroughfares abutting the PD.
- D. Trails shall be provided within the open space. They may be constructed of asphalt, gravel, or other similar material.

(Ord. No. 2003-328, 1-20-04)

**Sec. 614. - Infrastructure:**

Drainage, and utility design shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served. There shall be underground installation of utilities, including cable, electricity, and telephone, as found necessary by the Township Board, upon the recommendation of the Planning Commission.

(Ord. No. 2003-328, 1-20-04)

**Sec. 615. - Townhouse residential:**

In addition to the above PD requirements, all PD's developed as townhouse residential shall comply with the design standards set forth in Section 1163.

(Ord. No. 2003-328, 1-20-04)

**Sec. 616. - PD site plan submittal requirements:**

Application shall be made to the Township for consideration under this PD district. The person applying shall be required to make a submittal of the following material for review by the Planning Commission and recommendation to the Township Board:

- 1. *Pre-conceptual conference:* The applicant shall attend a pre-conceptual conference with the Township officials, the Township community and economic development department, planning, and engineering consultants and regulatory, public service, and utility agencies. The applicant shall submit an application, review fee, and pre-conceptual plan at least twenty (20) business days prior to the pre-conceptual conference and forward copies of the submittal to all reviewing agencies listed by the Township. The purpose of this meeting is to allow the applicant to introduce the site plan concept and receive comments or direction from the on the site plan or the need for additional material needed to evaluate the impacts of the use. No formal action shall be taken.
- 2. *PD preliminary site plan requirements:* Following the completion of the pre-application meeting, the applicant is authorized to submit a preliminary PD site plan. The PD preliminary site plan shall set forth the proposed uses to be developed in the PD and the following specific information on a site plan. The information on proposed improvements required by paragraph (g) below can be

conceptual in nature, particularly for larger, mixed-use PD's that will be developed in phases. For a PD that contains a single type of use (e.g., a single-family subdivision) where the project will be developed in a single phase, the applicant has the option to include a complete site plan or preliminary subdivision plat for preliminary site plan or tentative preliminary plat approval, as applicable.

- A. (a) A property area survey of the exact area being requested (scale: one (1) inch = one hundred (100) feet).
- B. (b) A proof of ownership of land being requested for rezoning or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
- C. (c) A completed application form, supplied by the Township community and economic development department, and an application/review fee. A separate escrow deposit may be required for administrative charges to review the PD submittal.
- D. (d) Cover sheet providing:
  - (1) The applicant's name;
  - (2) Name of the development;
  - (3) The preparer's name and professional seal of architect, engineer, surveyor, or landscape architect indicating license in the State of Michigan;
  - (4) Date of preparation and any revisions;
  - (5) North arrow;
  - (6) Property lines and dimensions;
  - (7) Complete and current legal description and size of property in acres;
  - (8) Small location sketch of the subject site and area within one-half (0.5) mile, and scale;
  - (9) Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the PD site;
  - (10) Lot lines and all structures on the property and within one hundred (100) feet of the PD property lines;
  - (11) Location of any access points on both sides of the street within one hundred (100) feet of the PD site along streets where access to the PD is proposed.
- E. An aerial photograph of the site.
- F. A site analysis plan sheet indicating locations of significant natural, historical, and architectural features, including:
  - (1) Existing buildings;
  - (2) Drainage patterns;
  - (3) Surface water bodies;
  - (4) Floodplain areas;
  - (5) Wetlands with supporting documentation;



- (6) Existing topography at five (5) foot contour intervals;
  - (7) Tree survey indicating the location and diameter (in inches, measured four (4) feet above grade) of "landmark" trees. Landmark trees will be designated as "areas not to be disturbed" and secured through installation of a snow fence or other fencing. The limits of tree clearing shall be clearly indicated.
- G. A plan sheet indicating:
- (1) Existing and proposed topography at five (5) foot contour intervals and a general description of grades within one hundred (100) feet of the site, including the limits of grading and tree removal;
  - (2) Dimensions of existing and proposed right-of-way lines, names of abutting public streets, proposed access driveways and parking areas, and existing and proposed pedestrian and/or bicycle paths;
  - (3) Existing buildings, utility services, and any public or private easements, noting those which will remain, and which are to be removed;
  - (4) Layout and typical dimensions of proposed lots, footprints of proposed buildings; uses with the acreage allotted to each use. For developments with residential components: the number, type, and density of proposed housing units;
  - (5) Arrangement and area calculations for open space, including upland and wetland open space areas;
  - (6) General location and type of landscaping proposed (evergreen, deciduous, berm, etc.) noting existing trees and landscaping to be retained;
- H. A plan sheet illustrating open space areas and tabulating the amount of open space provided broken down by areas for active recreation, passive recreation, upland natural preservation areas, wetlands, utility easements, and landscape buffers.
- I. If a multi-phase PD is proposed, identification of the areas included in each phase. For residential uses identify the number, type, and density of proposed housing units within each phase.
- J. A traffic impact study meeting the requirements of Article 4, Traffic Impact Study of Chapter 24 of the Charter Township of Ypsilanti Code of Ordinance.
- K. ~~(k)~~ Any additional graphics or written materials requested by the Township to assist the Township in determining the appropriateness of the PD such as, but not limited to, aerial photography; market studies; impact on public primary and secondary schools and utilities; traffic impacts using trip generation rates recognized by the Institute of Transportation Engineers (ITE) for an average day and peak hour of the affected roadways; impact on significant natural, historical, and architectural features and drainage; impact on the general area and adjacent property; description of how property could be developed under the regulations of the existing ) district; preliminary architectural sketches; and estimated construction cost.
- L. A draft written PD development agreement specifying all the terms and understanding of the PD development.

3. Acceptance and approval of PD preliminary site plan and rezoning:

In reviewing and approving the PD preliminary site plan and rezoning, the following procedures and conditions shall be followed:

- A. *Technical (staff) reviews:* Formal application shall be made to the Township . The Township Zoning Administrator shall review the application. The Township planning consultant, department of public works, fire chief, police chief, Township Engineer, and building department manager, shall also review the application. The reviews shall be submitted to the Township Zoning Administrator. The Township Zoning Administrator may schedule a conference with applicable consultants and departments which reviewed the submittal information. The technical reviews may be revised and resubmitted following the conference or submittal of a revised application. An application shall not be forwarded to the Planning Commission until all required technical information is provided.
- B. *Public hearing for PD rezoning:* Following the technical review process, the Planning Commission shall schedule and conduct a public hearing to review the request in accordance with the following procedures. The applicant is also encouraged to meet with neighborhood associations and land owners prior to the Planning Commission public hearing on the proposed project.
  - (1) The Township shall provide notice of public hearing on the request for PD rezoning in accordance with Section 307, Public hearing requirements. Such notification shall be in accordance with Section 4 of the Township Zoning Act (Public Act 184 of 1943, as amended).
  - (2) The Planning Commission shall conduct the required public hearing. The purpose of the public hearing is for the Planning Commission and the applicant to receive public comment on the PD. The Planning Commission shall not take action at the same meeting when the public hearing is conducted unless there is a specific finding that all review standards are met and no conditions are necessary for the recommendation to the Township Board.
  - (3) Following the public hearing the applicant shall submit revised plans and a document which point-by-point addresses each issue, as directed by the Planning Commission.
- C. *Planning commission recommendation:* The Planning Commission shall review the PD site plan in consideration of public hearing comments, technical reviews from Township staff and consultant's correspondence from applicable review agencies, and compliance with the standards of this Article, and other applicable standards of this Ordinance. The Planning Commission shall make a recommendation to the Township Board to approve, approve with conditions, or deny the request. The Planning Commission recommendation shall be based on the following:
  - (1) Whether the proposal meets the eligibility criteria for qualification of the PD and promotes the land use goals and objectives of the Township.
  - (2) Whether all applicable provisions of this Section and this Ordinance shall be met. If any provision of this Section shall be in conflict with the provisions of any other Section of this Ordinance, the provisions of this Section shall apply to the lands embraced within a PD.

- (3) Whether there is, or will be at the time of development, adequate facilities to accommodate the sanitary sewage, storm water, solid waste, water supply needs, and traffic generated by the proposed project.
- D. ***Township Board approval of PD preliminary site plan and rezoning:*** Following receipt of the Planning Commission's recommendation, the PD preliminary site plan and rezoning shall be considered by the Township Board. The Township Board shall take one (1) of the following actions on the request.
- (1) ***Table:*** If the application is determined to be insufficient, does not fully respond to Planning Commission issues, or more information is required, then the request may be tabled. The Township Board shall direct the applicant to prepare additional information, revise the PD preliminary site plan, or direct the Township staff to conduct additional analysis.
  - (2) ***Reconsideration:*** If the Township Board believes there is new information which might modify the recommendation of the Planning Commission, the Board may return the application with the new information to the Planning Commission for reconsideration. The Planning Commission shall provide a recommendation within thirty (30) days.
  - (3) ***Approval:*** Upon determination that a PD preliminary site plan is in compliance with the standards and requirements of this Ordinance and other applicable Ordinances and laws, the Township Board shall approve the preliminary PD, preliminary site plan and the rezoning by resolution. The PD rezoning shall be effective upon approval of the second reading of the resolution. The Township Board may impose reasonable conditions with the approval of a PD. Conditions of any approval are attached to the land and will remain through subsequent owners. The applicant shall submit a revised PD preliminary site plan that demonstrates compliance with the conditions for administrative approval by the Township Zoning Administrator.
  - (4) ***Denial:*** Upon determination that a PD preliminary site plan does not comply with standards and regulations set forth in this Ordinance or requires extensive revision in order to comply with said standards and regulations, the Township Board shall deny the application. Resubmittal of an application which was denied shall be considered a new application.
- E. ***Preliminary PD agreement.*** The applicant shall submit an agreement stating the conditions upon which the PD is based, for review by the Township Attorney. The agreement, after review by the Planning Commission and approval by the Township Board, shall be entered into between the Township and the applicant and be recorded in the office of the Washtenaw County Register of Deeds at the expense of the applicant. Approval shall be effective upon recording. The content of the agreement shall be based on the extent of the proposed development, but shall at a minimum provide the following:
- (1) A survey of the acreage comprising the proposed development.
  - (2) The manner of ownership of the developed land.
  - (3) The amount, manner of the ownership, and proposed method of dedication or mechanism to protect any areas designated as common areas or open space.

- (4) Land use description including list of proposed uses, residential density, dwelling types, lot dimensions, setbacks, and other dimensional standards.
- (5) Description of improvements to common areas, recreational facilities, and non-motorized pathways.
- (6) General description of any improvements to roads or utilities.
- (7) Provisions to ensure adequate protection of natural features.
- (8) The preliminary PD plan shall be incorporated by reference and attached as an exhibit.

**4. Effect of PD preliminary site plan and rezoning approval:**

- A. Approval by the Township Board of the PD preliminary site plan and rezoning shall have the effect of rezoning the property. The site plan, preliminary development agreement, building elevations, and other development proposals including the proposed uses, shall become an integral part of the zoning amendment to the PD district and, for purposes of recordation, shall be referred to as "Planned Development No." All approved plans shall be filed with the Township.
- B. Approval of the PD preliminary site plan shall not constitute final site plan approval. It shall be deemed as approval of the land use plan submitted and shall serve as a guide in the preparation of the PD final site plan. Rezoning procedures under this Article of the Ordinance will rely on the plan submitted for both preliminary and final approval and the supporting documentation and the plan., therefore, is basic to the rezoning.
- C. Once an area has been rezoned to a PD district, no development shall take place therein nor use made of any part thereof except in accordance with the PD preliminary site plan as originally approved, or in accordance with an approved amendment thereto.
- D. The Zoning Ordinance amendment, which effectuates the rezoning to the PD district, shall refer to and incorporate by reference the PD site plan and such zoning amendment shall be carried out in accordance with rezoning procedures of this Ordinance.
- E. PD stage II final site plans and subdivision plats, as applicable, shall be submitted shall be submitted for review and approval in accordance with Article 9, Site Plan Review, or the Township subdivision regulations Ordinance, as applicable, for an area embraced in the PD.
- F. Approval of the PD preliminary site plan by the Township Board shall be effective for a period of two (2) years. If PD final site plan or subdivision plat for at least the first phase of the project is not submitted and approved within two (2) years of the PD approval, the right to develop under the approved PD preliminary site plan shall terminate, and a new application must then be filed and processed. The two (2) year period for PD preliminary approval may be extended for one (1) year, if applied for by the petitioner prior to expiration and granted by the Township Board, based upon a recommendation by the Planning Commission. Following expiration of the PD approval, the Township may initiate proceedings to rezoning the property back to the pre-PD zoning district.

**Sec. 617. - PD final site plan submittal and approval:**

1. A presentation of the PD final site plan shall be made to the Planning Commission for review and recommendation to the Township Board of the following:
  - A. PD final site plans shall be submitted for each phase of the development. The final PD site plan shall include a complete site plan meeting the requirements of subsection 906.2. Supporting documentation in the form of building plans, and schedule of construction shall be submitted. The PD final site plan shall conform to all site plan requirements and all site plan review requirements of this Ordinance. In reviewing site plans and subdivision plans, the following standards shall apply:
    - (1) Site plans or subdivision plans shall be in substantial conformance with the approved PD preliminary site plan. The final plan shall reflect and adhere to those use patterns as approved in the preliminary plan. The Township Board may approve a PD final site plan that proposes minor deviations from the PD preliminary layout only where the Township Board finds such deviations conform to the requirements of this Ordinance and will result in an equal or higher quality development than the PD preliminary site plan. Where major deviations are proposed from the PD preliminary plan, the Township Board may require resubmission of a new PD preliminary site plan for a Planning Commission public hearing and recommendation.
    - (2) Each site plan or subdivision plat shall either individually or in combination with previously approved contiguous project areas, meet the standards of this Section and the approved preliminary PD site plan regarding layout, density, open space, and land use.
    - (3) Each plan submission shall include a map illustrating the site or phase in relation to previously approved plans and the overall PD preliminary site plan.
    - (4) A final PD agreement shall be submitted for review by the Township Attorney and approved by the Township Board.
  - B. Final PD agreement. As part of the application for PD final site plan approval, the applicant shall submit an agreement stating the conditions upon which approval is based, for review by the Township Attorney. The agreement, after review and approval by the Township Board, shall be entered into between the Township and the applicant and be recorded in the office of the Washtenaw County Register of Deeds at the expense of the applicant. Approval shall be effective upon recording. Said agreement shall provide:
    - (1) All items contained in the preliminary PD agreement.
    - (2) Provision assuring that those open space areas shown on the plan for use by the public or residents of the development will be or have been irrevocably committed for that purpose. The Township may require conveyances or other documents to be placed in escrow to accomplish this.
    - (3) Satisfactory provisions have been made to provide for the future financing of any improvements shown on the plan for site improvements, open space areas, and common areas which are to be included within the development and that maintenance of such improvements is assured by a means satisfactory to the Township Board.
    - (4) The cost of installing and maintaining all streets and the necessary utilities has been assured by a means satisfactory to the Township Board.
    - (5) The PD final site plan shall be incorporated by reference and attached as an exhibit.

**2. Effect of PD final site plan approval:**

- A. Approval of the PD final site plan shall be effective for a period of two (2) years. If construction has not commenced within this period, the approval shall expire and the right to develop under the approved PD final site plan shall terminate and a new application for PD final site plan must then be filed. The one (1) year period for PD final site plan approval may be extended for one (1) year, if applied for by the petitioner prior to the expiration and granted by the Township Board, based upon a recommendation by the Planning Commission. Once a building permit has been obtained, the PD final site plan shall remain valid for as long as the building permit is current, and construction is being diligently carried on towards completion.**
- B. All dedications of public rights-of-way or planned public open spaces shall be made prior to any construction taking place on the site and shall be recorded by the developer.**
- C. In residential use areas, any prorated open space shall be committed by dedication to an association of residents or to a land conservancy operating in Washtenaw County, either as rights-in-fee, easement, or in a master deed and retained as open space for park, recreation, and related uses. All lands dedicated in fee or easement shall meet the requirements set forth by the Township Board. Provisions satisfactory to the Township Board shall be made to provide for the financing of any improvements shown on the plan for open spaces and common use areas which are to be provided by the applicant and including maintenance of such improvements by a means satisfactory to the Township Board. This may include a development agreement. Such documents shall be recorded with the county register of deeds.**
- D. In those instances where a subdivision plat is being utilized as a planned development or a part of such development, the procedures and expiration dates of the Michigan Land Division Act, Public Act 288 of 1967, as amended (MCL 560.101 et seq.), shall govern.**

**3. Required conditions:**

- A. Before approving the plan in either the PD preliminary site plan or PD final site plan submittal, the Planning Commission and the Township Board shall determine that:**
  - (1) The cost of installing all streets, sidewalks, bike paths, streetlights, park areas, and necessary utilities and maintenance thereof has been assured by a means satisfactory to the Township Board. The Township Board shall have the option of requiring suitable guarantee in a form suitable to the Township for the provision of any or all site improvements.**
  - (2) The final plan of each project area of the approved plan is in conformity with the overall approved plan. Any changes or amendments requested shall terminate approval of the preliminary plan until such changes or amendments have been reviewed and approved as in the instance of the first submittal, it being the intent of this Section that no other administrative or board of appeals action shall constitute official approval of such changes or amendments to the preliminary plan. Denial by the Township Board of any requested changes or amendments shall not void the originally approved plan.**

**Sec. 618. - Administrative revisions to approved PD plans:**

Approval of the PD final site plan confers upon the Township Zoning Administrator the authority to approve certain minor deviations during the construction process when an applicant or land owner who was granted final site plan approval notifies the Township of the proposed amendment to such approved site plan in writing, accompanied by a site plan illustrating the proposed change. The request shall be received prior to initiation of any construction in conflict with the approved plan.

1. **Procedure:** Within fourteen (14) days of receipt of a request to amend the final site plan, the Township Zoning Administrator shall determine whether the change is major, warranting review by the Planning Commission, or minor, allowing administrative approval, as noted below.
2. **Minor changes:** Minor changes to a previously approved planned development site plan may be approved without necessity of Planning Commission or Township Board action thereon if the coordinator of community development finds that the proposed revision constitutes a minor alteration and does not alter the basic design nor any specific conditions of the plan as agreed upon by Planning Commission and Township Board. The Zoning Administrator shall record all such changes on the original PD site plan and shall advise Planning Commission and Township Board of all said minor revisions within fifteen (15) days of said administrative approval. Minor alterations or revisions under this Section shall be limited to:
  - A. For residential buildings, the square footage of structures may be reduced by five percent (5%); or increased by five percent (5%), provided the overall density of units does not increase, the minimum square footage and parking requirements are met, and the building(s) do not extend into any required open space or required setbacks.
  - B. Gross floor area of nonresidential buildings may be decreased; or increased by up to five percent (5%) or two thousand (2,000) square feet, whichever is smaller, provided parking requirements are met and the building does not extend into any required setback or open space.
  - C. Floor plans changes if consistent with the character of the use.
  - D. Relocation of a building by up to five (5) feet, if consistent with required setbacks, open space, and other standards.
  - E. Shifting of building heights and elevations, providing such shifting does not exceed ten percent (10%) of the previously approved dimension and providing such shifting does not significantly alter the conceptual integrity of the plan.
  - F. Construction of additional, or alteration of, approved sidewalks, provided that the full intent of pedestrian movement through and around the site is not inhibited thereby.
  - G. Shifting of, additions to, changes in species of landscape materials, provided that such change does not reduce minimum landscape requirements.
  - H. Designated woodlands or areas not to be disturbed may be increased.
  - I. Relocation of refuse collection stations.
  - J. Improvements or slight relocation of site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing or pedestrian/bicycle paths, with documentation from Washtenaw County Road Commission or other road agencies, where appropriate.
  - K. Internal rearrangement of parking lots and curb cut locations, not including the relocation of parking lots, provided such rearrangement does not reduce the total number of parking

spaces required, and further provided that the such rearrangement does not inhibit good traffic flow or circulation.

- L. Installation of recreational or maintenance facilities that do not require erection of a structure intended for human use or occupancy.
  - M. Changes of building materials to another of higher quality, or a slight change in the color of the exterior material, as determined by the Township Zoning Administrator.
  - N. Grade change of up to one (1) foot, reviewed by the Township Engineer.
  - O. Modification of entry design, sign placement, or reduction in size of signage, which is consistent with the intent of this Section and the approved plan.
  - P. Changes to the location of accessory buildings and structures only when the new location will be consistent with the building envelope identified on the approved plan.
  - Q. Changes required or requested by the Township, county, or state for safety reasons.
3. **Major changes:** Where the Township Zoning Administrator determines a requested amendment to the approved site plan is major, resubmittal to the Planning Commission and Township Board shall be required. Should the Planning Commission or Township Board determine that the modifications are inconsistent with the approved final PD site plan, a revised final PD site plan shall be submitted according to the procedures outlined in this Article. In all cases, a change in use to a more intensive use than approved in the final PD plan shall be considered major and require resubmission of a final PD plan.

**Sec. 619. - Existing planned developments:**

- 1. **Approved planned developments:** Projects which received final PD approval under the prior PD standards shall be considered conforming provided such projects conform to the site plan and conditions upon which they were approved, and the projects have either been completed or work is diligently being carried on within the time limits stipulated under this Ordinance. Any expansion shall conform to the regulations of the particular zoning district; no expansion in area beyond the area approved as a PD shall be considered. Any modifications to the previously approved final PD site plans shall be reviewed under the current PD regulations.
- 2. **PD preliminary planned developments:** Projects that have received a recommendation by the Planning Commission to the Township Board for PD preliminary approval prior to the effective date of this amendment, but did not receive final PD preliminary approval, shall be reviewed under the current PD regulations of this Ordinance for final approval, subject to the following:
  - A. Where a density was established by the Township on a PD preliminary site plan, subsequent final site plans submitted shall retain the following:
    - (1) The density established at that time shall be the maximum allowable density for that site.
    - (2) The final site plan shall include the same mixture of housing types, provided that the Township Board may approve a reduction in the percent of non-single-family residential dwellings.
    - (3) The final site plan shall contain as much or more open space as the preliminary PD plan.



- B. Within two (2) years following receipt of the preliminary PD approval, the applicant shall submit to the Township Planning Commission a final PD plan. If a final PD stage II plan has not been submitted within the two (2) years, then the original PD preliminary approval shall be null-and-void and any subsequent submittal shall be required to comply with the current PD requirements of this Ordinance. Time extension, beyond the two (2) year period, may be granted by the Township Board. The request for extension must be received in writing and shall not be for more than one year.

**Sec. 620. – Commencement and completion of construction:**

Construction shall be commenced within two (2) years following final approval of a PD, or within two (2) years of any other necessary governmental approval for commencement of the project, whichever is later, provided all other necessary approvals have been actively pursued. Each phase of the project shall be commenced within two (2) years of the schedule approved by the Township. If construction is not commenced within such time, any approval of a site plan on the project shall expire and be null and void, provided, an extension for a specified period may be granted by the Planning Commission upon good cause shown if such request is made to the Planning Commission prior to the expiration of the initial period.

**Sec. 621. - Limitations on variances from ZBA:**

The decision to grant PD approval or any regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. No part of a PD may be appealed to the Zoning Board of Appeals. This provision shall not preclude an individual lot owner from seeking a variance following final approval of the PD, provided such variance does not involve alterations to open space areas as shown on the approved PD site plan.

## ARTICLE VII – DEVELOPMENT OPTIONS

### Sec. 701. - Site condominium review:

Pursuant to authority conferred by Section 141 of the Condominium Act, Public Act 59 of 1978, as amended (MCL 559.101 et seq., MSA 26.50(101) et seq.), all condominium subdivision plans shall be reviewed and recommended by the Township Planning Commission and approved by the Township Board. In determining whether to approve a condominium subdivision plan, the Planning Commission and Township Board shall consult with the Township Attorney, Township Engineer, and Township Planner regarding the adequacy of the master deed, deed restrictions, utility systems and streets, subdivision layout, and design and compliance with all requirements of the Condominium Act. in accordance with the provisions set forth in Article 9.

#### 1. *Site condominium—General requirements:*

- A. Each condominium lot shall be located within a zoning district that permits the proposed use.
- B. *Condominium lots:* For the purposes of this Section, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which located. In the case of a site condominium containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use.
- C. *Revision of condominium subdivision plan:* If the condominium subdivision plan is revised, the final site plan shall be revised accordingly and submitted for review and approval or denial by the Township Board, upon recommendation by the Planning Commission, before any building permit may be issued, where such permit is required.
- D. *Amendment of master deed or bylaws:* Any amendment to a master deed or bylaw that affects the approved preliminary or final site plan, or any conditions of approval of a preliminary or final site plan, shall be reviewed and approved by the Township Board, upon recommendation by the Planning Commission, before any building permit may be issued, where such permit is required. The Planning Commission or Township Board may require its review of an amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the approved site plan.
- E. *Development agreement:* The Township Board may require, as a condition of approval, that the applicant enter into a development agreement in compliance with Section 305, Development agreements, incorporating therein the terms and conditions of final site plan approval.
- F. *Relocation of boundaries:* Relocation of boundaries between adjoining condominium lots, if permitted in the condominium documents, as provided in Section 48 of the Condominium Act, Public Act 59 of 1978, as amended (MCL 559.101 et seq., MSA 26.50(101) et seq.), shall comply with all regulations of the zoning district in which located and shall be approved by the Building Inspector. These requirements shall be made a part of the bylaws and recorded as part of the master deed.
- G. *Subdivision of lots:* Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents, as provided in Section 49 of the Condominium Act, Public Act 59 of 1978, as amended (MCL

559.101 et seq., MSA 26.50(101) et seq.), shall comply with all regulations of the zoning district in which located and shall be approved by the Building Inspector. These requirements shall be made a part of the condominium bylaws and recorded as part of the master deed.

- H. *Streets*: All site condominium developments shall utilize either approved public streets or private roads that conform to the Township Engineering design standards, and other conditions set forth by the Township Board and Washtenaw County Road Commission.
- I. *Road right-of-way*: Road right-of-way shall be parcels separate from individual condominium lots and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. The right-of-way shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing of public utilities. The developer shall dedicate easements of the Township for all public water and sanitary sewer lines and appurtenances.
- J. *Easement for utilities*: The site condominium subdivision plan shall include all necessary easements granted to the Township of Ypsilanti for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits, and other installations of a similar character for the purpose of providing public utilities, including conveyance of sewage, water and stormwater runoff across, through and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of said structure.
- K. *Monuments*: Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.

The Township Engineer may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one (1) year, on condition that the developer deposit with the Township a performance guarantee meeting the requirements of Section 306, Performance guarantee, in the estimated amount as determined by the Township Engineer. Such guarantee shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required within the time specified. If the developer defaults, the Township Board shall promptly require a registered surveyor to set the monuments and irons in the ground, as shown on the condominium site plans, at a cost to be borne by the developer.

- L. *As-built drawings*: A dimensionally stable copy of the as-built drawings shall be submitted to the Township.
2. *Site condominium—Plan requirements*:
- A. The name, address, and telephone number of:
    - (1) All persons, firms, or corporation with an ownership interest in the land on which the condominium project will be located, together with a description of the nature of each entity's interest (for example, fee owner optionee or land contract vendee).
    - (2) All engineers, attorneys, architects, or registered land surveyors associated with the project.
    - (3) The developer or proprietor of the condominium project.

- B. The legal description of the land on which the condominium project will be developed, together with appropriate tax identification numbers.
  - C. The acreage content of the land on which the condominium project will be developed.
  - D. The purpose of the project (for example, residential, commercial, industrial, etc.).
  - E. Number of site condominium units to be developed on the subject parcel.
  - F. A survey plan of the site condominium subdivision.
  - G. The site condominium subdivision plan shall show the size, location, area, vertical boundaries, and volume for each unit composed of enclosed air space. A number shall be assigned to each condominium unit. The site condominium subdivision plan shall include the nature, location, and approximate size of common elements.
  - H. A utility plan showing all sanitary sewer, water, and storm sewer lines, and easements granted to the Township for installation, repair, and maintenance of all utilities.
  - I. A street construction, paving, and maintenance plan for all streets within the proposed site condominium subdivision.
  - J. A storm drainage and stormwater management plan, including all lines, swales, drains, basins, and other facilities.
  - K. A detailed site grading plan of all site condominium subdivision units, common areas, road rights-of-way, and all other land areas within the proposed development.
3. *Site condominium—Plan review:*
- A. *Preliminary site plan:*
    - (1) A preliminary site plan shall be filed for review with the Township. Preliminary site plans shall be reviewed and approved or denied approval by the Township Board, upon recommendation by the Township Planning Commission.
    - (2) The preliminary site plan shall include all land that the developer intends to include in the site condominium project.
    - (3) The preliminary site plan shall include all information required in Section 910, Submittal requirements, herein except that, in the case of a development that consists only of condominium lots and not buildings or other structures at the time of plan review, the location and dimensions of condominium lots rather than individual buildings, and other structures, and required yards, shall be shown on the preliminary site plan.
  - B. *Final site plan:*
    - (1) A final site plan shall be filed for review for each phase of development shown on the approved preliminary site plan. Final site plans shall be reviewed and approved or denied by the Township Board, upon recommendation of the Planning Commission.
    - (2) A final site plan for any phase of development shall not be filed for review by the Planning Commission unless a preliminary site plan has been approved by Township Board, upon recommendation by the Planning Commission, and is in effect.

- (3) A final site plan shall include all information required by Section 66 of the Condominium Act, Act No. 59 of the Public Acts of Michigan of 1978 (MCL 559.101 et seq.), as amended, and the master deed and bylaws. The final site plan shall also include all information required herein, except in the case of single-family detached dwelling units, the location and dimensions of condominium units shall be shown on the site plan.
- (4) The applicant shall provide proof of approvals by all county and state agencies required to review the condominium subdivision plan. The Township Planning Commission shall not make a recommendation to approve a final site plan until all county and state agencies required to review the condominium subdivision plan have approved the site condominium plan.

**4. *Condominium subdivision design and approval:***

- A. ***Relation to Subdivision Ordinance:*** The provisions of Articles 4 and 5 of the Subdivision Ordinance of Ypsilanti Charter Township shall apply to site condominiums, and these provisions incorporated herein by reference. In applying the design and development standards of Article 4 and the improvement requirements of Article 5 of the Subdivision Ordinance, the standards and requirements that are intended to apply to lots in a subdivision shall apply instead to condominium lots. All other provisions of the Articles shall apply including the requirements for posting financial securities, completing improvements, inspection fees and condominium completion. The following terms as used in Articles 4 and 5 shall mean the following when applied to site condominiums: “subdivision” shall mean site condominium, “preliminary plat as finally approved by the Township Board” shall mean the “final site plan as approved by the Township Board including any conditions imposed by their approval,” “before final plat” shall mean “before any building permit is issued” and “lot(s)” shall mean “unit(s).” Nothing in this Section shall be construed as requiring a site condominium to obtain plat approval under the Subdivision Ordinance or the Subdivision Control Act.
- B. ***Relation to setbacks required in Article 4:*** Minimum yards for site condominiums as specified in Article 4 for the zoning district in which the site condominium is located shall be provided and be computed as follows:
  - (1) Minimum front yard setbacks shall be equal to the distance between the front yard area line and the condominium dwelling.
  - (2) Minimum rear yard setbacks shall be equal to the distance between the rear yard area line and the condominium dwelling.
  - (3) Minimum side yard setbacks shall be equal to the distance between the side yard area line and the condominium dwelling.
- C. All site improvements, including sanitary sewers, water mains, storm sewers, retention basins, site grading, and street improvements, shall meet or exceed the minimum design standards of the Charter Township of Ypsilanti Engineering Standards and Design Specifications adopted by the Township Board on June 2020, and any subsequent amendments thereto.

5. **Notice of proposed action:** The notice required by Section 71, of the Condominium Act, Public Act 59 of 1978, as amended (MCL 559.101 et seq.), to be filed with Ypsilanti Township and other agencies.

**Sec. 702. – Open space development option (OSDO):**

1. **Purpose:** This Section is intended to carry out the provisions of Section 506 of the Michigan Zoning Enabling Act, Public Act 110 of 2006 as amended (MCL 125.3506 et. seq.) to include an open space development option (OSDO) in the Ypsilanti Township Zoning Ordinance. This Section proposes to accomplish this purpose by allowing the owner of certain parcels of land the option to develop that land in a manner that groups dwelling units on portions of the land that are most suitable for residential development while requiring the remaining portions of land most suitable for open space use to be perpetually preserved as undeveloped open space. The regulations in this Section are also intended to accomplish the following non-exclusive list of purposes.
  - A. Preserve natural drainage systems, open space, farmlands, rural character, woodlands and wetlands, natural topography, and environmentally sensitive areas.
  - B. Achieve a higher quality of residential development than could otherwise be achieved under conventional zoning.
  - C. Permit development that is consistent with the Township's adopted Master Plan and any other applicable adopted plans.
  - D. Preserve natural vegetation to the extent feasible.
  - E. Preserve open space.
  - F. Facilitate the construction and maintenance of streets, utilities, and public services in a more economical, efficient, and environmentally friendly manner.
  - G. Limit soil erosion potential by reducing the amount of clearing and grading needed for development.
  - H. Encourage a less sprawling form of development, thus preserving open space as undeveloped land.
  - I. Allow for design innovation to provide flexibility for land development where the normal development approach would otherwise be unnecessarily restrictive or contrary to other Township goals.
2. **Review Authority:** The Ypsilanti Township Planning Commission recommends, and Township Board shall have authority to approve or deny applications for an OSDO that is to be developed as a site condominium or a metes and bounds land division. The Township Board shall have authority to approve or deny an application for an OSDO that is to be developed as a subdivision, after recommendation by the Planning Commission. The Township Board shall have final authority to approve or reject the conservation easement and master deed or restrictive covenants for a development under this Section.
3. **Eligible property:**

- A. A parcel of land, which parcel shall be the parent lot for the purposes of this Section, is eligible for an OSDO if all the following requirements are met.
    - (1) The parent lot is zoned R-1, R-2, R-3, R-4, or R-5.
    - (2) The parent lot has an area of at least three (3) acres of contiguous land, not divided by a road.
    - (3) The parent lot is under single ownership control such that a single person or entity has proprietary responsibility for completing and maintaining the development. An applicant applying for an OSPDO under this Section shall provide documentation of such ownership or control in the form of agreements, contracts, deeds, or other such evidence as is acceptable by the approving authority to assure that the applicant has sufficient ownership interest in the parcel to bind the land and assure that the development will be completed in its entirety as approved and that the land will continue to be in compliance and maintained in accordance with the final site plan, preliminary plat as finally approved, and the approved maintenance plan under this Section.
  - B. A OSPDO development shall maintain a minimum of thirty percent (35%) of the gross area of the site as dedicated open space held in common ownership.
  - C. Open space preservation developments achieving at least fifty percent (50%) dedicated open space and meeting the provisions of this Section shall be treated as a permitted land use. Open space preservation developments with between thirty percent (35%) and less than fifty percent (50%) dedicated open space but otherwise meeting the provisions of this Section shall be treated as a special land use.
4. *Permitted uses.* The following uses are permitted within an OSPDO:
- A. All residential uses and types permitted in a R-1, R-2, R-3, R-4, and R-5 zoning districts; are permitted in an OSDO under this Section.
5. *Density regulations:* The number of lots or site condominium units permitted on a parcel of land under an OSDO shall be calculated as follows:
- A. For sites not served by public utilities, the number of units shall not exceed the area of the parent lot, in acres, multiplied by:
    - (1) One point two-five (1.25).
    - (2) The minimum area of each lot or site condominium unit in an OSDO shall not be less than the minimum area required by Washtenaw County for well and septic tank/drain field permits.
  - B. For lots served by public utilities, the number of dwelling units permitted shall not exceed the number of dwelling units customarily developable in the zoning district in which the proposed development is located, developed with a conventional layout, and all applicable Ordinances and laws observed. In order to calculate density with a conventional subdivision or site condominium layout, the applicant shall submit a concept site plan of the property with a conventional layout. The plan shall indicate the topography of the site at two (2) foot contour intervals and the limits of all floodplains, water bodies, wetlands, easements, and other areas which would be set aside and preserved due to impracticality, economic unfeasibility,

contractual prohibition, or based upon applicable law or Ordinance. In addition, the concept plan with the conventional layout shall include the general street pattern and lot configurations. In general, the plan shall be drawn with sufficient detail to permit the Planning Commission to determine the density that would be achieved by conventional development.

- C. The area of the parent lot shall be as defined in the definition of lot area in Article 2, herein.
  - D. To encourage the use of the OSDO, if all standards set forth in this Section are met, the underlying density established by item B may be increased by up to twenty percent (20%) at the discretion of the Township Board, upon recommendation by the Planning Commission. Density bonuses shall be based upon a demonstration by the applicant of at least two (2) of the following:
    - (1) Preservation of Significant Natural Features. Preservation of significant natural features contained on the site, as long as it is in the best interest of the Township to preserve the natural features that might be negatively impacted by conventional residential development. The determination of whether the site has significant natural features shall be made by the Planning Commission, after review of a Natural Features Impact Statement, prepared by the applicant that meets the requirements for such a statement in Section 1403, Preservation of Environmental Quality; or
    - (2) Provision of Recreation Facilities. If the site lacks significant natural features, it can qualify with the provision of usable recreation facilities to which residents and non-residents of the development shall have reasonable access. Such recreation facilities include areas such as a non-motorized mobility improvement, neighborhood parks, passive recreational facilities, soccer fields, ball fields, bike paths, or similar facilities that provide a feature of community-wide significance and enhance residential development; or
    - (3) Preservation of Agricultural Land. The determination of whether the site has significant agricultural features shall be made by the Planning Commission after review of a Site Plan, prepared by the applicant, which inventories these features; or
    - (4) Provision of Senior Housing. To provide housing opportunities for senior citizens in situations where such opportunities might not otherwise be provided; or
    - (5) Inclusion of Environmental Features. To advance the goals of the Township regarding environmental sustainability and stewardship. Environmental features may include:
      - a. Sustainable building construction including but not limited to LEED certification or practices, "solar ready" construction standards, "EV Ready" parking locations (this could be for each unit or at the community level); or
      - b. Development level or "Community" green features including but not limited to community compost facilities, community solar and/or geothermal energy harvesting capabilities (including these features in the open greenspace), green infrastructure, parking lot green infrastructure, rainwater management for irrigation of greenspaces, and "smart lighting" of sidewalks/community spaces.
6. *Minimum required yards.*
- A. Each lot or site condominium unit in an OSDO shall provide the following minimum required yards in the Open Space Required Yards Table below. If property lines do not exist between



houses, the setbacks shall be measured to an imaginary line of equal distance between the houses. A duplex shall be treated as a single-detached residence for the purpose of determining required setbacks.

***Open Space Required Yards Table***

<b>R-1 District</b>	<b>Front</b>	<b>Twenty-five (25) feet</b>
	<b>Side</b>	<b>Twenty (20) feet</b>
	<b>Rear</b>	<b>Thirty-five (35) feet</b>
<b>R-2 District</b>	<b>Front</b>	<b>Twenty-five (25) feet</b>
	<b>Side</b>	<b>Sixteen (16) feet</b>
	<b>Rear</b>	<b>Thirty (30) feet</b>
<b>R-3</b>	<b>Front</b>	<b>Twenty-Ffive (25) feet</b>
	<b>Side</b>	<b>Ten (10) feet</b>
	<b>Rear</b>	<b>Thirty (30) feet</b>
<b>R-4 and R-5 District</b>	<b>Front</b>	<b>Twenty-Ffive (25) feet</b>
	<b>Side</b>	<b>Five (5) feet</b>
	<b>Rear</b>	<b>Twenty-five (25) feet</b>

- B. Perimeter setback:** The perimeter setback for principal structures from all of the borders of the development shall be equal to the rear yard setback requirement for the underlying zoning district of the property directly adjacent to each border. The required open space areas may be located partially or completely within the perimeter setback.
- 7. Minimum lot width:** Each lot or site condominium unit in an OSDO shall have the following minimum widths, provided that the length to width ratio of any lot or unit shall not exceed four to one (4:1):
- A. R1: Eighty (80)**
  - B. R2 and R3: Sixty (60)**
  - C. R4 and R5: Fifty (50)**

8. ***Regulatory flexibility:*** The Township Board, upon recommendation by Planning Commission, may waive the lot coverage; impervious surface percentage; floor area ratio; front, side, rear, perimeter setback; and minimum lot width requirements provided that the applicant has demonstrated innovative and creative site and building designs and solutions; and environmentally friendly practices which would otherwise be unfeasible or unlikely to be achieved absent this provision.
9. ***Dedicated open space requirements:***
- A. An OSDO development shall maintain a minimum of thirty percent (35%) of the gross area of the site as dedicated open space held in common ownership.
  - B. The open space area within a proposed OSDO shall be located so that it preserves significant natural resources and/or connects open spaces throughout the development and with adjacent open space.
  - C. The open space shall be connected with existing or potential open space and/or adjacent public land where feasible.
  - D. An accessory structure(s) for permitted uses may be erected in the open space in accordance with the approved site plan or plat.
  - E. Except in cases where the applicant proposes agricultural use in the open space area that is independent from the proposed residential uses in the development, all owners of lots or site condominium units in an OSDO shall be permitted access to the dedicated open space. Use of dedicated open space may be restricted to property owners in the development. However, community gardens, where individual lots may be assigned, are permitted.
  - F. The applicant shall submit an open space management plan for maintaining the dedicated open space with the application for the OSDO.
  - G. An owner's association shall be created for a development under this Section which shall own and be responsible for maintaining the dedicated open space. Each property owner shall be a member of the association.
  - H. Where a development under this Section is proposed in phases, the Township may require that all land to be dedicated as open space shall be included in the first phase of the development.
10. ***Guarantee of dedicated open space:***
- A. The applicant for an OSDO shall set aside the dedicated open space through an irrevocable conveyance that guarantees the dedicated open space will remain perpetually open and will be maintained in the manner approved by the Township Board. This conveyance shall be in the form of a permanent conservation easement.
  - B. The purpose of the conservation easement shall be to ensure that dedicated open space will be:
    - (1) Protected from all forms of development and limited to the uses and structures as approved;
    - (2) Shown on an approved site plan or plat; and

- (3) Never changed to another use.
  - C. The conservation easement shall contain, at a minimum, the following provisions that:
    - (1) Describe the permitted use(s) within the dedicated open space.
    - (2) Prohibit the storing and/or dumping of refuse and any hazardous materials or refuse on the dedicated open space.
    - (3) Prohibit any activity that might cause risk of soil erosion on the dedicated open space except for accepted agricultural practices.
    - (4) Prohibit the use of motorized vehicles and or motorized watercraft on the dedicated open space.
    - (5) Prohibit all cutting, filling, or removal of vegetation from wetland or wooded areas in dedicated open space, except for invasive species and as otherwise needed for acceptable resource management practices.
    - (6) Prohibit the use of pesticides, herbicides, or fertilizers within or adjacent to wetlands in a dedicated open space.
    - (7) Require that the owner's association maintain the dedicated open space in accordance with the approved management plan.
    - (8) Provide for maintenance of the dedicated open space to be undertaken by the Township Board, and the costs thereof assessed against the person or entities responsible for maintaining the dedicated open space, if:
      - a. There is a failure to adequately maintain the open space in accordance with the approved maintenance plan; or
      - b. The Township Board determines that the dedicated open space is a public nuisance.
    - (9) Require that the conservation easement runs with and is binding upon the land and shall be recorded with the deeds to all parcels created and proposed as part of a development under this Section.
    - (10) Provide that, if the owners association, or any land trust or conservancy holding the conservation easement, ceases to exist, the easement shall revert to Ypsilanti Township.
  - D. At the option of the applicant and the approval of the Township Board, the conservation easement may be dedicated to and held by the Township or a recognized land trust or conservancy. The easement shall be in a form acceptable to the Township and shall be duly recorded in the Washtenaw County Register of Deeds office. This provision does not prohibit a transfer of ownership or control, provided such transfer or control has prior approval of the Township Board and the property in the OSPDO continues in compliance with the Township's original approval.
11. *Review procedures:* An application for an OSDO shall be reviewed as follows:
- A. *Subdivisions:* If an OSDO is for a subdivision, review of the preliminary and final plats shall proceed as provided in the Ypsilanti Township Subdivision Ordinance and the Charter Township of Ypsilanti Engineering and Design Specifications.

- B. *Site condominiums:* If an OSDO is for a site condominium, review shall proceed as provided in Section 701 and Article 9 of the Zoning Ordinance and the Charter Township of Ypsilanti Engineering and Design Specifications.
12. *Review standards:* A proposed OSDO shall meet all the following standards for approval. The Planning Commission shall make the necessary findings for compliance with this Section upon its review of the final site plans for site condominiums and metes and bounds land divisions under this Section. It shall be the responsibility of the Township Board to make such findings for subdivisions developed under this Section after review and recommendation by the Planning Commission. All findings shall be in writing and shall be recorded in the minutes of the meeting at which the decision is made.
- A. The proposed OSDO must be consistent with the Township's adopted Master Plan and any other applicable adopted plan.
  - B. The proposed OSDO must not adversely affect existing or future uses or the value of adjacent properties.
  - C. A site plan shall meet all requirements and standards for preliminary and final site plans as provided in Article 9 of this Ordinance Chapter 24 of the Charter Township of Ypsilanti Code of Ordinances, Development, and all requirements and standards of the Charter Township of Ypsilanti. A subdivision plat shall meet all requirements and standards for preliminary and final plats in the Township's Subdivision Control Ordinance and the Charter Township of Ypsilanti Engineering and Design Specifications.
  - D. The proposed OSDO must meet all requirements and standards in this Section and all other applicable provisions of this Ordinance.
  - E. The proposed OSDO must comply with all applicable federal, state, and local rules and regulations.
13. *Design standards:*
- A. The OSDO shall be designed to promote preservation of natural features. Lots or site condominium units, roads, storm water management facilities, and other improvements shall be designed and situated to minimize alteration of or intrusion into the natural environment.
  - B. Lots or site condominium units not served by public utilities shall be located on soils that are most suitable for drain fields.
  - C. Dwelling units shall be located away from environmentally sensitive areas. They shall not be located in areas most suitable for open space. Dwelling units shall be located as far as possible from agricultural areas.
  - D. Placement of wells, septic tanks, and drain fields shall comply with all requirements of Washtenaw County.
  - E. Each lot or site condominium unit shall have access to and frontage on an approved street.
  - F. Pedestrian access shall be provided within a development between lots or site condominium units and non-agricultural open space, between open space areas, and to appropriate on and off-site uses.

- G. The Township Board may require that structures of historic, cultural, or architectural significance on the site of an OSPDO be retained, if suitable for rehabilitation. Adaptive reuse for a permitted use may be permitted.
14. *Conditions of approval:* The Township Board may impose reasonable conditions for approval of an OSDO that will assure that the development and all elements of the proposed OSPDO will be consistent with the intent and purpose of requirements in this Section, the Zoning Ordinance, Subdivision Control Ordinance, and the Charter Township of Ypsilanti Engineering and Design Specifications.
15. *Recording of action:*
- A. After approval of a final site plan or final approval of a preliminary plat by the Township Board, the applicant shall record a development agreement, approved by the Township Attorney with the Washtenaw County Register of Deeds that contains the full legal description of the property in the OSDO, specifies the date of Township approval, states the conditions the Township Board imposed, and declares that all improvements will be carried out pursuant to the approved OSDO plan or plat, unless an amendment is endorsed by the Township Board. The deed restrictions and conservation easement shall be duly filed with the Washtenaw County Register of Deeds. The applicant shall promptly submit copies of the recorded documents to the Township Clerk.
  - B. After approval of a final site plan or final approval of preliminary plat by the Township Board, the Township Zoning Administrator shall promptly record the approval of the OSDO on the Township's official zoning map, which entry shall be signed by the Township.
16. *Time limits:*
- A. An approved OSDO shall expire and be of no effect if construction does not commence within twelve (12) months after approval unless the Township Board approves an extension. If the applicant does not comply with the conditions specified in the approval, the approving authority or the Zoning Administrator shall issue a stop work order and no further work shall be done until such time as the conditions are met to the satisfaction of the approving authority.
  - B. Each phase of a development shall be commenced within twelve (12) months of the schedule set forth in the approval. If construction of any phase is not timely commenced as provided herein, the approval of the OSDO shall become null and void and no further work may be conducted on the site until such time as adequate assurances to the satisfaction of the approving authority are made that the development will be completed as approved by a date certain, as determined by the approving authority.
  - C. The applicant may apply in writing to the Township Board for an extension of time in which to commence and/or complete construction, prior to the expiration date of the approval. The application for extension must include an explanation of reasons justifying the requested extension. The body granting the original approval may grant a requested extension not exceeding twelve (12) months for good cause.

**17. *Continuing compliance:***

- A. An applicant who fails to comply with the approved final site plan or the preliminary plat as finally approved, whichever applies, shall be deemed in violation of the Zoning Ordinance, and subject to enforcement and penalties as provided in Section 1900, Violations, eCivil infractions of the Zoning Ordinance.**
- B. A development agreement and performance guarantee shall be required as a condition of final site plan and preliminary plat approval. The guarantee and agreement shall be in a form approved by the Township Board and shall ensure completion of a proposed OSDO as approved.**

## ARTICLE VIII - GENERAL PROVISIONS

### Sec. 801. - Number of buildings on a lot:

Not more than one (1) principal detached single-family dwelling unit shall be located on a lot, nor shall a principal detached single-family dwelling unit be located on the same lot with any other principal building or structure, except as otherwise permitted herein.

### Sec. 802. - Accessory buildings and accessory uses:

Accessory buildings and uses, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

1. An accessory building attached to the principal building of a lot shall be made a structural part thereof and shall comply with the provisions of this Ordinance.
2. Accessory buildings, structures, and uses shall be supplemental or subordinate to the principal building on a parcel of land and shall be on the same parcel of land as the principal building, structure, or use they serve.
3. Construction, erection, installation, or placement of accessory buildings or structures shall be in accordance with the requirements of the applicable Building Code. Permits shall be required for buildings greater than thirty-six (36) square feet in area and/or greater than four (4) feet in height.
4. Accessory buildings, structures, and uses shall not be located within a dedicated easement or right-of-way.
5. A building or structure accessory to a residential building shall not be erected in any yard except a rear yard unless otherwise provided for herein.
6. An accessory building shall not occupy not more than twenty-five percent (25%) of a required rear yard, plus forty percent (40%) of any nonrequired rear yard provided that in no instance shall the accessory building exceed the ground floor area of the main building.
7. No detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than five (5) feet to any side or rear lot line. A structure built of noncombustible product may be located closer than ten (10) feet to the main building at the discretion of the Building Official.
8. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than one (1) foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way.
9. Detached accessory buildings in all business, farm-based, and residential districts shall not exceed one (1) story or fourteen (14) feet in height unless otherwise provided for herein.
10. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot in rear of such corner lot. In no instance shall an accessory building be located nearer than ten (10) feet to a street right-of-way line.

11. Accessory buildings on farms shall be excluded from the requirements of this Section, provided such buildings are clearly an accessory use to farming activity being conducted on the site, provided further that all other requirements of this Ordinance are complied with.
  12. On lots of one and one-half (1.5) acres or more in area located in areas zoned for residential use and having a frontage of not less than one hundred-fifty (150) feet, pole barns may be constructed as an accessory use provided the following conditions are met:
    - A. Setbacks from side or rear lot lines shall not be less than ten (10) feet.
    - B. The height of such building shall not be more than twenty (20) feet.
    - C. The accessory building shall only be erected in a rear yard and may exceed the ground floor area of the main building but shall not exceed other lot area coverage requirements of this Ordinance.
    - D. All building and construction codes of the Township shall be complied with.
    - E. Any such lot shall not be located in a platted subdivision.
  13. A resident of a dwelling unit may have not more than one (1) motorized vehicle for sale on the site of such dwelling unit at any time and in no instance shall vacant residential lots or parcels be utilized for the sale of vehicles. A resident may repair vehicles of the resident on the property of the resident's dwelling unit; however, in no instance shall a resident repair the vehicle of other than a resident of the dwelling unit on said property. In no instance shall vehicles for sale be displayed in a front yard other than on the driveway portion of such yard. The sale of vehicles from a residential property shall not exceed two (2) vehicles in any one (1) year.
- (Ord. No. 96-144, 3-5-96; Ord. No. 98-180, 2-17-98; Ord. No. 99-224, § VI, 8-3-99; Ord. No. 2001-266, § 2, 5-15-01; Ord. No. 2002-306, 12-17-02; Ord. No. 2010-402, § 2, 3-16-10; [Ord. No. 2018-476](#), § 22, 2-20-18)

**Sec. 805. – Recreational vehicles:**

Parking of recreational vehicles in residential zones shall be limited to the following:

- A. General provisions:
  - (1) No private recreational vehicle shall be stored on any public property.
  - (2) Parking of recreational vehicles of permitted in any enclosed structure when such structure conforms to the regulations of its zoning district.
  - (3) Recreation vehicles shall not be connected to electricity, gas, water, or sanitary sewer facilities, except a temporary electrical connection may be made for the purpose of recharging batteries.
  - (4) Recreational vehicles equipped with liquefied petroleum gas containers must ensure that such containers meet the current standards of the Interstate Commerce Commission, the United States Department of Transportation, or the American Society of Mechanical Engineers. Any valves must be closed at all times that the recreational vehicle is not in preparation for immediate use. Leaks in containers must be repaired immediately.



**B. Outside storage of recreational vehicles:**

- (1) No recreational vehicle shall be stored on a private property driveway for greater than forty-eight (48) hours. When parked in a private driveway, such parking may not be in the public right-of-way or overhang into the public right-of-way including any sidewalk.**
- (2) For outdoor storage of recreational vehicles of more than forty-eight (48) hours, the recreational vehicle must be owned by and licensed to a full-time occupant of the zoning parcel upon which the vehicle will be stored.**
- (3) No recreational vehicle shall be stored outside unless in the rear yard or in an interior side yard behind the frontline of any primary building. The recreational vehicle must be stored at least six (6) feet from any property line and must be screened from any adjacent properties in accordance with Section 1301.3.H. or a fence.**
- (4) Only one (1) such vehicle and vehicle trailer per lot.**
- (5) Recreation vehicles must be operational and maintained in a clean, well-kept state.**

**Sec. 806. - Private pools and hot tubs:**

- 1. Private pools shall be permitted as an accessory use within the rear yard only, provided they meet the following requirements:**
  - A. Swimming pools shall be permitted only in the rear or side yard, behind the frontline of the principal building.**
  - B. There shall be a minimum distance of not less than ten (10) feet between the adjoining property line, or alley right-of-way, and the outside of the pool wall. Side yard setbacks shall apply to side yards if greater than ten (10) feet.**
  - C. There shall be a distance of not less than four (4) feet between the outside pool wall and any building located on the same lot.**
  - D. No swimming pool shall be located closer than one (1) foot from any recorded easement.**
  - E. For the protection of the general public, all yards containing swimming pools shall be completely enclosed by a fence not less than four (4) feet in height. The gates shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods. Provided, however, that if the entire premise of the residence is enclosed, then this provision may be waived by the Building Inspector upon inspection and approval.**
  - F. All electrical installations or wiring in connection with swimming pools shall conform to the provision of the National Electrical Code. If service drop conductors of (or) other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before a permit shall be issued for the construction of a swimming pool. No portion of a swimming pool or associated structure shall be permitted to encroach upon any easement or right-of-way which has been granted for public utility use.**

**Sec. 805. - Entranceway:**

1. **Location:** Entrance structures may be provided for residential areas, shopping centers, industrial parks, and similar developments. The structure(s) may consist of walls, columns, gates, and may be located within required yards. The location and design of an entrance structure shall not interfere with pedestrian, bicycle, or vehicular traffic movement; shall conform to the requirements of Section 1202. Corner clearance and shall not create a safety hazard.
2. **Building permit:** An entrance structure shall not be constructed until a building permit has been issued. The Planning Commission shall have approved the location, design, and maintenance provisions for an entrance structure before the building permit may be issued.
3. **Maintenance:** All entrance structures shall be regularly maintained in good and safe condition. A mechanism shall be established for assuring the required maintenance.
4. **Application requirements:** The application for approval shall provide the following information:
  - A. Location of the structure.
  - B. Plan and elevation drawings of the structure, including dimensions.
  - C. Location of electrical wiring and fixtures, if applicable.
  - D. Provisions to maintain the structure.
5. **Identification sign:** An identification sign permitted in the district in which the entrance structure is to be located may be mounted on an entrance structure or made a structural part thereof. Such signs shall conform to all sign regulations as set forth in Article 15, except setback requirements. No sign containing advertising material shall be mounted on, or made a structural part of, an entrance structure.
6. **Security columns and gates for single-family residential properties:**
  - A. **Location:** Security column and gates must be:
    - (1) Setback at least ten (10) feet from the road right-of-way or five (5) feet from any public sidewalk, whichever is greater.
  - B. **Dimensions:**
    - (1) Column may not exceed four (4) feet by four (4) feet in width.
    - (2) Columns, including decorative features, cannot exceed a height of eight (8) feet above grade.
    - (3) Gates cannot exceed a height of six (6) feet above grade.
    - (4) Fencing or a wing wall on either side of gate may reach a height of six (6) feet above grade with a maximum length of eight (8) feet from each side of a column.
    - (5) Any portion of the entrance structure that extends more than eight (8) feet from any side of the column must comply with the provisions as set forth in Section 13.05, Fences, and walls.
  - C. **Other:**
    - (1) Gates must swing inward to site.

(2) Gates may not have spikes.

(3) Fence and/or gate shall be of uniform design and well maintained.

**Sec. 805. - Temporary structures:**

1. ***Temporary dwelling:*** A manufactured home may be used as a temporary dwelling by a family while repairing or replacing its single-family residence rendered uninhabitable by a disaster such as fire, flood, or windstorm. Such temporary dwelling shall be permitted only in R-1 through R-5 districts. Only a manufactured home may be used as a temporary dwelling; a camper, travel trailer, motor home, recreational vehicle, cabin, tent, basement, garage, or similar unit shall not be used as a temporary dwelling in any zoning district.
2. ***Non-residential temporary structure:*** A non-residential temporary structure may be permitted as follows:
  - A. A non-residential temporary structure designed as a general sales office or financial institution may be used exclusively for such purposes during construction of a permanent structure designed for any such purpose. Such temporary structure shall be permitted only in the NB, GB, I-T, L-M, and I-C districts, and only if such permanent structure and use is permitted in said zoning district. Said structure shall be removed no later than seven (7) days after the issuance of any occupancy certificate for the permanent structure.
  - B. A non-residential temporary structure, designed as a sales office, may be used in a residential development, including a PUD, exclusively for the purpose of selling new dwelling units within said residential development. The temporary structure may be used only during the construction of a model home/sales office and shall be removed no later than seven (7) days after the issuance of any occupancy certificate for said model homes. In no case may a temporary sales office be used for more than a one (1) year period. The temporary office shall be the sole occupancy of, and located entirely within the buildable area of, a single lot, shall provide the off-street parking required by Section 1205, Parking requirements, and shall meet all requirements of the Building Code. Unless exempted by the Building Code, the temporary structure shall be connected to public water and sanitary sewer lines, where available, in which case a connection permit shall be obtained from the Ypsilanti Community Utilities Authority. If public water and sanitary lines are not available to the lot, the temporary structure shall be connected to a well and a septic or holding tank, in which case the applicant shall obtain a permit therefor from the Washtenaw County Health Department. Said temporary structure may not be occupied until an occupancy certificate has been issued. A temporary sales office permitted under this paragraph shall not be subject to the provisions of item C.
  - C. A non-residential temporary structure, not to exceed twelve (12) feet by forty (40) feet in size, designed as a construction office, may be used in a residential development, including a PUD. If the development has more than one (1) model home, the temporary structure may be used only during the construction of the model homes and shall be removed not later than seven (7) days after the issuance of any occupancy certificate for said model homes. In all cases the temporary construction office shall be removed when occupancy certificates have been issued for eighty percent (80%) of the proposed structures in the phase in which it is located.

The temporary office shall be located entirely within the buildable area of a single lot, shall provide the off-street parking required by Section 1205, Parking requirements, and shall meet all requirements of the Building Code.

**3. Regulations:**

- A. A temporary structure shall comply with all use, yard, and parking requirements of the zoning district in which located.
- B. A temporary structure shall be connected to public water and sanitary sewer lines, where available, in which case a connection permit shall be obtained from the Ypsilanti Community Utilities Authority. If public water and sanitary lines are not available to the lot, the temporary structure shall be connected to a well and septic tank, in which case the applicant shall obtain a permit therefor from the Washtenaw County Health Department.
- C. A temporary structure shall be permitted only on the same lot as the permanent structure, except that a temporary sales/rental office in a residential development may be located within the boundary lines of said residential development.
- D. The term of the permit shall not exceed one (1) year, provided that, in the discretion of the Planning Commission, the term may be extended for one (1) period not exceeding six (6) months. Extension shall only be made on written application filed twenty (20) days or more prior to such expiration, setting forth facts showing due diligence in construction of the permanent structure. An extension shall not be approved unless construction of the permanent building has commenced within one hundred eighty days (180) days of the date of approval of the conditional use permit and is diligently pursued.
- E. The use of a temporary structure shall be a permitted use in the district in which said structure is to be located, provided that the use of a non-residential temporary structure shall not be other than a general sales office, a sales/rental office, or a financial institution.
- F. A soil erosion control permit shall be obtained from the Township Engineer.
- G. If the temporary structure is on a public road, a driveway permit shall be obtained from the Washtenaw County Road Commission or the Michigan Department of State Highways and Transportation, whichever is applicable.
- H. Driveway and parking areas shall be paved or constructed of compacted gravel or crushed limestone.
- I. A performance guarantee in compliance with Section 306, Performance guarantee, shall be deposited with the Township in the amount estimated by the Township Engineer to be sufficient to assure that, upon expiration of the term of the permit, the temporary structure and all temporary site improvements will be removed, and the site restored to a stable, safe and nuisance free condition. The guarantee shall provide that, in breach thereof, the Township shall be entitled to enter upon the site and complete such removal and restoration and defray the cost thereof out of said deposit.
- J. The applicant shall cause the temporary structure to be removed within fourteen (14) days of the date of issuance of a certificate of occupancy for the permanent structure, or of the date of expiration of the temporary structure permit, whichever is the earlier.

- K. A temporary structure permit and the certificate of occupancy issued thereon shall not be transferable to any other person, company, use, structure, or lot.
- 4. ***Application:*** An application for such a permit shall be filed with the Zoning Administrator. The application shall include the following information:
  - A. Name and address of the applicant and property owner.
  - B. Accurate legal description of the lot on which the temporary structure is to be located.
  - C. A preliminary site plan, including the location of all proposed permanent improvements on the site and the relationship of temporary improvements to said permanent improvements.
  - D. Information showing the necessity of use of the temporary structure in meeting the construction schedule of the permanent structure(s) on the lot.
  - E. Copies of any other permits and certificates required.
  - F. An estimate, with supporting information, of the reasonable cost of removal of the temporary structure and temporary site improvements, and of site cleanup, upon expiration of the permit.
- 5. ***Approval:***
  - A. **Planning Commission Action.** Upon determining that an application conforms to all regulations of this Ordinance, the Planning Commission shall approve the permit. The Planning Commission may attach conditions to its approval which it deems necessary to protect the public health, safety, and welfare and to insure compliance with this Ordinance. The approved use shall be specifically stated on the use permit.
  - B. **Certificate of Occupancy.** A temporary structure shall not be occupied until a certificate of occupancy has been issued by the Zoning Administrator. The Zoning Administrator shall not issue a certificate of occupancy until the Planning Commission has approved a conditional use permit, and a performance guarantee has been deposited as required herein.

**Sec. 805. - Essential services and utilities:**

It is the intent of this Ordinance to regulate essential services and property owned, leased, or operated by public agencies, including local, state, federal, or any other public or governmental body or agency, as follows:

- 1. Essential services shall be permitted in any district.
- 2. Buildings constructed in conjunction with an essential service shall require site plan approval in accordance with the requirements set forth in Article 9.
- 3. Property owned, leased, or operated by the State of Michigan or the United States shall be exempted from the provisions of this Section, only to the extent that said property may not be constitutionally regulated by the Township.
- 4. All procedures, design, and construction of utilities shall be in conformance with the requirements of the supplying utility company.

5. Plans of all proposed utilities, whether or not in public easements, shall be submitted by the utility company to Ypsilanti Township for review. Ypsilanti Township will issue a construction permit to the utility company when its plans are approved.
6. All existing and proposed utility information, including lines, poles, and surface equipment shall be shown on the final site plan.
7. Every effort shall be made to install all proposed utilities underground for their full length. Specific approval by the Township Board or its authorized representative shall be required for the placement of above-ground utilities and shall be based on a showing of substantial hardship or practical difficulty with underground installation. Existing overhead utilities onsite shall be relocated underground.
8. Surface equipment shall be located so as not to interfere with traffic flow, parking, building access, fire hydrants, or Fire Department connections.
9. Surface transformers, pedestals, and similar equipment shall be screened from view, and the screening shall be shown on the landscape plan.

(Ord. No. 2001-273, 8-21-01)

**Sec. 806. - Voting place:**

The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

**Sec. 807. - Solar energy systems:**

1. *Purpose:* Ypsilanti Township promotes the effective and efficient use of solar energy collection systems. It is the intent of the Township to permit these systems by regulating the siting, design, and installation of such systems to protect the public health, safety, and welfare, and to ensure compatibility of land uses in the vicinity of solar energy collectors. Building-mounted and ground-mounted solar energy collectors, as defined in this Ordinance, shall comply with the provisions of this Section.
2. *Criteria for the use of all solar energy equipment:*
  - A. Solar energy equipment shall be located in the least visibly obtrusive location where panels would be functional.
  - B. Solar energy equipment shall be repaired or replaced within three (3) months of becoming nonfunctional.
  - C. Each system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).
3. *Application for administrative review:* An applicant who seeks to install building-mounted solar energy equipment shall submit an application for Administrative Review, as provided by the Township. The application shall include the following:
  - A. Photographs of the property's existing conditions.

- B. Renderings or catalogue cuts of the proposed solar energy equipment.
  - C. Certificate of compliance demonstrating that the system has been tested and approved by Underwriters Laboratories (UL) or other approved independent testing agency.
  - D. Plot plan to indicate where the solar energy equipment is to be installed on the property.
  - E. Description of the screening to be provided for ground or wall mounted solar energy equipment.
4. *Exclusions from administrative review:*
- A. The installation of one (1) solar panel with a total area of less than eight (8) square feet.
  - B. Repair and replacement of existing approved solar energy equipment, provided that there is no expansion of the size or coverage area of the solar energy equipment.
5. *Building-mounted solar energy collector requirements:* A building-mounted solar energy collector shall be a permitted accessory use in all zoning districts, subject to the following requirements:
- A. An Administrative Review is required of all building-mounted solar energy collectors permitted as an accessory use. (See exclusions in sSubsection 4. above)
  - B. Solar energy collectors that are mounted on the roof of a building shall not project more than five (5) feet above the highest point of the roof but, in any event, shall not exceed the maximum building height limitation for the zoning district in which it is located, and shall not project beyond the eaves of the roof.
  - C. Solar energy collectors that are roof-mounted, wall-mounted, or are otherwise attached to a building or structure shall be permanently and safely attached to the building or structure. Proof of the safety and reliability of the means of such attachment shall be submitted to the Building Official prior to installation; such proof shall be subject to the Building Official's approval.
  - D. Solar energy collectors that are wall-mounted shall not exceed the height of the building wall to which they are attached.
  - E. Solar energy collectors shall not be mounted on a building wall that is parallel to an adjacent public right-of-way.
  - F. The exterior surfaces of solar energy collectors that are mounted on the roof or on a wall of a building, or are otherwise attached to a building or structure, shall be generally neutral in color and substantially non-reflective of light.
  - G. Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to the Township Building Official prior to installation. The Building Official may inspect the completed installation to verify compliance with the manufacturer's directions.
  - H. Solar energy collectors, and the installation and use thereof, shall comply with the Township construction code, the electrical code, and other applicable Township construction codes.

6. *Ground-mounted solar energy collector requirements:* A ground-mounted solar energy collector system shall subject to the approval of the Planning Commission under Article 9, and subject to the following requirements:
- A. Ground-Mounted Commercial Solar Energy Systems and Fields are permitted as a special use in the R-1 through R-4 Districts and any Industrial only.
  - B. Ground-Mounted Solar Energy Systems and Fields are a permitted accessory use in the following districts: R-1 through R-4, I-T, L-K, and I-C.
  - C. Ground-mounted solar energy collectors shall be located only as follows:
    - (1) They may be located in the rear yard and the side yard, but not in the required rear yard setback or in the required side yard setback unless permitted by the Planning Commission in its approval of the site plan.
    - (2) They may be located in the front yard only if permitted by the Planning Commission in its approval of the site plan but, in any event, they shall not be located in the required front yard setback.
    - (3) Ground-mounted solar energy collectors shall not exceed sixteen (16) feet in height, measured from the ground at the base of such equipment.
    - (4) The total area of ground-mounted solar energy collectors shall be included in the calculation of the maximum permitted lot coverage requirement for the parcel of land.
    - (5) Solar energy collectors shall be permanently and safely attached to the ground. Proof of the safety and reliability of the means of such attachment shall be submitted with the conditional use application and shall be subject to the Planning Commission's approval.
    - (6) Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. A copy of such directions shall be submitted with the special use application. The site plan, if granted, may be subject to the Building Official's inspection to determine compliance with the manufacturer's directions.
    - (7) The exterior surfaces of solar energy collectors shall be generally neutral in color and substantially non-reflective of light.
    - (8) Ground-mounted solar energy collectors, and the installation and use thereof, shall comply with the Township construction code, the electrical code and other applicable Township construction codes.
    - (9) The special use may include terms and conditions in addition to those stated in this subsection.
7. *Solar access requirements:* When a solar energy collection system is installed on a lot, accessory structures or vegetation on an abutting lot shall not be located so as to block the solar collector's access to solar energy. The portion of a solar collector that is protected is the portion which:
- A. Is located so as not to be shaded between the hours of 10:00 a.m. and 3:00 p.m. by a hypothetical twelve (12) foot obstruction located on the lot line; and
  - B. Has an area not greater than one-half (0.5) of the heated floor area of the structure, or the largest of the structures, to be served.



8. *Solar access exemptions:* Structures or vegetation existing on an abutting lot at the time of installation of the solar energy collection system, or the effective date of this Ordinance, whichever is later, are exempt from subsection 7. above. Said solar access requirements described in subsection 7. above, controls any structure erected on, or vegetation planted in, abutting lots after the installation of the solar energy collection system.

**Sec. 808. – Geothermal:**

1. *Purpose:* While Ypsilanti Township promotes the effective and efficient use of renewable energy systems, an open loop geothermal system can deplete and pollute the Township's groundwater. A closed loop geothermal system can pollute the groundwater if not properly constructed or maintained. These regulations are for the purpose of protecting the quality and quantity of the Township's groundwater from these potential dangers.
2. *General requirements:* Geothermal energy system components shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).
3. *Open loop geothermal systems:* No person shall install or maintain an open loop geothermal system within the Township.
4. *Closed loop geothermal system:* A person may install and operate a closed loop geothermal system only in accordance with the requirements of this Section.
  - A. A permit must be approved and obtained from the appropriate governing agency of Washtenaw County.
  - B. A building permit must be approved and obtained from the Township Building Official. Applicant shall submit a certificate of compliance demonstrating that the proposed system has been tested and approved by Underwriters Laboratories (UL) or other approved independent testing agency.
  - C. The systems shall be tested hydrostatically at one and one half (1.5) times the maximum system design pressure, but not less than one hundred (100) psi. The duration of each test shall not be less than fifteen (15) minutes. All geothermal systems must be pressure checked to the original standard by a licensed geothermal contractor every three (3) years from the certification system date. Results from the test shall be submitted to the Building Department. No person shall operate a system if a test reveals that it is likely to leak the heat transfer liquid.
  - D. All above-ground equipment shall comply with the setback requirements of the respective zoning district.
  - E. Equipment, piping, and all other devices shall not be located in any easement or right-of-way.

**Sec. 809. - Wind energy systems:**

On-site use wind energy system may be located within a rear yard when the following conditions are adhered to:

*Height:* The highest point of any portion of a tower and/or generator shall not exceed sixty-five (65) feet in height above the average grade of the parcel.

***Property setback:*** The distance between a tower and the owner's property line shall be at least one and one-half (1.5) times the height of the tower including the top of the blade in its vertical position. No part of the wind energy system structure, including guy wires may be located within ten(10) feet of a property line.

***Sound pressure level:*** On-site wind energy systems shall not exceed fifty-five (55) dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe windstorms. If the ambient sound pressure level exceeds fifty-five (55) dB(A), the stand shall be ambient dB(A) plus five (5) dB(A).

***Construction codes, towers, and interconnection standards:*** On-site use wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site use wind energy systems, including towers, shall comply with Federal Aviation Administration (FAA) requirements, the Michigan Airport Zoning Act (Public Act 23, 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations. An interconnected on-site use wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.

5. ***Safety:*** An on-site use wind energy system shall have an automatic braking, governing, or feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six (6) feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be twenty (20) feet for a wind energy system employing a horizontal axis rotor.

#### **Sec. 810. - Security camaras:**

For all non-residential properties, security cameras shall be installed, maintained, and accessible to law enforcement upon request as required by law. All security cameras shall be high definition with a minimum resolution of 1080p and night vision with at least thirty (30) consecutive days of digitally recorded documentation. The security cameras shall be in operation twenty-four (24) hours a day, seven (7) days a week, and shall be set to maintain the record of the prior thirty (30) days of continuous operation. An alarm system is required that is operated and monitored by a recognized security company. Security cameras shall be placed to cover the entire site.

## ARTICLE IX. – SITE PLAN REVIEW

### Sec. 901. – Intent:

The site plan review procedures and standards set forth herein provide a consistent and uniform method for review of proposed development plans, to ensure full compliance with the standards contained in this Section, other applicable local Ordinances, standard engineering practices, and county, state, and federal rules, and laws. The procedures set forth herein are further intended to:

1. Achieve efficient use of the land;
2. Protect natural resources;
3. Minimize adverse impacts on adjoining or nearby properties;
4. Encourage a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses;
5. Encourage innovative design solutions;
6. Achieve innovative storm water management solutions;
7. Provide a mechanism for review of new development and redevelopment or reuse of existing sites to ensure compliance with current standards; and,
8. Encourage cooperation and consultation between the Township and the applicant to facilitate development in accordance with the Township's land use objectives.

### Sec. 902. - Site plan review applicability and type:

A building permit shall not be issued until a site plan or sketch plan is approved in accordance with the procedures and standards set forth herein and all necessary review, inspection, and permit fees have been fully paid. The extent of site plan review for various types of projects is classified into the types below:

1. *Exempt*: Select projects, such as single-family homes on an individual lot, are exempt from site plan review given their relatively low level of impact on adjacent land uses and given that compliance with applicable building and fire code and zoning regulations can be addressed during the building permit review process.
2. *Site plan*: The most involved process for larger and more intense projects, including most new developments and major expansions.
3. *Sketch plan*: Smaller scale projects and expansions or changes in use to existing sites are permitted to provide less detailed information than a site plan review. The level of information is intended to be proportionate to the extent of the change and yet insure adequate review for compliance with applicable standards. Sketch plans shall still undergo a formal review by the Planning Commission.
4. *Administrative review*: Select smaller scale projects and expansions or changes in use to existing sites, which are required to provide a sketch plan, do not require review by the Planning Commission ; but instead shall undergo a formal review for approval by the Township .

5. ***Site condominiums and planned developments:*** Site plans for site condominiums and planned developments shall follow the procedure as provided in Section 701, Site Condominium Review and Article 6, respectively. Plats for subdivisions shall follow the procedures of the Township Subdivision Regulations Ordinance and the Michigan Land Division Act, Public Act 288 of 1967, as amended (MCL 560.293, et. seq.). Site condominiums shall be required to meet the same design standards as subdivision plats, in accordance with this Ordinance, subdivision regulations Ordinance and all other applicable Township regulations.
6. ***Multiple-family and condominiums:*** Site plans for multiple-family and condominium developments shall require the review and approval of both preliminary and final plans by the Township Board, upon recommendation by the Planning Commission.

**Sec. 903. – Site plan review process:**

1. The Township Zoning Administrator shall have the authority to determine the required review process based on the Table of Eligible Uses and Required Review Process. The Township Zoning Administrator may seek the review and comments of applicable Township staff and/or consultants and reserve the right to refer the matter to the Planning Commission if desired.

**2. Table of Eligible Uses and Required Review Process.**

SITUATION/USE	REQUIRED REVIEW			
	Site Plan <sup>1</sup>	Sketch Plan PC Rev. <sup>1</sup>	Admin. Review <sup>2</sup>	Exempt <sup>3</sup>
<b>NEW DEVELOPMENT:</b>				
Construction of one (1) single-family dwelling unit on one (1) lot in a residential zoning district.				✓
Construction of more than one (1) principal residential building on a single lot, such as site condominiums.	✓			
Construction of any multiple-family residential or non-residential principal building.	✓			
Any use or development for which the submission of a site plan is required by any provision of this Ordinance.	✓			
Any use in an RM, MH, PD, NB, GB, NC, RC, I-T, L-M, I-C, B, FS, IRO, I or P district.	✓			
Establishment of special land uses in all zoning districts, except where specifically noted elsewhere in this table.	✓			
Construction of essential public service buildings and storage areas.	✓			

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SITUATION/USE	REQUIRED REVIEW			
	Site Plan <sup>1</sup>	Sketch Plan PC Rev. <sup>1</sup>	Admin. Review <sup>2</sup>	Exempt <sup>3</sup>
Public/private parks.		✓ <sup>4</sup>		
Golf Courses.	✓			
Minor changes during construction such as changes in landscape species to a similar variety, realignment of a driveway or road due to an unanticipated and documented constraint during construction, or to improve safety or protect natural features as required by outside agencies.			✓	
Construction of cellular and similar communication towers <sup>6</sup> .	✓			
Co-location of new antennas on an existing approved tower <sup>6</sup> .			✓	
Installation of new antennas on an existing building <sup>6</sup> , light poles, or other structures		✓		
EXPANSIONS:				
Expansion of one (1) single-family dwelling unit on one (1) lot in a residential zoning district.				✓
An increase in the floor area up to one thousand (1,000) square feet or ten percent (10%) of the existing floor area, whichever is less, provided the site will not require any significant change to existing site improvement such as parking, landscaping, lighting, signs, or sidewalks, as determined by the Township.		✓		
An increase in the floor area greater than that specified above.	✓			
An increase in parking or loading area of up to ten percent (10%) or six thousand (6,000) square feet of pavement area without any building changes.			✓ <sup>4</sup>	
An increase in parking or loading area over ten percent (10%) or six thousand (6,000) square feet of pavement area.		✓ <sup>4</sup>		
Construction of any multiple-family residential or non-single-family residential accessory building, provided the site will not require any significant changes to the existing site improvements such as parking, landscaping, lighting, signs, or sidewalks.			✓	
Changes to building height that do not add additional floor area nor exceed the maximum height requirements of the district.			✓	
CHANGES IN USE:				

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SITUATION/USE	REQUIRED REVIEW			
	Site Plan <sup>1</sup>	Sketch Plan PC Rev. <sup>1</sup>	Admin. Review <sup>2</sup>	Exempt <sup>3</sup>
Any change in the use of land or a building to a more intensive use, in terms of parking needs, noise, traffic volumes, and similar impacts, as determined by the Township.	✓			
A change in use for a site that does not comply with current site design standards (such as landscaping, signage, lighting, or drainage). See Article 16 for regulations on nonconforming uses.		✓		
A change in use to a similar or less intense use provided the site shall not require any significant changes in the existing site facilities such as parking, landscaping, lighting, signs, bike paths, or sidewalks.			✓	
A change to an outdoor recreational use and park that are permitted uses.			✓	
Minor changes required by outside governmental agencies during construction as determined by the Zoning Administrator			✓	
A change from a nonconforming use, building or site, to a more conforming situation, provided the site shall not require any significant changes in the existing site facilities such as parking, landscaping, lighting, signs, bike paths, or sidewalks. See Article 16 for regulations on nonconforming uses.		✓		
<b>OTHER TYPES OF PROJECTS:</b>				
Accessory open-air businesses.		✓		
Accessory buildings and structures constructed or erected accessory to a permitted single-family dwelling unit; and those up to one hundred (100) square feet in area in other districts.				✓
Accessory keeping of animals.				✓
Architectural changes to a non-single-family residential structure (an elevation plan describing changes and construction materials is required).			✓	
Bike path, pathway, or sidewalk construction or relocation.			✓ <sup>4</sup>	
Construction of an entrance feature associated with a non-single-family residential use (walls, landscaping, etc.).		✓		
Fences associated with a non-single-family residential use, installed, or improved.			✓ <sup>4</sup>	

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<b>SITUATION/USE</b>	<b>REQUIRED REVIEW</b>			
	<b>Site Plan<sup>1</sup></b>	<b>Sketch Plan PC Rev.<sup>1</sup></b>	<b>Admin. Review<sup>2</sup></b>	<b>Exempt<sup>3</sup></b>
Grading, excavation, filling, soil removal, creation of ponds, or clearing of trees within an area up to one hundred (100) square feet, provided such activity is normally and customarily incidental to single-family uses on the site.				✓ <sup>4,5</sup>
Grading, excavation, filling, soil removal, creation of ponds, or clearing of trees other than that specified above.		✓ <sup>4, 5</sup>		
Home occupation. (see Section 1102, Home occupations)			✓	
Internal construction or change in the floor plan that does not increase gross floor area, increase the intensity of use, or affect parking requirements on a site which meets all site design standards of the Ordinance.				✓
Landscape changes to similar species and that are consistent with the standards of this Ordinance.			✓	
Modifications to upgrade a non-single-family residential building to improve barrier-free design, or to comply with the Americans with Disabilities Act or other federal, state, or county regulations.			✓	
Parking lot improvements provided the total number of spaces shall remain constant.			✓ <sup>4</sup>	
Residential care facilities licensed by the state that require special land use approval.		✓		
Sign relocation or replacement provided it meets the dimensional and location standards of this Ordinance.				✓
Site improvements such as installation of walls, fences, lighting, or curbing consistent with Ordinance standards.			✓	
Utility system improvements.				✓ <sup>4,5</sup>
Building-mounted solar energy equipment.			✓	
Ground-mounted solar energy collector system.	✓			
Waste receptacle relocation to a more inconspicuous location or installation of screening around the waste receptacle.			✓	

**Footnotes:**

1. Requires review and approval by the Planning Commission.

2. The Township Zoning Administrator has authority for approval. If the modifications are not deemed minor, then normal site plan review by the Planning Commission shall be required. Planning Commission review shall be required for all site plans that involve a request for a variance, a special conditional use, or discretionary decisions.
3. A building permit, plot plan, grading, and engineering review is still required.
4. Construction, grading, drainage, and erosion control plans must be approved by the Township Engineer.
5. See also the Earth Balancing and Excavation and Soil Erosion and Sedimentation Control Ordinances, Articles 2 and 6, respectively, Chapter 24 of the Charter Township of Ypsilanti Code of Ordinances.
6. See Section 1144, Wireless communication towers and antennas.

**Sec. 904. - Planning Commission site plan review procedures and requirements:**

Site plans and sketch plans must be submitted in accordance with the following procedures and requirements. Plans are reviewed and approved following a process of pre-conceptual review, preliminary site plan review by the Planning Commission, and final site plan review by the Township, unless final site plan is specifically designated for review and approval by the Planning Commission or Township Board.

1. *Applicant attendance:* The application shall be submitted by the owner of an interest in the land for which site plan approval is sought, or the designated agent of said owner. The applicant or a designated representative must be present at all scheduled review meetings or consideration of the plan shall be tabled due to lack of representation. Absence at two (2) consecutive meetings without prior notice to the Township shall result in denial of the application. The Township may recommend to the Planning Commission chairperson that the applicant's architect or engineer be required to be present at the meeting in order to address technical matters related to the application.
2. *Pre-application meeting:* The applicant shall schedule a meeting with the Township to discuss the project, submittal requirements, and review procedures. The purpose of this meeting is to discuss applicable standards and technical issues, and to determine the appropriate type of review process based on Section 903, Site plan review process. If the project is determined to be eligible for administrative approval, the procedures of Section 908, Administrative plan review, shall be followed; in other cases, the process shall proceed as described in Sections 905, 906, and 907.

**Sec. 905. - Preliminary site plan:**

1. *Submittal:* The applicant shall submit the required number of plans as set forth on the Township application to the Township no more than thirty (30) business days prior to the Planning Commission meeting that the site plan is tentatively scheduled for. Submittal requirements include:
  - A. A complete application supplied by the Township.
  - B. A complete site plan or sketch plan that includes the information listed in Section 910, Submittal requirements.
  - C. Any additional information the Zoning Administrator or Planning Commission finds necessary to make the determinations required herein.



2. **Technical (staff) reviews:** The Township shall forward the application and site plan(s) to the Township planning, traffic, and engineering consultants, and the fire chief. All reviews shall be submitted back to the Township.
3. **Planning Commission consideration of preliminary site plan:** Following technical review and comment, and compliance with administrative procedures, the site plan shall be placed on the agenda of the Planning Commission. The Planning Commission shall review the application for site plan approval, together with the reports and recommendations from staff, consultants, and other reviewing agencies, as appropriate. The Planning Commission shall then make a determination based on the requirements and standards of this Section. The Planning Commission is authorized to postpone, grant approval, grant approval subject to revisions, or deny the preliminary site plan as follows:
  - A. **Postpone:** The application may be postponed if it is determined to be incomplete, the applicant has not fully responded to deficiencies identified in the technical review, or that revisions are necessary to bring the site plan into compliance with applicable standards and regulations. The application shall be postponed if an Ordinance interpretation or dimensional variance is needed from the Zoning Board of Appeals, until such time as the interpretation and dimensional variance has been granted by the Zoning Board of Appeals. The Planning Commission shall direct the applicant to prepare additional information, revise the site plan, or direct the Township staff to conduct additional analysis. The applicant shall be required to prepare revised plans accompanied by a complete list of all changes, certified as such by the applicant's design professional. Full sets of plans must be resubmitted. Amended plans or other material which show a diligent effort to address all reasons for tabling shall be placed on the agenda of the Planning Commission for further review and action.
  - B. **Approval:** Upon determination that all requirements for site plan approval, as set forth herein, are met and a recommendation for approval has been forwarded to the Planning Commission by all reviewing agencies of the Township, approval shall be granted subject to the applicant providing copies of all required outside agency approvals. In those instances where approval authority is vested with the Township Board, a recommendation shall be made by the Planning Commission to the Township Board.
  - C. **Approval subject to revisions:** Upon determination that a site plan is in compliance except for minor revisions, said revisions shall be identified and the applicant shall be given the opportunity to correct the site plan prior to applying for final site plan approval. The applicant shall submit with the final site plan a complete list of all changes, certified by the applicant's design professional, to the Zoning Administrator for final approval after said revisions have been completed. At its discretion, the Planning Commission may require the right to review the revised final site plan.
  - D. **Denial of approval:** Upon determination that a site plan does not comply with standards and regulations set forth in this Section, requires extensive revision in order to comply with said standards and regulations, or the applicant has not satisfactorily addressed all reasons for site plan postponement, site plan approval shall be denied. The applicant must revise the plans and resubmit if the applicant is still interested in pursuing the project. A re-submittal shall be considered a new site plan and be required to re-initiate the full site plan review process.
4. **Dimensional variance requests:** When the applicant intends to seek a dimensional variance from the Zoning Board of Appeals for the subject request, the applicant shall first receive consideration

of the preliminary site plan from the Planning Commission, then obtain the necessary variances, and then come back to the Planning Commission for site plan approval. Site plan approval can not be granted until any necessary variances have been granted by the Zoning Board of Appeals.

5. *Effect of preliminary site plan review action:* Any preliminary site plan approved under this provision shall expire after one (1) year from the date of such approval. If the submission of a final site plan has not commenced within one (1) year of preliminary site plan or sketch plan approval by the Planning Commission or the Township Board, preliminary site plan approval becomes null and void and a new application for site plan or sketch plan review shall be required. The applicant may request a one (1) year extension by the Planning Commission, provided a written request is received before the expiration date and the site plan complies with current standards (i.e.; any amendments to this Ordinance since the site plan was approved). This limitation shall not apply to preliminary PD site plans accompanying approved PD rezoning's.

**Sec. 906. - Final site plans:**

1. *Application and fee for a final site plan:* Following approval of the preliminary site plan, an application for final site plan review shall be filed with the Township Zoning Administrator, including the number of copies specified on the application of the proposed final site plan as well as other data, exhibits, and information hereinafter required. An application for final site plan review shall be accompanied by the required fees.
2. *Required data for a final site plan:* An application for approval of a final site plan shall provide the information required for a final site plan as set forth in Section 910, Submittal requirements, and include approval from: the Washtenaw County Road Commission or the Michigan Department of Transportation, whichever is applicable; Washtenaw County Water Resource Commissioner; Ypsilanti Community Utilities Authority; and the Michigan Department of Environmental Quality Land and Water Quality Division, and any other applicable local, state, or federal agency.
3. *Final site plans (detailed construction and engineering plans):* Except where otherwise set forth in this Section, final site plan approval may be given administratively when all conditions set forth herein for final site plans are met. The Planning Commission may, at the time of preliminary site plan approval, require final site plan approval by the Planning Commission as well. The Township Zoning Administrator shall grant final site plan approval where the following requirements are met:
  - A. That all local, county and state requirements as may apply to the proposed use are met and all necessary agency permits are obtained. Copies of applications and approvals from all applicable outside agencies shall accompany submission of the application and final site plan to the Township.
  - B. All applicable engineering requirements are met. Complete engineering plans shall be submitted for approval by the Township Engineer.
  - C. The design shown on the final site plan remains unchanged from the approved preliminary site plan. If the Zoning Administrator determines that the final site plan does not comply with the conditions of preliminary site plan approval or that required engineering plan revisions alter the site plan configuration approved by the Planning Commission, the applicant shall be required to revise the site plan and engineering plans and resubmit the site plan to the body

that approved the site plan for review and approval as an amended site plan.

4. **Final site approval:** Final site plan approval, except as specifically permitted in subsection A below, shall not be given until all the above requirements are met. No work shall commence on any site, except as specifically permitted herein, or any buildings requiring site plan approval and no permits shall be issued until after final site plan approval is granted.
  - A. Upon request, the Township may permit, when justifiable conditions are found to exist, and after preliminary site plan approval has been given, the movement of soil on the site, prior to final site plan approval, provided:
    - (1) A grading and soil erosion and sedimentation control plan, drawn to local specifications and when necessary to county specifications, has been reviewed and approved.
    - (2) A soil erosion permit, when required, has been secured.

**Sec. 907. – Completion of site design in accordance with approved final site plan:**

1. **Permits:** Following approval of the final site plan or sketch plan and final approval of the engineering plans by the Township Engineer and the Zoning Administrator, a building permit may be obtained. It shall be the responsibility of the applicant to obtain all other applicable Township, utility, county, or state permits prior to issuance of a building permit.
2. **Expiration:** The approval of any final site plan under this provision, other than subdivisions (subdivision shall follow the procedures of the Land Division Act) shall expire one (1) year after the date of such approval, unless actual construction and development have been commenced in accordance with said site plan prior thereto. The applicant may request a one (1) year extension by the Planning Commission, provided a written request is received before the expiration date and the site plan complies with current standards (i.e., any amendments to this Ordinance since the site plan was approved). If such construction and development is commenced within said one (1) year period, then such approval shall continue for a period of five (5) years from the date thereof. However, that a lapse of more than one (1) year in continuous substantial construction and development does not occur, in which event, said approval shall expire. The Township Building Official shall not issue a building permit for any type of construction on the basis of the approved site plan after such approval has expired unless such plan has received an extension from the Planning Commission or Township Board. Fees for review of expired site plan may be waived or reduced in those instances where no substantial change in conditions of the site plan nor of abutting uses has taken place. In those instances where conditions have changed, the fee for review of expired site plans shall be the same as for the initial submittal.
3. It shall be the responsibility of the owner of a property for which final site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until the property is razed, or until new zoning regulations supersede the regulations upon which site approval was based, or until a new site design approval is sought. Such maintenance shall include all building and site elements depicted on the site plan including parking configuration, lighting, and landscaping. Any property owner who fails to maintain a site as approved shall be deemed in violation of the applicable use provisions of this Section and shall be subject to penalties.
4. A development agreement with suitable guarantee may be required by the Township to assure

compliance with an approved final site plan.

**Sec. 908. – Administrative plan review:**

For uses and projects eligible for administrative review, as identified in the Table of Eligible Uses and Required Review Process, the following procedure shall apply:

1. *Submittal requirements:* The applicant shall submit to the Township the required number of plans as set forth on the Township application that contains the information listed in Section 910, Submittal requirements.
2. *Review:* The Township shall review and either approve the sketch plan, approve the sketch plan with a condition that certain revisions be made, or deny the sketch plan.
3. *Appeal:* Either the Township or the applicant shall have the option to request sketch plan review by the Planning Commission.
4. *Issuance of building permit:* A building permit shall be issued following review and approval of any engineering or construction plans by the Building Department and Township Engineer, as appropriate.

**Sec. 909. – Multiple-family and condominiums approval:**

Site plans for multiple-family and condominium developments shall require the review and approval of both preliminary and final plans by the Township Board, upon recommendation by the Planning Commission. The Planning Commission shall make a recommendation to the Township Board to approve, approve with conditions, or deny the preliminary site plan. Following receipt of the Planning Commission's recommendation, the preliminary site plan shall be considered by the Township Board. The Planning Commission shall make a recommendation to the Township Board to approve, approve with conditions, or deny the final site plan. Following receipt of the Planning Commission's recommendation, the final site plan shall be considered by the Township Board.

**Sec. 910. - Submittal requirements:**

The following information shall be included with and as part of the site plan(s) or sketch plan(s) submitted for review. Each category of site plan items shall be included on a separate sheet. Applications considered to be incomplete by the Zoning Administrator may not be reviewed by the Planning Commission.

SITE PLAN DATA	Required for:			
	Pre-concept	Sketch Plan	Prelim. Site Plan	Final Site Plan
<b>A. Application Form:</b>				
Name and address of the applicant and property owner;	✓	✓	✓	✓
Address and common description of property and complete legal description;	-	✓	✓	✓
Dimensions of land and total acreage;	✓	✓	✓	✓
Zoning on the site and all adjacent properties;	✓	✓	✓	✓
Description of proposed project or use, type of building or structures, and name of proposed development, if applicable;	✓	✓	✓	✓
Name and address of firm or individual who prepared site plan; and	✓	✓	✓	✓
Proof of property ownership.	✓	✓	✓	✓
<b>B. Site Plan Descriptive and Identification Data:</b>				
Site plans shall consist of an overall plan for the entire development, drawn to an engineer's scale of not less than one (1) inch = fifty (50) feet for property less than three (3) acres, or one (1) inch = one hundred (100) feet for property three (3) acres or more in size. Sheet size shall be at least twenty-four (24) by thirty-six (36) inches. If a large development is shown in Sections on multiple sheets, then one (1) overall composite sheet shall be included;	✓	✓	✓	✓
Written project description, including proposed use, building(s) and site improvements;	-	✓	✓	✓
Title block with sheet number/title; name, address and telephone number of the applicant and firm or individual who prepared the plans; and date(s) of submission and any revisions (month, day, year);	✓	✓	✓	✓
Scale and north-point;	✓	✓	✓	✓
Location map drawn to a separate scale with north-point, showing surrounding land, water features, zoning, and streets within a quarter mile;	✓	✓	✓	✓
Legal and common description of property;	-	✓	✓	✓
Identification and seal of architect, engineer, land surveyor, or landscape architect who prepared drawings;	-	-	✓	✓

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SITE PLAN DATA	Required for:			
	Pre-concept	Sketch Plan	Prelim. Site Plan	Final Site Plan
Zoning classification of petitioner's parcel and all abutting parcels;	✓	✓	✓	✓
Proximity to Section corner and major thoroughfares; and	-	-	✓	✓
Net acreage (minus rights-of-way) and total acreage.	✓	✓	✓	✓
<b>C. Site Analysis:</b>				
An aerial photograph of the entire development area with all environmental features labeled on the photo in a "bubbled" fashion to include woodlands, wetlands, groundwater recharge areas, drains, creeks, surface water, severe changes in topography, erodible soils, and floodplains. Sheet size of the aerial photograph shall be at least twenty-four (24) by thirty-six (36) inches;	✓			
Environmental impact analysis and natural features protection documentation meeting the requirements of Chapter 26 of the Municipal Code, Environment;	-	✓	✓	✓
Survey of existing lot lines, building lines, structures, parking areas, and other improvements on the site and within one hundred (100) feet of the site;	-	✓	✓	✓
Survey of on parcels more than one (1) acre, topography on the site, and within one hundred (100) feet of site at two (2) foot contour intervals, referenced to a U.S.G.S. benchmark;	-	-	✓	✓
Surrounding land uses and zoning;	-	-	✓	✓
Inventory of the location, sizes, and types of existing trees, hedgerows, and landmark trees as required by the Township Woodlands Ordinance and the general location of all other existing plant materials;	-	✓	✓	✓
Location of existing drainage courses, floodplains, lakes and streams, and wetlands with elevations;	-	✓	✓	✓
Surface drainage flows including high points, low points, and swales;	-	✓	✓	✓
Soils and water table;	-	-	✓	✓
All existing easements;	-	✓	✓	✓
Existing roadways and driveways within two hundred-fifty (250) feet of the site;	-	✓	✓	✓
Existing sidewalks and nonmotorized pathways; and	-	✓	✓	✓

SITE PLAN DATA	Required for:			
	Pre-concept	Sketch Plan	Prelim. Site Plan	Final Site Plan
Cultural resources and indication of human activities, such as paths.	-	-	✓	✓
<b>D. Site Plan:</b>				
Proposed lot lines, lot dimensions, property lines, and setback dimensions;	✓	✓	✓	✓
Structures, and other improvements;	✓	✓	✓	✓
Proposed easements;	-	✓	✓	✓
Location of exterior lighting (site and building lighting) in accordance with Section 1303, Exterior lighting;	-	-	✓	✓
Location of trash and recycling receptacle(s) and transformer pad(s) and method of screening; and	-	✓	✓	✓
Extent of any outdoor sales or display area.	-	✓	✓	✓
<b>E. Access and Circulation:</b>				
Dimensions, curve radii and centerlines of existing and proposed access points, roads and road rights-of-way or access easements;	-	✓		✓
Opposing driveways and intersections within two hundred-fifty (250) feet of site;	-	✓	✓	✓
Location of proposed roads, driveways, parking lots, sidewalks, and non-motorized pathways;			✓	✓
Cross Section details of proposed roads, driveways, parking lots, sidewalks, and nonmotorized paths illustrating materials and thickness;	-	-		✓
Dimensions of acceleration, deceleration, and passing lanes;	-	-		✓
Dimensions of parking spaces, islands, circulation aisles, and loading zones;	-	✓	✓	✓
Calculations for required number of parking and loading spaces;	-	✓	✓	✓
Designation of fire lanes;	-	✓	✓	✓
Traffic regulatory signs and pavement markings;	-	-		✓
Location of existing and proposed sidewalks/pathways within the site or right-of-way; and	-	✓	✓	✓

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SITE PLAN DATA	Required for:			
	Pre-concept	Sketch Plan	Prelim. Site Plan	Final Site Plan
Location, height, and outside dimensions of all storage areas and facilities.	-	✓	✓	✓
<b>F. Landscape Plans:</b>				
Location, sizes, and types of existing trees as required by the Township Woodlands Ordinance, Article 3 of Chapter 24 of the Charter Township of Ypsilanti Code of Ordinances, and the general location of all other existing plant materials, with an identification of materials to be removed and preserved;	-	✓	✓	✓
Description of methods to preserve existing plant materials;	-	-	✓	✓
The location of existing and proposed lawns and landscaped areas;	✓	✓	✓	✓
Planting plan, including location and type of all proposed shrubs, trees, and other live plant material;	-	-	✓	✓
Planting list for proposed landscape materials with caliper size or height of material, method of installation, botanical and common names, and quantity;	-	-	✓	✓
Irrigation system plan for watering and draining landscape areas;				✓
Sections, elevations, plans, and details of landscape elements, such as berms, walls, ponds, retaining walls, and tree wells;				✓
Proposed means of protecting existing plant material during construction;				✓
Proposed dates of plant installation; and				✓
Landscape maintenance schedule.	-	-		✓
<b>G. Building and Structure Details:</b>				
Location, height, and outside dimensions of all proposed buildings or structures;	-	✓	✓	✓
Building floor plans and total floor area;	-	-	✓	✓
Details on accessory structures and any screening;	-	-	✓	✓
Location, size, height, and lighting of all proposed site and wall signs;	-	✓	✓	✓
Location, size, height, and material of construction for all obscuring wall(s) or berm(s) with cross-Sections, where required;	-	✓	✓	✓



SITE PLAN DATA	Required for:			
	Pre-concept	Sketch Plan	Prelim. Site Plan	Final Site Plan
Building facade elevations for all sides, drawn at an appropriate scale; and	option	-	✓	✓
Description of exterior building materials and colors (samples may be required).	-	-	✓	✓
<b>H. Drainage, Soil Erosion and Sedimentation Control:</b>				
Location of existing and proposed storm sewers;	-	✓	✓	✓
Size of existing and proposed storm sewers;		✓		✓
Stormwater retention and detention ponds, including grading, side slopes, depth, high water elevation, volume, and outfalls;	-	✓		✓
Stormwater drainage and retention/detention calculations;	-	✓	✓	✓
Indication of site grading, drainage patterns, and stormwater management measures, including sediment control and temperature regulation; and	-	✓	✓	✓
Soil erosion and sedimentation control measures.	-	✓	✓	✓
<b>I. Information Concerning Utilities:</b>				
Location of sanitary sewers and septic systems, existing and proposed;	-	-	✓	✓
Location and size of existing and proposed water mains, well sites, water service, and fire hydrants;	-	-	✓	✓
Location of existing and proposed gas, electric, and telephone lines, above and below ground;	-	-	✓	✓
Location of transformers and utility boxes; and	-	-	✓	✓
Assessment of potential impacts from the use, processing, or movement of hazardous materials or chemicals, if applicable.	-	-	✓	✓
<b>J. Lighting Plan</b>				
Location of all freestanding, building-mounted, and canopy light fixtures on the site plan and building elevations;	-	✓	✓	✓
Photometric grid overlaid on the proposed site plan indicating the overall light intensity throughout the site (in foot-candles);	-	-		✓

Article 9 – Site Plan Review  
Revised Planning Commission Copy  
DATE: Dec. 23, 2021

SITE PLAN DATA	Required for:			
	Pre-concept	Sketch Plan	Prelim. Site Plan	Final Site Plan
Specifications and details for the type of fixture being proposed including the total lumen output, type of lamp, and method of shielding; and	-	✓	✓	✓
Use of the fixture proposed.	-	✓	✓	✓
<b>K. Additional Information Required for Residential Development</b>				
The number and location of each type of residential unit (one (1) bedroom units, two (2) bedroom units, etc.);	✓	-	✓	✓
Density calculations by type of residential unit (dwelling units per acre);	✓	-	✓	✓
Garage and/or carport locations and details, if proposed;	-	-	✓	✓
Mailbox cluster location and design, if required by postmaster;	-	-		✓
Location, dimensions, floor plans, and elevations of common building(s) (e.g., recreation, laundry, etc.), if applicable;	-	-	✓	✓
Swimming pool fencing detail, including height and type of fence, if applicable;	-	-	✓	✓
Location and size of recreation and open space areas;	-	-	✓	✓
Indication of type of recreation facilities proposed for recreation area; and	-	-	✓	✓
Where the site is located within five hundred (500) feet of the I-94 right-of-way, delineate that area of the site with sound levels of sixty-one (61) dBA or greater.	-	-	✓	✓
<b>L. Outside Agency Reviews</b>				
Preliminary Review; and	-	-	✓	-
Permits	-	-	-	✓
<b>M. Additional Study (as required by the Zoning Administrator)</b>				
Traffic impact study in compliance with Article 4, Traffic impact study of Chapter 24 of the Charter Township of Ypsilanti Code of Ordinances;	As required by Zoning Administrator after review of the standards set forth in Section 911. Any proposal requesting a density bonus shall be required to submit a traffic impact study.			

SITE PLAN DATA	Required for:			
	Pre-concept	Sketch Plan	Prelim. Site Plan	Final Site Plan
Environmental assessment in compliance with Section 1403.3; Natural features impact statement;	As required by Zoning Administrator after review of the standards set forth in Section 911.			
Noise study showing compliance with Section 1400.6;	As required by Zoning Administrator after review of the standards set forth in Section 911.			
Additional study as required by Zoning Administrator	As required by Zoning Administrator after review of the standards set forth in Section 911.			

**Sec. 911. - Standards for site plan review:**

1. ***Compliance with all Regulations:*** In reviewing the site plan, the Zoning Administrator shall not place an application on the Planning Commission agenda until they have determined that the proposed plan complies with all applicable regulations of this Ordinance.
2. ***Standards:*** In consideration of each site plan, the Township Planning Commission shall determine the following:
  - A. The proposed use will not be injurious to the general health, safety, welfare, and character of the Township and surrounding neighborhood.
  - B. The proposed development is consistent with the Township Master Plan.
  - C. There is a proper relationship between public thoroughfares and proposed service drives, driveways, and parking areas.
  - D. The proposed development provides for proper development of roads, easements, and public utilities.
  - E. Building placement and orientation provides a strong visual and functional relationship with its site, adjacent sites, and nearby thoroughfares. Such placement and orientation are consistent within sites and to adjacent sites to provide distinct building groups which exhibit similar orientation, scale, and proportion.
  - F. Site access and circulation shall be designed to ensure the safe and convenient movement of vehicles, bicycles, pedestrians, and transit, where applicable. Where possible, separation of pedestrian and vehicular traffic shall be provided to avoid conflicts and unsafe conditions.
  - G. Internal circulation shall be arranged to provide a practical means of emergency personnel and vehicle access to all sides of a building.
  - H. Site planning and design of specific improvements will accomplish the preservation and protection of existing natural resources and features such as lakes, ponds, streams, wetlands, floodplains, steep slopes, groundwater, trees, and wooded areas, including understory trees.

- I. The proposed development will utilize the natural topography to the maximum extent possible, minimizing the amount of cutting, filling, and grading required, and preventing soil erosion or sedimentation.
- J. The design of storm sewers, stormwater facilities, roads, parking lots, driveways, water mains, sanitary sewers, and other site improvements meets the design and construction standards of the Township and other appropriate agencies.
- K. A stormwater management system and facility will preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible and will not substantially reduce or increase the natural retention or storage capacity of any wetland, water body, or water course, or cause alterations which could increase flooding or water pollution on- or off-site. The Washtenaw County Water Resources Commissioner Rules shall be used for the review and approval of all stormwater management systems.
- L. Wastewater treatment systems, including on-site septic systems, shall be located to minimize any potential degradation of surface water or ground water quality, and be designed in accordance with applicable Township, County, and/or State standards.
- M. Sites which include storage of hazardous waste, fuels, salt, or chemicals will be designed to prevent spills and discharges of pollution materials to the surface or the air, or to the ground, groundwater, or nearby water bodies, with a specific plan to achieve such objectives being incorporated as part of the site plan.
- N. Landscaping, including grass, trees, shrubs, and other vegetation, is provided to maintain and improve the aesthetic quality of the site and area.
- O. The site plan complies with all Township Ordinances and any other applicable laws.

**Sec. 912. - Site plan completion guarantee:**

1. Prior to the issuance of any building permit for any building, and prior to signing of the final plat by the Township Clerk in a platted subdivision, or prior to the issuance of any building permit for any building in a site condominium project, or prior to issuance of a certificate of occupancy for any other development which requires site plan review under this Ordinance, the applicant for same shall provide to the Township the completion guarantee, as set forth in Section 3.06, Performance guarantee.

**Sec. 913. - Certification of compliance:**

1. **Zoning Compliance Permit:** A zoning compliance permit, as set forth in Section 301, Duties of the Zoning Administrator, shall be required prior to issuance of a certificate of occupancy or building permit.
2. **Requirements:** When the appropriate permits are issued, the applicant may begin site work. In any development where individual lots do not front on an existing improved public or private street no building construction permit(s) shall be issued until the Zoning Administrator certifies the following minimum standards are met. Each phase of an approved project shall meet these requirements:

- A. All interior public and private streets, including curb and gutter where applicable, shall be complete through the base course of pavement. Modifications to the requirement may be permitted by the Township Board based upon a recommendation by the Township Engineer when paving may not be possible due to weather.
- B. All site mass grading and balancing shall be complete and certified by the developer's engineer and approved by the Township Engineer to be in compliance with the approved site plan.
- C. All facilities for the detention and/or retention of stormwater shall be substantially complete in a state which is ready to be energized and placed online.
- D. The installation of all franchised utilities shall be substantially complete, ready to be energized, and placed online.
- E. All underground water mains, sanitary, and storm sewers shall have passed their certified acceptance tests. The water and wastewater system shall be certified as operational by the Ypsilanti Community Utilities Authority.
- F. Each individual lot or building site shall have a sign clearly showing the lot number and address of the lot or building site. Temporary street name signs with contrasting letters at least six (6) inches high shall be erected at every intersection. All required traffic control signs shall be installed.
- G. In single-family residential developments the applicant may apply for permission to erect a temporary sales trailer and/or construct up to three (3) model homes prior to completion of the above requirements. No occupancy of said models shall be permitted until the above conditions are met. Permits for models may be issued subject to the following conditions:
  - (1) The lots must be contiguous to each other, and one (1) lot must abut an existing public or private street. The first model shall be located on the lot abutting the street, and subsequent models shall abut a lot for which a permit has previously been issued under this Section.
  - (2) If the remaining two (2) lots do not abut an existing public or private street, they must be served by an access road of sufficient width and structure to accommodate fire apparatus. Such access road shall be within fifty (50) feet of each structure.
  - (3) The Fire Department shall approve the access and determine that a sufficient water supply exists to permit firefighting and rescue operations.
  - (4) Sales trailers shall meet all the requirements of Section 805, Temporary structures.

**Sec. 914. - Revocation and abandonment:**

1. **Revocation:** The Township Planning Commission may, upon hearing, revoke approval of a site plan if the Commission determines that any information on the approved site plan is in error or the site plan is not in compliance with approved plans. Upon revocation, work on the affected part of the development, or on the entire development, as determined by the Township Planning Commission, shall cease. The Township Planning Commission may direct the Township Zoning Administrator to issue a stop work order to enforce its determination. Upon revocation, the Township Planning Commission may require the applicant to amend the site plan in a manner

appropriate to reflect the corrected information. Any work so suspended shall not be resumed until an amended site plan is approved by the Township Planning Commission.

**2. *Abandonment:***

- A. **Abandonment of preliminary site plan:** An approved preliminary site plan for which a final Site plan has not been submitted as required under Section 906, Final site plans, within one (1) year from the date of preliminary site plan approval shall be considered abandoned, unless an extension of approval has not been requested within a one (1) year period from the date of a final site plan approval, shall be considered abandoned.
- B. **Abandonment of final site plan:** An approved final site plan, upon which construction does not commence and an extension of approval has not been requested within a one (1) year period from the date of a final site plan approval, shall be considered abandoned.

**Sec. 915. - Development agreement:**

The Township Planning Commission may as a condition of final site plan approval, require the proprietor and/or developer to enter into a Development Agreement with the Township. Such agreement shall set forth and define the responsibilities of the proprietor and the Township, as set forth in Section 305, Development agreement.

## **ARTICLE X. – SPECIAL LAND USE REVIEW**

### **Sec. 1000. -Intent:**

This Article is intended to regulate uses which may be compatible with uses in some, but not all, locations within a particular zoning district. The purpose of the Special Land Use standards of this Article is to accomplish the following:

1. Provide a mechanism for public input on decisions involving more intense land uses.
2. Establish criteria for both new development and infill/redevelopment consistent with the Township's land use goals and objectives as stated in the Township Master Plan.
3. Regulate the use of land on the basis of impact to the Township overall and adjacent properties in particular.
4. Promote a planned and orderly development pattern which can be served by public facilities and serviced in a cost-effective manner.
5. Ensure uses can be accommodated by the environmental capability of specific sites.
6. Provide site design standards to diminish negative impacts of potentially conflicting land uses.
7. Provide greater flexibility to integrate land uses within the Township.

Whenever a special land use is requested, the provisions and conditions of this Section shall apply in addition to the provisions and conditions of the other aforesaid Sections. Only those uses listed as special land uses in the Table of Uses in Article 4 of this Ordinance shall be considered for special land use permit review and approval.

### **Sec. 1001 – Special land use review applicability and type:**

A special land use permit shall not be issued until an application is approved in accordance with the procedures and standards set forth herein and all necessary review, inspection, and permit fees have been fully paid. The extent of site plan review for various types of projects is classified into the types below:

1. **Board of Trustees Approval:** When designated in the Table of Uses in Article 4, the Board of Trustees, upon recommendation from the Planning Commission, shall have the authority to grant special land use permits and to attach conditions to a permit.
2. **Planning Commission Approval:** For all other special land uses, the Planning Commission shall have the authority to grant special land use permits and to attach conditions to a permit.

### **Sec. 1002 – Procedure:**

1. Application for a special land use permit shall be made by filing the application form, required information, and required fee with the Township.
2. An application for a special land use permit shall contain the following information:
  - A. The applicant's name, address, and telephone number.
  - B. The names and addresses of all record owners and proof of ownership.

- C. The applicant's interest in the property and if the applicant is not the fee-simple owner, the owner's signed authorization for the application.
- D. Legal description, address, and tax parcel number of the property.
- E. A scaled and accurate survey drawing correlated with a legal description and showing all existing buildings, drives, and other improvements.
- F. A detailed description of the proposed use.
- G. A site plan, which plan shall meet all the requirements of Article 9 herein.
- H. A statement with regard to compliance with the criteria required for approval in Section 1003 and any specific standards, required by the Ordinance for the requested use.

Failure to provide the required information and materials as part of the application for special land use approval shall render the application deficient and said application shall be held in abeyance until the petitioner submits all required items. The Zoning Administrator may waive the submission of a site plan where such information is not material to Planning Commission or Board of Trustees action, specifically where no physical changes to the site are proposed.

- 3. The Planning Commission shall hold a public hearing, or hearings, upon any application for special land use, notice of which shall be in the manner required by Section 301, Public hearing notice requirements.
- 4. *Planning Commission action:*
  - A. The Planning Commission shall conduct the required public hearing. At the public hearing, the Planning Commission shall review the application for special land use approval in accordance with Section 1003 and any specific standards in Article 11.
  - B. The Planning Commission shall approve, approve with conditions, or deny special land use permit application. The Planning Commission may table the application before reaching a decision. For special land uses that require Board of Trustees approval, the Planning Commission shall recommend that the Board of Trustees either approve, approve with conditions, or deny the special land use (based on findings outlined in Section 1003) and the accompanying site plan. The Planning commission's decision, the basis for their decisions, and all conditions imposed, shall be described in a written statement which shall be made a part of the record of the meeting.
- 5. *Board of Trustees action:*
  - A. When required, the Special Land Use request and other pertinent information, together with the recommendation of the Planning Commission, shall be placed on the agenda of the next Board of Trustees meeting. The Board of Trustees shall either approve, approve with conditions, or reject the request. The Board of Trustees may table the application before reaching a decision.
  - B. The decision on a special land use required by the Board of Trustees shall be made a part of the public record and incorporated into a resolution that includes a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any condition imposed.



**Sec. 1003 - Standards for special land uses:**

The Planning Commission, and the Board of Trustees when required, shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and with respect to any additional standards set forth in this Ordinance. The Planning Commission, either as part of its final decision or in its recommendation, shall find and report adequate data, information, and evidence showing that the proposed use meets all required standards and:

1. Will be harmonious, and in accordance with the objectives, intent, and purpose of this Ordinance; and
2. Will be compatible with a natural environment and existing and future land uses in the vicinity; and
3. Will be compatible with the Township master plans; and
4. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways and structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services; and
5. Will not be detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property, or the public welfare; and
6. Will not create additional requirements at public costs for public facilities and services that will be detrimental to the economic welfare of the community.

**Sec.1004 - Conditions of approval:**

1. *Authority:* The Planning Commission or Board of Trustees, when applicable, may at its discretion impose additional conditions of approval, when it is determined that such increases in standards or additional conditions are required to achieve or assure compatibility with adjacent uses and/or structures.
2. *Scope:* Conditions that are imposed by the Planning Commission or Board of Trustees, when applicable, shall:
  - A. Be related to and ensure the review considerations of Section 1003, Standards for special land uses, and the applicable specific regulations are met.
  - B. Special land use approval is applicable to a property, not property owners, so long as use remains in effect under terms set from the Section 1005, Effectiveness.
  - C. The conditions shall remain unchanged unless an amendment to the special land use permit is approved by the approving body of the special and use permit in that case.
3. Approval of a special land use, including conditions made part of the approval, is attached to the property described in the application and not to the owner of such property. A record of conditions imposed shall be made a part of the minutes of the Planning Commission and the Board of Trustees, as applicable.
4. A development agreement in accordance with Section 305, Development Agreements, shall be recorded.

5. A violation of a requirement, condition, or safeguard shall be considered a violation of this Ordinance and grounds for the approving body to revoke such special land use approval in accordance with Section 1008.

**Sec. 1005 – Effectiveness:**

1. *Remain in force.* Upon receipt of site plan approval, special land use approval shall continue in force so long as the particular use or activity continues to operate as approved on the approved site, unless otherwise specified in the approval.
2. *Expiration:* Any special land use approval granted shall expire unless a final site plan effectuating the special land use is submitted within one (1) year of the date of approval. If the submission of a site plan was waived, any special land use approval granted shall expire unless a building permit effectuating the special land use is submitted within one (1) year of the date of approval.
3. *Extension:* Upon written application filed prior to the termination of the one (1) year period as provided above, the approving body may authorize a single extension of the time limit for an additional one (1) year period. Such extension shall be granted based on evidence from the applicant that the development has a reasonable likelihood of commencing construction during the one (1) year extension period.
4. *Resubmittal:* No application for a special land use permit which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the Planning Commission or Board of Trustees. A resubmitted application shall be considered a new application.
5. The decision of the Planning Commission or Township Board with respect to a special land use permit shall not be appealable to the Board of Zoning Appeals.

**Sec. 1006 - Amendments, expansions, or change in use:**

The following provisions apply when there is an amendment or a proposed expansion to approved special land use or when there is a proposed change from one Special Land Use to another.

1. *Amendments:* Any person or agency who has been granted a special land use permit shall notify the Township of any proposed amendment to the approved special land use permit and associated site plan. The Zoning Administrator shall determine whether the proposed amendment requires new special land use approval. New special land use approval may be required when such amendment is a departure from the operation or use described in the approved application or causes external impacts such as additional traffic, hours of operation, noise, additional outdoor storage, or display.
2. *Expansions:* The expansion, change in activity, reuse, or redevelopment of any use requiring a special land use permit shall require resubmittal in manner described in this Article. A separate special land use permit shall be required for each use requiring special land use review on a lot, or for any expansions of a special land use, which has not previously received a special land use permit.

3. ***Change in Use:*** The applicant shall be responsible for informing the Zoning Administrator of any significant change in an approved use, operations, or activities prior to any such change. The Zoning Administrator shall determine if a new special land use approval is required. A significant change shall mean any departure from the operation or use described in the approved application or any change that may cause external impacts such as additional traffic, hours of operation, noise, additional outdoor storage, or display.

**Sec. 1007 – Inspections:**

The Township may make periodic investigations of developments authorized by special land use permits to determine continued compliance with all requirements imposed by the Planning Commission or Board of Trustees and this Ordinance. Noncompliance with the requirements and conditions approved for the special land use shall constitute grounds to terminate said approval following a public hearing.

**Sec. 1008 – Revocation:**

The revocation of a special land use may occur if its recipient fails to abide by its terms, conditions, or development agreement. The revocation procedure is as follows:

1. If the Township receives credible information that the special land use permit or conditions of approval have been violated, the Zoning Administrator shall prepare a report in writing specifying (i) the specific factual details of such violation(s); and (ii) any other information or recommendation relevant to a proper determination by the Planning Commission or the Township Board, whichever approved the special land use permit, as to the nature of such violation(s) and the appropriate action to be taken by the Township.
2. The Zoning Administrator, after the investigation and based on the facts discovered, shall determine if the case goes forward. If the case does not go forward, the Zoning Administrator shall give the approving body a written report as to the why that determination was made. If the case goes forward, the process in subsections 3-8 below shall be followed.
3. The Zoning Administrator shall file the original report prepared under subsection 1 above with the Township Board/Planning Commission and serve a copy of such report upon the owner of the property for which the special land use permit was granted or its authorized agent or employee, personally or by registered mail.
4. Within twenty (20) days from the date such report has been filed with the Township Board/Planning Commission, the Township Clerk/Zoning Administrator shall set a date for a hearing before the Township Board/Planning Commission on the alleged violation(s) for a determination by the Township Board/Planning Commission as to whether or not the Township Board/Planning Commission shall revoke the special land use permit. Notice of this hearing shall be served by the Township Clerk/Zoning Administrator upon the owner of the property for which the special land use permit was granted or its authorized agent or employee, personally or by registered mail, not less than ten (10) days before the scheduled hearing date, and such notice shall contain the following:
  - A. Notice of proposed action;
  - B. Reason for the proposed action;

- C. Date, time, and place of hearing;
  - D. A statement that the property owner may present evidence and testimony and confront adverse witnesses;
  - E. A statement that the property owner has the right to be represented by legal counsel at the hearing.
5. At all such hearings, the property owner shall have the legal right to defend against the allegations made by way of confronting any adverse witnesses, by being allowed to present live witnesses in its own behalf, by being allowed to present other evidence in its own behalf, and by being allowed to present arguments personally or through legal counsel in its own behalf.
  6. The Township Board/Planning Commission shall prepare a written statement of its findings, which may be formal or informal in nature within a reasonable time, not to exceed sixty (60) days, after the conclusion of all such hearings. Such statement of findings may be embodied in a resolution adopted by the Township Board.
  7. If the Township Board/Planning Commission determines after due notice and proper hearing that competent, material and substantial evidence exists that a violation of the special land use permit and the conditions of approval has been committed by a property owner or that, even if no violation has been demonstrated, nevertheless the interests of public health, safety, or welfare warrant that the Township Board/Planning Commission revoke the special land use permit issued to the property, the Township Board/Planning Commission may revoke the special land use permit.
  8. *Criteria for revocation:* The Township Board/Planning Commission may revoke the special land use permit upon a determination by the Township Board or Planning Commission that based upon competent material and substantial evidence presented at the public hearing, any of the following exists:
    - A. Violation of the special land use permit, any of the conditions of the special land use, and any provisions of a development agreement attached to the special land use permit.
    - B. Maintenance of a nuisance upon the premises, including, but not limited to, any of the following:
      - (1) Existing violations of building, zoning, health, fire, or regulatory codes.
      - (2) A pattern of conduct on the property which violates the terms of the special land use permit.
      - (3) A pattern of conduct on the property which creates a public nuisance.
      - (4) Perjury or any material misrepresentation of information in any application required or hearing held pertaining to the grant, renewal, or revocation of any license or permit.

## **ARTICLE XI - SPECIFIC USE PROVISIONS<sup>[7]</sup>**

### **Sec. 1100. - 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 use.

### **Sec. 1101. - Detached single-family dwelling units:**

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

1. 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, Public Act 230 of 1972, as amended (MCL 1125.1501-125.1531 et. seq.) and the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended.
2. The setbacks, gross floor area, and lot coverage of any proposed single-family dwelling unit shall comply with the standards for the zoning district where proposed set forth in Article 4 or Article 5, as applicable by zoning district.
3. 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.
4. Dwelling units shall be provided with exterior finish materials similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.
5. 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 twenty-four (24) feet.
6. 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, to the perimeter wall.
7. Any such home shall be anchored by an anchoring system approved by the Township.
8. The Zoning Administrator may request a review by the Planning Commission of any dwelling unit with respect to subsections 4 and 5, 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 three hundred (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 three hundred (300) feet. If the area within three hundred (300) feet does not contain any such homes, then the nearest twenty-five (25) similar type dwellings shall be considered.

9. The provisions of this Section shall not apply to manufactured homes situated in licensed manufactured housing communities.

**Sec. 1102. - Home occupations:**

1. Home occupations are limited to those who legally reside in the residence.
2. 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.
  - 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 percent (20%) of the total floor area of any one (1) story of the residential structure therein located or up to two hundred (200) square feet of a detached structure. Said detached structure shall meet all required accessory structure provisions.
  - E. 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.

- F. 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.
- G. Employee.** A home occupation shall be allowed up to one (1) non-family employee provided that one (1) parking space is provided for the employee.
- 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 Section 1205, Parking requirements. 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.

**Sec. 1103. - Keeping of chickens:**

The keeping of up to four (4) 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 (1) acre; subject to the health and sanitation provisions of the Township of Ypsilanti subject to the following:

1. The principle uses of the property where the hens are to be kept is as a single-family dwelling as defined by this Ordinance.
2. Hens may only be kept by a person permanently residing at the subject residence.
3. The keeping of roosters shall be prohibited.
4. Chickens shall be provided with a secure, well-ventilated, roofed, and lockable structure (heretofore referred to as a "hen house") which shall not exceed twenty-five (25) square feet in area.
5. 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.
6. No enclosure shall be located closer than twenty (20) feet from a property line nor shall it be located closer than forty (40) feet to any adjacent residential structure.
7. Both the hen house and the fenced pen, run, or enclosure must be located in the rear yard.
8. 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.
9. All food shall be stored indoor and within a rodent-proof container.
10. The slaughtering of hens shall be prohibited.

11. 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.

**Sec. 1104. - 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:

1. Front, side, and rear yards shall be at least eighty (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.
2. Off-street parking shall be provided so as to accommodate not less than one-half (0.5) 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.
3. Whenever a swimming pool is constructed under this Ordinance, said pool area shall be provided with a protective fence, six (6) feet in height, and entry shall be provided by means of a controlled gate.

**Sec. 1105. - Golf courses:**

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

1. 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.
2. 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.
3. Off-Street Parking. All off-street parking shall be in compliance with the standards set forth in Section 1205, Parking requirements to provide for adequate parking for golfers as well as for banquets, weddings, golf tournaments, conferences, and other activities.
4. 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 1301.3.H.



5. In residential zoning districts where golf courses are allowed, 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 two hundred (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.

**Sec. 1106. - 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:

1. Any use permitted herein shall be developed only on sites of at least forty (40) acres in area and shall not be permitted on any portion of a recorded subdivision plat.
2. No building shall be closer than eighty (80) feet to any property line.

([Ord. No. 2011-476](#), § 20, 2-20-11)

**Sec. 1107. - Bed and breakfasts operations:**

1. The proprietor shall reside at the Bed and Breakfast operation.
2. Guest stays shall not exceed fourteen (14) consecutive days nor more than thirty (30) days in one (1) year.
3. The rooms utilized for sleeping shall be a part of the primary residential use and not specifically constructed for rental purposes. Provided, however, that an accessory dwelling 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.
4. 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.
5. Lavatory and bathing facilities must be available to all persons using any leasable sleeping room.
6. There will be no separate cooking facilities available to persons using any leasable sleeping room.

**Sec. 1108. - Public riding and/or boarding stables:**

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

1. 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.

2. 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.
3. 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 one hundred (100) feet from the perimeter of the site.
4. Lighting for exterior illumination shall be directed away from and shall be shielded from adjacent residential districts.
5. A plot plan drawn to scale shall be submitted showing ingress and egress, parking, and lighting.

**Sec. 1109. - Private stables:**

Private stables may be permitted for not more than one (1) horse on a lot where said lot is not less than four (4) acres in area and provided further, that for each additional horse stabled thereon one (1) 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 one hundred (100) feet from any property line.

**Sec. 1110. – Commercial Greenhouses and plant material nurseries in one (1) family residential districts:**

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

1. *Minimum size:* The minimum site size shall be five (5) acres and so located as to provide all ingress and egress directly onto a major thoroughfare.
2. *Required yards:* All required yards shall be not less than fifty (50) feet wide when abutting any residential district.
3. *Permanent sales office:* If retail sales are permitted on site, 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.
4. *Outdoor storage:* Outdoor storage of equipment and materials shall be subject to the standards set forth in Section 1157 Outdoor Storage of Goods and Contractors/Landscapers Yard.

([Ord. No. 2011-476](#), § 20, 2-20-11)

**Sec. 1111. - Cemeteries:**

Cemeteries may be permitted subject to the following conditions:

1. Landscaping screening meeting the standards set forth in Section 1301.3.H shall be provided where a cemetery abuts a residential Zoning District or use.
2. 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 on private internal roads or in

parking areas in addition to any required parking. Assembly areas are not permitted on public roads or private roads not in sole control of the cemetery.

3. 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.
4. No building shall be located closer than fifty (50) feet from a property line that abuts any residentially used or zoned property.

**Sec. 1112. – Community supported agriculture:**

**1. *Application of regulations:***

- A. Community supported agriculture or associated distribution/pickup center, u-pick operations, and farm markets occupying less than one thousand five hundred (1,500) square feet shall be reviewed administratively. The administrative review process shall be conducted as follows:
  - (1) 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.
  - (2) 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.
- B. 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.

**2. *Standards:***

- A. **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.
- B. **Minimum Lot Area.** Minimum lot area shall be two and a half (2.5) acres.
- C. **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.
- D. **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.
- E. **Hours of Operation.** The facility shall operate any time between dawn to dusk.

- F. **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.
- G. **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.
- H. **Other Permits.** All other required permits shall be obtained.
- 3. ***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.

([Ord. No. 2011-476](#) , § 20, 2-20-11)

**Sec. 1113. - Keeping of more than four (4) dogs in one-family residential districts:**

The keeping of more than four (4) dogs owned by the resident of a property as pets not boarded for others subject to the following conditions:

1. All dogs shall be licensed per Chapter 14, Article III of the Code of Ordinances of the Charter Township of Ypsilanti.
2. 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.
3. 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.
4. 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.
5. 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. 2011-476](#) , § 20, 2-20-11)

**Sec. 1114. - Convalescent homes and nursing homes:**

Convalescent homes or nursing homes must meet following conditions:

1. ***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.

2. ***Ingress and egress:*** The proposed site shall have at least one (1) property line abutting and restricting all vehicular ingress and egress to a major thoroughfare .
3. ***Yards:*** All yards shall be a minimum of forty (40) feet in width shall be kept free of parking and shall be landscaped.
4. ***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 1207, Off-street loading and unloading.
5. ***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.
6. ***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.

([Ord. No. 2011-476](#) , § 20, 2-20-11)

**Sec. 1115. – Mortuaries and funeral homes:**

Mortuaries and funeral homes 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 in business and form-based districts. A crematorium shall only be permitted as an accessory use of a funeral home and shall only be approved a special conditional use.

**Sec. 1116. - Veterinary clinics:**

1. 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 one hundred (100) feet from abutting residential district on the same side of the street.
2. All narcotics must be kept secure in a locked area.

([Ord. No. 2011-476](#) , § 20, 2-20-11)

**Sec. 1117. - Veterinary hospitals:**

All activities are conducted within a totally enclosed main building and provided further that all buildings are set back at least one hundred (100) feet from abutting residential district on the same side of the street. All narcotics must be kept secure in a locked area.

([Ord. No. 2011-476](#) , § 20, 2-20-11)

**Sec. 1118. - Drive-in and drive-through facilities:**

1. ***On-site stacking.*** Adequate on-site stacking space for vehicles shall be provided for each drive-in or drive-through 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.
2. ***Traffic control.*** Projected peak hour traffic volumes which will be generated by the proposed drive-in or drive-through service shall not cause undue congestion during the peak hour of the street serving the site.
3. ***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.
  - A. **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.
  - B. When abutting or adjacent to residential districts, a six (6) foot high, completely obscuring wall, fence or landscaping shall be provided. The Planning Commission may require screening for other uses. 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.
  - C. **Noise Performance Standards.** Any speakers or noise amplification shall comply with the performance standards for noise in Section 1400.6.
  - D. **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 the Minimum Stacking Spaces Table. 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.

Minimum Stacking Spaces Table

Use	Stacking Spaces per Service Lane*
Banks, Pharmacy, Photo Service, and Dry Cleaning	4
Restaurants with Drive-Through	10
Vehicle Use Quick Oil Change	2
Auto Washes (Self-Service)	
Entry	2
Exit	1
Auto Washes (Automatic)	
Entry	8
Exit	2
*The Planning Commission, based on a recommendation from the Zoning Administrator, may require more stacking spaces for a specific user, if it is determined that said user, based on their specific operation requires additional stacking for a typical day.	

**Sec. 1119. – Open Air Business:**

1. ***Outdoor display and sales:*** Outdoor Display and Sales are subject to the following standards and conditions:
  - A. Outdoor Display and Sales is not permitted as a principal use of a property.
  - B. An Outdoor Display and Sales that is as an accessory use to the principal use conducted on the premises is permitted within the GC District, and regional form-based corridors 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.
  - C. The exterior of the premises shall be kept clean, orderly, and maintained.
  - D. 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.
  - E. The location of the outdoor display shall meet all required setbacks and shall be approved by the Zoning Administrator.

- F. 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.
  - G. Outdoor sale and display areas that abut residentially zoned or used property shall be screened in accordance with Section 1301.3.H.
  - H. 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.
2. *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:
- A. 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 1301.3.H shall also be provided.
  - B. 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.
  - C. Ingress and egress shall be provided in a manner so as not to create a traffic hazard or nuisance.
  - D. Such sales shall be permitted for a period not to exceed ninety (90) days.
  - E. Upon discontinuance of the seasonal use, any temporary structure shall be removed.

([Ord. No. 2011-476](#), § 20, 2-20-11)

**Sec. 1120. - 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. A Zoning Compliance permit may be issued by the Zoning Administrator under the following terms and conditions:

1. *Parking lot:* Outdoor cafes may be permitted in parking lots provided that the following:
  - A. No handicapped parking may be used or blocked.
  - B. Maintain safe traffic flow.
  - C. Maintain sufficient parking.
  - D. Provide a secure barrier from cars.
2. *Permits:* Sidewalk or outdoor cafe permits may be issued if it is determined that the occupancy will not:
  - A. Interfere with the use of the street for pedestrian or vehicular travel.
  - B. Unreasonably interfere with the view of, access to, or use of property adjacent to said street.



- C. Reduce any sidewalk width to less than six (6) feet.
  - D. Interfere with street clearing or snow removal activities.
  - E. Cause damage to the street or to sidewalks, trees, benches, landscaping, or other objects lawfully located therein.
  - F. Cause a violation of any state or local laws.
  - G. Be principally used for off-premises advertising.
  - H. Be attached to or reduce the effectiveness of or access to any utility pole, sign, or other traffic control device.
  - I. Cause increased risk of theft or vandalism.
  - J. Be in or adjacent to property zoned exclusively for residential purposes.
3. 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.
  4. 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.
  5. 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 one hundred ten (110) 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.

**Sec. 1121. - Dealership for sale of new or used vehicles, boats, house trailers, or rental of trailers and/or vehicles:**

1. Outdoor sales space for sale of new or used vehicles, boats, house trailers, or rental of trailers and/or vehicles, 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. Minor vehicle repair or major refinishing shall be permitted as a special use.
  - C. All lighting shall be shielded from adjacent residential districts.
  - D. Vehicle delivery shall be conducted on the premises and shall not interfere with vehicular traffic on a public road.

([Ord. No. 2011-476](#), § 20, 2-20-11)

**Sec. 1122. - Motels:**

**Motels are subject to the following conditions:**

- 1. Access shall be provided so as not to conflict with adjacent business uses or adversely affect traffic flow on a major thoroughfare.**
- 2. Each unit shall contain not less than two hundred-fifty (250) square feet of floor area.**
- 3. No guest shall establish permanent residence at a motel for more than thirty (30) days within any calendar year.**
- 4. Hourly rates are prohibited.**
  - A. No person owning, controlling, managing, or having charge of any motel within the Township shall allow or permit an hourly charge for any room within said establishment.**
  - B. No person owning, controlling, managing, or having charge of any motel within the Township shall allow or permit any room or rooms within said establishment to be rented more than twice in any twenty-four (24) hour period commencing at 12:01 a.m.**

**Sec. 1123 – Hotels:**

**Hotels are subject to the following conditions:**

- 1. Access shall be provided so as not to conflict with adjacent business uses or adversely affect traffic flow on a major thoroughfare.**
- 2. Hourly rates are prohibited.**
  - A. No person owning, controlling, managing, or having charge of any hotel within the Township shall allow or permit an hourly charge for any room within said establishment.**
  - B. No person owning, controlling, managing, or having charge of any hotel within the Township shall allow or permit any room or rooms within said establishment to be rented more than twice in any twenty-four (24) hour period commencing at 12:01 a.m.**

**Sec. 1124 – Extended stay hotels:**

**Extended stay hotels are subject to the following conditions:**

- 1. Access shall be provided so as not to conflict with adjacent business uses or adversely affect traffic flow on a major thoroughfare.**
- 2. No occupant shall be permitted to stay in any unit of an extended stay hotel or extended stay motel in excess of six (6) months each calendar year.**
- 3. Hourly rates are prohibited.**

- A. No person owning, controlling, managing, or having charge of any extended stay hotel within the Township shall allow or permit an hourly charge for any room within said establishment.
- B. No person owning, controlling, managing, or having charge of any extended stay hotel within the Township shall allow or permit any room or rooms within said establishment to be rented more than twice in any twenty-four (24) hour period commencing at 12:01 a.m.

**Sec. 1125. – 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 following standards:

- 1. 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, materials, and equipment repair.
- 2. The exterior of the premises shall be kept clean, orderly, and maintained.
- 3. 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.
- 4. The location of the outdoor display shall meet all required setbacks and be approved by the Zoning Administrator, if all requirements of this Ordinance are met.
- 5. 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.
- 6. Outdoor sale and display areas that abut residentially zoned or used property shall be screened in accordance with Section 1301.3.H.

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.

- 7. Outdoor storage of equipment and materials shall be subject to the standards set forth in Section 1157, Outdoor storage and contractors/landscapers yard.
- 8. 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:
  - A. 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 1301.3.H shall also be provided.
  - B. 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.
  - C. Ingress and egress shall be provided in a manner so as not to create a traffic hazard or nuisance.
  - D. Such sales shall be permitted for a period not to exceed ninety (90) days.

E. Upon discontinuance of the seasonal use, any temporary structure shall be removed.

(Ord. No. 2011-476, § 20, 2-20-11)

**Sec. 1126. – Vehicle fueling/multi-use station:**

Vehicle fueling stations 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 business or form-based districts may be established in conjunction with such vehicle fueling station, subject to the following conditions:

1. Vehicle fueling/multi-use stations shall directly abut a major thoroughfare.
2. The minimum lot area for vehicle fueling stations shall be fifteen thousand (15,000) square feet for stations having no more than two (2) service bays and no more than two (2) pump islands. There shall be added three thousand (3,000) square feet for each additional service bay and one thousand five hundred (1,500) square feet for each additional pump island. At least one (1) street lot line shall be at least one hundred fifty (150) feet in length along one (1) 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.
3. The driveway or curb cuts for access to a fueling 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 (10) feet from an adjoining property line, twenty-five (25) feet if adjacent to residential districts, as extended to the curb or pavement. Entrances shall also be no less than twenty-five (25) feet from an intersection street right-of-way line extended to the curb or pavement.
4. **Setbacks:** The following minimum setbacks shall apply to canopies and pump facilities constructed in conjunction with Fueling/Multi-Use:

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

5. **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.
6. **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.

7. ***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.
8. ***Canopy lighting:*** Canopy lighting shall be recessed so that the light source is not visible from off site.
9. ***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.
10. ***Repair and services:*** All repair and maintenance activities shall conform with the standards set forth in Section 1127, Minor vehicle repair. Dismantled, wrecked, or immobile vehicles shall not be permitted to be stored on site.
11. ***Accessory vehicle wash:*** If a vehicle wash is proposed, it must comply with the standards set forth in Section 1129, Automobile car wash and stacking space requirements in Section 1118, Drive-in, and drive-through facilities.
12. A six (6) foot tall completely obscuring wall shall be provided where abutting to a residential district. Alternative screening materials may be approved by the Planning Commission.

([Ord. No. 2011-476](#) , § 20, 2-20-11)

**Sec. 1127. - Minor vehicle repair:**

Minor vehicle repair businesses are subject to the following conditions:

1. 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.
2. Access to and from such use shall not be cause for traffic to utilize residential streets.
3. No storage of outdoor parts or materials shall be allowed.
4. Vehicles shall not be allowed to be stored outside the building overnight 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.
5. Areas for off-street parking required for customer use shall not be utilized for the storage of vehicles awaiting repair.
6. 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.
7. Suitable containers shall be provided and utilized for the disposal of used parts and such containers shall be screened from public view.
8. A six (6) foot tall completely obscuring wall shall be provided where abutting to a residential district. Alternative screening materials may be approved by the Planning Commission.

([Ord. No. 2011-476](#) , § 20, 2-20-11)

**Sec. 1128. – 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 Zoning Compliance 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 Zoning Compliance permit may be issued by the Zoning Administrator under the following terms and conditions:

1. For all uses, the following conditions must be met:
  - A. Signs shall be limited to sizes and locations in keeping with Article 15.
  - B. 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.
  - C. Building and Fire Code requirements shall be complied with.
  - D. 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 (6) feet wide.
  - E. 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.
  - F. The sale shall not interfere with street clearing or snow removal activities.
  - G. The sale shall not cause damage to the street or to sidewalks, trees, benches, landscaping, or other objects lawfully located on the property.
  - H. Sales areas shall be located so as to provide adequate access for fire and safety vehicles.
  - I. A permit shall be required. The proprietor of the property shall provide a sketch plan drawn to scale showing the location of the sale, existing, proposed, temporary, and permanent structures on the entire parcel, parking areas, and parking calculations.
  - J. Copies of permits required by any other agencies for the use must be included with the permit application.
2. Seasonal sale of produce from tents, stands, or display racks subject to the following conditions:
  - A. Permits may be issued for up to six (6) month periods.
  - B. Off-street parking shall be provided in keeping with standards of Section 1205, Parking requirements. In those instances where usable floor area cannot be effectively measured, the sales space utilized shall be measured as usable floor area.
3. Sidewalk sales areas may be permitted subject to the following:
  - A. The sidewalk sales area shall abut the building and shall not be placed abutting a parking area or vehicle travel lane.
  - B. Sidewalk sales areas shall not be fenced or enclosed in any manner.

- C. Sidewalk sales shall be conducted for no more than fourteen (14) consecutive days and permits shall not be issued for consecutive tent sales beyond a fourteen (14) day period.
- 4. Tent sales may be permitted subject to the following:
  - A. No more than three (3) tent sales shall be permitted for a business location within a single calendar year.
  - B. A tent sale shall be conducted for no more than fourteen (14) consecutive days and permits shall not be issued for consecutive tent sales beyond a fourteen (14) day period.
  - C. Tent sales when proposed to be conducted on parking areas shall not reduce required parking spaces by more than fifteen percent (15%).
  - D. All tents shall be removed within forty-eight (48) hours of expiration of the period for which the permit is issued.
  - E. Equipment and products used in the event do not pose a fire or other hazard.

**Sec. 1129. – Food trucks:**

- 1. Applicant must obtain a zoning compliance permit. The property owner of site of proposed food truck shall sign zoning compliance permit application.

**([Ord. No. 2011-476](#) , § 20, 2-20-11)**

**Sec. 1129. – Vehicle wash:**

Vehicle wash operations are subject to the following:

- 1. All buildings shall have a front yard setback of not less than fifty (50) feet.
- 2. All washing facilities shall be within a completely enclosed building.
- 3. 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 twenty-five (25) feet from any residential district.
- 4. All vehicles 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 Section 1205, Parking Requirements, and Section 1118, Drive-in, and drive-through facilities.
- 5. All off-street parking and stacking spaces shall be hard-surfaced and dust free.
- 6. All automatic vehicle wash facilities must provide a demonstrated means at the exit ramp for each wash bay to prevent pooling of water or freezing.
- 7. All lighting shall be shielded and directed away from adjacent residential districts.
- 8. A six (6) foot tall completely obscuring wall shall be provided where abutting to a residential district. Alternative screening materials may be approved by the Planning Commission.

**([Ord. No. 2011-476](#) , § 20, 2-20-11)**

Sec. 1130. - Commercial outdoor recreational space for children's amusement parks, miniature golf courses, golf driving ranges, batting cages, archery ranges, and similar activities:

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

1. *License required:* All activity, parking, and buildings shall not be permitted within one hundred and fifty (150) feet of any residentially zoned property.
2. *Physical barriers and setbacks:* Such facilities that include paintball, archery, golf driving ranges, shooting ranges, or similar uses where projectiles are used shall employ effective physical barriers and isolation distances to assure that no projectile shall carry, or be perceptible, beyond the property limit. The Planning Commission may require setbacks or physical barriers in order to protect the safety of those on adjacent parcels. The use shall be fenced on all sides with a four (4) foot wall or fence. A six (6) foot tall completely obscuring wall shall be provided where abutting to a residential district. Alternative screening materials may be approved by the Planning Commission.
3. 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. Noise levels shall not exceed seventy (70) decibels at the property line of the site.
4. Hours of operation shall be limited to 8:00 a.m. to 10:00 p.m. The Planning Commission may extend allowed hours of operation until midnight as part of site plan or special use approval.

([Ord. No. 2011-476](#), § 20, 2-20-11)

Sec. 1131. - Smoking lounges:

Smoking lounges subject to the following:

1. *License required:* A valid smoking lounge business license issued by the Township Clerk for the premises.
2. *Off-street parking:* Smoking lounges shall provide off-street parking per the standard for Restaurants & Cafes, Standard Restaurant in Section 1205, Parking requirements.
3. *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.
4. *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.
5. *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.
6. **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.
7. **Alcoholic beverages:** No alcoholic beverages shall be sold or consumed on the premises.
8. **Minors:** No persons under eighteen (18) years of age shall be permitted within the business.
9. 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.
10. 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 Sheriff's Office.
11. 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.

([Ord. No. 2011-476](#), § 20, 2-20-11)

**Sec. 1132. – Incidental sales and services:**

- 1. **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.
- 2. **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:
  - A. 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.
  - B. 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.

- C. No sign or window display shall be discernible or visible from a sidewalk, street, or other public or private way.
- D. Such incidental service shall not be located on any floor above the first or ground floor.
- 3. *Within business, research, and/or industrial park:* Within Business, Research, and/or Industrial Park, incidental services allowed provided that:
  - A. Such facilities shall be of the kinds needed to serve customers and employees of the business, research, and/or industrial park, such as but not limited to restaurants, but not including drive-ins, auto service stations, auto washes, gift shops, offices, and motels.
  - B. 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 business, research and/or industrial park and not to the general public.

([Ord. No. 2011-476](#), § 20, 2-20-11)

**Sec. 1133. - Airports:**

Airports subject to all state and federal regulations and subject to all Township codes and Ordinances and further subject to the following conditions:

- 1. An airport shall not be located at the edge of an industrial district which abuts land in the Township planned for residential use.
- 2. The use shall provide maximum compatibility to abutting uses and to the future land use plan for the immediate area.
- 3. Runway location and/or extension shall be reviewed relative to potentials for flight interference in runway approach zones.
- 4. Runway location and/or extension shall be reviewed relative to effects on residential areas.
- 5. Buildings and structures shall comply with all setback requirements of the L-M District and shall be set back from all runways in accord with all Federal Aviation Agency regulations.
- 6. 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. 2011-476](#), § 20, 2-20-11)

**Sec. 1134. – Self-Storage Facilities:**

- 1. *Incidental uses:* Incidental accessory uses such as the sale of boxes, locks, and other supplies shall be permitted.
- 2. *Standards:*
  - A. The storage of any toxic, corrosive, flammable, or hazardous materials is prohibited.
  - B. 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 1301.3.H.

- C. Exterior walls of all storage units shall be of masonry construction.
- D. Adequate maneuvering space for fire safety vehicles shall be provided.

**Sec. 1135. - Indoor recreational facility:**

1. All recreational activities shall be conducted within an enclosed building.
2. Structures shall be set back one hundred (100) feet from any abutting residential district, except the Planning Commission may reduce the setback to fifty (50) feet where the adjacent residentially zoned property is a public park or recreation area.
3. 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.
4. 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 (2) 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 (3) similar facilities in the area.
5. The applicant shall provide documentation showing that the size of the site is adequate, using national facility standards.
6. 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.
7. All buildings shall be permanent structures. Inflated domes are not permitted.

**Sec. 1137. - 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:

1. All Ordinances of the Township, county, and state as applied to these activities are complied with.
2. No such use shall be allowed within two hundred (200) feet of a residential used or zoned property.
3. Burning of materials or the burning of junk cars shall be prohibited.
4. Storage areas shall be obscured from public view and the storage area shall be entirely enclosed by an eight-foot obscuring wall or fence.

5. A site plan in full detail and drawn to scale shall be submitted in accordance with Section 910, Submittal requirements of the Township zoning Ordinance.

**Sec. 1138. - Outdoor theaters:**

Outdoor theaters subject to the following conditions:

1. 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.
2. 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.
3. 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.
4. Outdoor theaters shall abut major thoroughfares and points of ingress and egress shall be available only from such major thoroughfare.
5. Use shall be screened from the view of residentially zoned or used property and public roads in accordance with the standards set forth Section 1301.3.H.

**Sec. 1139. – Sexually oriented businesses:**

1. *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 Township Board 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 (10<sup>th</sup> 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, LLC 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 the distribution of obscene material.

2. ***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); "Strip clubs 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 Township Board finds:

- A. 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.
- B. 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 (1) area.
- C. 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 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.

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

- A. **ADULT BOOKSTORE OR ADULT VIDEO STORE:** A commercial establishment which, as one (1) of its principal business activities, offers for sale or rental for any form of consideration any one (1) 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:

- (1) At least thirty-five percent (35%) of the establishment's displayed merchandise consists of said items, or
  - (2) At least thirty-five percent (35%) of the retail value (defined as the price charged to customers) of the establishment's displayed merchandise consists of said items, or
  - (3) At least thirty-five percent (35%) of the establishment's revenues derive from the sale or rental, for any form of consideration, of said items, or
  - (4) The establishment maintains at least thirty-five percent (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 floorspace" maintained for the display, sale, or rental of said items); or
  - (5) 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
  - (6) The establishment regularly offers for sale or rental at least two thousand (2,000) of said items; or
  - (7) 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 (5) or fewer persons per machine at any one (1) time, and where the images so displayed are characterized by their emphasis upon matter exhibiting "specified sexual activities" or "specified anatomical areas."
- B. **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.
- C. **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 (5) persons for any form of consideration.
- D. **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.
- E. **ESTABLISH OR ESTABLISHMENT:** In regard to sexually oriented business, means and includes any of the following:
- (1) The opening or commencement of any sexually oriented business as a new business;
  - (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;



- (3) The addition of sexually oriented business to any other existing sexually oriented business; or
  - (4) The relocation of a sexually oriented business.
- F. **FEATURE:** To give special prominence to.
- G. **FLOOR SPACE:** The floor area inside an establishment that is visible or accessible to patrons for any reason, excluding restrooms.
- H. **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.
- I. **PERSON:** An individual, proprietorship, partnership, corporation, association, or other legal entity.
- J. **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.
- K. **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 (40) acres in size and flanked by two (2) 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.
- L. **REGULARLY:** The consistent and repeated doing of an act on an ongoing basis.
- M. **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.
- N. **SEMI-NUDE MODELSTUDIO:** 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:
- (1) By a college, junior college, or university supported entirely or partly by taxation;
  - (2) 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
  - (3) In a structure:

- a. 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
  - b. Where, in order to participate in a class a student must enroll at least three (3) days in advance of the class.
- O. **SEXUAL DEVICE:** means any three (3) dimensional objects 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.
- P. **SEX PARAPHERNALIA STORE:** A commercial establishment that regularly features sexual devices. This definition shall not be construed to include any:
  - (1) pharmacy, drug store, medical clinic, or any establishment or entity primarily dedicated to providing medical or healthcare products or services; or
  - (2) any establishment located within an enclosed regional shopping mall.
- Q. **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.”
- R. **SPECIFIED ANATOMICAL AREAS:**
  - (1) 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
  - (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- S. **SPECIFIED SEXUAL ACTIVITIES:**
  - (1) Intercourse, oral copulation, masturbation, or sodomy; or
  - (2) Excretory functions as part of or in connection with any of the activities described in a.
- 4. **Standards:**
  - A. It shall be unlawful to operate or cause to be operated a sexually oriented business within one thousand (1,000) feet of any of the following:
    - (1) A place of worship.
    - (2) A school or childcare facility.
    - (3) A public park (not including public trails).
    - (4) Any residential zoning district or any parcel used for residential purposes.
    - (5) 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.

- B. 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 4 above. If the sexually oriented business is located in a multitenant 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 right-of-way associated with any of the land use(s) identified in subsection 4 above.
- C. 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 one thousand (1,000) 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 Ypsilanti Township Ordinances.

**Sec. 1140. – Massage therapy regulations:**

- 1. ***Standards:*** A massage therapist must be licensed by the Department of Licensing and Regulatory Affairs, Bureau of Health Professions.
- 2. ***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.
- 3. ***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 special use permit and the following conditions:
  - A. Massage therapists must meet the qualifications established in this Section.
  - B. Floor area for massage therapy shall not exceed twenty percent (20%) of the total floor area.
  - C. 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.
  - D. Any additional conditions required by the Planning Commission such as hours of operation, and massage therapy workspace visibility.
- 4. ***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 special use process, but the conditions of subsections 1 and 2 above apply.

**Sec. 1141. - Pawnbroker, secondhand dealer, and junk dealer:**

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

- 1. No pawnbroker, secondhand dealer or junk dealer business shall be permitted within one thousand (1,000) feet of a district zoned for residential purposes.

2. 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.
3. 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.
4. A license shall be required in keeping with Chapter 22, Article III of the Charter Township of Ypsilanti Code of Ordinances as amended Pawnbrokers, junk, and secondhand dealers.

**Sec. 1142. - Automobile mechanical component dismantling and recycling:**

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

1. 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.
2. All operations and storage shall be within an enclosed building and there shall be no outdoor storage.
3. The lot shall not be located within two hundred (200) feet of the boundary of a non-industrial zoning district.

**Sec. 1143. - Parole or probation offices:**

Parole or probation offices subject to the following conditions:

1. No parole or probation supervisory office facilities shall be permitted within one thousand (1,000) feet of a church or a public or private school property.
2. No such office facility shall be permitted within one thousand (1,000) feet of a district zoned for residential use.
3. No parole or probation supervisory office facilities shall be permitted within one thousand (1,000) feet of a state licensed childcare facility.
4. All other requirements regarding height, area, setback, screening walls, signs, and similar mass and area requirements, shall be consistently maintained.
5. 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.

**Sec. 1144. - 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 310, Public hearing notice requirements, and further shall be reviewed as provided in Article 10 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 twelve (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 (1) or more tower units with a supporting ground system that functions as one (1) AM broadcasting antenna shall be considered as one (1) 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 (1) 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 (1) 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 the Wireless Communication Towers and Antennas Required Review/Approval Table. Towers and antennas requiring Planning Commission review shall be subject to special land use approval in accordance with Article 10, sSpecial 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 Zoning Administrator or his or her designee makes that determination fourteen (14) business days after the Zoning Administrator or his or her designee receives the application, whichever is first.

If the Zoning Administrator or his or her designee notifies the applicant before the expiration of the fourteen (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 fourteen (14) day period shall be tolled until the applicant submits to the Zoning Administrator 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 sixty (60) days after the application is considered complete for wireless communication antennas co-located on an existing tower or ninety (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 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 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 one hundred -twenty (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 (6) months.

**Wireless Communication Towers and Antennas  
Required Review/Approval Table**

<b>Situation/Use</b>	<b>Township Board</b>	<b>Planning Commission</b>	<b>Administrative Permits</b>	<b>Exempt</b>
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 one and half (1.5) meters.				X
Installation of satellite dish antennas with a diameter of one and half (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		

- (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 (6) 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 twenty (20) acres in area occupied by an institutional or a public recreational use.
  - b. **Height:** 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. However, no towers shall exceed one hundred-fifty (150) feet in height as measured from grade-level to the highest point of the tower. The accessory building, to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.
  - c. **Lot boundaries:** Towers shall be set back from all zoning lot boundaries not less than one hundred percent (100%) 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 twenty (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 three hundred (300) feet from the boundary of a parcel with an existing dwelling, except were 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 fifty (50) feet and the antenna and support structure shall not exceed the height of the building by more than ten (10) 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 one hundred fifty percent (150%) 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 (1) such antenna, with a maximum height of sixty (60) feet and a minimum setback from all lot boundaries equal to one hundred percent (100%) of its height, 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 (1) such antenna, with a minimum setback from all lot boundaries equal to one hundred fifty percent (150%) 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 for site plans by Section 910, Submittal requirements and for special land uses required by Section 1002.2:
- (1) **Site plan:** The petitioner shall submit a site plan, and elevation drawings of all structures, for review in accordance with Section 910, Submittal requirements. 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 thirty (30) days' written notice to the Township as certificate holder. The petitioner shall supply a one thousand (\$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 or are not located 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) **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.

- (7) 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.
        - (8) The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.
        - (9) 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.
  - F. 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 (6) feet in height.
2. *Standards and conditions:* Applications for wireless communication facilities, which may be approved as special land uses, and in addition to review requirements as set forth in Article 10, Special Land Uses, shall be reviewed, and if approved, constructed, and maintained, in accordance with the standards and conditions set forth herein.
  - A. 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:
    - (1) Proximity to an interstate or major thoroughfare.
    - (2) Areas of population concentration.
    - (3) Concentration of commercial, industrial, and/or other business centers.
    - (4) Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
    - (5) Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
    - (6) Other specifically identified reason creating need for the facility.
  - B. The proposal shall be reviewed in conformity with the collocation requirements of this Section.
3. *Collocation:*
  - A. Feasibility of collocation. Collocation shall be deemed to be “feasible” for purposes of this Section where all of the following are met:
    - (1) The wireless communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.

- (2) The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
- (3) 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.
- (4) 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.

**B. Requirements for collocation.**

- (1) 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.
  - (2) All new and modified wireless communication facilities shall be designed and constructed so as to accommodate collocation.
4. ***Tower address:*** Each tower shall be designated with a specific and unique mailing address.
  5. ***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 state and federal requirements and in compliance with Township Ordinances and conditions of approval in effect when the building permit was issued.
  6. ***Removal of abandoned towers and antennas:*** Abandoned towers or antennas shall be removed by the owner within ninety (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.
  7. ***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 Section 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:
    - A. **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.
    - B. 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.

**Sec. 1145. - 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:

1. 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.
2. The proposed design, location, drainage, and other technical aspects of such facility shall be approved by the Township Engineer.
3. When such facilities are proposed to be located within any district, the Planning Commission shall review and recommend and the Township Board shall determine that such facilities insure a satisfactory and harmonious relationship between such development and adjacent land uses, both existing and proposed.
4. In reviewing such development and prior to approval, the Township Board 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. 2011-476](#), § 20, 2-20-11)

**Sec. 1146. - 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, heavy industrial uses, and single-family residential areas. Recreation vehicle campgrounds shall further be subject to the following conditions:

1. *Locational requirements:*
  - A. A recreation vehicle campground shall not be bounded on more than three (3) 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.
  - B. The site shall have direct access to a major thoroughfare; and with appropriate frontage thereon to provide for the design of entrances and exits.
2. *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.

3. *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 7, items E of this Section.
4. *Height and area requirements:*
  - A. No building or structure hereafter erected or altered in a recreation vehicle campground shall exceed a height of two (2) stories or twenty-five (25) feet.
  - B. Recreation vehicle campgrounds shall be permitted only on parcels of twenty-five (25) acres or more.
  - C. Each campground site shall have a minimum forty (40) foot road frontage and a minimum area of at least two thousand four hundred (2,400) square feet.
5. *Yard and setback requirements:*
  - A. No campground site shall be located closer than two hundred (200) feet to the right-of-way line of a major thoroughfare and one hundred (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 thirty-five (35) feet.
  - B. No service building or any other similar structure shall be located closer than two hundred fifty (250) feet to a major thoroughfare or campground boundary.
6. *Buffers and landscaping:*
  - A. A greenbelt twenty (20) feet in width and six (6) 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.
  - B. A chain-link fence of not less than four (4) nor more than six (6) 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.
7. *Other conditions:*
  - A. 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.
  - B. Entrances and exits from county or state highways shall have the prior written approval of the highway authority having jurisdiction within the Township.

- C. The campgrounds shall be located on a well-drained site properly graded to insure rapid drainage and freedom from stagnant pools.
  - D. All lighting shall be shielded to reduce glare and shall be so arranged as to reflect the light away from abutting or adjacent properties.
  - E. Areas provided for the storage of recreational vehicles may be permitted subject to the following:
    - (1) The area shall be enclosed with a chain-link fence of not less than five (5) feet in height.
    - (2) A minimum setback distance of two hundred fifty (250) feet is maintained from any abutting or adjacent residential district.
    - (3) Any areas established for this purpose shall not be more than ten percent (10%) of the total campgrounds.
  - F. Occupants of any rented campground site shall not remain in the same recreation vehicle campground for more than fifteen (15) consecutive days within any calendar year.
  - G. 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.
  - H. All recreational vehicle campground developments shall further comply with Part 125 of the Michigan Public Health Code, Public Act 368 of 1978 as amended (MCL 333.12501...333.12563 et. seq.).
8. *Procedures, permits, and occupancy:* To construct a recreation vehicle campground of facilities herein, a person shall:
- A. Obtain a health permit from the Michigan State Health Department.
  - B. 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.
  - C. Obtain a campground construction permit from the Michigan Department of Environment, Great Lakes and Energy in the manner prescribed by Section 12505 of the Michigan Public Health Codes, Public Act 368 of 1978, (MCL 333.12505 et seq.), as amended.
  - D. Obtain necessary building permit from Township Building Inspector.
  - E. Obtain an annual license from the Michigan State Health Department in the manner prescribed by Section 12506 of the Michigan Health Code, Public Act of 368 of 1978 (MCL 333.12506 et seq.), as amended from time to time.
  - F. Obtain from the Township Building Inspector a certificate of occupancy and compliance as provided for in Section 302.

([Ord. No. 2011-476](#), § 20, 2-20-11)

Sec. 1147. - Storage of recreation vehicles:

1. *Locational requirements:*

- A. 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 (2) 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.
- B. The site for recreational vehicle storage shall have direct access to a major thoroughfare.
- C. Recreational vehicle storage shall not be permitted within a mobile home park.

2. *Uses permitted:* The storage of unoccupied recreational vehicles shall be permitted.

3. *Height requirements:* No building or structure shall hereafter be erected which shall exceed a height of one (1) story or fourteen (14) feet.

4. *Yard and setback requirements:*

- A. No recreational vehicle storage shall be located closer than one hundred (100) feet to the right-of-way line of a major thoroughfare and one hundred (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 twenty (20) feet.
- B. No service building or any other similar structure shall be located closer than one hundred (100) feet to a major thoroughfare or MH district boundary.

5. *Buffers and landscaping:*

- A. A greenbelt twenty (20) feet in width and six (6) 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.
- B. A chain-link fence or other secure fence of not less than five (5) and no more than eight (8) feet in height shall be erected to completely enclose the recreational vehicle storage area.

6. *Other conditions:*

- A. All sanitary sewage and water facilities shall meet the requirements of the Ypsilanti Community Utilities Authority, Ypsilanti Township and the Michigan State Health Department.
- B. Entrances and exits from county or state highways shall have the prior written approval of the highway authority having jurisdiction within the Township.
- C. The recreational vehicle storage area shall be located on a well-drained site properly graded to ensure rapid drainage and freedom from stagnant pools.
- D. All lighting shall be shielded to reduce glare and shall be so arranged as to reflect the light away from abutting or adjacent properties.



- E. The site plan shall receive the review and approval of the fire department for access lanes for firefighting equipment.

7. *Review and permit:*

- A. A site plan shall be submitted for review and approval of the Township, all in accord with Article 9 of this Ordinance.
- B. A building permit and certificate of occupancy shall be required for a recreational vehicle storage area.

([Ord. No. 2011-476](#), § 20, 2-20-11)

Sec. 1148. – Extraction of natural resources:

1. *General intent:*

This Section 5.12 of the Zoning Ordinance is intended to provide the procedure and standards for review and approval of applications seeking permission to conduct the land use of extracting natural resources in Ypsilanti Township in accordance with Michigan Zoning Enabling Act, Public Act 113 of 2011, as amended (MCL 125.3205(3), et seq. referred to as "Act 113" in this Section). As described and explained in this Section, approval of an application shall require special land use approval based on the ultimate determination of whether the proposed extraction operation would result in "very serious consequences" as that term is understood in Act 113. Therefore, the special standards in this Section shall apply rather than the usual standards in this Zoning Ordinance for the review of special land use applications.

In conformance with Act 113, the application and approval process under this Section shall be divided into two (2) parts:

- A. First, a preliminary hearing will be held to determine the extent of need for and public interest in the natural resource(s) sought to be extracted on the applicant's property. This part of the process is required as explained by the Michigan Court of Appeals in order to determine the precise calibration for the standard of review under the "very serious consequences" test (as explained in greater detail below in this Section).
- B. After the preliminary proceedings are completed, a public hearing and review shall be conducted at the request of an applicant to determine whether the special land use for the extraction of natural resources proposed in the application would result in "very serious consequences." The Planning Commission shall conduct the public hearing and make findings and a recommendation to the Township Board, and the Township Board shall make the final special land use determination.

2. *Findings by Township Board as a foundation for this ordinance section:*

The Township Board recognizes that, as the Michigan Supreme Court observed in *Kyser v Kasson Township*, 486 Mich 514, 518 (2010) ("*Kyser*"): the exercise of the zoning authority under MCL 125.3201(1) and (3) is an empowerment of the Township Board to plan and zone for a broad range of purposes. These provisions reveal the comprehensive nature of the Michigan Zoning Enabling Act. It defines the fundamental structure of a Zoning Ordinance by requiring a zoning plan to take

into account the interests of the entire community and to ensure that a broad range of land uses is permitted within that community. These provisions empower a Township to plan for and regulate a broad array of land uses, taking into consideration the full range of planning concerns that affect the public health, safety, and welfare of the community.

The provisions of Act 113 direct that:

In subsection (3), it is directed that an Ordinance shall not prevent the extraction, by mining, of valuable natural resources from any property unless very serious consequences would result from the extraction of those natural resources. Natural resources shall be considered valuable for the purposes of this Section if a person, by extracting the natural resources, can receive revenue and reasonably expect to operate at a profit.

In subsection (4), it is directed that a person challenging a zoning decision under subsection (3) has the initial burden of showing that there are valuable natural resources located on the relevant property, that there is a need for the natural resources by the person or in the market served by the person, and that no very serious consequences would result from the extraction, by mining, of the natural resources

Act 113 further specifies that the standards in *Silva v Ada Township*, 416 Mich. 153 (1982) ("*Silva*") shall be applied in reviewing an application to permit the extraction of natural resources.

Based on the authority provided to the Township Board in MCL 125.3202(1) to "provide by Ordinance for the manner in which the regulations and boundaries of districts or zones shall be determined and enforced or amended," the Township Board finds that review and approval of a special land use for the extraction of natural resources would be most effective and efficient if based on the procedures and terms of this Section.

The Township Board finds that a careful review process, based on standards understood by the Planning Commission, Township Board, the applicant, and the general public, is critical to protecting the public health, safety, and welfare as intended in the Michigan Zoning Enabling Act.

3. *Preliminary review process to determine the extent of need for and public interest in the natural resources proposed to be extracted:*
  - A. The purpose for having a preliminary hearing and review is founded on direction given by the Michigan Supreme Court and Michigan Court of Appeals with regard to the "very serious consequences" standard, which was codified as part of Act 113 in MCL 125.3205(4) with the specification that a showing of "Need" for the resources to be extracted is to be the *initial burden* that must be met by the applicant. While it might be argued that a showing of need is not required until a party challenges a zoning decision denying a proposed use, the Michigan Court of Appeals explains that the "need" issue must be ascertained in advance in order to know how to apply the "very serious consequences" standard. In the adoption of the "no very serious consequences" standard in its *Silva v Ada Township* opinion, the Michigan Supreme Court discussed a *variable level of public interest*, that is, need for the resources proposed to be extracted: "[t]he public interest of the citizens of this state who do not reside in the community where natural resources are located in the development and use of natural resources requires closer scrutiny of local zoning regulations which prevent development." 416 Mich at 160. A more detailed explanation on this point was as provided by the Court of Appeals in *American Aggregates Corp v Highland Township*, 151 Mich App. 37, 42-46 (1986),

where it was clarified that the public interest, that is, the “Need” factor, is required to inform the ultimate decision on “no very serious consequences,” noting that the entire foundation of the stricter “no very serious consequences” test (as compared to the standard that applies to nearly all other uses) rests on the important public interest involved in extracting and using natural resources. Therefore, the degree and extent of need and demand for the extraction of the specific natural resources located on the applicant's land is a relevant factor in reviewing the “no very serious consequences” issue. The Court referred to this as a sliding scale determination of whether “very serious consequences” exist in the landowner's specific situation. If the Need for a specific landowner's resource is very high, the consequences resulting from the extraction of the resource will not reach the level of “very serious” as readily as in the case where Need in the specific resource is relatively low. Accordingly, this Section makes provision for a preliminary determination on the extent of need for the applicant's resources in order to inform the ultimate decision on whether the applicant's proposal would result in “very serious consequences.”

- B. This preliminary proceeding shall be commenced by the applicant filing an application for a determination with regard to the extent of Need for the Natural Resources proposed to be extracted on the property, including a determination on the duration of the need. Act 113 specifies that the “Need” for the natural resources shall be determined with regard to the need for the resources by the person or in the market served by the person. Need must be reviewed based on the extent that the particular natural resources proposed to be extracted from applicant's property can be reasonably supplied from other viable sources within the geographic area expected to be served by the property at issue, that is, within the geographic area in which there would be other extractive operations already providing a supply of the same natural resources. The geographic area for this analysis is to be determined by considering factors including, but not limited to the economic feasibility of transporting the natural resources to the locations of demand, as well as other factors relevant to feasibly providing a supply of the natural resources to the locations of demand.
- C. The application form for the need analysis for the preliminary hearing and review shall be approved by resolution of the Township Board and shall require the applicant to provide sufficient information for use by the Township in reviewing the matter of need.
- D. An application for special land use approval for the proposed operation, including haul route, shall include:
  - (1) A Use Plan, which shall provide a plan reflecting the intended location and use of the property which is the subject of the application.
  - (2) A plan showing the location of all proposed haul routes.
  - (3) A description of each type of natural resource proposed to be mined.
  - (4) A description of the names and locations of all places anticipated to create the need, that is the demand, for the natural resources from the property within the foreseeable future, including the type of use to be made by the resources, such as building construction, road building, and the like.
  - (5) A description of the names and locations of all properties and operations which exist, or have been approved, for the extraction of any of the natural resources proposed to be

extracted on the property, along with a specification with regard to each property of the type of natural resource extracted, and an estimate of the remaining useful life for the particular natural resource on each of such other properties and operations.

- (6) Calculations and facts leading to a conclusion on the extent of need which is not being met, and could not be met, from the existing sources for each type of natural resource proposed to be extracted on the property. This calculation must apply past experience and take into account that new properties and operations will likely to be approved in the foreseeable future on other properties within the market area.
  - (7) A fact-based estimate of the expected duration of the proposed extraction operation on the property.
  - (8) The average and maximum number of loaded trucks per day anticipated to leave the proposed operation on a full business day during the operating season.
- E. For purposes of this preliminary administrative review process, the Planning Commission shall conduct a hearing on the application. Prior to the hearing, the Township shall review the application and documentation submitted in support of the application and report any deficiencies to the applicant within a reasonable time. The hearing shall not be noticed until the applicant has cured the deficiencies found to exist in the application.
  - F. This preliminary hearing shall begin with an introduction by the person designated by the Planning Commission chairperson. The applicant shall then be given the opportunity to present proofs on the need issue consistent with the application submitted. At the completion of the applicant's presentation the Township, through its representatives, may address and offer evidence or argument on these issues. Members of the public shall then have the opportunity to address and offer evidence or argument on these issues. If requested, the applicant shall be provided with an opportunity to rebut evidence and argument presented, but for efficiency purposes shall not be permitted to duplicate evidence on matters included in applicant's earlier presentation. Likewise, any new matters addressed by the applicant may be rebutted by representatives of the Township and members of the public. The hearing shall then be closed.
  - G. Following completion of the hearing, either at the same meeting at which the hearing was held, or at a later meeting, the Planning Commission shall, based on the record made, adopt findings and recommendations on the extent of need demonstrated by the applicant. Township representatives may assist the Planning Commission with the articulation of its findings and recommendations.
  - H. The Planning Commission shall forward its findings and recommendation on the degree of need for the applicant's natural resources to the Township Board which shall, taking into consideration the evidence from the hearing and the Planning Commission's recommendation, then make its own findings and conclusions on the extent of need demonstrated. The Township Board may conduct a further hearing at its discretion.
  - I. Because the matter of the extent of need for the natural resources is relevant to the ultimate determination of "very serious consequences," the findings and conclusions made by the Township Board may be appealed by the applicant or other interested party to the circuit

court prior to the next part of the process at which the Township must determine the issue of “very serious consequences.”

4. ***Determination of whether the proposed extraction of natural resources would result in very serious consequences:***
  - A. Once the Township Board has completed its decision making on the extent of need for the natural resources proposed to be extracted in accordance with subsection 3, above, the applicant may apply for special land use approval under this subsection 4.
  - B. The standards for determining whether the proposed extraction of natural resources would result in “very serious consequences” shall be the *Silva* standard, as articulated in Act 113.
    - (1) Act 113 specifies that the Township shall not prevent the extraction, by mining, of valuable natural resources from any property unless it would result in very serious consequences. The applicant shall have the initial burden of showing that no very serious consequences would result from the extraction, by mining, of the natural resources. In determining under this Section whether very serious consequences would result from the extraction, by mining, of natural resources, the standards set forth in *Silva v Ada Township*, 416 Mich 153 (1982), shall be applied, as directed in Act 113.
    - (2) The applicable standards are explained in the holdings in cases interpreting *Silva v Ada Township*, such as, *American Aggregates Corp. v. Highland Township*, 151 Mich App. 37 (1986).
    - (3) The standards provided in this subsection 4 that are the standards in Act 113, with explanations to assist in the understanding of the applicable considerations by the Planning Commission, Township Board, the applicant, and the public, and shall guide interpretation and decision of “no very serious consequences” with regard to an application for special land use approval under this Section.
  - C. Act 113 Standards of Review: The following guiding standards are provided. These standards are based on the framework provided in Act 113, MCL 125.3205(5) (a)- (f) for the purpose of determining whether the applicant has proven that “no very serious consequences” would result from the applicant's proposed extractive operation and haul route. These standards are intended to assist the Township in reviewing an application under the Act 113 and shall guide decision making on the ultimate decision on whether the applicant has proven that “no very serious consequences” would result from the applicant's proposed extractive use and haul route. The weight and relevance of each of these standards shall be determined by the Township Board, in its discretion, taking into consideration the extent of Need and public interest in the specific natural resources on applicant’s property, as well as all other relevant facts and circumstances.
    - (1) Existing land uses:
      - a. The relationship and impact of applicant's proposed use and associated activities with and upon existing land uses anticipated to be impacted, particularly those properties in the vicinity of the property and along the haul route(s).

- b. The impact upon the public health, safety, and welfare from the proposed use, including haul route(s), considering, among other things, the proposed design, location, layout, and operation in relation to existing land uses.

**(2) Property values:**

- a. The impact of applicant's proposed use and associated activities on property values in the vicinity of the property and along the proposed haul route(s) serving the property.
- b. The effect on the general demand for and value of properties in the Township anticipated to be caused by the proposed use, including use of the haul route(s).
- c. The impacts considered in this subsection b. may be taking into consideration: the number and type of vehicles proposed; machines and equipment to be used in the operation; location and height of buildings, equipment, stockpile, or structures; location, nature, and height of walls, berms, fences, and landscaping; and all other aspects of the proposed use.

**(3) Pedestrian and traffic safety:**

- a. The impact of the proposed use and associated activities on pedestrian and traffic safety in the vicinity of the property and along the proposed haul route(s) serving the property.
- b. Consistency with and authorization of the proposed use and haul route(s) under state, county, and/or local regulations that have been established for roadways, including regulations applicable to the use of roads for proposed haul route(s).
- c. The impact of the proposed use, including haul route(s), on vehicular and pedestrian traffic, particularly in relation to hazards reasonably expected in the district(s) impacted, taking into consideration the number, size, weight, noise, and fumes of vehicles, vehicular control, braking, and vehicular movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and driveways and other means of access, off-street parking and provisions for pedestrian traffic. Consideration shall be given to the interaction of heavy vehicles used for the use with children, the elderly and the handicapped.
- d. Whether the proposed use and associated activities would result in a hazard to children attending schools or other activities within the Township.
- e. Overall, the impact of the proposed use, including haul route(s), on children, older persons, and handicapped persons, with consideration to be given to the extent to which such persons shall be required to forego or alter their activities.

**(4) Identifiable health, safety, and welfare interests:**

- a. If the property has been designated in the Master Plan as an appropriate site for heavy industrial use, this shall weigh in favor of the applicant under this provision, subject to consideration of the specific scope and impact of the operation and associated activities. Similarly, if the property has been designated in the Master Plan

for non-industrial use, this shall weigh in favor of determining that the proposed Use would result in a very serious adverse consequence.

- b. The impact of applicant's proposed use and associated activities on identifiable health, safety, and welfare interests in the Township.
- c. The impact of the proposed use, including haul route(s), upon surrounding property in terms of noise, dust, fumes, smoke, air, water, odor, light, and/or vibration. In determining whether a proposed use amounts to a very serious consequence, the standards for the stated impacts contained within the Township's regulatory Ordinance, as the same may be amended, will be considered, along with any one (1) or a combination of components proposed for the use that have unique qualities relating to these impacts (such as crusher noise and vibration).
- d. The extent of impact of the proposed use, including haul route(s), on economic development and on the character and features that defines the community, or on development in other units of government that will be impacted by the use, including haul route(s).
- e. The impacts of the proposed use on the planning, functioning, and spirit of the community, factoring into such consideration whether the proposed use would be likely to render the applicable regulations in the Zoning Ordinance on other properties in the area unreasonable. This review shall analyze whether the heavy industrial nature of the proposed use would undermine reciprocity of advantage by creating impacts and character that would raise a reasonable question whether residential zoning restrictions on area property would represent arbitrary limitations on the use and enjoyment of such area property.
- f. The operation of the proposed use, including the haul route(s), shall be evaluated in light of the proposed location and height of buildings or structures and location, nature and height of stockpiles, walls, berms, fences, landscaping, and all other proposed aspects of the overall use, including whether such improvements would interfere with or discourage the appropriate development and use of adjacent land and buildings.
- g. The extent to which the proposed use, including haul route(s), would be likely to cause limitations on the use and enjoyment of other property in the vicinity (zoning district or districts, as impacted) in which it is to be located and along the haul route(s), and the extent to which the proposed use would likely be detrimental to existing and/or other permitted land uses and future redevelopment in the manner specified in the Master Plan.
- h. The extent to which the proposed use, including haul route(s), would likely be detrimental to the development of new land uses in the zoning districts impacted.
- i. The burden from the proposed use, including haul route(s), on the capacity of public services, infrastructure, or facilities.
- j. The burden of the proposed use, including haul route(s), on retail uses, arts and culture, equestrian activities, non-motorized vehicle travel or recreation, school use,

parks, playgrounds, residential uses, and the likely creation of physical vulnerability or degradation of any uses and resources, including the creation of the need for added public or private expenditures for maintenance of buildings, structures, and infrastructure.

- k. The extent to which the proposed use, including haul route(s), would cause diesel fumes, dust, truck noise, or physical/mental health issues, including along the haul route(s).
- l. The nature and extent of impact from the proposed use, including haul route(s), in relation to environmental resources in the Township, including air, ground water, surface water, soils, and wetlands. In determining impacts, the cumulative effect upon all environmental resources shall be evaluated.

**(5) Overall public interest in the proposed extraction:**

- a. The overall public interest in the extraction of the specific natural resources on the property both in absolute terms and in relative terms in relation to the need for resources and the adverse consequences likely to occur.
- b. Public interest in the proposed use, as measured against any inconsistencies with the interests of the public as are proposed to be protected in Master Plan for the area to be impacted by the use and haul route(s).
- c. Public interest in the proposed extraction, as measured against any inconsistencies with regard to physical, historic, and economic interests in relation to the use and haul route(s).
- d. Public interest in the proposed extraction, as measured against any likely creation of valid environmental concerns, including without limitation impairment, pollution and/or destruction of the air, water, natural resources, and/or public trust therein.
- e. Public interest in the proposed extraction, as measured against public costs likely to be caused by the proposed use, including haul route(s), considering alternative supplies of natural resources.

**D. Application for special land use approval:**

- (1) The applicant shall submit a separate application in the form approved by resolution of the Township Board for purposes of seeking review and approval to determine whether “very serious consequences” would result from the proposed use. The application shall address all of the Act 113 standards, as stated above in this Section 5.12.
- (2) The application shall also include the following:
  - a. The name, address, and other contact information for the owner as well as the operator of the proposed site, along with a boundary survey of the property proposed to be mined, sealed by a registered land surveyor or engineer, and a general description of the materials, methods, and techniques that will be utilized for the mining operations.
  - b. A site plan, at a scale of at least one (1) inch per two hundred (200) feet, drawn on a topographic map with the same scale, showing the location of the perimeter of the



site, buildings, equipment, processing area, parking for equipment, area for truck stacking and loading, stockpiles, roads, berms, or other features necessary to the mining operations. The site plan shall also include an aerial photograph showing the property in substantially the condition as on the date of the application, enlarged to a scale of one (1) inch equals two hundred (200) feet, from original photograph flown at a negative scale no smaller than one (1) inch equals six hundred and sixty (660) feet. The date of the aerial photograph shall be shown and shall have been flown at such time as the foliage shall be off of on-site trees. The site plan shall show or demonstrate all of the following:

- i. A setback of the mining area from the nearest public roadway or adjoining property line of not less than two hundred (200) feet.
  - ii. All of the following minimum setbacks of equipment used for screening and crushing:
    - a) Not less than three hundred (300) feet from the nearest public roadway.
    - b) Not less than two hundred (200) feet from the nearest adjoining non-residential property line, and four hundred (400) feet from the nearest residential property line.
    - c) Not less than five hundred (500) feet from the nearest residential dwelling on adjacent property as of the date of submittal of the plan for extraction.
  - iii. A setback of one hundred and fifty (150) feet from the perimeter of the site to internal roads, and three hundred (300) feet from the perimeter of the site to all stockpiles and processing equipment, including wash plant.
  - iv. A description of all proposed haul routes to be used to transport natural resources from the mining area to all freeways or state trunk line highways proposed to transport natural resources to destinations, other than for local deliveries. All extraction operations shall be located near an all-season primary road, and best efforts shall be made to minimize the increase in truck traffic through areas developed primarily for residential purposes. In this regard trucks used to transfer the natural resources shall follow a route that poses the least interference with other traffic, minimizes traffic through residential areas, and uses public streets constructed for high volumes of heavy truck traffic. Truck traffic shall comply with any truck route Ordinances and all road commission regulations.
  - v. The maximum number of trucks leaving the extraction property on any one (1) day shall be certified by the applicant in the application.
- c. Stockpiling is the component of a mining operation that allows the operator to have a ready supply of extracted material. No stockpile shall be higher than twenty-five (25) feet above the grade of the area situated between the stockpile and adjoining property; provided, the height of a stockpile and the nature of the materials stockpiled shall not result in materials recurrently blowing from a stockpile onto adjacent property.

- d. Description and location of berms or other equivalent screening and buffering of the active mining area shall be established along the boundary lines of the premises where such lines abut a public highway, abut privately owned property which is improved for residential or commercial purposes, and at such places as are necessary to screen or buffer processing equipment from the view and impact of a person standing at ground level on any parcel of land improved for residential purposes located adjacent to or which fronts on any of the roads forming the boundaries of the mining site. When constructed along public highways, the berm shall be of a sufficient height to screen processing equipment from the view of the general public using the highway.
- e. A description of processing activities shall be provided, including, but shall not be limited to, washing, screening, transporting, crushing, and blending of stone, sand, gravel, and other materials. In describing the wash plant, the design, and other specifications, including depth and water transportation facilities, and the amount, depth, and source of water to be utilized in processing, and the anticipated means and location of disbursement of such water following use.
- f. A general description and location of each type of natural resources deposits proposed to be extracted.
- g. The sequence of mining, including proposed phasing, if applicable.
- h. Surface overburden removal and storage plans.
- i. A description of the minimum and maximum depth from grade level from which each type of natural resource will be excavated, with each location and depth shown on the site plan referenced above.
- j. The estimated and maximum period of time to complete operations, including reclamation, recognizing that market conditions will impact such estimate.
- k. A plan for the post-mining reclamation of the property, including:
  - i. A detailed plan for reclamation, including:
    - a) A general plan shown on an aerial photograph;
    - b) A reclamation contour map; and
    - c) A description of reclamation methods and materials proposed for renewal of topsoil and replanting, including a proposed sequence of reclamation, indicating the time sequence within which each area to be mined will be reclaimed as mining operations progress.
  - ii. The general plan for reclamation shall be presented on a series of drawings showing the conditions before commencing operations and also showing the alterations to be made. The drawings shall have the same scale as the vertical aerial photograph (required in the application under Section 302, showing the acreage for each item shown):
    - a) Each phase of reclamation, reflecting the sequence of each phase in relation to all others;

- b) Location and boundaries of all permanent water areas; and
- c) Distances of all reclamation areas and water areas from property boundaries.
- d) A restoration contour map shall be prepared to the same base as site plan required above to indicate the grade and slopes to which excavated areas shall be reclaimed, and a general indication of the distance of such reclaimed areas from the property boundaries. Such grade and slope designations shall be included with respect to areas proposed to be beneath the surface of permanent water areas. Side slopes around the active extraction-area perimeter shall have a grade not exceeding one (1) vertical foot per three (3) horizontal feet. The banks adjacent to any submerged areas shall have a grade not exceeding one (1) vertical foot per five (5) horizontal feet, out to a depth of five (5) feet.
- e) A description of the methods and materials proposed for reclamation shall include topsoiling and the amount and type of plantings.
- f) Reclamation shall be implemented in a manner that prevents washout and erosion, using appropriate grading, turf, vegetation, soil, overburden, shrubs, and trees, as necessary, and performed in accordance with the approved reclamation plan. Topsoil shall not be removed from the site unless authorized in the permit.

**E. Decision on Special Land Use Application:**

- (1) A decision on the special land use application shall be made based on the Act 113 standards, above.
- (2) The decision may consist of an approval, an approval with conditions, or a denial.
- (3) An approval, with or without conditions, shall be deemed to incorporate the site plan and associated specifications in the record approved by the Planning Commission, including the materials submitted in accordance with subsection D, above (as modified in the approval), and all representations made by the applicant in the review proceedings.
- (4) An approval shall state a termination date for the effect of the approval consistent with the application and proceedings conducted in response to the application.
- (5) The decision shall include a statement of reasons why the applicant has been approved, or why it has failed to satisfy its burden of proof based on the standard of "no very serious consequences."

**F. Review Process at the Planning Commission:**

- (1) Prior to conducting a public hearing on the application, the Township shall review the application and documentation submitted in support of the application and report any deficiencies to the applicant and the Planning Commission within a reasonable time. The public hearing on the application shall not be noticed until the applicant has cured the deficiencies found to exist in accordance with this procedure. The Planning Commission may request a preliminary presentation for informational purposes prior to conducting a public hearing.
- (2) The Planning Commission shall conduct a public hearing on the application to determine whether the applicant can and does satisfy the applicant's burden of proof that "no very

serious consequences" shall result from applicant's use of the property and haul route(s) based on the Act 113 standards above. The hearing shall begin with an introduction by the Planning Commission chairperson, or a person designated by the chairperson. The applicant shall then be given the opportunity to make the showings required in this Ordinance. At the completion of the applicant's presentation, either at the same meeting or at a subsequent meeting if additional time is needed in order to thoroughly address the subject matter, the Township, through its representatives, may address and offer evidence or argument on the issues. Members of the public shall then have the opportunity to address and offer evidence or argument on the issues. If requested, the applicant shall be provided with an opportunity to rebut evidence and argument presented, but for efficiency purposes shall not be permitted to duplicate evidence on matters included in applicant's earlier presentation. Likewise, any new matters addressed by the applicant may be rebutted by representatives of the Township and members of the public. The public hearing shall then be closed.

- (3) After the public hearing has been closed, either at the same meeting at which the public hearing was completed, or at a later meeting held within a reasonable time, the Planning Commission shall, based on the evidence presented, adopt findings and recommendations on whether the applicant has made a sufficient showing on whether there would be "no very serious consequences" as a result of the proposed use, including haul route(s), applying the Act 113 standards, above, as interpreted in accordance with applicable principles and law. Township representatives may assist the Planning Commission with the articulation of such findings and recommendations.
- (4) Following all of the hearing procedures and requirements specified above, the Planning Commission shall forward to the Township Board its findings and recommendations on whether the proposed special land use should be approved.

**G. Review Process at the Township Board**

- (1) The Township Board shall, taking into consideration the evidence from the public hearing, the Planning Commission's recommendation, and any additional evidence presented to the Township Board, act on the application for special land use approval.
- (2) The Board's action may consist of approval, approval with conditions, or denial, and the Board shall state the reasons for its decision, which shall be based on the evidence in the record.
- (3) An approval shall also state in detail the specifications of the approval.

**5. *Effect of approval:***

- A. The approval under this Section shall expire following a period of two (2) years from the date of the minutes in which the approval is granted, unless:
  - (1) The period for securing the license, permits and commencing bona fide construction is extended by the Township Board for good cause within the effective period; or
  - (2) Approved bona fide development for the approved operation pursuant to building and other required permits and license issued by the Township under this Section and

Township's Ordinances, commences within such two (2) year period and proceeds diligently and in good faith as required by this Ordinance to completion.

- B. In the event that bona fide development has not commenced within the permissible period of time calculated under sub-paragraph 2 above, the special land use shall be void and of no effect.

6. *Fees:*

The applicant for a special land use under this Section shall pay as a fee the Township's costs and expenses incurred in the review and evaluation of and action on the application. An escrow shall be established in an amount specified by Township Board resolution, and additional reasonable amounts shall be contributed as required in order to complete the process of review and approval. Any unexpended amounts from such escrow shall be returned to the applicant.

Sec. 1149. - Farms with agricultural, commercial, and tourism:

1. *Uses permitted:* The following agricultural, commercial, and tourism businesses may be permitted after Special land use review:
  - A. Cider mills or wineries selling product, in a tasting room, containing at least fifty percent (50%) of crops or produce grown on-site.
  - B. Seasonal outdoor mazes of agricultural origin such as straw bales or corn.
  - C. 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.
  - D. U-pick operations.
  - E. 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.
    - (1) Value-added agricultural products or activities such as education tours of processing facilities, etc.
    - (2) Playgrounds or equipment typical of a school playground, such as slides, swings, etc. (not including motorized vehicles or rides).
    - (3) Petting farms, animal display, and pony rides.
    - (4) Wagon, sleigh, and hayrides.
    - (5) Nature trails.
    - (6) Open air or covered picnic area with restrooms.
    - (7) Educational classes, lectures, and seminars.
    - (8) Historical agricultural exhibits.

- (9) Kitchen facilities, for the processing, cooking, and/or baking of goods containing at least fifty percent (50%) produce grown on site.
- (10) 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.
- F. Other commercial/tourism business that are complementary and accessory to the primary agricultural land use of the subject property including but not limited to:
  - (1) Small-scale entertainment (e.g., music concert, car show, art fair).
  - (2) Organized meeting space (e.g., for use by weddings, birthday parties, and corporate events).
  - (3) Designated, permanent parking for more than twenty (20) vehicles.

**2. Standards:**

- A. Minimum lot area of ten (10) acres.
- B. A two hundred (200) foot open buffer shall be provided on all sides of the property not abutting a roadway. Agricultural commercial and 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.
- C. 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 1301.3.H.
- D. Off-street parking must be provided to accommodate use as outlined in Article 12.
  - (1) 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.
  - (2) All parking areas shall be located in such a manner to avoid traffic hazards associated with entering and exiting the public roadway.
  - (3) 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.
- E. The following additional operational information must also be provided as applicable:
  - (1) Ownership of the property.
  - (2) Months (season) of operation.
  - (3) Hours of operation.
  - (4) Anticipated number of customers.
  - (5) Maintenance plan for disposal, etc.
  - (6) Any proposed signs.

- (7) Any proposed lighting.
- (8) Maximum number of employees at any one (1) time.
- (9) Restroom facilities.
- (10) Verification that all required permits have been granted, i.e., Federal, State, and local permits.
- F. All areas of the property to be used including all structures on site must be clearly identified.
- G. Noise levels shall not exceed sixty-five (65) decibels at the property line of the farm where adjacent property has a dwelling unit within two hundred (200) feet of the property line, nor shall it exceed a maximum of seventy-five (75) decibels at any other property line.
- H. Hours of operation of any outdoor entertainment facilities may be limited by the Planning Commission.

[\(Ord. No. 2011-476](#), § 20, 2-20-11)

**Sec. 1150. - 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 when located adjacent to a major thoroughfare one hundred twenty (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:

1. A site size of not less than twenty (20) acres shall be provided.
2. All parking shall be provided as off-street parking within the boundaries of the development.
3. All access to the parking areas shall be provided from roads which have a right-of-way of not less than one hundred twenty (120) feet in width.
4. All sides of the development not abutting a major thoroughfare one hundred twenty (120) foot right-of-way or greater shall be provided with a twenty (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 1301.3.H.
5. A track shall not be located closer than five hundred (500) feet to any residence on property other than the site on which the tract is located.
6. Dust shall be controlled so as not to be noticeable beyond the property line of the property on which the track is located.
7. Noise levels shall comply with Section 1400, subsection 6, Noise of this Ordinance.
8. The track area shall be fenced.
9. Grading on the site which involves one (1) or more acres shall require a building permit and shall comply with Part 91 Soil Erosion and Sedimentation Control of the Natural Resources and

Environmental Protection Act, as amended (MCL 324.9101.324.9123a et. seq.) and with applicable Ypsilanti Township Ordinance.

([Ord. No. 2011-476](#), § 20, 2-20-11)

**Sec. 1151. - 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 (10) 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 two hundred (200) feet of any residential dwelling or within two hundred (200) feet of any residential district.
- f. A setback of fifty (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 sixty-five (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 tTownship bBoard 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.

**Sec. 1152. - Garbage, refuse and rubbish transfer stations:**

Garbage, rubbish, and refuse transfer stations may be permitted in the L-M 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:

1. 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.



2. 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.
3. 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.
4. The standards of density and required open spaces for the proposed use shall be at least equal to those required in the L-M zoning district or at least equal to those prescribed in the special requirements relating to the proposed use, whichever is the greater.
5. 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.
6. 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.
7. 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.
8. The following conditions shall be prohibited:
  - A. Incineration or open burning in the building or on the site shall be prohibited.
  - B. Overnight storage of any refuse material in the building shall be prohibited.
  - C. Dumping or storage of any material on the site outside the building at any time shall be prohibited.
9. 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.
10. 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.

**Sec. 1153. - 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 subject to the following conditions:

1. Lighted outdoor commercial sports centers are permitted only upon parcels of land which abut a major thoroughfare of one hundred twenty (120) feet of right-of-way or greater.
2. 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 seventy-five (75) spaces for each of the first four (4) baseball diamonds plus fifty (50) spaces for each additional baseball diamond.
3. 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.
4. Points of ingress and egress shall be available to the complex only from abutting major thoroughfares of one hundred twenty (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.
5. The use and parking area shall be screened from adjacent major thoroughfares with berms and other approved landscaping.
6. All lighting used to illuminate the area shall be installed so as to be confined within and directed upon the site.
7. 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.
8. 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.

**Sec. 1154. – Wastewater treatment plants:**

The Planning Commission may grant a use permit for a wastewater treatment plant 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:

1. There shall be a demonstrated need in the community for such facility.
2. 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.
3. 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.

4. Any such use shall conform to current standards established by the U.S. Environmental Protection Agency and the Michigan Department of Environment, Great Lakes, and Energy.
5. The Planning Commission 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.

**Sec. 1155. – State-licensed residential child and adult care facilities:**

1. State-licensed child and adult care facilities, as defined in Section 201, Definitions, shall meet the following regulations:
  - A. These facilities, except for adult/child family day care homes, shall be registered with Ypsilanti Township 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 R400.1131—R400.1135. 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.

**Site Development Regulations:**

- 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 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 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.

[\(Ord. No. 2011-476](#), § 20, 2-20-11)

**Sec. 1156. – Towing services:**

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

- 1. All repair work on vehicles and equipment associated with the use shall be conducted completely within an enclosed building.

2. Outdoor storage of vehicles and equipment associated with the use is permitted, provided that the site includes a building of at least five hundred (500) feet of gross floor area for office use in conjunction with the use.

**Sec. 1157. – 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 special land use, the following conditions shall apply:

**1. General Regulations:**

- 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 provided as part of the special land use permit application and indicated on a site plan, as set forth in Article 10 and Article 9.
  - (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.

**2. Contractors/landscapers yard:**

- A. The contractor's office building shall be of permanent construction.
- B. 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 1301.3.H.
- C. All travel surfaces shall be paved as a condition of approval.
- D. Cranes, booms, or other extensions on equipment, trucks, or other vehicles parked on site shall be stored in the lowest possible configuration.

**Sec. 1158. – Garage, yard and estate sales:**

1. **Standards:** The owner or occupant of any one-or two-family residence may conduct up to six (6) garage, rummage, yard, or estate 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 Article 15.

**Sec. 1159 – Artisan food and beverage production:**

1. **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 sold and served on-site, and accessory retail sales of related items are permitted.
2. **Wholesale:** No more than fifty percent (50%) of the product may be produced for sale to a wholesaler and at least fifty percent (50%) of the product must be sold for retail use, to be consumed either on- or off-site.
3. **Enclosed Buildings:** All equipment used in the production and all products produced must be located within the principal building.
4. **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.

**Sec. 1160 – Senior assisted and independent living:**

1. **Maximum density:** The maximum allowable density varies by housing type, but shall not exceed the following:
  - A. 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:

Dwelling Site	Site Area Required Per Unit
Efficiency/One (1) bedroom	Two thousand (2,000) square feet
Two (2) bedrooms	Two thousand five hundred (2,500) square feet
Each additional bedroom	Five hundred (500) additional square feet per bedroom

- B. 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.
2. **Height, lot coverage, and setbacks:** Height, lot coverage, and setback requirements of the RM-MD Districts as set forth in Section 408 shall apply.
  3. **Parking:** Parking is not allowed in any required front yard. Parking is permitted in the side and rear yards provided a minimum twenty (20) foot setback is observed.

4. ***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.
5. ***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.

**Sec. 1161 – Commercial kennel/pet day care regulations:**

**1. *Application of regulations:***

**A. Special land use required.**

- (1) Training classes shall be permitted only if specifically authorized in the special land use permit.
- (2) In districts other than AG, the kennel shall not be operated for breeding purposes, unless specifically authorized in the Special Use Permit.

**B. The special land use permit shall establish a limit on the number of animals that may be boarded at one (1) time.**

**C. The special land use permit may limit the specific species of animals that are permitted.**

**D. The special land use permit may establish a limit on other measures of the intensity of use.**

**2. *Standards:***

**A. Kennel shall be subject to the permit and operational requirements of State and County regulatory agencies.**

**B. 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 special land use permit.**

**C. The sale of pet and veterinary products shall be incidental to the kennel unless specifically authorized in the special land use permit.**

**D. Veterinary care shall be incidental to the kennel unless specifically authorized in the special land use permit.**

**E. 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.**

**3. *Operations:***

- A. 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 special land use permit may limit the time during which the animals are permitted out of the building.
- B. An operations and maintenance plan shall be submitted that specifically addresses how noise will be attenuated and waste handled.
- C. In districts other than AG Districts, facilities must be connected to public utilities where available.
- D. Applicant shall include a waste management plan.

**Sec. 1162 – Mobile home parks:**

**1. *Locational requirements:***

- A. Access to any mobile home park shall be to a major thoroughfare. The intent being to avoid higher density traffic movements through existing or planned single-family developments. An emergency means of ingress and egress to a mobile home park, not used for general access, may be permitted to other than a major thoroughfare.
- B. Mobile home parks shall not be permitted on parcels of less than fifteen (15) acres in area.

**2. *Area, height and bulk requirements:***

No mobile home shall be permitted to occupy any mobile home park site if the home and/or site fails to comply with the following requirements:

- A. All mobile homes shall comply with the Michigan Manufactured Housing Commission requirements with respect to the space between homes and other facilities.
- B. All mobile home sites shall contain at least five thousand five hundred (5,500) square feet of site area. This site area, however, may be reduced to not less than four thousand four hundred (4,400) square feet; provided, that for each square foot of reduction in site area, at least a corresponding amount of open space land be established for common use.
- C. A setback of at least fifty (50) feet shall be provided between any mobile home and an office building, community center, or service building and any abutting public thoroughfare right-of-way line. This area shall be maintained in an open landscaped area. A setback of at least twenty-five (25) feet, the computation of which shall include the ten (10) foot required distance established in rule 944(1) of the Manufactured Housing Commission rules, shall be provided between any mobile home, office building, community center, or service building and any other exterior property line. This latter setback area may be used as yard areas for permitted buildings. This area may also be used for parking subject to the screening requirements of Section 1301.3.H. This area may also be part of the required open space when it is part of a functionally usable open space area.



3. *Required conditions:*

- A. All mobile home park development shall further comply with the Mobile Home Commission Act, Public Act 96 of 1987, as amended (MCL 2303 et. seq.).
- B. Mobile home parks shall provide land for open space use by residents of the park. These areas shall be so located and arranged that they functionally serve the residents to be served and meet or exceed the Manufacturing Housing Commission rules, as adopted.
- C. The outside storage of household effects, other than normal patio furniture, etc., is prohibited. The storage of recreational vehicles, i.e., boats, campers, trailers, motor homes, or snowmobiles, on mobile homes sites and/or required parking spaces for longer than forty-eight (48) hours is also prohibited.

The storage or parking of recreational vehicles, motor homes, boats, snowmobiles, or other vehicles or items ordinarily towed, driven, or used for a special purpose, if storage or parking of such is permitted in the mobile home park, shall be in accordance herewith. The storage of the vehicles or items in the mobile home development is specifically prohibited except in the storage area. The storage area shall be screened by solid-type fence five (5) feet in height around its perimeter or by some other similar screening device.

- D. All utility connections shall comply with state and local codes.
- E. The proposed site plan for the mobile home park shall be submitted to the Planning Commission for their review and approval prior to any consideration. The suggestion of any changes or modifications shall be based on such reasonable requirements as are applied to the review and approval of all other uses in the Township. Any items determined to be undesirable or inadequate shall be made known to the applicant and a copy of such objections shall immediately be forwarded to the state Manufacturing Housing Commission for their consideration in reviewing the proposed mobile home park plans.
- F. The Township Engineer shall also review the proposed park plans with respect to drainage patterns to adjacent properties, water and sewage needs which would be generated, and the Township's ability to accommodate such mobile home park needs. In addition, any connections to municipal facilities shall meet applicable Township Engineering design requirements. A copy of any deficiencies noted shall be transmitted immediately, with the recommendations of the Planning Commission, to the state mobile home commission.
- G. Each occupied mobile home shall be skirted and anchored with materials meeting Manufacturing Housing Commission specifications.
- H. A mobile home, in a mobile home park, shall only be made available for human occupancy on a lot approved for such occupancy by the Charter Township of Ypsilanti and the Michigan Manufacturing Housing Commission, in accordance with the approved plans for the mobile home park. Every mobile home proposed, to be located on a lot in a mobile home park, shall be certified to comply with the requirements of the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development (HUD) under the provisions of 24 CFR 3280 as the same are from time to time amended. Additionally, all mobile homes shall meet or exceed all applicable roof, snow load, and strength requirements. Compliance with the mobile home construction and safety

standards shall be shown by a HUD seal affixed to the mobile home and evidence of the existence of a HUD seal shall be presented to the Township Planning Department prior to the issuance of a land use permit for a mobile home.

- I. The selling of new and/or used mobile homes as a commercial operation in connection with the operation of a mobile home development is prohibited. New or used mobile homes located on lots within the mobile home development to be used and occupied within the mobile home park may be sold by a licensed dealer and/or broker. This Section shall not prohibit the sale of a new or used mobile home by a resident of the mobile home development, provided the development permits the sale.

**Sec. 1163 – Townhouses:**

In form-based districts, townhouses shall meet the requirements for that district. For townhouse development outside of form-based zoning districts, all townhouse residential must comply with the following design standards:

1. *Dimensional standards:* All principal buildings shall meet the following dimensional requirements:
  - A. Minimum front yard setback: fifteen (15) feet.
  - B. Minimum spacing between buildings: fifteen (15) feet.
  - C. Minimum rear yard setback: twenty (20) feet.
  - D. Minimum setback from side and rear perimeter of site: twenty (20) feet.
  - E. Minimum setback from adjacent single-family zoning district: thirty (30) feet.
  - F. Maximum percent of lot area covered by buildings: forty-five percent (45%).
  - G. Maximum height of structures: Two (2) stories and twenty-five (25) feet.\*
  - H. Minimum ground floor area per unit: one thousand (1,000) square feet.

\*The Township Board may permit buildings up to three (3) stories and thirty-five (35) feet in height where the building is setback from existing adjacent single-family lots a distance equal to the height of the building and landscape screening is provided along the lot line adjoining an existing single-family residential use.
2. *Building layout and architecture:* The following architectural standards shall be met for all structures.
  - A. **Style.** Buildings shall have a traditional style of architecture characteristic of the mid-western United States. Design guidelines and typical building elevation drawings shall be presented with the preliminary site plan and be referenced in the development agreement. Detailed architectural plans for each building will be included with the final site plans.
  - B. **Street Facade.** Buildings shall be oriented towards the street. The facade of buildings facing the public street shall include doors, porches, windows, and other architectural detailing consistent with the front facade of a traditional dwelling. The front facade of all buildings shall be constructed of brick.

- C. **Porches.** All main entrances to the units shall have a porch or stoop at least thirty (30) square feet in area facing the street.
- D. **Roofs.** All buildings shall have pitched roofs. The roofline may also include varying lines customary with gable or hip style roofing and dormer window features are encouraged. Permitted roofing materials include asphalt shingles, cedar shake and slate.
- E. **Garages.** All units shall provide garages accessed from the rear or side of the building. This may be accommodated by an attached rear-entry garage, a garage that is accessed via a rear service drive or a detached garage located in the rear yard. Garages facing towards the front lot line may be permitted where the front of the garage is located at least twenty (20) feet behind the front wall of the dwelling.

3. ***Circulation:***

- A. **Road standards.** Roads may be public or private where approved by the Township Board. The Township Board may permit specific modifications to road standards where the modification will improve the traditional neighborhood character of the development, provided parking, and emergency vehicle access are accommodated.
  - B. **Street connections.** Street connections shall be encouraged where it will unify neighborhoods and provide more convenient access to businesses and community facilities such as schools and parks. Cul-de-sacs and other dead-end streets shall be discouraged. Where it is not possible or desirable to provide a through street, the Planning Commission may allow a looped drive with a common green in the center. The circular drive around the green shall be at least twenty (20) feet wide, measured face to face of curb, and the central green shall be no less than twenty (20) feet at its narrowest dimension and be landscaped.
  - C. **Rear service drives.** Rear service drives or alleys may be provided to serve as access to rear yard garages within a minimum pavement width of at least twenty (20) feet. In addition to a rear drive, all residential structures shall have frontage along a public street or private road, except the Township Board may allow dwellings to front onto a common green or pedestrian right-of-way, where the fire department determines that adequate emergency vehicle access is provided.
  - D. **Pedestrian circulation.** Sidewalks shall be provided on both sides of streets through the development. All developments shall provide pedestrian linkages between public sidewalks and the building entrances. Sidewalk and pathway connections may be required to adjacent uses and activity areas.
- 4. ***Parking:*** All units shall be provided with individual garages. Guest parking spaces shall not be located in the front yard of the site and any off-street parking spaces must be screened from view of any public road or pedestrian path, by a street wall or hedge along the frontage. Street walls shall be three (3) feet in height and constructed of brick or stone.
  - 5. ***Lighting:*** A consistent type of pedestrian scale ornamental lighting shall be provided along all streets and sidewalks and within any off-street parking lots. Such lighting shall be provided at a frequency and height to provided desired light levels.
  - 6. ***Open space:*** A minimum if twenty percent (20%) of the gross area of the site shall be dedicated open space held in common ownership. Open space areas shall offer a source of passive and/or

active recreation, in accordance with the intended character of the neighborhood. Passive recreational areas may include features such as formal seating areas and open lawn areas. Active recreational areas may include specific recreation elements such as playgrounds, tennis courts and swimming pools or less formal features such as open play fields and walking paths.

**Sec. 1164 – Common household gardening:**

Common household gardening, as defined in Section 201, Definitions under “Accessory Use” may only occur in the rear yard or nonrequired side yard in a residential district.

**Sec. 1165. - Private clubs, fraternal organizations, and lodge halls:**

Private clubs, fraternal organizations, and lodge halls must meet the following conditions:

1. The site abuts a major thoroughfare, as defined in Section 201 of this Ordinance.
2. Access to and from the site can be safely provided to the satisfaction of the Washtenaw County Road Commission.
3. No building or parking area shall be located closer than fifty (50) feet to a property line.
4. All parking shall be screened from view of all abutting residential districts.
5. 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 1303, Exterior lighting.
6. Private clubs are required to register with the Township.

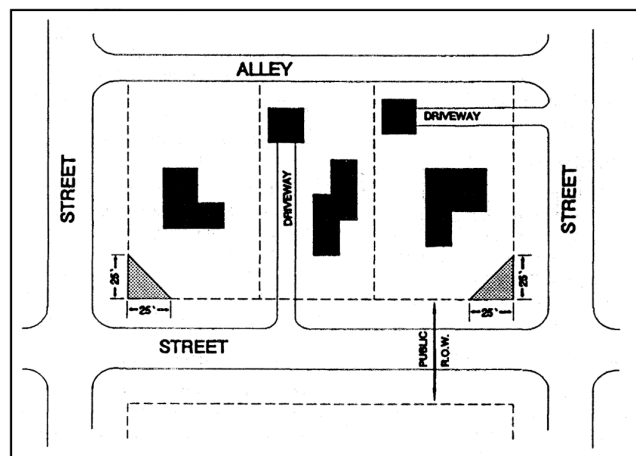
**ARTICLE XII – ACCESS, PARKING & LOADING REQUIREMENTS**

**Sec. 1201. - General access and road construction requirements:**

1. **Frontage.**
  - A. Every use, building, or structure established after the effective date of this Ordinance shall be on a lot or parcel which adjoins a public street or an approved private road. Such street right-of-way will comply with Washtenaw County Road Commission standards or shall adjoin a private road for which the design and construction have been approved per the Township Engineering Standards.
  - B. A driveway may not serve more than one (1) lot or parcel, unless a private road is constructed for which the design and construction have been approved per the Township Engineering Standards.
2. **Road Construction.**
  - A. All new public road construction and road improvements shall comply with the applicable Washtenaw County Road Commission or Michigan Department of Transportation standards.
  - B. All new private road construction and road improvements shall comply with the applicable Township Engineering standards and any other applicable Township policies.
3. **Access Requirement for Permits.** No building permits or land division permits shall be issued for any lot or parcel until access, as required under this Section, has been constructed and approved. The Zoning Administrator shall have the authority to approve the provision of required access.

**Sec. 1202. – Corner clearance:**

No fence, wall, shrubbery, sign, vegetation, structure, or other obstruction to vision above a height of two (2) feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.



Sec. 1203. – Access management and driveway standards.

1. **Purpose.** Access management regulations can alleviate some traffic congestion, help maximize road capacity, and increase traffic safety. These regulations are based on considerable research in Michigan and nationally and were prepared concurrent with guidelines promoted by the Michigan Department of Transportation (MDOT).
2. **General.** Adequate ingress and egress to a parking facility shall be provided by clearly defined driveways. Access to public roads shall be controlled in the interest of public safety. Each building or group of buildings used for non-residential purposes, and its parking or service area, shall be physically separated from public roads by a greenbelt, curb, or other suitable barrier against unchanneled motor vehicle access or egress, except for access ways authorized herein. Driveway design and placement must be in harmony with internal circulation and parking design such that the entrance can absorb the maximum rate of inbound traffic during a normal peak traffic period. Parking lots shall be designed to prevent vehicles from backing into the street or requiring use of the street for maneuvering between parking rows.
3. **Number of access points.** The number of access points shall be limited to the minimum needed to provide reasonable access. Access points shall be designed and located to minimize conflicts with traffic operations along the street and be placed as far from intersections as practical. Land divisions shall not be permitted that may prevent compliance with the access location standards of this Section.
4. **Spacing of access points.** All spacing of access points shall comply with Township Engineering standards, other applicable policies, Washtenaw County Road Commission (WCRC) standards, Michigan Department of Transportation (MDOT) standards, or the standards of another appropriate body.
5. **Spacing from intersections.** Minimum spacing of access points from intersections, shall comply with Township Engineering standards, WCRC standards, MDOT standards, or the standards of another appropriate body.
6. **Complete streets.** Any project involving the construction, reconstruction, capacity enhancement, or preservation of a roadway, bridge, public parking facility, or other transportation right-of-way within the Township shall be subject to the provisions of the Washtenaw County, Michigan Department of Transportation, and Township Complete Streets policy .
7. **Adjoining lands.** Where the subject site adjoins land that may be developed or redeveloped in the future, including adjacent lands or potential outlots, the access shall be located to ensure the adjacent site(s) can also meet the access location standards in the future. Site development shall be done to provide for future cross access to adjacent lots. Planning Commission may require the establishment of a required cross access or cross access easement.
8. **Shared driveway, service drive, and frontage roads.** Where direct access consistent with the various standards above cannot be achieved, access should be via a shared driveway or service drive. In particular, the Planning Commission may require development of frontage roads, or rear service drives where such facilities can provide access to signalized locations, where service drives may minimize the number of driveways, and as a means to ensure that traffic is able to more efficiently and safely ingress and egress. Frontage roads or service drives shall be constructed in accordance with the following standards:

- A. Service drives and frontage roads shall be set back as far as reasonably possible from the intersection of the access driveway with the public street. A minimum distance that equals the required front yard (setback) or the major road setback, whichever is a greater distance from the right-of-way, shall be maintained between the public street right-of-way and the pavement of the frontage road, with a minimum fifty (50) feet of throat depth provided at the access point. The Planning Commission may extend throat length if modeled vehicle queues necessitate expansion.
  - B. The alignment of the service drive can be refined to meet the needs of the site and anticipated traffic conditions, provided the resulting terminus allows the drive to be extended through the adjacent site(s).
  - C. In cases where a shared access facility is recommended, but is not yet available, temporary direct access may be permitted, provided the plan is designed to accommodate the future service drive, and a written agreement is submitted that the temporary access will be removed by the property owner, when the alternative access system becomes available. The Planning Commission may require posting of a financial performance guarantee to ensure compliance.
  - D. A cross-access easement agreement shall be reviewed and approved by the Township Attorney.
9. *Safe sight distance.* Driveways shall be located to provide safe sight distance, as determined by the applicable road agency
10. *Street structures.* No driveway shall interfere with municipal facilities such as streetlights, traffic signal poles, signs, fire hydrants, cross walks, bus loading zones, utility poles, fire alarm supports, drainage structures, or other necessary street structures. The Zoning Administrator is authorized to order the removal or reconstruction of any driveway which is constructed in conflict with street structures. The cost of reconstructing or relocating such driveways shall be at the expense of the adjoining property owner.
11. *More restrictive standards.* The appropriate road agency may require a more restrictive standard than contained herein.

**Sec. 1204. - Traffic impact analysis:**

A traffic impact analysis as set forth in Chapter 24, Article 5 of the Charter Township of Ypsilanti Code of Ordinances may be required by the Zoning Administrator to analyze the effect of development upon existing street traffic. The traffic impact analysis shall be paid for by the applicant.

**Sec. 1205. - Parking requirements:**

- 1. *General.* There shall be provided in all districts, at the time of erection or enlargement of any main building or structure, automobile off-street parking space, with adequate access to all spaces. The number of off-street parking spaces in conjunction with all land or building uses shall be provided, prior to the issuance of a certificate of occupancy, as hereinafter prescribed.

Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use, shall not be reduced to an amount less than hereinafter required for a similar new building or new use.

Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.

2. *Minimum number of spaces required.* The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

Use	Number of minimum parking spaces per unit of measure		
<b>a. Residential</b>			
(1)	Residential, one-family, and two-family	Two (2) for each dwelling unit.	
(2)	Residential, multiple-family	One (1) space per each efficiency dwelling unit; and Two (2) spaces per each dwelling unit with one (1) or more bedrooms + one (1) for each ten (10) dwelling units.	
(3)	Convalescent and Nursing Homes	One (1) space per each three (3) beds or two (2) rooms, whichever is less; plus, one (1) space for each employee on the largest typical shift.	
(4)	Senior Assisted or independent living	One (1) for each two (2) units and one (1) for each employee. Should units revert to general occupancy, then two (2) spaces per unit shall be provided.	
(5)	Mobile home park	Two (2) for each mobile home site and one (1) for each employee of the mobile home park.	
(6)	Bed and breakfast dwellings	Two (2) for the owner and or operator and one (1) for each leasable room.	
<b>b. Institutional</b>			
(1)	Places of worship	One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship.	
(2)	Hospitals	One (1) space per three hundred (300) square feet gross floor area (Maximum one (1) per one hundred-fifty (150) sq. ft.)	
(3)	Elementary and junior high schools	One (1) for each one (1) teacher, employee, or administrator in addition to the requirements for auditorium or stadium.	
(4)	Senior high schools	One (1) for each one (1) teacher, employee, or administrator, and one (1) for each ten (10) students, in addition to the requirements of the auditorium or stadium, whichever seats more.	



**Article 12 – Access, Parking & Loading Requirements**

**Revised Planning Commission Copy**

**DATE: Dec. 23, 2021**

Use		Number of minimum parking spaces per unit of measure
(5)	Private clubs, or lodge halls	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building, or health codes.
(6)	Fraternity or sorority	One (1) for each five (5) permitted active members, or one (1) for each two (2) beds, whichever is greater.
(7)	Library, museum, or post office	One (1) for each one hundred-fifty (150) square feet of usable floor area.
<b>c. Child and adult care facilities</b>		
(1)	Family day care homes for up to six (6) adults	Two (2) for each unit plus one (1) for each caregiver.
(2)	Group day care home for up to twelve (12) adults	One (1) space per six (6) clients; plus one (1) space per employee at time of peak shift.
(3)	Childcare or day care centers and preschools	One (1) space per six (6) clients; plus, one (1) space per employee at time of peak shift.
<b>d. Offices</b>		
(1)	Financial institution	One (1) for each two hundred (200) square feet of usable floor space, plus three (3) for each exterior non-drive-through ATM. Drive-up windows shall be provide stacking spaces per the requirements in Section 1118, Drive-in and drive-through facilities.
(2)	Business offices or professional offices except medical offices	One (1) per three hundred (300) square feet gross floor area (Max. one (1) per one hundred-fifty (150) sq. ft).
(3)	Professional offices of doctors, dentists, or similar professions	One (1) for each two hundred-fifty (250) square feet of gross floor area. (Max. one (1) per one hundred-fifty (150) sq. ft).  One (1) for each examining room, dental chair, or similar use area.
<b>e. Retail Uses</b>		
(1)	Retail stores except as otherwise specified herein	One (1) per three hundred twenty-five (325) square feet gross floor area.
(2)	Convenience Store	One (1) for each one hundred twenty-five (125) square feet of usable floor space.
(3)	Shopping centers with multiple tenants	One (1) for each two hundred-fifty (250) square feet of usable retail floor area for the first 50,000 square feet. One (1) for each two hundred seventy-five (275) square feet for the next

**Article 12 – Access, Parking & Loading Requirements**

**Revised Planning Commission Copy**

**DATE: Dec. 23, 2021**

Use		Number of minimum parking spaces per unit of measure
		50,000 to 450,000 square feet of usable retail floor area. One (1) for each three hundred (300) square feet for that area in excess of 450,000 square feet of usable retail floor area. Non-retail uses such as restaurants, bars and theaters shall be calculated separately based upon their respective requirements.
(4)	Furniture and appliance, household equipment, repair shops, showroom of a plumber, decorator, electrician, or similar trade, shoe repair, and other similar uses	One (1) for each eight hundred (800) square feet of usable floor area. (For that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein.)
(5)	Vehicle fueling/multi-use station	One (1) space for each one hundred twenty-five (125) square feet of usable floor area; plus two (2) parking spaces per fueling station
(6)	Major and minor vehicle repair station	Two (2) spaces for each service bay; plus one (1) space for each tow truck, if applicable, plus adequate spaces for overnight parking; plus one (1) space per one (1) employee at peak shift
(7)	Home improvement centers	One (1) per three hundred (300) square feet of useable floor area.
(8)	Motor vehicle sales and accessory service establishments	One (1) for each four hundred (400) square feet of usable floor area of sales room and one (1) for each one (1) auto service stall in the service room.
(9)	Open air businesses	One (1) for each five hundred (500) square feet of land area being used for display, plus one (1) for each employee
<b><i>f. Restaurants/food and beverage</i></b>		
(1)	Bars/lounges (majority of sales consist of alcoholic beverages)	One (1) per each seventy (70) square feet of useable floor area or one (1) per two (2) seats, whichever is greater
(2)	Drive-in Restaurant	One (1) for each employee and one (1) for each twenty-five (25) square feet of usable floor area.
(3)	Drive-through Restaurant	0.7 per seat (alt. three (3) for every four (4) seats). Stacking spaces shall meet the requirements in requirements in Section 1118, Drive-in and drive-through facilities.
(4)	Carry-out Restaurant (with no eating on premises)	Six (6) per service or counter station, plus one (1) for each employee.

**Article 12 – Access, Parking & Loading Requirements**

**Revised Planning Commission Copy**

**DATE: Dec. 23, 2021**

Use		Number of minimum parking spaces per unit of measure
(5)	Open front restaurants such as, but not limited to: dairy bars and fruit, and vegetable stands	Ten (10) plus one (1) per employee.
(6)	Standard restaurants	0.4 per seat (alt. two (2) for every five (5) seats)
<b>g. Service Uses</b>		
(1)	Vehicle quick oil change	Two (2) stacking spaces for each service stall, rack, or pit plus one (1) for each employee.
(2)	Vehicle wash	One (1) for each one (1) employee. Stacking spaces shall meet the requirements in requirements in Section 1118, Drive-in and drive-through facilities.
(3)	Vehicle wash (self-service or coin operated)	One (1) for each drying space. Stacking spaces shall meet the requirements in Section 1118, Drive-in and drive-through facilities.
(4)	Beauty parlor or barbershop	Two (2) for each beauty or barber chair plus one (1) for each employee.
(5)	Dry Cleaning and laundry establishments	One (1) per five hundred (500) square feet of useable floor area
(6)	Laundromats and coin-operated dry cleaners	One (1) for each two (2) washing and/or dry-cleaning machines.
(7)	Funeral home	One (1) for each fifty (50) square feet of usable floor area.
(8)	Place of lodging	One (1) for each one (1) occupancy unit plus one (1) for each employee plus spaces as required for accessory uses such as a bar, restaurant, meeting rooms, etc.
(9)	Self-storage mini warehouse	One (1) parking space for every one hundred (100) storage units plus one (1) for each employee, with a minimum of five (5) parking spaces. Required parking spaces shall be located in order to serve the management office.
<b>h. Adult entertainment facility</b>		
(1)	Adult book/video store	One (1) for each seventy-five (75) square feet of usable floor space.
(2)	Adult motion picture theater	One (1) for each two (2) seats plus one (1) for each theater employee.

**Article 12 – Access, Parking & Loading Requirements**

**Revised Planning Commission Copy**

**DATE: Dec. 23, 2021**

<b>Use</b>		<b>Number of minimum parking spaces per unit of measure</b>
(3)	Adult mini-motion picture theater	One (1) for each one (1) seat or viewing station plus one (1) for each employee.
(4)	Cabaret	One (1) for each seventy-five (75) square feet of usable floor space.
(5)	Massage establishment	One (1) for each massage table or station, plus one (1) for each twenty (20) square feet of waiting room, plus one (1) for each employee.
(7)	Video Rental Establishments	One (1) per one hundred-fifty (150) square feet of useable floor area.
<b><i>i. Recreation Uses</i></b>		
(1)	Athletic clubs, exercise establishments, health studios, sauna baths, martial art schools and other similar uses	One (1) space for each two hundred (200) square feet of usable floor area
(2)	Bowling alleys	Five (5) for each one (1) bowling lane plus spaces required for accessory uses such as a bar or restaurant.
(3)	Commercial indoor and outdoor recreation facilities (such as archery ranges, batting cages, etc.)	One (1) space for each one thousand (1,000) square feet of enclosed recreational space; plus, one (1) space for each employee on the largest typical shift two (2) spaces for each court (tennis, racquetball, etc.); four (4) spaces for each hole of golf, and two (2) for each batting cage, archery range, or similar activity.
(4)	Dancehalls, pool or billiard parlors, roller or skating rinks, exhibition halls, and assembly halls without fixed seats	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes, or one (1) for each two hundred (200) square feet of gross floor area, whichever is greater.
(5)	Golf courses, open to the general public, except miniature or "par-three" courses	Six (6) for each one (1) golf hole and one (1) for each one (1) employee, plus spaces required for each accessory use such as a restaurant or bar.
(6)	Golf driving range	Two (2) for each driving tee plus three (3) spaces for employees.
(7)	Ice skating or roller rink	One (1) for each seat or six (6) feet of benches, or one (1) for each one hundred-fifty (150) square feet of skating area, whichever is the greater.

Use	Number of minimum parking spaces per unit of measure	
(8)	Miniature or "par-three" golf courses	Two (2) for each one (1) hole plus one (1) for each one (1) employee.
(9)	Private golf clubs, swimming pool clubs, tennis clubs, or other similar uses	One (1) for each two (2) member families or individuals plus spaces required for each accessory use such as a restaurant or bar.
(10)	Stadium, sports arena, or similar place of outdoor assembly	One (1) for each four (4) seats or eight (8) feet of benches.
(11)	Tennis club, paddle-ball club, racquetball club, and other similar uses	Six (6) per court, plus such additional spaces as may be required herein for affiliated uses such as restaurants, plus one (1) per employee.
(12)	Theaters and auditoriums	One (1) for each three (3) seats plus one (1) for each two (2) employees.
<b>j. Industrial</b>		
(1)	Industrial or research establishments and related accessory offices	Five (5) plus one (1) for every one and a half (1-½) employees in the largest working shift, or one (1) for every five hundred-fifty (550) square feet of usable floor space, whichever is greater
(2)	Call Center	One (1) for every one (1) employee on the largest working shift.
(3)	Warehouses and wholesale establishments and related accessory offices	Five (5) plus one (1) for every one (1) employee in the largest working shift, or five (5) plus one (1) for every one thousand-seven hundred (1,700) square feet of usable floor space, whichever is the greater.

### 3. Number of Spaces.

- A. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Zoning Administrator considers is similar in type.
- B. For the purpose of computing the number of parking spaces required, the definition of "useable floor area" in Article II, "Definitions," Section 201 shall govern.
- C. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half (0.5) shall be disregarded and fractions over one-half (0.5) shall require one (1) parking space.
- D. Two (2) or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately, except as provided below.

- E. The Planning Commission may reduce the parking requirements based upon a finding that there will be a lower demand for parking due to one (1) or more of the following:
    - (1) Shared parking by multiple uses where there will be a high proportion of multipurpose visits or uses have peak parking demands during differing times of the day or days of the week. Pedestrian connections shall be maintained between the uses. Where uses are on separate lots, the lots shall be adjacent, pedestrian, and vehicular connections shall be maintained between the lots and shared parking agreements shall be filed with the County Register of Deeds and the Township.
    - (2) Expectation of walk-in trade due to sidewalk connections to adjacent residential neighborhoods or employment centers. The site design shall incorporate pedestrian connections to the site and on-site pedestrian circulation providing safe and convenient access to the building entrance.
    - (3) Availability of other forms of travel such as transit. The Planning Commission may require the site design incorporate transit stops, pedestrian connections to nearby transit stops, or bicycle parking facilities.
  - F. The applicant shall provide a parking study with adequate detail and information to assist the Planning Commission to determine the appropriateness of the request.
  - G. The Planning Commission may attach conditions to the approval of a deviation from the off-street parking requirements that bind such approval to the specific use in question.
  - H. Where the conditions of item E above are not met, but an applicant demonstrates that the parking requirements for a proposed use would be excessive, the Planning Commission may defer some of the parking, provided the site plan designates portions of the site for future construction of the required parking spaces. Areas reserved for future parking shall be maintained in a landscaped appearance and not used for building area, storage, or other accessory use. The deferred parking shall be required to meet ordinance requirements if constructed and may not occupy required greenbelts. Construction of the deferred parking area to add parking spaces may be initiated by the owner or required by the Zoning Administrator, based on parking needs or observation, and shall require administrative approval of an amended site plan.
  - I. In order to minimize excessive areas of pavement which reduces aesthetic standards and contribute to high rates of storm water runoff, exceeding the minimum parking space requirements by more than twenty percent (20%) shall only be allowed with approval by the Planning Commission. In granting such additional space, the Planning Commission shall determine that such parking will be required, based on documented evidence, to accommodate the use on a typical day.
4. **Accessible Parking.** Accessible parking shall comply with the provisions of the American's With Disabilities Act (ADA). The number and layout of spaces required shall comply with ADA accessibility guidelines including the following:

Accessible Parking Spaces* (Required Minimum)			Accessible Spaces
1	to	25	1
26	to	50	2
51	to	75	3
76	to	100	4
101	to	150	5
151	to	200	6
201	to	300	7
301	to	400	8
401	to	500	9
501	to	1,000	2**
1,001	and	over	20***
*Accessible spaces are required to be eight (8) feet zero inches wide, with an adjacent access aisle five (5) feet zero inches wide. One (1) in every eight accessible spaces shall have an access aisle eight (8) feet eight inches wide (rather than five (5) feet) and shall be signed "van accessible."			
**Percent of total			
***Plus one (1) space for each one hundred (100) over one thousand (1,000)			

#### 5. *Parking location.*

- A. Off-street parking spaces may be located within a non-required side or rear yard and within the rear yard setback unless otherwise provided in this ordinance. Off-street parking shall not be permitted within a front yard or a side yard setback, except in the office, business, and industrial districts (NB, GB, IT, LM, I-C). In the office, business, and industrial districts, off-street parking may be permitted in the required front yard provided a minimum unobstructed and landscaped setback of twenty (20) feet is provided. The setback is measured from the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line as indicated on the thoroughfare plan of the Master Plan of future land use.
- B. Off-street parking shall be set back a minimum of ten (10) feet from all lot lines in all zoning districts.
- C. Off-street parking for uses in all districts shall be on the same lot as the use or building served by the parking.

- (1) The Planning Commission may grant shared parking for separate zoning lots, under the following conditions:
    - a. The developed parking for adjacent zoning lots may be shared provided a signed agreement is provided by the property owners, and the applicant can demonstrate that the peak usage will occur at different periods of the day.
    - b. To demonstrate shared parking compatibility, the applicant shall use a recognized industry standard such as the Urban Land Institute Shared Parking Report. Underlying parking space requirements for each use shall be based on Ypsilanti Township parking requirements noted herein or as otherwise modified by the provisions of this Article.
    - c. Side or rear parking lot setbacks may be reduced or waived where a shared access driveway, connected parking lots, and/or internal service drives are provided.
    - d. The Planning Commission may attach conditions to the approval of a deviation from the off-street parking requirements that bind such approval to the specific use in question.
    - e. A shared parking agreement between both parties shall be reviewed and approved by the Township Attorney.
  - D. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
  - E. Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof, and shall be located on the premises they are intended to serve, and subject to the provisions of Section 802, Accessory Buildings and Accessory Uses. Front yard parking on other than a driveway or in an established apron between a curb and property line shall be prohibited. No parking shall be permitted between the rear property line and the rear building line of the residential structure unless on a driveway or improved surface.
6. *Off-street parking space layout and construction.* Whenever the off-street parking requirements in this Section require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed, and maintained in accordance with the following standards and regulations:
  - A. No parking lot shall be constructed unless and until a permit therefore is issued by the Building Official. Applications for a permit shall be submitted to the Township in such form as may be determined by the Zoning Administrator and shall be accompanied with two (2) sets of plans for the development and construction of the parking lot showing the provisions of this Section will be fully complied with.
  - B. Notwithstanding the provisions of Section 903, in those instances where an existing building use has provided adequate parking under this Ordinance and a change of use is proposed wherein parking requirements for such proposed new use are equal to or lesser than those available on the site, site plan review by the Planning Commission shall not be required. Such parking lot shall be reviewed the Zoning Administrator.
  - C. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
  - D. Parking lots shall meet the following dimensional requirements:



<b>Parking pattern</b>	<b>Maneuvering lane width</b>	<b>Parking space width</b>	<b>Parking space length</b>	<b>Total width of one (1) tier of parking spaces plus maneuvering lane</b>	<b>Total width of two (2) tiers of spaces plus maneuvering lane</b>
<b>0° (parallel parking)</b>	<b>12 ft.</b>	<b>8 ft. 6 in.</b>	<b>24 ft.</b>	<b>20 ft.</b>	<b>28 ft.</b>
<b>30° to 53°</b>	<b>14 ft.</b>	<b>9 ft.</b>	<b>18 ft.</b>	<b>30 ft.</b>	<b>50 ft.</b>
<b>54° to 74°</b>	<b>17 ft.</b>	<b>9 ft.</b>	<b>18 ft.</b>	<b>34 ft. 6 in.</b>	<b>56 ft.</b>
<b>75° to 90°</b>	<b>24 ft.</b>	<b>9 ft.</b>	<b>18 ft.</b>	<b>42 ft.</b>	<b>60 ft.</b>

- E. Where a parking space abuts a seven (7) foot wide sidewalk or ten (10) foot wide greenbelt, the parking space may be decreased by two (2) feet in length if curbing is provided.**
- F. All maneuvering lane widths shall permit one-way traffic movement, except that the ninety (90) degree pattern may permit two-way movement.**
- G. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.**
- H. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25) feet distant from adjacent property located in any single-family residential district.**
- I. The entire parking area, including parking spaces and maneuvering lanes, required under this section shall be provided with asphalt or concrete surfacing in accordance with specifications approved by the Township Engineer. The parking area shall be surfaced prior to the issuance of a certificate of occupancy, or, in case of seasonal difficulties, a guarantee acceptable to the Township. In those instances where a parking area is nonconforming with respect to paving, the expansion of the use of land or structure shall require the paving of such parking area in conformity with this Section. The Planning Commission may approve alternative paving materials, such as permeable/grass pavers, for overflow, seasonal or low usage parking, based upon the review and recommendation of the Township Engineer.**
- J. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.**
- K. Off-street parking shall be provided with concrete curbs, where necessary to protect landscaped areas, sidewalks, buildings, or adjacent property from vehicles that might otherwise extend beyond the edge of the parking lot. Sidewalks abutting parking spaces shall be seven feet wide. Plantings shall be set back sufficient distance from curbs to allow for bumper overhang.**
- L. To facilitate movement and to help maintain an orderly parking arrangement, all parking spaces shall be clearly striped with paint. Except for parallel parking spaces, each stall shall be**

- delineated with four (4) inch wide double yellow lines twenty-four (24) inches apart. The width of the parking stall may be computed from the centers of the double striping.
7. **Lighting.** All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only and meet the requirements of Section 1303, Exterior Lighting.
  8. **Maintenance and storage.**
    - (1) All parking areas shall be maintained in a safe condition by the property owner free of snow and ice. The parking lot design shall provide a location for snow storage that does not encroach into required parking spaces.
    - (2) The storage of merchandise, motor vehicles for sale, trucks, refuse, and the repair of vehicles is prohibited. The use of semi-trailers for storage purposes on the premises for five (5) or more consecutive days is prohibited.

(Ord. No. 2004-343, 9-21-04; [Ord. No. 2018-476](#), § 22, 2-20-18)

**Editor's note—** Ord. No. 2004-343, adopted Sept. 21, 2004, repealed § 2105 in its entirety. Former § 21-5 pertained to off-street parking space layout, standards, construction, and maintenance and derived from Ord. No. 74, adopted May 17, 1994, and effective on May 18, 1994.

**Sec. 1206. – Bicycle and Pedestrian Accommodations:**

1. **Development plans.** Development plans shall include site amenities that enhance safety and convenience and promote walking or bicycling as an alternative means of transportation. Site amenities may include bike racks, drinking fountains, canopies, and benches. All sites with parking of ten (10) spaces or greater shall provide a bike rack for at least two (2) bicycles within fifty (50) feet of the building entrance.
2. **Walkways.**
  - A. Walkways within the site shall directly connect points of pedestrian origin and destination. Walkways shall not be located based only on the outline of a parking lot if it does not provide direct pedestrian access. Walkways shall either be grade separated from parking lots or clearly delineated to avoid pedestrian/vehicular conflicts.
  - B. Where it is necessary for the pedestrian access to cross maneuvering aisles or internal roadways, the crossings shall emphasize and place priority on pedestrian access and safety. The pedestrian crossings must be well-marked, using such measures as pavement treatments, signs, striping, signals, lighting, pedestrian safety islands, landscaping, and other traffic calming techniques.
  - C. The Planning Commission may require additional walkways and pedestrian connections as part of the site plan review.
3. **Sidewalks, safety paths:**
  - A. Concrete paved sidewalks not less than five (5) feet wide shall be required in all subdivisions and site condominium subdivisions.

- B. Concrete paved sidewalks not less than five (5) feet wide shall be required along all access drives in cluster housing and multiple-family developments.
- C. Concrete paved safety paths for bicycles and pedestrians not less than eight (8) feet wide shall be provided on both sides of all major thoroughfares defined in Section 24, Definitions.
- D. The Planning Commission may vary the width and location of safety paths in those instances where strict adherence to these provisions cannot be met due to conditions such as restriction of space, improper soil conditions or other physical impairment to the location, and construction of safety paths.
- E. In lieu of provisions of construction of safety paths, the Planning Commission may permit funds to be placed in escrow for construction at a later date.

**Sec 1207- Off-street loading and unloading:**

1. ***Where Required.*** In connection with every building or part thereof hereafter erected, except single- and two-family dwelling unit structures, there shall be provided on the same lot with such buildings, off-street loading, and unloading spaces for uses which customarily receive or distribute material or merchandise by vehicle. Plans and specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted to the Zoning Administrator for review in conjunction with a site plan, as set forth in Section 903 and Section 910.
2. ***Off-Street Loading-Unloading Design Standards.***
  - A. Each off-street loading-unloading space shall meet the following standards for the district in which the site is located:
    - (1) In any residential district, a loading-unloading space shall not be less than ten (10) feet in width and twenty-five (25) feet in length and, if a roofed space, not less than fourteen (14) feet in height.
    - (2) In any commercial or industrial district, a loading unloading space shall not be less than ten (10) feet in width and fifty-five (55) feet in length and, if a roofed space, not less than fifteen (15) feet in height.
  - B. Subject to the limitations of the next paragraph, a loading-unloading space may occupy part of any required side or rear yard; except the side yard along a side street in the case of a corner lot. In no event shall any part of a required front yard be occupied by such loading space.
  - C. Any loading-unloading space shall not be closer than fifty (50) feet to any other lot located in any residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, fence, or compact planting not less than six (6) feet in height.
  - D. In the case of mixed uses on one (1) lot or parcel, the total requirements for off-street loading/unloading facilities shall be the sum of the various uses computed separately.
  - E. All off-street loading-unloading facilities that make it necessary to back out directly into a public road shall be prohibited. All maneuvering of trucks, autos and other vehicles shall take place on the site and not within a public right-of-way.

- F. It is the intent of this Ordinance to minimize excessive areas of pavement which reduces aesthetic standards and contributes to high rates of storm water runoff. The Planning Commission may grant a waiver in the loading space requirements set forth in this Section, if the applicant is able to demonstrate and the Planning Commission is able to determine that such loading space is not required, based on documented evidence, to accommodate the use on a typical day.**

**ARTICLE XIII – SITE DESIGN STANDARDS**

**Sec. 1301. - Landscape requirements:**

1. ***Intent.*** Landscaping is the organization of outdoor space and shall be treated as a design element as important as building placement and vehicular circulation. The landscape plan shall be designed to achieve the following purposes:
  - A. To preserve and enhance the identity or character of the site.
  - B. To screen or filter views, buffer incompatible land uses, and blend inharmonious land uses.
  - C. To integrate and unify various parts of the site.
  - D. To articulate outdoor and architectural spaces.
  - E. To improve the local environment by controlling soil erosion, moderating harsh or unpleasant sounds, removing air pollutants, controlling light trespass and reflection, moderating winds, and the effects of climate, and promoting stormwater infiltration thereby helping to prevent flooding.
  - F. To preserve and enhance existing environmental systems and wildlife habitat, including woodlands, wetlands, and grasslands.
2. ***Where required.*** A landscape plan shall be submitted for any proposed use or building which requires the submittal of a site plan or when otherwise required by this Ordinance. Landscape plans shall be approved by the Planning Commission prior to the issuance of a building permit.
3. ***Landscaping design standards.***
  - A. **Planting Specifications:** A landscape plan shall be prepared in accordance with the following planting plan specifications:
    - (1) Minimum scale of one (1) inch = fifty (50) feet.
    - (2) Existing and proposed contours with contour interval not to exceed two (2) feet.
    - (3) The planting plan shall indicate, to scale, the location, spacing, and starting size for all proposed landscape material.
    - (4) Typical straight cross section including slope, height, and width of berms and type of ground cover or height and type of construction for all proposed walls, including footings.
    - (5) Significant construction details to resolve specific site conditions, e.g., tree wells to preserve existing trees, culverts to maintain natural drainage patterns.
    - (6) Planting and staking details in either text or drawing form to insure proper installation and establishment of proposed plant materials.
    - (7) Landscape plans shall be prepared by a registered landscape architect.
    - (8) Michigan native and pollinator species are encouraged.
  - B. ***General landscaping.*** Except for those areas occupied by buildings, loading areas, parking areas, patios, walkways, and landscaping, all areas of a site shall be lawn areas. Unless specified otherwise in this Ordinance, within such areas the following minimum plant material

shall be provided:

- (1) A mixture of evergreen and deciduous trees shall be planted at the rate of one (1) tree for each one thousand (1,000) square feet or fraction thereof of lawn area, plus
  - (2) One (1) shrub for every five hundred (500) square feet or fraction thereof of lawn area.
- C. Street yard landscaping. Whenever, in this Ordinance, a landscaped setback is required between a public or private street and a parking or building setback, all such yards shall be landscaped in accordance with the following:
- (1) A minimum of one (1) large deciduous tree shall be planted for each forty (40) lineal feet of frontage, or portion thereof, plus
  - (2) A minimum of one (1) ornamental tree shall be planted for each one hundred (100) lineal feet of frontage or portion thereof, plus
  - (3) A minimum of one (1) shrub shall be planted for each ten (10) lineal feet of frontage, or portion thereof.
  - (4) Creative placement of the trees, such as staggering, clustering, and/or other methods, is encouraged in an effort to eventually achieve a canopy.
  - (5) Access drives from public rights-of-way through required greenbelts shall be permitted, but such drives shall not be subtracted from the lineal dimension used to determine the minimum number of trees.
- D. Parking lot landscaping.
- (1) Interior requirements:
    - a. One (1) large deciduous tree shall be required for each two thousand (2,000) square feet of paved driveway and parking lot surface, provided that no less than two (2) trees are provided.
    - b. Trees shall be distributed evenly throughout the parking area. There shall be no more than twelve (12) spaces in a row without a landscape break.
    - c. Each tree shall be provided with an open land area of not less than one hundred-fifty (150) square feet to provide area for infiltration.
    - d. Parking lot landscaping islands shall be no less than five (5) feet in any single dimension.
    - e. Landscaped areas shall be protected with curbing, or other permanent means to prevent vehicular encroachment onto the landscaped areas.
    - f. Parking lot landscaping islands shall be arranged to improve the safety of pedestrian and vehicular traffic and guide traffic movement. Parking lot end islands shall be provided at the intersection of any parking aisles.
    - g. The preservation of existing trees within or adjacent to a parking area can be used to fulfill the requirement for parking lot trees. In such cases, every six (6) caliper inches of preserved tree shall be counted as one parking lot tree.
    - h. Parking lot lighting shall be located within landscaped areas including parking lot

islands.

- i. An equivalent amount of landscape plantings at the perimeter of parking lots may be approved where landscaping within parking lots would be impractical due to the size of the parking lot, detrimental to safe and efficient traffic flow, or would create an unreasonable burden for maintenance and snowplowing, provided all other landscaping requirements are met.

**(2) Perimeter**

- a. Canopy trees shall be provided along the perimeter of a parking lot at a minimum rate of one (1) tree per forty (40) feet of lot perimeter; however, trees need not be planted on forty (40) foot centers.
- b. Parking lots that serve uses set forth in Section 1301.3.H shall meet the screening requirements set forth in Section 1301.3.H where such screening is needed to promote a compatible relationship with an adjacent use.
- c. A minimum distance of three (3) feet from the backside of the curb and the proposed landscape plantings shall be provided. Where vehicles overhang a landscape island or strip, a minimum distance of five (5) feet from the backside of the curb and the proposed landscape plantings shall be provided.
- d. Parking lots that front on a public roadway shall meet street yard landscaping requirements set forth in Section 1301.2.C.
- e. Where an off-street parking area is located within a required front yard, a landscape berm or continuous minimum three (3) foot tall hedge row shall be provided within the greenbelt between parking area and the road right-of-way. The Planning Commission, at its discretion, may approve alternative landscape plantings or a solid wall in lieu of a landscape berm or hedges.

- E. Greenbelt buffer for residential developments. When a subdivision, site condominium, cluster housing, or multiple family development borders a major thoroughfare, a landscaped greenbelt shall be provided directly adjacent, and parallel to, the future right-of-way of said thoroughfare for the entire length of the residential development. The applicant has the option of either constructing a landscaped earth berm or a decorative wall with landscaping as described below.

Creativity is encouraged. Thus, required trees and shrubs may be planted at uniform intervals, at random, or in groupings, with the intent being to screen the subdivision from the major thoroughfare, coordinate the landscaping treatment with adjoining properties, and provide a visually pleasing design.

For the purposes of calculating quantities of required plant material, greenbelt length shall be measured along the future right-of-way line. Existing plant material may be counted toward the fulfillment of the greenbelt planting requirements.

The planting of materials shall be done in a manner so as to provide adequate screening of the homes from the major thoroughfare within five (5) years of construction.

**(1) Landscaped earth berm.**

- (2) Decorative wall with landscaping. A greenbelt of no less than fifteen (15) feet in width shall be provided. A decorative wall four to six (6) feet in height shall be placed along the residential edge of the required greenbelt, with landscaping planted between said wall and the future right-of-way of the major thoroughfare shall be provided. The Planning Commission may entirely or partially waive the required wall or allow for it to be altered in order to retain existing natural features and preserve a natural appearance within the greenbelt.
- (3) Lots within the proposed subdivision that abut the greenbelt may have their total lot area reduced by ten percent (10%) when a wall is provided. A detail of the wall and landscaping shall be submitted with the tentative preliminary plat or the preliminary plan
- (4) All wall faces shall be brick or stone, or a combination thereof. The Planning Commission may allow the construction of a wood fence supported by brick or stone pillars.
- (5) If a decorative wall exists adjacent to the proposed subdivision, the Planning Commission may require the proposed wall to be of a matching or complimentary design and building materials.
- (6) The landscaping requirements between the wall and the future right-of-way shall meet the street yard landscaping as set forth in Section 13.1.3H.

**F. Raingardens and Bioswales.**

- (1) The integration of vegetated stormwater control measures with sites, especially around buildings and within parking lots, is allowed and encouraged.
- (2) Rain gardens and bioswales can meet stormwater requirements for new and redevelopment projects that manage less than five thousand (5,000) square feet of roof and paved areas. Site conditions will determine if this is a suitable method for managing stormwater onsite. Property line and building setbacks as well as surface grade and available landscaped areas for infiltration must be considered. Proposed downspout locations and roof/gutter alignments will impact the feasibility of this option, as well as slope, setback, and other site considerations.
- (3) Any non-single-family residential site plan, in accordance with Washtenaw County Water Resource Commission regulations, shall incorporate rain gardens and bioswales, unless applicant can prove to the satisfaction of the Township Engineer where installation of bioswales or rain gardens is not practical. Applicant shall provide a narrative explaining incorporation of rain gardens and bioswales.
- (4) Rain Garden and Bioswale plans shall be reviewed and approved by the Township Engineer.

**G. Detention/retention pond landscaping.**

- (1) Landscape plans shall be submitted for all detention/retention ponds. Stormwater management systems that replicate a natural design and appearance is required.
- (2) Detention/retention ponds shall be landscaped to provide a natural setting in open space areas. Where possible, ponds or basins shall be "free form" following the natural shape of the land to the greatest practical extent.
- (3) Side slopes shall not exceed one (1) foot vertical for every five (5) feet horizontal.



- (4) Berms may be incorporated into the landscape but should be used to enhance the natural forms and not create artificial bumps and ridges.
- (5) The minimum requirements for the landscaping of detention/retention ponds shall be as follows:
  - a. One (1) deciduous shade or evergreen tree and ten (10) shrubs shall be planted for every fifty (50) lineal feet of pond perimeter as measured along the top of the bank elevation.
  - b. The required trees and shrubs shall be planted in a random pattern or in groupings. The placement of required landscaping is not limited to the top of the pond bank.
- (6) Detention and retention ponds in close proximity to residential, commercial, and industrial properties shall be landscaped in character with properties and shall be required to provide lawn areas, shrubs, and trees to accomplish a suitable appearance compatible with development on the property and on nearby properties. Landscaping shall be required on all areas disturbed by grading to establish detention/retention ponds.
- (7) To assure that water quality is maintained, ponds shall be designed to continuously circulate either by surface water movement, ground water movement, or some form of artificial aeration.
- (8) Maintenance of detention/retention ponds and the landscaping thereof shall be the responsibility of the property owner or of the development association, whichever is appropriate, and shall be conducted in a manner acceptable to the Township. Should maintenance not be carried out in an acceptable manner, the Township may carry out such maintenance and assess the developer and/or property owners for such maintenance.

#### H. Screening between land uses.

##### (1) Screening Between Land Uses Table

		When Contiguous with These Land Uses				
		Single Family Residential	Multiple Family Residential	Office/Retail /Institutional	Industrial	Automotive
<b>Subject Property</b>	Single-Family Residential					
	Multiple Family Residential	Screen 1				
	Office/Retail/Institutional/Service	Screen 2	Screen 2			
	Automotive	Screen 3	Screen 3	Screen 3		
	Industrial	Screen 3	Screen 3	Screen 3		

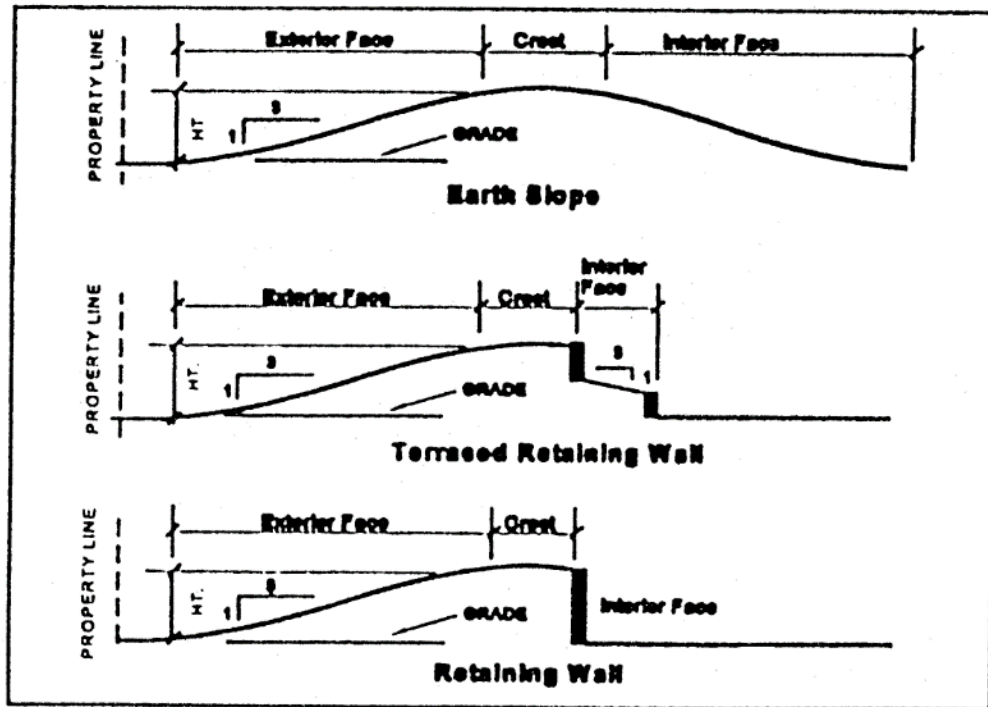
**(2) Screening Requirement Table**

<b>Screen</b>	<b>Minimum Quality</b>	<b>Type</b>
<b>1</b>	One 1 tree per three (3) lineal feet	Narrow Evergreen
<b>2</b>	One 1 tree per ten (10) lineal feet	Large Evergreen
<b>3</b>	One 1 tree per ten (10) lineal feet; and	Large Evergreen
	One 1 tree per three (3) lineal feet	Narrow Evergreen

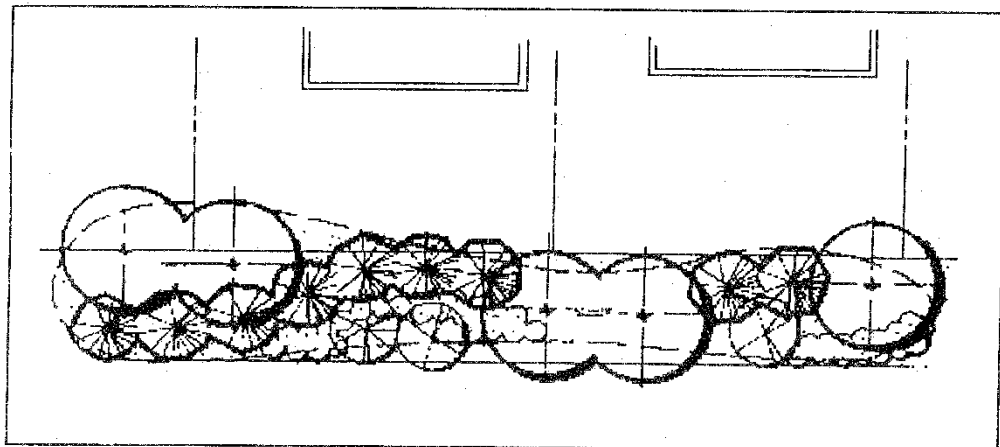
- (3) Landscape buffers shall be located on the property line but no closer than four (4) feet from a fence and/or property line unless otherwise provided for in this Ordinance or by the Planning Commission.
- (4) Solid Wall or Fence. Where a land use activity creates noise, light, dust, or other similar nuisance that cannot be effectively screened by a landscape buffer, the Planning Commission may approve the installation of a solid wall or fence. Such wall or fence shall be a minimum of four (4) feet and a maximum of eight (8) feet in height as measured on the side of the proposed wall having the higher grade. A required wall shall be located on the lot line, except alternate locations may be approved where underground utilities interfere, where this Ordinance requires conformity with front yard setback requirements, or where an alternate location provides more effective screening. The construction materials of the wall or fence may include masonry, stone, or wood.
- (5) Combinations. A combination of landscaping and a solid wall or fence may be approved by the Planning Commission where such a combination provides more effective screening.

**I. Landscaped berms.**

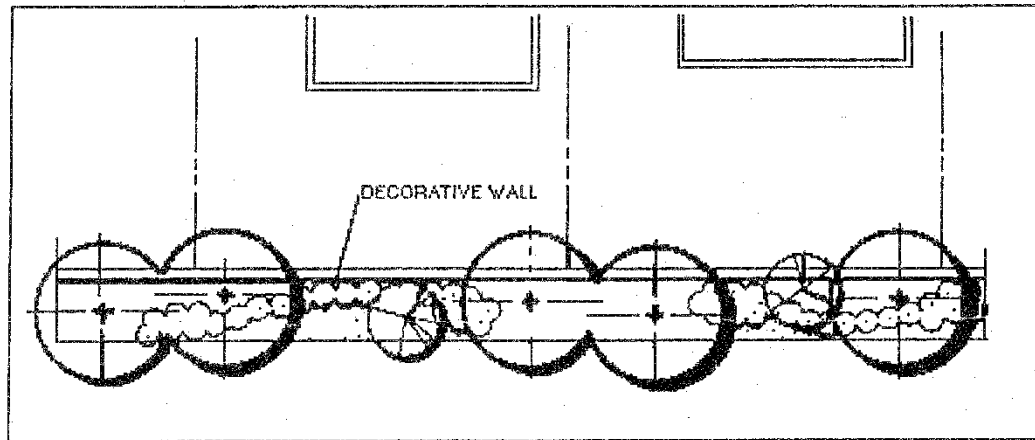
- (1) Berms shall be at least three (3) feet above the grade elevation and shall be constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal with at least a two (2) foot flat area on the top. For the purposes of this provision, grade elevation shall be the ground elevation at the property line adjacent to the proposed berm. The height of the berm shall be measured from the surface of the parking area or land on the nonresidential side of the berm.
- (2) The berm area shall be planted with grass or other suitable ground cover to ensure that it withstands wind and weather and retains its height and shape.
- (3) Within a landscape berm, plant material shall be provided as follows:
- A minimum of one (1) evergreen tree per fifty (50) lineal feet or fraction thereof, plus
  - A minimum of one (1) deciduous tree per one hundred (100) lineal feet or fraction thereof, plus
  - A minimum of one (1) shrub per twenty (20) lineal feet or fraction thereof.



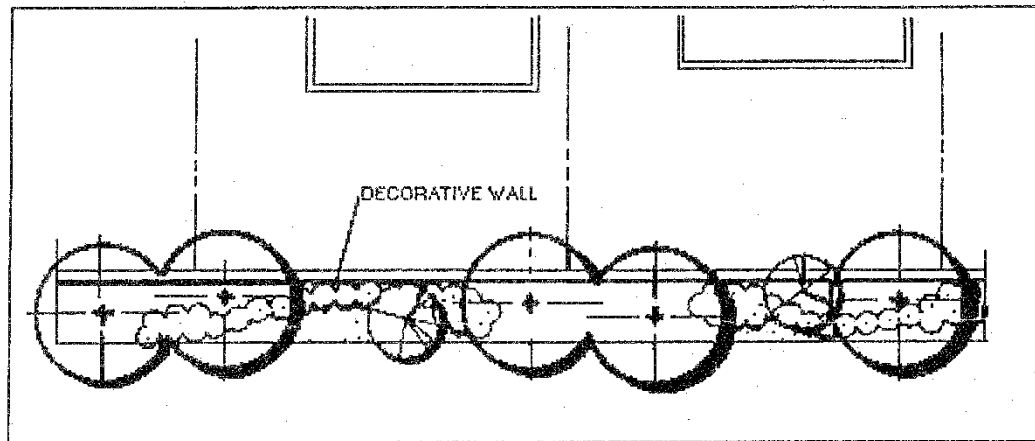
Berm Illustrations



Landscaped earth berm.



*Decorative wall with landscaping.*



*Decorative wall with landscaping.*

**Materials standards and specifications.** Except as otherwise specified in the general requirements for each zoning district, all plant and non-plant material shall be installed in accordance with the following standards:

- (1) **Maintenance-free non-plant material.** All non-plant site features shall be durable and as maintenance-free as reasonably possible.
- (2) **Plant quality.** Plant materials used in compliance with provisions of this Ordinance shall be nursery grown, free of pests and diseases, hardy in Washtenaw County, in conformance with the standards of the American Association of Nurserymen, and shall have passed any inspections required under state regulations.
- (3) **Plastic plant material prohibited.** Plastic and other nonorganic, nonliving plant materials shall be prohibited from use.
- (4) **Plant material size, location, and spacing.** The following specifications shall apply to all plant material required by this section:

- a. Plant materials shall not be placed closer than four (4) feet from a fence and/or property line.
- b. Where plant materials are planted in two (2) or more rows for screening purposes, the rows shall be staggered.

(5) Minimum Plant Material Size at Time of Planting:

Minimum Size and Space of Landscape Planting												
	MINIMUM SIZE ALLOWABLE							MAXIMUM ON-CENTER SPACING**				
	Height				Caliper/ Spread			Feet				
	6'-7'	5'-6'	3' - 4'	2.5' – 3'	2.5"	24 – 36"	2 gal.	25	10	6	3	1
Large Evergreen Trees												
Narrow Evergreen Trees												
Large Evergreen Shrubs												
Small Evergreen Shrubs												
Vines												
Large Deciduous Trees												
Small Deciduous Trees (Ornamental)												
Ground Cover												
Large Deciduous Shrubs												
Small Deciduous Shrubs												

\*\* “Maximum on-center” spacing refers to the largest space allowed between *the centers* of plants of the same species/variety.

- (6) Hedges shall be planted and maintained so as to form a continuous, unbroken, visual screen within five (5) years after planting.
- (7) Ground covers used in lieu of turf grasses in whole or in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one (1) complete growing season.

- (8) Grass areas shall be planted in species normally grown as permanent lawns in Washtenaw County. Grass may be plugged, sprayed, seeded, or sodded, except that rolled sod, erosion reducing net or suitable mulch shall be used in swales or other areas subject to erosion. Grass, sod, and seed shall be clean and free of weeds, noxious pests, and diseases.
- (9) Mulching material for planted trees, shrubs, and vines shall be a minimum of three (3) inches deep and installed in a manner as to present a finished appearance. Also, straw, or other mulch shall be used to protect newly seeded areas.

**J. Installation, Maintenance, and Completion.**

- (1) Landscaped areas shall be protected from vehicular encroachment by use of wheel stops, curbing, or other means.
- (2) All landscaping required by this Ordinance shall be planted before obtaining a certificate of occupancy or the appropriate financial surety as required in Article 3, Administration and Enforcement.
- (3) All landscaping and landscape elements shall be planted, and earth moving, or grading performed, in a sound workmanlike manner, according to accepted planting and grading procedure.
- (4) Landscaping required by this Ordinance shall be maintained in a reasonably healthy condition, free from refuse and debris. All unhealthy or dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first. For all commercial, industrial, or multiple-family developments, landscaped areas shall be provided with irrigation or a readily available and acceptable water supply. As a measure to promote water conservation and reduce stormwater volumes, all required site irrigation systems shall include a rain sensor or similar measure to ensure that irrigation does not occur during or shortly after precipitation events. All site plans shall note installation of required irrigation.
- (5) Topsoil removed during construction shall be stockpiled in an appropriate manner to prevent erosion and shall be redistributed on regraded surfaces to be landscaped and provide a minimum of four (4) inches even cover. Plants shall be mulched with shredded hardwood bark mulch at a depth of four (4) inches. Failure to install and maintain approved landscaping shall be a violation of this Ordinance.

**K. Use of Native Plants in Landscaping and Prohibited Species.**

- (1) Native plant species chosen for a development shall be based on the native species currently growing on the site, if any.
- (2) The arrangement of native plant species may be designed in both “natural” arrangements and more conventional arrangements.

Natural arrangements emulate the arrangements found in nature and have a less manicured appearance. Natural arrangements shall incorporate a wide mix of species.

- (3) This landscape style shall be used for landscaping open space, surface stormwater systems, street tree plantings, and/or parks. If natural arrangements are used, plant spacing requirements may be waived as long as the function the plants are to serve is

accomplished.

- (4) Conventional, more formal arrangements, are generally used close to buildings or heavily used areas of a site. Native species may be used in these areas just as any other commercially available landscape material. As with any landscape design, the plant's ultimate size, soil, and site requirements, and other characteristics shall be considered to ensure they do not overwhelm a space, encroach into walkways, or impede sight distance or visibility of motorists. In entryways, where aesthetics is of primary importance, cultivars of native plant species may be considered to ensure the plant's appearance.
- (5) Plantings installed in areas used for stormwater management shall be planted with native species that specifically perform the necessary runoff attenuation, filtration, water uptake, and purification functions needed in such areas. Both herbaceous and woody species shall be incorporated into the mix where the desired function dictates.
- (6) The following species may not be included in any landscape plan:

<b>Table of Prohibited Species</b>	
<b>Trees</b>	
<b>Common Name</b>	<b>Scientific Name</b>
Norway Maple	Acer plantanoides
Amur Maple	Acer ginnala
Silver Maple	Acer saccharinum
Box Elder	Acer negundo
Tree of Heaven	Alianthus altissima
European Alter	Alnus glutinosa
Northern Catalpa	Catalpa speciosa
White Ash*	Fraxinus americana
Green Ash*	Fraxinus pennsylvanica
Golden Rain Tree	Koelreuteria paniculata
Amur Cork Tree	Phellodendron amurense
Princess or Royal Empress Tree	Paulownia tomentosa
Poplar	Populus spp.
Black Locust**	Robinia pseudocacia
Willow (all)	Salix spp.
American Elm***	Ulmus americana
Norway Maple	Acer plantanoides
Amur Maple	Acer ginnala

Silver Maple	<i>Acer saccharinum</i>
Box Elder	<i>Acer negundo</i>
Tree of Heaven	<i>Alanthus altissima</i>
European Alter	<i>Alnus glutinosa</i>
Chinese Elm	<i>Ulmus parvifolia</i>
Siberian Elm	<i>Ulmus pumila</i>
<p>* A native species but prohibited due to Emerald Ash Borer.</p> <p>** A native species but tends to be invasive.</p> <p>*** Except cultivars that are resistant to Dutch Elm Disease.</p>	
<b>Shrubs</b>	
<b>Common Name</b>	<b>Scientific Name</b>
Porcelain Berry	<i>Ampelopsis brevipedunculata</i>
Japanese Barberry	<i>Berberis thunbergii</i>
Common Barberry	<i>Berberis vulgaris</i>
Oriental Bittersweet	<i>Celastrus orbiculatus</i>
Autumn Olive	<i>Eleagnus umbellata</i>
Russian Olive	<i>Eleagnus angustifolia</i>
Burning Bush	<i>Euonymus alatus</i>
Wintercreeper	<i>Euonymus fortunei</i>
English Ivy	<i>Hedra helix</i>
Eastern Red Cedar	<i>Juniperus virginiana</i>
Privet	<i>Ligustrum vulgare</i>
Honeysuckle (all)	<i>Lonicera</i>
Common Buckthorn	<i>Rhamnus cathartica</i>
Glossy Buckthorn	<i>Rhamnus frangula</i>
Multiflora Rose	<i>Rosa multiflora</i>
Guelder Rose	<i>Viburnum opulus</i> var. <i>opulus</i>
<b>Grasses</b>	
<b>Common Name</b>	<b>Scientific Name</b>
Chinese Silver Grass	<i>Miscanthus sinensis</i>
Giant Reed	<i>Phragmites communis</i>
Reed Canary Grass	<i>Phalaris arundinacea</i>
<b>Flowers and Ground Cover</b>	



Common Name	Scientific Name
Garlic Mustard	Alliaria officinalis
Spotted Knapweed	Centaurea maculosa
Crown Vetch	Coronilla varia
Queen Ann's Lace	Daucus carota
Foxglove	Digitalis purpurea
Japanese Knotweed	Fallopia japonica
Dame's Rocket	Hesperis matronalis
Purple Loosestrife	Lythrum salicaria

**L. Public Art.**

- (1) The inclusion of public art may be approved as a replacement to the required greenbelt landscaping in any non-residential district or a PUD.
- (2) The proposed public art must be approved by the Planning Commission and must include a long-term maintenance plan for the public art.
- (3) Public art must be visible from the public right-of-way.

**M. Waivers.** The Planning Commission may waive or modify any of the standards of this Section in the following situations:

- (1) Where a proposed modification cannot be reasonably accomplished in strict adherence to this section due to existing site or building constraints.
- (2) Where a proposed building addition increases the gross building area by no greater than twenty percent (20%).
- (3) Where a proposed parking lot expansion increases the number of parking spaces by no greater than twenty percent (20%).
- (4) Where the addition of new landscape material would serve no good purpose due to its relation to existing plant material, changes in grade, or other site characteristics.
- (5) Where the intent of this Section can be met through reasonable alternatives.

**Sec. 1302. - Trash and recycling receptacles:**

1. **Where Required.** The standards set forth in this Section shall apply to all uses that have refuse and recycling disposal service by collective trash and a recycling container. This does not include curbside pickup for single-family residential uses; however, all residential buildings of more than two (2) dwelling units and non-residential shall provide trash and recycle enclosures.
2. **Requirements:**
  - A. Containers used to dispose of trash, grease, recyclables, and similar materials shall be screened on all sides with an opaque fence or wall, and gate at least as high as the container,

- but no less than six (6) feet in height, and shall be constructed of durable material, such as brick or finished concrete material, and construction which is compatible with the architectural materials used in the site development. Wire fencing, or fencing with plastic, aluminum, or other filler strips shall not be used as enclosure walls or gates. Gates shall be constructed of treated aluminum or metal.
- B. Containers shall be consolidated to minimize the number of collection sites, located in close proximity to the building they serve, and easily accessed by refuse vehicles without potential damage to parked vehicles.
  - C. Containers and enclosures shall be located in a side or rear yard but shall not be located in any required yard adjacent to a public or private street, or in a required transition strip. If located in a required side or rear yard, the enclosure shall be at least ten (10) feet from the property line. In no instance shall they be located within twenty (20) feet of any single-family residential property line or district.
  - D. Containers and enclosures shall be screened from public view whenever possible. Tree and shrub screening may be required around the enclosure to screen the enclosure from view, to provide shade, and to reduce odors during summer months.
  - E. Containers and enclosures shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings, or users of adjacent streets or sidewalks.
  - F. Concrete pads and aprons of appropriate size and construction, a minimum of six (6) inches thick, shall be provided.
  - G. Installation of recycling containers may permit the removal of up to two (2) required parking spaces.
  - H. The location of trash and recycling receptacles shall be indicated on site plans and the location and screening shall be subject to the approval of the Zoning Administrator, or the Planning Commission when the Planning Commission reviews the site plan.
  - I. Enclosures shall be secured or locked during non-business hours.

**Sec. 1303. – Exterior lighting:**

- 1. *Intent.* The purpose and intent of this Section is to provide reasonable regulations to direct the location, design, illumination level, and use of outdoor lighting from both direct and indirect sources to minimize its undesirable effects. Lighting standards recognize that parking areas, walkways, driveways, building entryways, off-street parking and loading areas, other outdoor pedestrian ways, and building complexes with common areas need to be sufficiently illuminated to ensure the security of property and the safety of persons using such public or common areas. Lighting standards set forth herein are also intended to:
  - A. Provide for and control lighting in outdoor public places where public health, safety, and welfare are potential concerns;
  - B. Protect drivers and pedestrians from the glare of non-vehicular light sources;
  - C. Protect neighbors, the environment, and the night sky from nuisance glare and light trespass from improperly selected, placed, aimed, applied, maintained, or shielded light sources;

- D. Promote energy efficient lighting design and operation; and
  - E. Protect and retain the visual character of the Township.
2. **Applicability.** All outdoor lighting installed after the effective date of the amendment to the Zoning Ordinance shall comply with the requirements of Section 13.03. This includes, but is not limited to, new lighting equipment, light fixtures, replacement lighting, or any other outdoor lighting whether it is attached to structures, poles, buildings, or any other location.
3. **Light from direct sources.** Lighting from direct source shall be subject to the following standards:
- A. **Shielding and Light Trespass.** Lighting shall be placed, directed, and shielded so as to direct the light onto the site and away from adjoining properties through the use of full-cutoff luminaires. Lighting shall be shielded so that it does not cause glare for vehicles, bicycles, and pedestrians. Directional luminaires such as floodlights and wall mounted luminaires shall be shielded and aimed so they do not create glare when viewed from neighboring property. The use of floodlights and wall-mounted luminaires to light parking areas shall be prohibited, unless there is a finding by the Planning Commission that no other acceptable means of lighting is possible. Lighting under canopies shall be recessed or full cutoff luminaires aimed straight down.
  - B. **Maximum Illumination Levels.** Lighting for uses adjacent to residentially zoned or used property shall be designed and maintained such that illumination levels do not exceed a half (0.5) footcandles at ground level along common property lines. Lighting for uses adjacent to nonresidential properties shall be designed and maintained such that illumination levels do not exceed one (1.0) footcandle at ground level along common property lines. Maximum light levels shall not exceed twenty (20.0) footcandles in any given area measured at ground level.
  - C. **Maximum Height.** Except as noted above, lighting fixtures shall not exceed a height of twenty-five (25) feet, including the base. In portions of a site adjacent to residential areas, lighting fixtures shall not exceed a height of eighteen (18) feet, including the base, and shall be located so as to result in the minimum interference with residential users.
  - D. **Minimum Illumination Levels.** Parking area lighting shall provide the minimum lighting necessary to ensure adequate vision and comfort in parking areas, and to not cause glare or direct illumination onto adjacent properties or streets or public/private rights-of-way. At no point shall lighting of parking lots be less than 0.4 footcandles.
  - E. **Light Color Standard.** Correlated color temperature of any outdoor light source shall not exceed three thousand-five hundred (3500) Kelvin unless introduced as part of a façade or landscape lighting scheme used exclusively for the decorative illumination through color of certain building façade or landscape features.
  - F. **Lighting Plans.**
    - (1) All lighting, including ornamental lighting, shall be shown on site plans in sufficient detail to allow determination of the effects of such lighting upon adjacent properties and traffic safety.
    - (2) The lighting plan shall include a photometric plan which plots illuminance in footcandles on ten feet by ten feet (10'x 10') horizontal grid over the entire site up to and including all property boundaries. The lighting plan shall include a layout of all proposed and existing luminaires, and a photometric analysis plotted in a manner that demonstrates

that Ordinance requirements are met. The lighting plan shall also include luminaire details, glare reduction devices, mounting heights, and pole and pole foundation details.

- (3) Lighting plans shall be coordinated with landscape plans to minimize conflict between landscaping and intended light distribution.
- G. **Reduction in Nighttime Lighting.** All outdoor lighting shall be reduced to at least fifty percent (50%) of the light level at full illumination one (1) hour after closing. Lighting reductions shall not be required under the following circumstances:
  - (1) Where a business operates twenty-four (24) hours;
  - (2) Where lighting is intended to reduce real or perceived risk; and,
  - (3) Where lighting is intended to discourage intruders, vandals, or burglars, and to protect merchandise and property.
4. **Light from Indirect Sources.** Lighting from indirect sources shall be subject to the following standards:
  - A. Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and so as not to create a public nuisance or hazard along lot lines;
  - B. The design and/or screening of the development shall ensure that glare from automobile and commercial or industrial vehicle headlights shall not be directed into any adjacent property, including residential property; and
  - C. Exterior doors shall be located, operated, and maintained so as to prevent any glare and light from creating a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses.
5. **Exemptions.** The following types of lighting are exempt from this Ordinance:
  - A. Luminaires used for public roadway illumination;
  - B. All temporary emergency lighting needed by the police, fire, or other emergency services, as well as all vehicular luminaires, shall be exempt from the requirements of this Ordinance;
  - C. All hazard warning luminaires required by federal regulatory agencies are exempt from the requirements of this article, except that all such luminaires used must be red and must be shown to be as close as possible to the federally required minimum lumen output requirement for the specific task;
  - D. Luminaires used primarily for signal illumination may be mounted at any height required to ensure roadway safety, regardless of lumen rating;
  - E. Seasonal holiday lighting and illumination of the American and state flags shall be exempt from the requirements of this Ordinance, providing that such lighting does not produce glare on roadways and neighboring residential properties; and
  - F. Installations existing prior to the enactment of this Ordinance are exempt from its requirements. However, any changes to an existing lighting system, fixture replacements, or any grandfathered lighting system that is moved must meet these standards.

6. **Prohibited Lighting.** The following types of outdoor lighting are specifically prohibited:
  - A. Lighting that could be confused for a traffic control device;
  - B. Lighting that is oriented upward, except as otherwise provided for in this Ordinance;
  - C. Searchlights, beacons, and laser source light fixtures;
  - D. Lights that blink, flash, move, revolve, flicker, change intensity, or change color;
  - E. Any lamp or bulb when not within a luminaire and which is visible from the property boundary line of the parcel on which it is located, except for landscape ornamental lighting;
  - F. Lighting inside of an awning when the awning material is translucent; and
  - G. Building or roof-mounted lighting intended to attract attention to the building and/or use and not strictly designed for security purposes shall not be permitted.
  - H. Luminous tube and exposed bulb fluorescent lighting (visible from the property line) is prohibited unless approved by the Planning Commission as an element of the building façade.
7. **Lamp or Fixture Substitution.** No Substitution of any existing light fixture or lamp type is permitted without approval of the Zoning Administrator, who may require sufficient information to ensure compliance with the standards of this Ordinance.

**Sec. 1305. – Fences and walls:**

1. *General requirements for fences and walls:*
  - A. **Construction and maintenance:** Fences and walls shall be securely constructed in conformance with this article and all applicable building codes and shall consist of durable, weather-resistant materials as approved by the Building Official. Masonry piers may be used as part of a fence installation with the approval of the Building Official. Fences and walls shall be maintained in good order, painted, rustproofed, or otherwise protected against damage and decay so as to present an orderly appearance.
  - B. **Hazards:** Fences and walls shall not be erected in a manner that obstructs free and clear vision or would be a hazard to traffic or pedestrians. Fences and walls shall not be erected within public rights-of-way.
  - C. **Orientation of finished side:** Fences that have one (1) finished or decorative side shall be oriented with the finished or decorative side facing outward towards adjacent parcels and away from the interior of the lot to which the fence is associated. Masonry walls shall be finished in a similar manner on all sides.
  - D. **Site drainage and utilities:** Fences and walls shall not be erected in a manner that obstructs the free flow of surface water within or across the lot to which it is associated or the adjacent lots. Fences and walls shall not be erected in a manner that causes damage to underground utilities.
  - E. **Fences and walls, including, but not limited to posts, foundations, and overhanging elements,** shall be located completely within the limits of the lot to which they are associated. Adjoining property owners may jointly apply for a fence permit for the purpose of constructing a fence

on the common property line.

2. *Height and location requirements:*

A. Residential District.

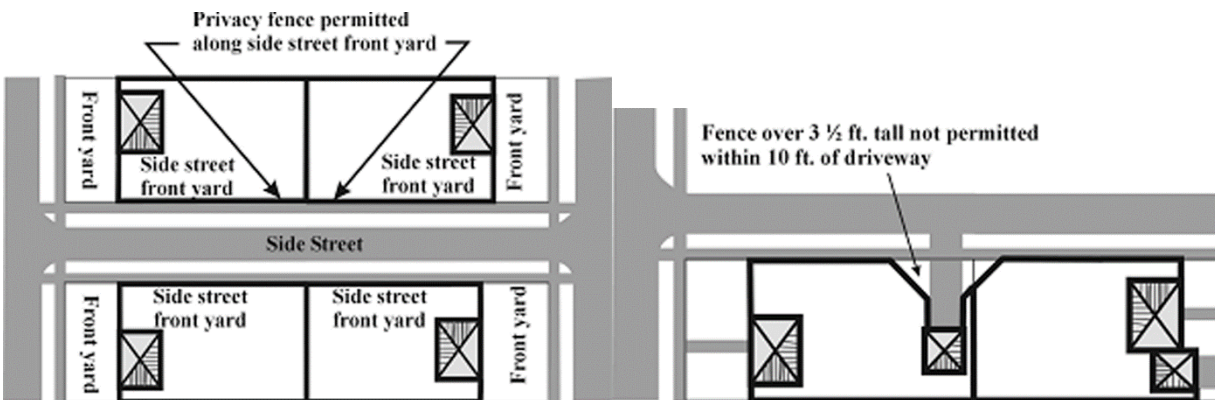
(1) Only ornamental type fences shall be located in a required front yard or, in the case of a corner or through lot, in a required yard which adjoins a public or private street provided such fences shall not exceed four (4) feet in height.

(2) Fences may be located in any required yard not adjoining a public or private street provided that they shall not exceed six (6) feet in height.

B. Commercial, Office, or Form-Based District. Fences shall not exceed six (6) feet in height. Fences in a front yard shall not be permitted in a commercial or office district except where permitted by the Planning Commission.

C. Business, Industrial, or Public Facility District. Fences shall not exceed eight (8) feet in height. Additional height may be permitted by the Planning Commission. Fences are not permitted in the front yard unless approved by the Planning Commission. Fences when permitted in a front yard shall provide fifty percent (50%) opacity.

D. In determining the maximum height of a fence that separates two (2) adjoining lots and that is located within two (2) feet of the common lot line, the maximum height at any point shall be measured from the highest grade at that point within two (2) feet on either side of the common lot line.



3. *Vision clearance.* All fences shall comply with Section 12.02, Corner Clearance, herein. A fence that is located at the intersection of a driveway and a public sidewalk, or a sidewalk along a private street, shall not impede vision between the driveway and sidewalk.

4. *Prohibited fences and walls.* The following fences and walls are prohibited within the Township:

A. Barbed-wire, razor-wire, or electrified fences, except where, for the purpose of ensuring public safety, the Planning Commission may approve such fences as part of an approved site plan.

- B. Wire fences, except where such fences are located on parcels of not less than four (4) acres in size with a minimum road frontage of two hundred (200) feet.
  - C. Any fence or wall unlawfully installed, erected, or maintained.
5. **Retaining walls.** A retaining wall shall be regulated as a fence if the wall projects more than eighteen (18) inches above the grade of the ground being retained.
6. **Public Utility Fences.** Fences that enclose public utility installations shall not be located in any required yard where the lot is located in a residential zoning district. Such fences may be located in any required yard where the lot is located in any other zoning district. Such fences shall comply with all other provisions of this Ordinance.
7. **Permits required:** A fence permit shall be required for all work performed in association with the construction, alteration, or relocation of a fence or wall, except where otherwise specified herein. A building permit shall also be required for any fence or wall over six (6) feet in height.
- A. Fences and walls for which a fence permit is not required:
- (1) **Repairs:** Repairs to an existing fence or wall with no structural changes.
  - (2) **Replacement:** Replacement of an existing fence with a new fence that is the same type, height, and in the same location as the existing fence; provided the replacement fence is otherwise in full compliance with this Ordinance and the Building Code.
  - (3) **Gates:** The installation of gates of up to eight (8) feet in width in an existing fence or wall with no structural changes.
  - (4) **Short lengths of new fence:** Construction of less than eight (8) feet of new fence, provided that such work is in compliance with the provisions of this article and all applicable building codes.
  - (5) **Fences associated with active farms:** Wire or wood fences associated with an active farm or single-family residential use on parcels of not less than four (4) acres in size with a minimum road frontage of two hundred (200) feet.
  - (6) **Living fences:** Planting of continuous hedgerows or similar landscape features.
- B. **Permit application:** Applications for fence permits shall be made upon forms provided by the community development department. The following information shall be provided with the application:
- (1) **Plot plan and construction drawings:** A plot plan or lot survey shall be provided that includes the location of all existing and proposed fences, walls, structures, easements, and setback dimensions. A detail of the proposed fence or wall with all appropriate dimensions shall also be provided.
  - (2) **Removal agreement:** The Building Official or Zoning Administrator may require a signed removal agreement for the removal of a fence and wall as deemed necessary. A bond or other acceptable surety to guarantee such removal may be required.
  - (3) **Written consent of all adjacent property owners,** or a certified survey verifying the location of lot boundaries, if a fence or wall is proposed to be erected or installed on a property line.

- C. Other information that the Zoning Administrator or Building Official may require to show full compliance with this and all other Township Ordinances.
- 8. ***Legal nonconforming fences and walls:*** All existing legal nonconforming fences or walls shall be permitted to continue as such until removed, extended, or altered, at which time such fences or walls shall be made to conform to the provisions of this article.

**Sec. 1306. – Building Design Requirements:**

**1. *Industrial and business park exterior building wall design.***

The purpose of this section is to provide a set of exterior industrial and business park building wall material standards, the intent of which is to enhance the visual environment of the Township. Furthermore, the review of exterior building wall design and the consistent administration of standards can help to maintain the Township's sense of place by encouraging consistent quality and character when structures are built or redeveloped.

- A. This section shall apply to all industrial and business park construction for all exterior building walls and shall consist of those materials and combinations of materials as set forth in this section.
- B. The use of exterior wall materials shall be in compliance with the maximum percentages permitted in the "Schedule Regulating Exterior Building Wall Materials."
- C. The application of these standards should promote integration and mixture of materials where more than one (1) material is used on a building. If only one (1) material is used, architectural detailing and articulation, massing, texture, and form must be introduced into the building's design. Building roof materials should be in harmony with the style and material used on the building walls.
- D. When building walls are one hundred (100) feet or greater in length, design variations must be applied to assure that the building is not monotonous in appearance. Such variations include but are not limited to the following:
  - (1) Recess and projections along the building facade. Variations in depth should be a minimum of ten (10) feet.
  - (2) Architectural details or features.
  - (3) Enhanced ornamentation around building entryways.
  - (4) Landscaping.
  - (5) Streetscape elements.
  - (6) Variations in building height.
- E. When a particular building design and the materials or combination of materials proposed to be used in exterior walls are found by the Planning Commission, after consultation and review by an appropriate design professional, to be in keeping with the intent and purpose of this section, but which may differ from the strict application of the schedule regulating material use of this Section (e.g., use of new materials not covered in the Building Wall Materials Schedule), the Planning Commission may waive the requirements of this Section pertaining



- to materials. When a waiver is requested under this subsection, the proposed building design and materials schedule shall be accompanied by a written design statement which shall describe how the selected wall materials and material combinations will be consistent with and enhance the building design.
- F. Where a new wall material is proposed for an existing building wall, only that portion of the building being altered shall be subject to the standards of this section. However, in considering the proposed alteration, the Planning Commission shall view it in context of the architecture of the entire building.
  - G. Where an addition is proposed to an existing building, the Planning Commission may allow the use of existing wall materials for the addition provided that the design of the alteration is consistent with the existing building wall design.
  - H. This section is not intended to regulate the quality, workmanship, and requirements for materials relative to strength, durability and endurance, maintenance, performance, load capacity, or fire resistance characteristics.
  - I. Schedule Regulating Exterior Building Wall Materials

Building Material	Percentage		
	100	75	25
Masonry/Stone	•		
Face brick or ceramic	•		
Split face or ribbed block	•		
Stone	•		
Precast concrete	•		
Concrete formed in place		•	
Metal <sup>1</sup>		•	
Tinted and reflective		•	
Glass block		•	
Finishes <sup>2</sup>		•	
Wood siding (beveled, lap, TEG, batten) <sup>3</sup>			

(1) Flat sheets and seamed or ribbed panels include aluminum, porcelain, stainless steel, etc.

- (2) Includes drivit, EIFS, cement, plaster, stucco, or similar materials. Such materials shall not be used where contact with vehicles may occur, such as parking areas, traffic ways, or loading areas adjacent to building walls, unless such walls are adequately protected to prevent wall damage.

- (3) Not permitted.

**2. *NC and GB Design Requirements:***

- A. The maximum length of an uninterrupted building façade facing public streets 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.

- B. **Ground Story Activation.**

- (1) The first floors of all buildings shall be designed to encourage and complement pedestrian-scale activity and crime prevention techniques. It is intended that this be accomplished principally by the use of windows and doors arranged so that active uses within the building are visible from or accessible to the street, and parking areas are visible to occupants of the building. The first floor of any front façade facing a right-of-way shall be no less than twenty-five percent (25%) windows and doors, and the minimum transparency for facades facing a side street, side yard, or parking area shall be no less than twenty percent (20%) of the façade. First-floor transparency is measured between two (2) and eight (8) feet above the first-floor elevation.
- (2) For multiple tenant buildings, the minimum transparency requirement must be met by each suite or tenant.
- (3) The minimum transparency requirement shall apply to all sides of a building that abut an open space, including a side yard, or public right-of-way. Transparency requirements shall not apply to sides which abut an alley.
- (4) Windows for building sides shall be concentrated toward the front edge of the building, in locations most visible from an urban open space or public right-of-way.
- (5) Visibility through the required transparency must portray the principal use of the operation and shall not portray secondary or “back of house” operation areas including, but not limited to, laundry, cleaning supply, stock, or storage areas.

- C. **Transitional Features.**

- (1) Transitional features are architectural elements, site features, or alterations to building massing that are used to provide a transition between higher intensity uses and low- or moderate-density residential areas. These features assist in mitigating potential conflicts between those uses. Transitional features are intended to be used in combination with landscape buffers or large setbacks.
- (2) **Intensity.** A continuum of use intensity, where moderate intensity uses are sited between high-intensity uses and low-intensity uses, shall be developed for multi-building developments. An example would be an office use between commercial and residential uses.

- (3) **Height and Mass.** Building height and mass in the form of building step backs, recess lines, or other techniques shall be graduated so that structures with higher intensity uses are comparable in scale with adjacent structures of lower intensity uses.
- (4) **Architectural Features.** Similarly sized and patterned architectural features such as windows, doors, arcades, pilasters, cornices, wall offsets, building materials, and other building articulations included on the lower-intensity use shall be incorporated in the transitional features.

**D. Schedule Regulating Exterior Building Wall Materials:**

Building Material	Percentage		
	100	75	25
Masonry/Stone	•		
Face brick or ceramic	•		
Stone	•		
Split face or ribbed block		•	
Precast concrete		•	
Metal <sup>1</sup>		•	
Tinted and reflective		•	
Concrete formed in place			•
Glass block			•
Finishes <sup>2</sup>			•
Wood siding (beveled, lap, TEG, batten) <sup>3</sup>			

- (1) Flat sheets and seamed or ribbed panels include aluminum, porcelain, stainless steel, etc.
- (2) Includes drivit, EIFS, cement, plaster, stucco, or similar materials. Such materials shall not be used where contact with vehicles may occur, such as parking areas, traffic ways, or loading areas adjacent to building walls, unless such walls are adequately protected to prevent wall damage.
- (3) Not permitted.

#### ARTICLE XIV. – ENVIRONMENTAL STANDARDS

##### Sec. 1400. - Performance standards:

No parcel, lot, building, or structure in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises provided that any use permitted by this Ordinance may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits, as established by the following performance requirements:

1. *Airborne emissions:*

- A. Smoke and air contaminants. It shall be unlawful for any person to permit the emission of any smoke or air contaminant from any source whatsoever to a density greater than that permitted by applicable Federal and State Clean Air Standards. There shall not be discharged from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, or nuisance to the public or which endanger comfort, repose, health, or safety of persons or which cause injury or damage to business or property.
- B. Odors. Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor.
- C. Gases. The escape or emission of any gas that is injurious, destructive, or harmful to persons or property or explosive shall be unlawful and shall be abated.

2. *Dust, dirt, and fly ash:*

- A. No person, firm, or corporation shall operate or cause to be operated, maintain, or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating while using said process, or furnace, or combustion device, recognized and approved equipment, means, method, device, or contrivance to reduce the quantity of gas borne, or airborne solids of fumes emitted into the open air, which is operated in conjunction with said process, furnace, or combustion device so that the quantity of gas borne, or airborne solids shall not exceed 0.20 grains per cubic foot of the carrying medium at a temperature of five hundred (500) degrees Fahrenheit.
- B. Method of measurement: For the purpose of determining the adequacy of such devices, these conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty percent (50%) at full load. The foregoing requirement shall be measured by the A.S.M.E. Test Code of dust-separating apparatus. All other forms of dust, dirt, and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The building inspector may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt, and fly ash have been made.

**3. *Glare, radioactivity, and electrical disturbance:***

- A. Glare from any process (such as or similar to arc welding, or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not be seen from any point beyond the property line, and as not to create a public point beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, and including electromagnetic radiation such as X-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.
- B. No direct or reflected glare shall be permitted which is visible from any property or from any public street, road, or highway.
- C. Radioactivity or Electrical Disturbance. No activity shall emit dangerous radioactivity at any point, or unreasonable electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

**4. *Fire and explosive hazards:***

- A. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire suppression equipment in compliance with the applicable local, state, and federal code and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

**5. *Waste disposal:*** All solid, liquid, and sanitary wastes shall be treated and disposed of in accordance with the standards of local, state, and any federal requirements. Treatment or disposal of waste shall not create a hazard or nuisance to neighboring uses.

**6. *Noise:***

- A. General Requirements. No use, operation or activity shall be carried on that causes or creates measurable noise levels that are unreasonably loud or that unreasonably interfere with the peace and comfort of others, or that exceed the maximum noise level limits prescribed in the Table of Maximum Noise Levels in subsection C below, as measured at any point on property adjacent or in close proximity to the lot, parcel, or other property on which the operation or activity is located.
- B. Methods and Units of Measurement. The measuring equipment and measurement procedures shall conform to the latest American National Standards Institute (ANSI) specifications. The sound measuring equipment shall be properly calibrated before and after the measurements. Because sound waves having the same decibel (Db) level “sound” louder or softer to the human ear depending upon the frequency of the sound wave in cycles-per-second (that is, depending on whether the pitch of the sound is high or low) an A-weighted filter constructed in accordance with ANSI specifications shall be used on any sound level meter used to take measurements required in this Section. All measurements below are expressed in Db(A) to reflect the use of the A-weighted filter.
- C. Table of Maximum Noise Levels. Except as otherwise provided in this Section, noise levels shall not exceed the limits set forth in the following table:

**Maximum Noise Level Standards Table**

<b>Use</b>	<b>Time</b>	<b>Maximum Sound Level (A-Weighted) Decibels – Db(A)</b>
<b>Residential</b>	7:00 a.m. to 7:00 p.m.	60
	7:00 p.m. to 10:00 a.m.	55
	10:00 a.m. to 7:00 a.m.	50
<b>Commercial, Business, Office, and Mixed Uses</b>	7:00 a.m. to 7:00 p.m.	65
	7:00 p.m. to 7:00 a.m.	50
<b>Industrial Office and Research Office</b>	Anytime	65

- D. **Background Noise.** Where existing background noise exceeds the maximum permitted levels specified in the Table of Maximum Noise Levels in subsection C above, the noise caused or created by a specific operation or activity may exceed the levels specified in the Table, provided that the sound level on property adjacent or in close proximity to the lot or parcel on which the operation or activity is located does not exceed the background noise level. For purposes of this subsection, background noise shall mean noise being produced by permitted uses conducted in a legally accepted manner from all sources other than those occurring on the lot or parcel on which the operation or activity is located. Background noise levels shall be determined by measurement at substantially the same time and location as the noise levels caused or created by the complained-of operation or activity.
- E. **Intermittent or Other Unreasonable Sounds.** Intermittent sounds or sounds characterized by pure tones might be a source of complaints, even though the measured sound level does not exceed the permitted level the in Table of Maximum Noise Level in subsection C above. Such sounds shall be prohibited when found to be unreasonably loud or to unreasonably interfere with the peace and comfort of others. In making such determination, the following shall be considered:
- (1) The proximity of the sound to sleeping facilities;
  - (2) The nature of the use from which the sound emanates and the area where it is received or perceived;
  - (3) The time (day or night) the sound occurs; and
  - (4) The duration of the sound.
- F. **Exemptions.** Noise resulting from the following activities shall be exempt from the maximum permitted sound levels provided such activity occurs in a legally accepted manner:
- (1) Construction activity between the hours of 8:00 am and 7:00 pm;
  - (2) Performance of emergency work, including snow removal;
  - (3) Warning devices necessary for public safety, such as police, fire, and ambulance sirens, tornado and civil defense warning devices, and train horns;

- (4) Lawn care and yard maintenance that occurs between 8:00 am and 9:00 pm;
  - (5) Outdoor school and playground activities when conducted in accordance with the manner in which such spaces are generally used, including, but not limited to, school athletic and school entertainment events;
  - (6) The operation or use of any organ, bell, chimes, or other similar means of announcing religious services at a place of religious worship between the hours of 8:00 am and 9:00 pm, no more than five (5) times per day, and for a duration of no more than two (2) minutes each time; provided, however, the sound level does not exceed eighty (80) Db(A) at the property line of the religious facility;
  - (7) An un-amplified human voice; and
  - (8) Public works maintenance, repair, or improvement projects being conducted by or on behalf of public agencies.
- G. I-94 Noise Provisions. Where a parcel that is within five hundred (500) feet of the I-94 right-of-way is proposed to be developed for residential purposes by means of a multiple-family development, condominium, subdivision plat, or planned development, such site plan or plat shall delineate that area of the site with sound levels of sixty-one (61) dBA or greater. No dwelling units shall be located within this sixty-one (61) dBA or greater area unless one (1) of the following measures is taken:
- (1) Sound walls or earth berming are installed to attenuate the noise level to less than sixty-one (61) dBA at the location of all dwellings and all yard areas within thirty-five (35) feet of all single-family dwellings.
  - (2) Sound attenuation measures incorporated into the design and construction of the dwellings, such as masonry construction and insulation resulting in interior noise levels less than fifty-two (52) dBA.
7. *Use, Storage, and handling of hazardous substance; storage and disposal of solid, liquid, and sanitary wastes.:*
- A. It shall be unlawful for any person, firm, corporation, or other legal entity to pollute, impair or destroy the air, water, soils, or other natural resources within the Township through the use, storage, and handling of hazardous substances and/or wastes or the storage and disposal of solid, liquid, gaseous, and/or sanitary wastes.
  - B. Any person, firm, corporation, or other legal entity operating a business or conducting an activity which uses, stores, or generates hazardous substances or sanitary wastes shall obtain the appropriate permits or approval from the Michigan Department of Environment, Great Lakes, and Energy or its successor; state fire marshal division, or other designated enforcing agencies.
  - C. Any person, firm, corporation, or other legal entity operating a business or conducting an activity which uses, stores, or generates hazardous substances shall complete and file a hazardous chemicals survey on a form supplied by the Township in conjunction with the following:
    - (1) Upon submission of a site plan;

- (2) Upon any change of use or occupancy of a structure or premises; and
  - (3) Upon any change of the manner in which such substances are handled, and/or in the event of a change in the type of substances to be handled.
  - (4) The transportation of any hazardous substance in trucks, trailers, tankers, or rail cars shall be exempt from the provisions of this Ordinance provided the hazardous substances are fueling the transporting vehicle, or the transporting vehicle is in continuous transit, making a delivery, or is stopped for a period of time not to exceed twenty-four (24) hours.
  - (5) Sites at which hazardous substances are stored, used, or generated shall be designed to prevent spills and unpermitted discharges to air, surface of the ground, groundwater, lakes, streams, rivers, or wetlands.
  - (6) State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport, and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without applicable permits and approvals.
  - (7) Bulk storage of pesticides shall be in accordance with Regulation No. 640, Commercial Pesticide Bulk Storage, of Act 171 of the Public Acts of 1976, as amended, being Section 286.569 of the Michigan Compiled Laws.
- D. All businesses and facilities, private and public, which use, store, or generate hazardous substances that require a manufacturer's material safety data sheet shall familiarize themselves with the sheet, and shall be familiar with procedures required to contain and clean up any releases of the hazardous substance. If hazardous substances are used, stored, or generated in quantities greater than one hundred (100) kilograms per month (equal to about twenty-five (25) gallons or two hundred and twenty (220) pounds) shall comply with the standards established in items "(1)" through "(6)" herein.
- (1) Aboveground storage and use areas for hazardous substances.
    - a. Primary containment of hazardous substances shall be product tight.
    - b. Secondary containment of hazardous substances shall be provided for all facilities. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance. Products held in containers of ten (10) gallons or less packaged for retail use shall be exempt from this requirement.
    - c. Outdoor storage of hazardous substances is prohibited except in product tight containers that are protected from weather, leakage, accidental damage, and vandalism. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance, including an allowance for the expected accumulation of precipitation.
    - d. At a minimum, state and federal agency requirements for storage, leak detection, recordkeeping, spill prevention, emergency response, transport, and disposal shall be met.



- e. Out buildings, storage rooms, sheds, and pole barns which are utilized as secondary containment shall not have floor drains which outlet to soil, public sewer systems, groundwater, or nearby drains or natural water bodies unless a surface or groundwater discharge permit has been obtained pursuant to applicable requirements of the Michigan Natural Resource and Environmental Protection Act, Public Act 451 of 1994, as amended.
  - f. Areas and facilities for loading and unloading of hazardous substances, as well as areas where such materials are handled and stored, shall be designed, and constructed to prevent unpermitted discharges to floor drains, rivers, lakes, wetlands, groundwater, or soils.
- (2) Underground storage.
- a. Existing and new underground storage tanks shall be registered with the State of Michigan in accordance with applicable requirements of the U.S. Environmental Protection Agency.
  - b. Installation, operation, maintenance, closure, and removal of underground tanks shall be in accordance with applicable requirements of the Township Fire Department and the State of Michigan.
  - c. Out-of-service abandoned underground tanks shall be emptied and removed from the ground in accordance with the requirements of the Township Fire Department and the State of Michigan.
  - d. At a minimum, state, and federal agency requirements for corrosion protection, overfill protection, storage, leak detection, recordkeeping, spill prevention, emergency response, transport, and disposal shall be met. Records of monthly monitoring or inventory control must be retained and available for review by Township Officials for five (5) years.
- (3) Well abandonment. Out of service water wells shall be sealed and abandoned in accordance with applicable requirements of the Township, Washtenaw County, and the State of Michigan.
- (4) Site with contaminated soils and/or groundwater. Site plans shall take into consideration the location and extent of any contaminated soils and/or groundwater on the site, and the need to protect public health and the environment.
- (5) Construction standards.
- a. Storage of hazardous substances at a construction site during the construction process shall be prohibited unless the provisions for storage and handling outlined in this Ordinance have been met.
  - b. If the contractor will be storing or handling hazardous substances that require a manufacturer's material safety data sheet, the contractor shall be familiar with the sheet, and shall be familiar with procedures required to contain and clear up any releases of the hazardous substance.

- c. Upon completion of construction, all hazardous substances and containment systems no longer used, or not needed in the operation of the facility, shall be removed from the construction site by the responsible contractor, and shall be disposed of, recycled, or reused in a proper manner as prescribed by applicable State and Federal regulations.
- (6) Maintenance. In areas where hazardous substances are handled, structural integrity of the building must be maintained to avoid inadvertent discharge of chemicals to soil, groundwater, and surface waters. Cracks and holes in floors, foundations, and walls must be repaired in areas where chemicals are handled or stored.
- E. All site plans for businesses or facilities that use, store, or generate hazardous substances shall be reviewed by the Township Fire Department, the Township Engineer and any other appropriate experts determined necessary by the Planning Commission prior to approval by the Planning Commission.
- 8. **Vibration:** No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
  - A. No use shall generate any ground-transmitted vibration in excess of the limits set forth in the Maximum Vibration Standards Table in Section 1400.8.D. Vibration shall be measured at the nearest adjacent lot line.
  - B. The instrument used to measure vibrations shall be a three (3) compartment measuring system capable of simultaneous measurement of vibration in three (3) mutually perpendicular directions.
  - C. The vibration maximums set forth by the Maximum Vibration Standards Table are stated in terms of particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:
 
$$PV = 6.28 F \times D$$

Where:

PV = Particle velocity, inches per second

F = Vibration frequency, cycles per second

D = Single amplitude displacement of the vibration, inches
  - D. The following is the table of maximum ground-transmitted vibration:

**Maximum Vibration Standards Table**

Particle Velocity (Inches per Second)	
Along Non-Residential District Boundaries	Along Residential District Boundaries
0.10	0.02
0.20	0.02

- E. The values stated in the Maximum Vibration Standards Table may be multiplied by two (2) for impact vibrations, i.e.; non-cyclic vibration pulsations not exceeding one (1) second in duration and having a pause of at least two (2) seconds between pulses.
  - F. Vibrations resulting from temporary construction activity shall be exempt from the requirements of this subsection.
9. **Odors:** Creation of offensive odors shall be prohibited. Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor.

**Sec. 1401. - Ford Lake waterfront access:**

1. **Purpose:** It is the intent of this Section to promote the integrity of Ford Lake within any zoning district in the Township while preserving the quality of recreational use of the lake; to protect the quality of Ford Lake by discouraging excessive use; to promote the ecological health of Ford Lake and its wetlands by limiting incompatible land use of the wetlands associated with Ford Lake; and to maintain the beauty of Ford Lake by minimizing man-made adjustments to the current shorelines.
2. **Regulations:** In any zoning district where a parcel of land is contiguous to Ford Lake, such parcel of land may be used as access property or as common open space held in common by a subdivision, association or any similar agency; or held in common by virtue of the terms of a plat of record; or provided for common use under deed restrictions of record; or owned by two (2) or more dwelling units located away from the waterfront only if the following conditions are met:
  - A. That said parcel of land shall contain at least seventy (70) lineal feet of property contiguous to Ford Lake and a lot depth of at least one hundred (100) feet for each dwelling unit or each single-family unit to which such privileges are extended or dedicated. Frontage shall be measured by a straight line which intersects each side lot line at the water's edge.
  - B. That in no event shall water frontage of such parcel of land consist of a wetland as shown on the most recent U.S. geological survey maps, or as shown on the Michigan Resources Information System map (MIRIS); as shown by the National Wetlands Inventory; as determined to be wetland by the Michigan Department of Environment, Great Lakes and Energy; or as shown on the Washtenaw County Wetlands Coverage Map; and that in no event shall a wetland be altered by the addition of earth or fill material or by the drainage of water for the purpose of increasing the water frontage required by this Ordinance.
  - C. That in no event shall such parcel of land abut a man-made canal or channel, and no canal or channel shall be excavated for the purpose of increasing the water frontage required by this Ordinance.
  - D. That access property, as provided for in and meeting the conditions of this Section, regardless of total area, shall not be used as a residential lot for the purpose of constructing a dwelling and/or accessory structure(s), or for any commercial or business use.

**Sec. 1402. - Marina and public launch access:**

1. **Purpose:** To promote the health, safety, and welfare of Township residents by regulating the development of marinas and public access launch sites on Ford Lake in Ypsilanti Township.
2. **Expansion of existing facilities:**
  - A. Approval of the Planning Commission shall be required for any increase in the number of watercrafts allowed to be docked or moored at an existing marina over and above that allowed by the Michigan Department of Environment, Great Lakes and Energy at the time of adoption of the Ordinance from which this Section is derived.
  - B. Approval of the Planning Commission shall be required for any increase in the size, capacity or utilization of an existing public access launch site, including the number of watercraft allowed to be launched from the site and the number of watercraft trailers allowed to be parked at the facility over and above the size, capacity and utilization of any such site allowed by the Michigan Department of Environment, Great Lakes and Energy at the time of adoption of the Ordinance from which this Section is derived.
3. **Approval required for new facilities:** Approval of the Planning Commission shall be required for the development and construction of all new marinas and public access launch sites on Ford Lake. The Planning Commission in giving such approval shall specify the maximum number of watercrafts that can be docked or moored at and launched from such facility and the maximum number of watercraft trailers that can be parked or stored on the site. New marinas must be approved by the State of Michigan.
4. **Application for permits and standards:** An application for a permit to develop and construct a new marina or public access launch on Ford Lake shall be filed with the Planning Commission.

An application for a permit to expand an existing marina or public access launch site on Ford Lake shall be filed with the Planning Commission.

The Planning Commission shall consider the environmental impact and recreational carrying of the proposed new marina, public access launch site, expansion of a marina, or expansion of a public access launch site. The Planning Commission may refer an application to the Michigan Water Use Advisory Council for its recommendation on the proposed development. A permit shall not be granted if it is determined that:

  - A. The water quality of Ford Lake would be adversely impacted; or
  - B. The proposed addition or expansion of a marina or public access launch site would cause congested, unsafe conditions on the waters of Ford Lake due to the additional numbers of watercraft.
5. **Right of appeal:** Appeal may be taken as provided in Sections 1702 and 1704 to the Zoning Board of Appeals by any person, firm entity, or corporation or by any officer, department, board, or bureau affected by a decision of the Planning Commission with respect to the subject matter of this Section.
6. **Enforcement:**
  - A. All persons who violate any of the provisions of this Section whether as owner, lessee, licensee, agent servant, or employee shall be liable as principals.

- B. In addition to, or in lieu of, seeking to enforce this Section by issuance of municipal civil infraction(s), the Township may institute an appropriate action in a court of competent jurisdiction seeking equitable relief including, but not limited to, an order to remove the structure.
- C. Any persons who shall violate any provision or provisions of this Section shall be responsible for a municipal civil infraction which shall be punishable by a fine of five hundred (\$500.00) dollars and provided further that each day's violation of this Section shall constitute a separate offense.

**Sec. 1403. - Preservation of Environmental Quality:**

The preservation and enhancement of natural features is essential to maintaining Ypsilanti Township's character, ecological diversity and stability, economic wellbeing, and quality of life. For purposes of this Section, "natural features" shall include wetlands, watercourses, floodplains, woodlands and trees, steep slopes, threatened or endangered species habitats, and ground water recharge areas. When natural features exist on a site proposed to be developed, the applicant shall do the following:

1. *Federal, state, and local permits:* Development in or affecting natural features may be regulated by the Federal, State, County, or Township governments, and require licenses, permits or approvals. Permits and approvals required by Ypsilanti Township shall not relieve a person from obtaining applicable permits or approvals from other relevant jurisdictions. Similarly, obtaining permits from the Federal, State, or County government does not relieve a person from obtaining the required permits from Ypsilanti Township.
2. *Site plan review required:* In any zoning district, none of the following natural features shall be obstructed, removed, altered, transformed, or otherwise impacted in any way at any time by any person except as provided in Article 9:
  - A. Area, water level, vegetation, edge, bank, shore, or natural condition of a river, stream, watercourse, drainageway, lake, or pond, whether filled or partly filled with water or dry in certain seasons.
  - B. Area, water level, vegetation, or natural conditions of a marsh, swamp, or wetland.
  - C. Living tree(s) in any wooded lot, grove, bush, park, wooded area, or forested land.
  - D. Land having a slope of twelve percent (12%) or greater.
3. *Natural features impact statement:* Such person shall submit to the Township Planning Commission a site plan and a Natural Features Impact Statement, if required, with the information described in items A and B below. Any such alterations to natural features shall be made in conformance to applicable local, state, and federal requirements. As part of the Preliminary Site Plan Review process, as set forth in Section 905, the applicant is required to determine if natural features exist on the site, and in proximity to the site. If one (1) natural feature is determined to exist on a site, then the applicant shall submit a Natural Features Impact Statement containing the following information:
  - E. Site inventory map clearly showing locations and types of natural features both on-site and those within one hundred (100) feet beyond the property lines. The drawing shall delineate:

- (1) Edges of woodlands, and description of plant community type.
  - (2) Heritage trees identified and labeled on the plans and in an accompanying table showing corresponding species, size, and condition data for individual trees.
  - (3) Edges of wetlands, watercourse stream banks, ordinary pond and high-water marks of water features, floodways, floodplains, areas of hydric soils, highly permeable soils, and groundwater recharge areas.
  - (4) Natural feature buffer areas.
  - (5) Steep slopes.
- F. Written description that illustrates the quality, character, and health of the natural features.
4. ***Natural features protection plan:*** In addition to the Natural Features Impact Statement, when required, the applicant shall provide a Natural Features Protection Plan as part of the Preliminary Site Plan Review process, showing:
- A. Natural features that are excluded from development.
  - B. Natural features that are to be retained as part of the development, and the measures taken to sustain the natural features.
  - C. See Section 24 – 69. Tree protection during construction of the Ypsilanti Township Code of Ordinances, Woodlands Protection regarding security for trees to be retained.

**Sec. 1404. - Natural Feature Setbacks:**

1. ***Where required:*** A natural feature setback shall be maintained in relation to all areas defined in this Section as being a natural feature, unless and to the extent it is determined to be in the public interest not to maintain such setback, in accordance with the standards set forth in subsection 4 below.
2. ***Natural features for setback purposes:*** The following are considered natural features for purposes of this Article: a wetland subject to regulation by the Michigan Department of Environment, Great Lakes, and Energy, or a watercourse, defined as any waterway including a river, stream, ditch, channel, canal, waterway, lake, pond, or any body of surface water having definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water.
3. ***Regulated activities:*** Within an established natural feature setback there shall be no:
  - A. Construction.
  - B. Deposit of any material, including structures.
  - C. Removal of any soils or minerals.
  - D. Clearing of any native vegetation.
  - E. Dredging, filling, or land balancing.
  - F. Constructing or undertaking seasonal or permanent operations.
4. ***Setback Standards:*** The following setbacks shall apply:

- A. A twenty-five (25) foot non-disturbance setback from the boundary or edge of a protected wetland or county drain.
- B. A fifty (50) foot non-disturbance setback from the ordinary high-water mark of any lake, pond, river, or stream, including, but not limited to the Huron River, Paint Creek, and their tributaries.
- C. No building or construction shall occur within the greater of:
  - (1) One hundred (100) feet from the high-water mark of any watercourse.
  - (2) Within the one hundred (100) year floodplain, according to the provisions of Chapter 34 of the Ypsilanti Township Code of Ordinances, Flooding.
- D. Such setbacks shall be measured from the top of the bank or other defined edge and shall not be subject to topography.
- E. The Township may permit trails, boardwalks, observation platforms, or similar structures that enhance passive enjoyment of a site's natural amenities within the setback as part of an approved site plan.

**Sec. 1405. - Protection of Water Quality and Quantity:**

Efforts shall be made to preserve water features (including natural wetlands, watercourses, lakes, and ponds) in a natural state and to avoid stormwater and sedimentation discharge that may damage these features. The following standards are intended to protect existing water features from impacts of stormwater quality and quantity

1. **Existing features:** Existing water features shall be protected from damaging modifications and adverse changes in runoff quality and quantity associated with land development.
2. **Special significance:** Water features of special significance, such as forested wetlands, wetlands associated with watercourses, streams and rivers with intact native plant associations, and the like, shall be protected from development and/or the effects of development.
3. **Stormwater:** Stormwater discharge to existing water features must not modify the existing water levels or flows.
4. **Direct discharge:** Direct discharge of untreated stormwater into a wetland or watercourse is prohibited. All runoff from development will be pre-treated by sedimentation traps and/or basins, or other best management practices, to remove sedimentation and other pollutants prior to discharge.
5. **Construction:** Any proposed treatment facilities shall be constructed as early as possible.
6. **Impacts:** Any proposed impacts to water features must be permitted by and adhere to applicable regulations of the Michigan Department of Environment, Great Lakes, and Energy or the Washtenaw County Water Resources Commissioner.

**Sec. 1406. - Flood Hazard Regulations:**

1. **Purpose:** The Federal Emergency Management Agency has identified flood hazard areas in Ypsilanti Charter Township. It is the purpose of this Section to reduce hazards to persons and damage to property in such areas and to comply with the National Flood Insurance Act of 1968, the Flood Disaster Protection Act of 1973, and subsequent regulations enacted by the Federal Emergency Management Agency.

This Section is designed to achieve the following purposes:

- A. Protect human life, prevent, or minimize property losses, and reduce public costs of rescue and relief efforts from the effects of flood conditions.
  - B. Restrict or prohibit uses which, when located in designated flood hazard areas, are dangerous to health, safety, and property in times of flooding, or causes excessive increases in flood heights or velocities.
  - C. Require that uses and structures which are vulnerable to floods including public facilities, in designated flood hazard areas be protected against flood damage at the time of construction.
  - D. Alert the public to lands which are unsuitable for certain uses and structures because of potential flood hazards.
  - E. Permit reasonable use of property located within designated flood hazard areas.
2. **Application of regulations:**
    - A. All designated flood hazard areas shall be subject to the provisions of this Section. The Flood Boundary and Floodway Map and the Flood Profiles which are contained in the Flood Insurance Study and the Flood Insurance Rate Maps, dated May 15, 1991, or any updated flood insurance rate map, are hereby made part of this Ordinance.
    - B. The general location of the designated flood hazard areas shall be shown on the official zoning map but shall be shown only for the purpose of providing information. The precise location of Floodway and flood hazard areas shall be determined from information as particularly specified on the Flood Boundary and Floodway Map, together with the Flood Profiles contained in the Flood Insurance Study, and by site surveys, and other base flood elevation data available from a federal, state, or other source, where applicable.
    - C. The requirements of this Section overlay existing zoning districts. Compliance with the provisions of this Section shall be in addition to compliance with the provisions of this Ordinance. Conflicts among provisions of this Ordinance or with provision of any other Ordinance shall be resolved in favor of the more stringent requirement.
    - D. No certificate of zoning compliance and no building permit shall be issued for any lot, use or structure subject, in whole or in part, to the provisions of this Section until all provisions of this Section, the underlying zoning district, and other applicable provision of the Zoning Ordinance have been met. The Zoning Administrator shall have the authority to determine whether a lot, use, or structure is subject to this Section.
  3. **Information Required:** The following information shall be provided with an application for a certificate of zoning compliance for any lot, use, or structure located in whole or in part in a designated flood hazard area.



- A. Elevation of the lowest habitable floor, including basement, of all structures. The elevation shall be referenced to USGS data.
  - B. If a structure is to be flood-proofed, the elevation to which flood proofing will be utilized shall be indicated. The elevation shall be referenced to USGS data. In such as a certificate of a professional engineer or architect registered in the State of Michigan shall be submitted indicating therein that the flood-proofing criteria of this Section will be met.
  - C. A description of alteration or relocation of any watercourse.
  - D. Proof of floodplain permit approval or letter of no authority from the Michigan Department of Environment, Great Lakes, and Energy, under the provisions of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended (formerly Public Act 245 of 1929, as amended, MCL 324.3101...324.3134 et. seq.).
  - E. Base flood elevation data for any lot subject to the Land Division Act, Public Act 288 of 1967, as amended Act (MCL 560.101 et seq).
  - F. Additional information reasonably necessary to determine compliance with this Section.
4. *General standards for flood hazard areas:* The following standards, and all applicable provision of the currently adopted version of the BOCA code as amended, shall apply to all land within a designated flood hazard area:
- A. All new construction and substantial improvements including the placement of, or addition to or expansion of, prefabricated structures and mobile homes, shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure; shall be constructed with materials and utility equipment resistant to flood damage; and shall be constructed by methods and practices that minimize flood damage to the smallest reasonable extents.
  - B. New and replacement water supply systems shall reduce to the smallest reasonable extent infiltration of flood waters into the systems.
  - C. New and replacement sanitary sewage systems shall reduce to the smallest reasonable extent infiltration of flood waters into the systems, and discharges from the system into flood waters. On-site disposal systems shall be located to avoid impairment to the system or contamination from the system during flooding.
  - D. Public utilities and facilities shall be designed, constructed, and located to reduce flood damage to such utilities and facilities to the smallest reasonable extent.
  - E. Adequate drainage shall be provided to reduce exposure to flood hazards. Positive drainage away from all structures shall be provided.
  - F. A watercourse within a designated flood hazard area shall not be relocated until approval has been obtained from the Michigan Department of Environment, Great Lakes, and Energy, the Washtenaw County Water Resources Commissioner, and Ypsilanti Township, whichever has jurisdiction. Evidence of the approval shall be submitted by the person relocating the watercourse to the Federal Emergency Management Agency.

5. ***Specific standards for flood hazard areas, excluding floodways:*** The following standards shall apply to all land located within a designated flood hazard area but outside a floodway:
  - A. All buildings or structures shall be elevated so that the lowest floor is located at or above the base flood elevation. All basement floor surfaces shall be located at or above the base flood elevation.
  - B. Exceptions shall be permitted in accordance with applicable provisions of the currently adopted version of the BOCA code, as amended.
6. ***Specific standards for floodways:*** The following standards shall apply to land located within the floodway portion of a designated flood hazard area:
  - A. Encroachments, including fill, new construction, substantial improvements, and other development, shall be prohibited in a floodway. Exceptions to this standard shall be made only upon certification by a professional engineer registered in the State of Michigan, or by the Michigan Department of Environment, Great Lakes, and Energy in cases in which the Department has jurisdiction, that the encroachment or other development will not result in any increase in flood levels during the discharge of base flood, and that the encroachment or other discharge complies with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended (MCL 324.3101... 324.3134 et. seq.).
  - B. The uses and structures permitted in an underlying district shall not be permitted within a floodway unless an exception is obtained as provided in this Section.
  - C. Construction within a floodway shall be done with the least amount of disturbance to the existing vegetation.

**Sec. 1407. – Steep Slope Protection:**

1. ***Purpose:*** The purpose of this Section is to establish a means of protecting existing landforms constituting steep slopes, protecting beneficial vegetation on steep slopes, and minimizing erosion by limiting disturbance on such landforms. The primary objective is preservation of natural contours rather than alteration by mass grading.
2. ***Where required:*** The following areas of the Township shall be considered steep slopes and shall be protected to the extent of the standards outlined in this Section.
3. ***Steep slopes:*** A naturally occurring landform with a vertical change in elevation of six (6) feet or more, and a slope of twelve percent (12%) or greater, and a length of fifty (50) feet or more, measured parallel to the contour lines.
  - A. **Prohibitive Steep Slopes.** Any naturally occurring landform with slopes of forty percent (40%) or greater.
  - B. **Precautionary Steep Slopes.** Any naturally occurring landform with slopes between twenty and thirty-nine percent (20% - 39%).
  - C. **Moderate Steep Slopes.** Any naturally occurring landform with slopes between twelve and nineteen percent (12% - 19%).

**4. Steep slope protection standards:**

- A. Prohibitive Steep Slopes.** Slopes of forty percent (40%) or greater shall be protected as key scenic assets. No disturbance is allowed unless the Township determines it is in the public interest to do so. In that case, the standards of item B below, Precautionary Steep Slopes, shall apply.
- B. Precautionary Steep Slopes.** Slopes of twenty to thirty-nine percent (20% - 39%) shall be disturbed to the least extent possible. The following standards will be used to evaluate alteration to Precautionary Steep Slopes:
  - (1) Development permitted on steep slopes shall maintain or enhance the natural contours.
  - (2) If any portion of a Precautionary Steep Slope must be disturbed as part of an approved project, the balance of the slope area must be protected from disturbance during construction, and it must be managed/restored as a natural area thereafter.
  - (3) Native vegetation, as defined by this Ordinance, growing on the steep slope shall not be disturbed to the greatest extent possible.
  - (4) All areas disturbed as part of an approved project must be re-vegetated to ensure slope stability by native vegetation of similar caliper on a 1:1 basis.
  - (5) The built environment is to be of the lowest impact possible, minimizing the area of impervious surfaces. Underground utilities shall not be located in steep slopes.
  - (6) If additional stormwater is generated by the built environment or landscape, such additional stormwater is to be managed on-site in such a way that erosion does not occur. Drainage shall be directed to inlet structures and not be permitted to flow down slopes during and after construction.
  - (7) Protection measures must be in place before landform or vegetation disturbance takes place. Any damage to waterways or off-site locations from erosion must be promptly repaired to the fullest extent practicable, using best management techniques.
- C. Moderate Steep Slopes.** Slopes of twelve to nineteen percent (12% - 19%) shall require special techniques to prevent soil erosion. The following standards will be used to evaluate alteration to Moderate Steep Slopes:
  - (1) Landscape work on these sites shall be conducted to restore native ecologies and promote slope stability.
  - (2) Stormwater runoff shall be reduced, and infiltration of stormwater enhanced through best management practices. Drainage shall be directed to inlet structures and not be permitted to flow down slopes during and after construction.
  - (3) Natural linkages of native vegetation/habitat shall be maintained with native vegetation/habitat on contiguous properties.

## ARTICLE XV. - SIGNS

### Sec. 1509. - Signs:

#### 1. *Purpose, intent, and definitions.*

- A. These regulations establish rules and standards for the construction, location, maintenance, and removal of all signs except those exempted from regulation by this Ordinance. Directional, emergency, or traffic-related signs owned by the Township, county, state, or federal government agencies are not regulated by this Section. The execution of these regulations recognizes that the purpose of this Article is to protect the interest of public health, safety, and welfare and to ensure the maintenance of an attractive physical environment while satisfying the needs of sign users for adequate identification and communication. The following municipal interests are considered by the Township to be compelling government interests. Each interest is intended to be achieved under this Article in a manner that represents the least restrictive means of accomplishing the stated interest, and in all events is intended to promote an important government interest that would not be effectively achieved absent the regulations in this Section. Regulating the location, size, construction, and manner of display of signage in the most narrowly tailored manner represents the least restrictive means of addressing the targeted government interests of avoiding unsafe and nuisance-like conditions while maintaining and improving pedestrian and vehicular safety and efficiency; character and quality of life; economic development and property values; property identification for emergency response and wayfinding purposes; and unique character of areas of the Township. In order that such purposes can be achieved, the following objectives shall be applied for this Ordinance and any future additions, deletions, and amendments:

- (1) **Public Safety.** Maintaining pedestrian and vehicular safety are predominant and compelling government interests throughout the Township, with particular emphasis on the safety of pedestrians. The safety path and sidewalk network provide facilities for pedestrians situated between vehicular roads and private properties throughout the Township in areas of the Township without sidewalks or safety paths, pedestrians typically travel along the edge of the roadways.

Since most signage on the private properties is intended and designed to attract the attention of operators of motor vehicles, thereby creating distractions that can jeopardize traffic and pedestrian safety, this Ordinance is intended to regulate signs so as to reduce such distractions and, in turn, reduce the risk of crashes, property damage, injuries, and fatalities, particularly considering the rate of speed at which the vehicles are travelling in the districts identified in this Section.

This Ordinance is also intended to protect public safety by requiring signs that are poorly maintained and/or structurally unsafe to be repaired or removed to protect against fallen signs or deteriorating sign debris from entering improved roadways, sidewalks and safety paths and causing dangerous conditions for vehicular traffic and pedestrians.

- a. The Township encourages signage that will inform motorists and pedestrians of their desired destinations without conflicting with other structures and improvements. These interests are legitimately supported by limiting the maximum

size of signage, providing setbacks, and specifying minimum-sized characters for efficient perception by motorists and pedestrians, while minimizing distractions that could put pedestrians at risk.

- b. In some circumstances, adjusting the size, setback, and other regulations applicable to signage may be important to avoid confusion and promote clarity where vehicular speeds vary on commercial/business thoroughfares.
  - c. In multi-tenant buildings and centers, it is compelling and important to provide distinct treatment with a gradation of regulation for individual identification depending on base sign size, amount of road frontage, and the like, all intending to provide clarity to alleviate confusion and thus additional traffic maneuvers, provide a minimum size of characters to allow identification, and maintain maximum-sized overall signage to prevent line-of-sight issues.
  - d. Maximum size and minimum setback of signage is compelling and important to maintain clear views for both traffic and pedestrian purposes.
- (2) **Character and Quality of Life.** Achieving and maintaining attractive, orderly, and desirable places to conduct business, celebrate civic events, entertain people, and provide for housing opportunities is directly related to the stability of property values needed to provide and finance quality public services and facilities within the Township. This Article intends to allow signs that are of sufficient, but not excessive, size to perform their intended function as necessary to provide and maintain the Township's character and support neighborhood stability. Signs that contribute to the visual clutter, contribute to the potential conflict between vehicular and pedestrian traffic, and distract from scenic resources and views, will be prohibited in efforts to preserve the character, aesthetic qualities, and unique experience within the Township. It is also the intent of this Ordinance that signs will reflect the character of unique districts as may be established by the Township's Master Plan, other adopted plans, or this Article and other parts of the Zoning Ordinance.
- (3) **Economic Development and Property Values.** The establishment of the restrictions in this Article has a direct relationship to creating stability and predictability, allowing each private interest to secure reasonable exposure of signage, and thus promoting business success. The application of the restrictions in this Article allows businesses to reasonably command attention to the content and substance of their messages while concurrently allowing the promotion of other visual assets, including (without limitation) landscaping and architecture, all of which contribute to economic development and property value enhancement.
- (4) **Avoidance of Nuisance-Like Conditions.** Due to the concentration of people and activities, there is a potential for, and it is a compelling interest to avoid, blight, physical clutter, and visual clutter in the Township. The result of these conditions leads to diminished property values, reduced attractiveness of the community, and reduced quality of life within the districts. Minimum regulations that substantially relate to signage are important and necessary for the maintenance and well-being of positive conditions, good character, and quality of life in the Township. Ultimately, these regulations are compelling and important for the protection of all police power values.

- a. An excessive number of signs in one location creates visual blight and clutter, as well as confusion of the public. Thus, limiting the number of signs on properties, establishing setbacks from property lines, and requiring reasonable spacing between signs are compelling interests that can be directed with minimum regulation.
  - b. Signs that are too large can lead to confusion, undermine the purposes of the signs, and ultimately lead to physical and visual clutter. Establishing maximum sizes can be the subject of clear and effective regulations that address this compelling and important interest.
  - c. Requiring maintenance specifications for signs can minimize the creation of blight and clutter due to the deterioration of signs that are not durable or otherwise well-constructed, and such regulations would be consistent with construction codes for other structures.
  - d. There is a compelling governmental interest that signs avoid glare, light trespass, safety, and skyglow. The selection of proper fixture type(s) and location, use of supportive lighting technology, and control of light levels in a reasonable fashion is consistent with regulations that are narrowly tailored to achieve the Township's interests.
- (5) **Property Identification for Emergency Response and Wayfinding Purposes.** Locating a business or residence by police, fire, and other emergency responders can be a matter of life and death, and thus it is a compelling interest to ensure that proper, understandable, unambiguous, and coordinated signage be permitted and required, and specifications for such purposes can be accomplished in a simple and narrow manner. Wayfinding for vehicular and pedestrian purposes is also a compelling interest to avoid confusion in public rights-of-way, and unnecessary intrusions on private property. Sign specifications for such wayfinding can be coordinated with property identification for such emergency and other purposes.
- (6) **Maintaining Unique Character of Areas of the Township.** Acknowledge the unique character of certain areas and districts, and establish special time, place and manner regulations that reflect the unique aesthetic, historical, and/or cultural characteristics of these areas/districts.
- (7) **Protection of the Right to Receive and Convey Messages.** The important governmental interests and regulations contained in this Article are not intended to target the content of messages to be displayed on signs, but instead seek to achieve *non-speech* objectives. In no respect do the regulations of signage prohibit a property owner or occupant from an effective means of conveying the desired message. Nothing in this Article is intended to prohibit the right to convey and receive messages, specifically noncommercial messages such as religious, political, economic, social, philosophical, or other types of speech protected by the First Amendment of the United States Constitution.
- B. **Sign definitions:** The following definitions are related to signs:
- (1) **Sign:** Any announcement, declaration, display, billboard, illustration, and insignia when designed and placed so as to communicate a message. Such shall be a single sign

whenever the proximity, design, or continuity reasonably suggest a single unit, regardless of any physical separation between parts.

For purposes of this Ordinance, the following additional definitions shall apply:

- a. *Abandoned sign*: A sign that is accessory to or associated with a legal use or building that has been discontinued or terminated.
- b. *Billboard*: A non-accessory sign, other than an off-premises directional sign, which does not pertain to the principal use of the premises on which it is located.
- c. *Canopy sign*: A sign which is painted on or attached to an awning or canopy. A canopy sign may be substituted for a wall sign.
- d. *Damaged sign*: A sign or supporting structure, which is torn, damaged, defaced, destroyed or has otherwise been found to be in a damaged condition by the Township.
- e. *Electronic Message Sign (EMS)*. A sign or portion of a sign that displays an electronic image or video, which may or may not include text, introducing any sign or portion of a sign that uses changing lights or similar forms of electronic display such as LED to form a sign message with text and or images wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. This definition includes without limitation television screens, plasma screens, digital screens, flat screens, LED displays, video boards, and holographic displays.
- f. *Entrance sign*: A sign located at the entrance to multiple-family residential, condominium, mobile home park and single-family residential developments.
- g. *Erect*: To build, construct, attach, hang, place, suspend, or affix.
- h. *Ground sign*: A sign mounted directly on the ground by a structure on a foundation.
- i. *Illegal sign*: A sign for which no valid permit was issued by the Township at the time such sign was erected, or a sign which is not in compliance with the current zoning Ordinance and does not meet the definition of a legal nonconforming sign.
- j. *Legal nonconforming sign*: A sign for which the Township issued a permit at the time such sign was erected, but which is not in compliance with the current zoning Ordinance. Such signs must be located outside of any existing right-of-way, away from any public or private easement and wholly upon the parcel to which it is associated. Such signs must have all necessary structural and decorative parts, including, but not limited to supports, sign box or enclosure and electrical equipment. The sign face or sign copy area must be intact and illuminated signs must be capable of immediate illumination.
- k. *Wall plate*: A wall sign mounted on the wall of a residential dwelling unit.
- l. *Noncombustible material*: Any material which will not ignite at or below a temperature of one thousand two hundred (1,200) degrees Fahrenheit and will not continue to burn or glow at that temperature.

- m. *Off-premises directional sign*: A sign which provides direction to a location within the Township.
- n. *Portable sign*: A sign and sign structure which is not attached to a building and is capable of being moved within the zoning lot on which it is located or from one (1) zoning lot to another.
- o. *Projecting sign*: A sign which is attached to a building and projects by more than eighteen (18) inches in a manner perpendicular to the building.
- p. *Roof sign*: A display sign which is erected, constructed, and maintained on or above the roof of the building.
- q. *Sign area*: The gross surface area within a single continuous perimeter enclosing the extreme limits of a sign, and in no case passing through or between any adjacent elements of same. Such perimeter shall not include any structural or framing elements, lying outside the limits of such sign, and not forming an integral part of the display. For computing the area of any sign, the area shall be deemed to be the total of the combined area of the smallest rectangular figure which can encompass all letters and descriptive matter on the sign.
- r. *Sign, accessory*: A sign which is located on the premises of a principal use.
- s. *Sign, non-accessory*: A sign which is not located on the premises of a principal use.
- t. *Temporary sign*: A display sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display.
- u. *Unsafe sign*: A sign that is not properly secured, is in danger of falling or has otherwise been found to be unsafe by the Building Official.
- v. *Wall sign*: A display sign which is attached to a building wall, door, or related architectural feature and projecting not more than eighteen (18) inches from the wall.
- w. *Window sign*: A sign affixed to the inside of a window or so as to be observable from the opposite side of the window to which such sign is located or affixed.

**2. General requirements for all signs:**

- A. **Construction**: All signs shall be securely constructed and in conformance with applicable building and electrical codes and standards.
- B. **Accessory to principal use**: All signs which communicate a message on the premise of a principal use are considered to be accessory to the principal use of the premises on which the sign is located, except off-premises directional signs and non-accessory signs specifically allowed in specified districts.
- C. **Illumination**: All illuminated signs must be in compliance with Section 1509.9.
- D. **Signs not to constitute a traffic hazard**: No sign shall be erected in such a manner as to obstruct free and clear vision or constitute a traffic hazard. No sign shall interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device. No sign shall make use of the words "stop," "look," "danger" or other word, phrase or symbol in a manner that is confusing or misleading.



- E. Clear vision area: At street intersections, no signs other than municipal traffic control signs shall be located within eight (8) feet of the ground surface in the triangle formed by the property lines paralleling the streets and extending for a distance of twenty-five (25) feet each way from the intersection of the right-of-way lines at the corner lot.
  - F. Face of sign shall be smooth: No nails, tacks or wires shall be permitted to protrude from the front of any sign. This shall not exclude, however, the use of block letters, electrical reflectors, or other devices which may extend over the top and in front of the advertising structure.
  - G. Obscene matter prohibited: It shall be unlawful for any person to display upon any sign or other advertising structure any obscene matter.
  - H. Public right-of-way: No sign shall be erected or placed within the public right-of-way. The owner of any sign which has been removed by the Township from the right-of-way due it is in violation of this provision, shall pay to the Township the sum of twenty-five (\$25.00) dollars before recovering the sign. If any sign is not claimed within fourteen (14) days, said sign shall be disposed of.
3. *Permitted ground signs.*
- A. General Requirements.
    - (1) All ground signs shall be permanent installations on a minimum twenty-four (24) inch high foundation or base.
    - (2) Within all districts, only one (1) ground sign shall be permitted per street frontage, except as noted in Section 1509.3.A.(3) and (4).
    - (3) In all residential zoning districts, one (1) ground sign that does not exceed thirty-two (32) square feet per side and four (4) feet in height shall be permitted at the primary entrance of a subdivision, site condominium, multiple-family development, or mobile home park. One (1) additional ground sign that does not exceed thirty-two (32) square feet per side may be permitted at a secondary entrance to the site.
    - (4) In all districts, one (1) sign shall be permitted along the principal frontage of a non-residential use. One (1) additional ground sign that does not exceed fifty percent (50%) of the permissible sign area may be permitted along the frontage of the site where a secondary entrance is located.
  - B. Height, setback, and area requirements. In addition to the general requirements set forth in Section 1509.3.A, maximum height, maximum area, and minimum setback requirement for ground signs in each district are set forth in the Table 3.B below.

Maximum Height, Maximum Area and Minimum Setback Requirements for Ground Signs Table 3.B			
District	Minimum Setback (ft)	Maximum Area (sq. ft.) per side	Maximum Height (ft.)
R-1 through R-5 (non-residential uses)	10'	32	4'

RM-LD, RM-MD, RM-HD and MHP (non-residential and special uses)	10'	32	4'
NB	10'	32	6'
GB	10'	50	6'
I-T and LM	15'	32	6'
I-C Industrial and Commercial	15'	32	6'
TC, NC and RC	See Sec. 1509.6		

**4. Wall mounted signs:**

**A. General Requirement.**

- (1) In the R-1 through R-5 districts, a single wall-mounted sign, or wall plate, that does not exceed two (2) square feet shall be permitted for a single-family residential dwelling.
- (2) Wall and canopy signs shall not extend higher than the height of the face of the building upon which they are located.

**B. Maximum number and area requirements. In addition to the general requirements set forth in Section 1509.4.A, the maximum number and area requirement for building mounted signs in each district are set forth in Table 4.B below:**

<b>Maximum number and Area Requirement for Wall Signs Table 4.B</b>			
District	Maximum number	Area in Sq. Ft. per One (1) lineal foot of Building Frontage	Total Maximum Area in Sq. Ft.
R-1 through R-5 (non-residential uses)	1	1	120
RM-LD, RM-MD, RM-HD	2	1	120
NB	2	1	120
GB	3	1	180
IT and LM	3	1	240
I-C Industrial and Commercial	3	1	240
TC, NC and RC	See Sec. 1509.6		

**5. Temporary signs:**

**A. General Requirements.**

- (1) The maximum display time of temporary signs is thirty (30) days up to maximum of two (2) times per calendar year unless additional time is granted under one (1) of the following subsections 1509.5(2) of (3).

- (2) When all or a portion of a building or land area on a zoning lot is listed for sale or lease, the maximum display time of freestanding temporary signs for all uses and temporary signs mounted on buildings for all uses shall be the duration the building, building unit or land is listed for sale or lease.
  - (3) In recognition that there is a need for additional expression of speech prior to a scheduled election, the following applies for a period of thirty (30) days prior to until three (3) days after a Township-designated election day on which there is at least one (1) ballot item: the maximum allowable area of temporary freestanding signs shall be increased to sixty-four (64) square feet in all districts. The maximum area of an individual sign remains as stated in the table below during this period.
  - (4) Temporary signs shall be constructed of durable, all-weather materials and designed to remain in place and in good repair so long as they remain on display.
  - (5) Temporary signs shall be subject to the maintenance standards of this Section.
- B. Height and area requirements for temporary signs. In addition to the general requirements set forth in Section 1509.5.A, maximum height and area requirements for temporary signs are set forth in the Table 5.B below:

<b>Maximum Size, Maximum Height, and Permitted Type of Temporary Signs Table 5.B</b>				
<b>Use</b>	<b>Permitted Types</b>	<b>Maximum Area of All Temporary Signs</b>	<b>Maximum Area of Any Individual Signs</b>	<b>Maximum Height (Ground)</b>
<b>Single-Family Residential</b>	Ground	8 square feet	4 square feet	4 feet
	Wall	NA	NA	
<b>Multiple Family Residential</b>	Ground	32 square feet	16 square feet	6 feet
	Wall	4 square feet	2 square feet	
<b>All Non-Residential Districts and Non-Residential Uses in Residential districts</b>	Ground	32 square feet	20 square feet	6 feet
	Wall	32 square feet	20 square feet	

## 6. Permitted Signs in Form-Based Districts

### A. Ground Requirements.

- (1) Ground signs.

- (a) **Lot Requirements.** Ground sign(s) are only permitted on **lots** that are at least fifty (50) feet in width and for lots where the **building** is setback a minimum of ten (10) feet from the public **right-of-way**.
  - (b) **Number.** One (1) ground sign shall be permitted for each lot.
  - (c) **Area.**
    - [1] **Parcels less than one (1) acre:** shall not exceed twenty (20) square feet in area.
    - [2] **Parcel one (1) acre or greater:** shall not exceed ~~sixty (60)~~ thirty-two (32) square feet in area.
  - (d) **Height.**
    - [1] **Parcels less than one (1) acre:** shall not exceed four (4) feet in height.
    - [2] **Parcels one (1) acre or greater:** shall not exceed six (6) feet in height.
  - (e) **Setback.** Two (2) feet from **right-of-way** and three (3) feet from sidewalk.
  - (f) **Landscaping.** One (1) square foot of landscaping adjacent to the sign per one (1) square foot of sign area. Landscaping shall include a decorative combination of ground cover and shrubs to provide seasonal interest.
- (2) **Wall Signs.**
- (a) **Number.** Each developed **lot** shall be permitted one(1) wall sign per frontage on right-of-way and parking lot. All **occupants' businesses** without ground floor frontage shall be permitted one (1) combined exterior wall sign, in addition to the number of signs allocated to the developed lot.
  - (b) **Area.** The area of wall signs permitted for each **lot** shall be determined as one (1) square foot of sign area for each one (1) linear foot of building frontage occupied by a business to a maximum area of one hundred (100) square feet. All businesses without ground floor frontage, in a given **building**, shall be permitted one (1) combined exterior wall sign not more than twenty-four (24) square feet in area.
- (3) **Window Signs. Windows.** Window signs must be located inside the window. There is no limit on number, but window signs cannot occupy more than twenty-five percent (25%) of the total window area.
- (4) **Canopy and Awning Signs.** A canopy and awning sign is permitted in lieu of a wall sign. The area of awning and canopy signs permitted for each business shall be determined as

one (1) square foot of sign area for each one (1) linear foot of building frontage occupied by an occupant a business to a maximum area of one hundred (100) square feet.

(5) Projecting.

- (a) Number. Shall be limited to one (1) sign with no more than two (2) sign surfaces.
- (b) Area. Shall not exceed eight (8) square feet in sign area.
- (c) Height from Grade. The lowest part of the sign shall be a minimum of eight (8) feet above **grade**.
- (d) Projection Distance. Sign may not project more than four (4) feet from the attached façade.

B. Comprehensive Sign Plans.

- (1) Intent. The intent of a sign package is to ensure that properties with multiple **buildings**, buildings with multiple occupants or tenants, and adjoining property owners are able to provide signage that is well designed and consistent throughout that building, property, or area, while providing some flexibility in the design of the signs that are approved through a sign package.
- (2) Process. A sign package may be submitted to the Planning Commission for its review and approval in accordance with this Section for (i) any property containing more than one (1) **building**; (ii) any multiple tenant building; and (iii) adjacent buildings on multiple **parcels** that wish to carry out sign consistency.
- (3) Contents of Sign Package. As part of the Site Plan Review process, an application for approval of a sign package shall include details regarding the design and location of all proposed signs for which a sign permit is required. The sign package shall clearly define the areas of the **building** or property for which approval of a sign package is requested. At a minimum, the following details shall be provided in the application submittal for approval of a sign package:
  - (a) Sign design, material(s), anchorage, and support(s).
  - (b) Sign location(s).
  - (c) Sign color(s).
  - (d) Sign dimensions.
  - (e) Method of illumination.

- (4) **Standards.** No sign package shall be approved by the Planning Commission unless the Planning Commission finds that the sign package incorporates signage that is:
  - (a) Unified and consistent throughout the **building** or property;
  - (b) Of a higher quality than would be otherwise required under the applicable sign regulations; and
  - (c) Compatible with the design and materials of the **building** or buildings, and consistent with the area surrounding the building or property.
- (5) **Relief.** The following relief may be granted by the Planning Commission provided that all standards as set forth in Section **15.09.6.C.(4)** are found:
  - (a) To increase the sign area of a sign by no more than thirty-three and one-third percent (33 ⅓%).
  - (b) To increase the height of a sign by no more than thirty-three and one-third percent (33 ⅓%).
  - (c) To permit one (1) additional sign on any **lot**, provided that no relief shall be granted to permit an additional Ground Sign.

**7. *Non-accessory signs:***

**A. Not adjacent to Interstate 94 (I-94).**

- (1) **Area and height limitations:** No billboard may be erected or maintained of a greater surface area than three hundred (300) square feet per sign face or of a greater overall height above ground than thirty-five (35) feet or the bottom surface of which extends to within less than three (3) feet above the ground surface.
- (2) **Location:** Billboards may be erected only in I-T, L-M or I-C districts. No billboard may be erected within five hundred (500) feet of any residential use or district, hospital, public park, recreation ground, public reservation, bridge, school, library, or church, nor within fifty (50) feet of street right-of-way lines at any street intersection and shall have a minimum setback of twenty-five (25) feet from all property lines or shall meet the setback requirements of the district, whichever is greater. Billboards shall be located no closer to one another than one thousand (1,000) feet.
- (3) **Material required:** All billboards shall be in conformance with applicable building, electrical and structural codes.
- (4) **Limitations:** No billboard shall be approved at any time when there are twenty (20) or more billboard sign faces in the Township except for that a new billboard structure may be granted approval only in exchange for the removal of four (4) nonconforming billboard faces.

**B. Adjacent to Interstate 94 (I-94).**

- (1) **Area and height limitations:** No billboard may be erected or maintained of a greater surface area than six hundred seventy-two (672) square feet per sign face or of greater overall height above ground than fifty (50) feet or the bottom surface of which extends to within less than three (3) feet above the ground surface.
- (2) **Location:** Billboards may be erected only in I-T, L-M or I-C zoning districts. No billboard may be erected within five hundred (500) feet of any residential use or district, hospital, public park, recreation ground, public reservation, bridge, school, library, or church and shall have a minimum setback of twenty-five (25) feet from all property lines or shall meet the setback requirements of the district for which it is located, whichever is greater. Billboards shall be located no closer to one (1) another than one thousand (1,000) feet on the same side of the given thoroughfare.
- (3) **Material required:** All billboards shall meet applicable building, electrical and structural codes.
- (4) **Limitations:** No billboard shall be approved at any time when there are twenty (20) or more billboard sign faces in the Township except for that a new billboard structure may be granted approval only in exchange for the removal of four (4) nonconforming billboard faces.

**8. *Electronic changeable message signs:***

- A. Electronic changeable message shall constitute no more than fifty percent (50%) of the allowable ground sign area.
- B. Such signs shall contain static messages only and shall not have movement, scrolling words or images, or flashing on any part of the sign structure, design, or pictorial segments of the sign, nor shall such sign have varying light intensity during display of any single message.
- C. Each display on an electronic changeable sign shall remain fixed for a minimum of thirty (30) seconds.
- D. When a message on an electronic changeable sign is changed, said change shall be instantaneous without use of special effects like dissolve or fade.
- E. No EMS message display shall resemble or simulate any warning or danger signal, or any official traffic control device, sign, signal, or light or have the brilliance or intensity that will interfere with any official traffic sign, device, or signal.
- F. No auditory message or mechanical sounds may be emitted from the sign.
- G. Electronic changeable message signs shall meet the standards for illumination set forth in Section 1509.89.
- H. No sign shall be permitted to operate unless it is equipped with all of the following:
  - (1) A default mechanism that will cause the sign to revert immediately to a black screen if the sign or any component thereof malfunctions;
  - (2) A non-glare panel covering the electronic changeable copy display or other equivalent method approved by the Township to substantially reduce glare;

- (3) All permitted EMS shall be equipped with a sensor or other device that automatically determines the ambient illumination and is programmed to automatically dim according to ambient light conditions;
  - (4) A written certification from a sign manufacturer or other approved testing agency that the light intensity has been preset to conform to the brightness and display standards established in this Article and that the preset levels are protected from end user manipulation by password protected software or other method.
  - I. The owner or controller of said electronic changeable copy sign must adjust the sign to meet these brightness standards in accordance with this Article. The adjustment must be made within twelve (12) hours upon notice of non-compliance from the Township. The owner of said electronic changeable message sign shall provide certification of the foot-candles at the time of application showing compliance by a certified independent contractor and supply said certification to the Township.
  - J. All electronic changeable message signs shall conform to all Michigan Department of Transportation rules and regulations.
9. *Sign illumination standards.*
- A. General Standards.
    - (1) No sign shall be illuminated by other than electrical means.
    - (2) The source of illumination may be internal or external. The source of the illumination shall not be exposed except for lighting that is integral for the use of electronic message signs, which are regulated in this Article.
    - (3) All external lighting fixtures used to illuminate a sign shall be shielded to direct light towards the sign.
    - (4) No sign, whether externally or internally illuminated, shall display a brightness of such intensity or brilliance that impairs the vision or endangers the safety and welfare of any pedestrian, cyclist, or operator of a motor vehicle.
    - (5) No sign shall have illumination which creates blinking, flashing or movement.
  - B. Sign Illumination Standards - The illumination of all signs, including EMS, shall not exceed 0.3 footcandles above ambient light levels based upon illumination measurement criteria set forth in Sign Area Versus Measurement Distance Table and Section 1509.9.C.

<b>Table 9.B</b>	
<b>Sign Area Versus Measurement Distance Table</b>	
<b>Area of Sign Sq. ft.</b>	<b>Measurement Distance (ft.)</b>
10	32
15	39
20	45
25	50
30	55



<b>Table 9.B</b>	
<b>Sign Area Versus Measurement Distance Table</b>	
<b>Area of Sign Sq. ft.</b>	<b>Measurement Distance (ft.)</b>
35	59
40	63
45	67
50	71
55	74
60	77
65	81
70	84
75	87
80	89
85	92
90	95
95	97
100	100
110	105
120	110
130	114
140	118
150	122
160	126
170	130
180	134
190	138
200	141
*For signs with an area in square feet other than those specifically listed in this table (e.g., twelve (12) sq. ft., four hundred (400) sq. ft., etc.), the measurement distance may be calculated with the following formula: Measurement Distance = $\sqrt{\text{Area of Sign Sq. Ft.} \times 100}$	

- C. **EMS Illumination Measurement Criteria** - The illuminance of a sign shall be measured with an illuminance meter set to measure footcandles accurate to at least two (2) decimals. Illuminance of an EMS shall be measured with the EMS off, and again with the EMS displaying a white image for a full color-capable EMS, or a solid message for a single-color EMS. All measurements shall be taken as close as practical to a perpendicular plane of the sign at the distance determined by the total square footage of the sign as set forth in Table 9.B Sign Area of a Sign versus Measurement Distance.

**910. Prohibited signs:** The following signs are prohibited within the Township:

- A. It shall be unlawful for any person to display upon any sign or other advertising structure any obscene material.
  - B. Portable signs, swinging signs, inflatable displays, sandwich boards pennant, blade or feather signs, or any signs which incorporate flashing or moving lights or animation.
  - C. String lights used in connection with business premises for commercial purposes other than holiday decorations, in accordance with the standards set forth in Section 13.03.6.G.
  - D. Any sign unlawfully installed, erected, or maintained.
  - E. Signs on trees, fences, utility poles or benches, whether located on public or private property.
  - F. Signs mounted on the roof of a building or extending above the height of the front face of the building upon which it is mounted.
  - G. Posting prohibited: No person shall post any placard, poster or other advertising matter on any post, tree, or other object within any street area or upon any public property, except legal notices which shall be posted on boards established at places designated by the Township. No person, except an officer of the Township, shall post any notice on such boards or remove or mutilate any notice posted thereon.
11. *Permits and fees:* It shall be unlawful for any person to erect, repair, alter or relocate a sign, repair a nonconforming sign damaged by winds, vandalism, fire, or an act of God unless the appropriate permits have first been obtained from the ~~Building Official~~ Township and the required permit fees have been paid to the Township according to the schedule established by resolution of the Township Board.
- A. Signs for which a permit is not required:
    - (1) Repairs to an existing sign: Repair of a sign damaged by winds, vandalism, fire, or an act of God provided that the sign is in conformance with the current Zoning Ordinance standards, that the sign is restored to its original design and that all work is in compliance with necessary structural and electrical codes.
    - (2) Service on an existing sign: Painting, servicing, or cleaning of existing signs shall not require a sign permit unless a structural change or any change to the sign box or enclosure is made.
    - (3) Temporary signs .
    - (4) Traffic or other municipal signs, legal notices, danger and such temporary emergency or non-advertising signs as may be approved by the Township.
    - (5) Directional signs that are erected for the sole and express purpose of directing traffic flow on public property, provided such signs do not exceed four (4) square feet in area and four (4) feet in height.
    - (6) Flags bearing the official design of a nation, state, municipality, educational institution, or organization as approved by the Township.
    - (7) Non-illuminated window signs on the inside of windows in non-residential districts that do not obstruct vision by more than twenty percent (20%).
  - B. Permits required:

- (1) **Sign permit:** A sign permit shall be required for all signs except for those signs set forth in Section 15.09.11.A.
  - (2) **Building permit:** Required for all permanent building-mounted and ground signs, except such signs that are painted on an existing wall.
  - (3) **Electrical permit:** Required for all illuminated signs or signs in which electrical wiring will be used in connection with the structure.
- C. **Sign permit application:** Applications for permits shall be made upon forms provided by the Township and shall contain or have attached thereto the following information:
  - (1) Name, address, and telephone number of the applicant.
  - (2) A sign application shall include two (2) copies of a site plan that includes the lot survey, easements and setback dimensions, location of all buildings, other structures and all proposed and existing signs on the development parcel or zoning lot where such signs are to be erected. Elevation drawings of all buildings on the site shall be provided showing the location of all existing and proposed building-mounted signs.
  - (3) **Construction drawings:** Two (2) blueprints or drawings of the plans, specifications, methods of construction and installation, materials list and method and type of illumination for each sign. All construction drawings or attachment details shall be signed and sealed by a licensed design professional.
12. ***Legal nonconforming signs:*** Nonconforming signs are those signs lawfully erected prior to the adoption of this Ordinance. All existing legal nonconforming signs shall be permitted to continue as such until removed or until changes other than painting or servicing are made, at which time they shall conform to the provisions of this Ordinance.
13. ***Class A nonconforming sign designation:*** Class A nonconforming signs shall be considered to be conforming signs for purposes of repair, service, or the changing of sign copy in a manner that does not require structural changes or any change to the sign box or enclosure. The Planning Commission may grant a Class A nonconforming sign designation in those instances where a determination is made after public hearing that the continuance of a nonconforming sign meets both the criteria found in Section 1602.2 and the following:
  - A. The granting of a continuance of the nonconforming sign will not create unfair advertising advantage over other properties in conformance with the sign provisions of this Article.
  - B. A nonconforming use shall not be permitted to add additional signs to the building or premises. Existing signs accessory to nonconforming uses may be maintained.
14. ***Enforcement:*** It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, or move any sign or structure in the Township, or cause or permit the same to be done in violation of any of the provisions of this Article. Any sign unlawfully erected or altered may be removed by the Township at the expense of the sign owner. The Township shall then place a lien on the property, adding necessary removal expenses to the tax bill for the property.
15. ***Removal of abandoned, damaged, illegal, or unsafe signs:***
  - A. **Abandoned signs:**

- (1) Any sign located on property in the Township that has become vacant or upon which a building is unoccupied for more than one hundred eighty (180) days, shall be presumed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one hundred eighty (180) days or more.
- (2) At such time as the Township shall become aware of the sign that is presumed to have been abandoned under subsection (1) of this Section, a notice of sign abandonment declaring that the sign is deemed abandoned, and directing the removal of the sign, shall be sent to the owner of the property.
- (3) If the owner of the property to whom such a notice has been sent claims that the sign has not been abandoned, such owner shall, within sixty (60) days from the date of the notice, file a written response to the Township stating facts which rebut the presumption of abandonment and demonstrate the intent not to abandon the sign.
- (4) At the end of such sixty (60) day period, if a written response stating facts to rebut the presumption of abandonment has not been submitted to the Township, the sign shall be deemed abandoned, and a notice to such effect shall be sent to the owner.
- (5) If a written response stating facts to rebut the presumption of abandonment has been submitted to the Township, and if the response demonstrates in the discretion of the Township that the sign has not been abandoned, the sign shall be permitted to remain until further evidence of abandonment appears, or some other basis for removal arises. If the Township determines that the response fails to demonstrate that the sign has not been abandoned, the notice of sign abandonment, and the response from the owner, shall be placed upon the agenda of a meeting of the Zoning Board of Appeals, and notice of the time, place and date of the meeting shall be sent to the owner. After a review of the notice and response, and after affording an opportunity to be heard by the owner and the director, together with any and all other information and argument deemed appropriate by the Zoning Board of Appeals, the Zoning Board of Appeals shall make a final determination with respect to whether the sign has been abandoned.
- (6) Any sign deemed abandoned under subsection (4) or found by the Zoning Board of Appeals to be abandoned under subsection (5) shall be removed within ten (10) days of such determination, and a failure to do so shall constitute a violation of this Section.

The Township may remove such signs or sign copy at the expense of the sign owner after said owner has been ordered in writing to remove said sign by the Township and has not done so within thirty (30) days. The Township shall then place a lien on the property, adding necessary removal expenses to the tax bill for the property.

- B. Damaged signs:** Damaged signs shall be repaired, replaced, or removed within ten (10) days of the damage by the owner, agent or person having the beneficial use of the building or structure upon which said sign shall be found. Such signs may be removed by the Township at the expense of the sign owner after said owner has been ordered in writing to remove said sign by the Township and has not done so within ten (10) days. The Township shall then place a lien on the property, adding necessary removal expenses to the tax bill for the property.

- C. **Illegal signs:** Illegal signs may be removed by the Township at the expense of the sign owner after said owner has been ordered in writing to remove said sign by the Township and has not done so within thirty (30) days. The Township shall then place a lien on the property, adding necessary removal expenses to the tax bill for the property.
  - D. **Unsafe signs:** Unsafe signs shall be immediately removed or made to conform to the provisions of this Article by the owner, agent or person having the beneficial use of the building or structure upon which said sign shall be found. If such action is not taken within twenty-four (24) hours, the unsafe signs may be removed by the Township at the expense of the sign owner. The Township shall then place a lien on the property, adding necessary removal expenses to the tax bill for the property.
16. ***Sign maintenance:*** The Township may order the removal of any sign that is not maintained in accordance with the provisions of this Article. Such signs may be removed by the Township at the expense of the sign owner after said owner has been ordered in writing to remove said sign by the Township and has not done so within thirty (30) days. The Township shall then place a lien on the property, adding necessary removal expenses to the tax bill for the property.
- A. **Maintenance:** All signs for which a permit is required, together with all their supports, braces, guys, and anchors, shall be maintained in good working order; and when not galvanized or constructed of approved corrosion-resistant, noncombustible materials, shall be painted when necessary to prevent corrosion. The exteriors of all signs, supporting members, painted surfaces, advertising materials and lettering shall be kept painted and in good repair, so as to present a neat and orderly appearance. All bulbs or component parts of the sign, including the electrical switches, boxes and wiring used in the illumination of the sign must be well maintained and in good repair.
  - B. **Housekeeping:** It shall be the duty and responsibility of the owner or lessee of every sign to maintain the immediate premises occupied by the sign in a clean, sanitary, and healthful condition.

## ARTICLE XVI - NONCONFORMITIES

### Sec. 1601. - General provisions:

1. ***Intent:*** Nonconformities are lots, structures, sites, or uses of land that do not conform to one (1) or more provisions of this Ordinance, but which were lawfully established prior to the date of adoption or amendment of this Ordinance. Regulations are hereby established to govern the completion, restoration, reconstruction, extension, and substitution of nonconformities, and to specify the circumstances and conditions under which nonconformities shall be permitted to continue.

The objectives of this Ordinance are as follows:

- A. To permit nonconforming structures and uses of land to remain until discontinued or removed.
- B. To encourage the upgrading of site improvements that were developed in compliance with the standards in force at the time of their construction, but which do not meet the site design standards of this Ordinance.
- C. To promote the combination of contiguous lots of record to create lots that conform to current standards for minimum lot width, lot area, and street frontage.
- D. To eliminate nonconforming uses of land that are incompatible with and more intense than permitted uses in a particular zoning district, or to encourage their redevelopment into more compatible uses.
- E. To allow for the perpetuation of certain nonconforming structures or uses of land that do not significantly depress the value of nearby properties and are not contrary to the public health, safety, and welfare.
- F. To terminate and remove illegal structures or uses of land.

### Sec. 1602. - Class A nonconforming designation:

1. ***Public hearing:*** Upon petition, the Planning Commission shall hold a public hearing for consideration of a Class A designation for a nonconforming structure or a use of land.
2. ***Conditions for approval of a Class A designation:*** After holding a public hearing, the Planning Commission may grant a Class A designation upon finding that all of the following conditions exist:
  - A. A determination that the structure or use of land is nonconforming as defined in this Ordinance.
  - B. The nonconformity does not significantly depress the value of nearby properties.
  - C. The nonconformity is not contrary to the public health, safety, and welfare.
  - D. No useful purpose would be served by the strict application of requirements for such a nonconformity under this Ordinance.
  - E. ***Signage:*** Signage associated with the use shall be in compliance with Article 15.

- F. **Plan for site improvements:** A plan for site improvements has been submitted in accordance with the preliminary site plan requirements in Section 910 that is satisfactory to the Planning Commission. The Planning Commission may require improvements to landscaping, site design and layout, pedestrian access, building materials, screening, off-street parking, exterior lighting, or other improvements as deemed necessary to protect surrounding uses.
  - G. **Other conditions** may be attached to the approval to assure that the structure or use of land does not become contrary to the public health, safety or welfare, or the spirit and purpose of this Ordinance.
- 3. ***Effect of approval of a Class A designation:*** Class A nonconforming uses of land shall be permitted to be perpetuated and expanded in accordance with an approved plan and under the provisions of this Ordinance. Class A nonconforming structures shall be permitted to be perpetuated, expanded, improved, or replaced if damaged or destroyed in accordance with an approved plan and under the provisions of this Ordinance.
  - 4. ***Effect of denial of a Class A designation:*** An application for a Class A designation that has been denied wholly or in part by the Planning Commission may not be appealed to the Zoning Board of Appeals but may be resubmitted for Planning Commission consideration after a minimum of three hundred sixty-five (365) days have elapsed from the date of denial.
  - 5. ***Cessation or removal of Class A nonconforming structures or uses of land:*** When a Class A nonconforming structure is permanently removed, or when a Class A nonconforming use of land is replaced by a conforming use, the designation shall be deemed removed. Any subsequent structure or use of land shall conform to Ordinance provisions for the district in which it is located.
  - 6. ***Rescinding approval of a Class A designation:*** Failure of the property owner, or the owner, operator or person having beneficial use of land occupied by a Class A designated nonconforming structure or use of land to maintain or improve the site in accordance with this Ordinance, an approved site plan or any conditions of approval shall be grounds for the Planning Commission to rescind a previously approved Class A designation. Such action shall be subject to the following:
    - A. **Public hearing:** Such action may be taken only after a public hearing has been held with notice in compliance with Section 307, Public Hearing Notice Requirements, at which time the property owner, or the owner, operator or person having beneficial use of land occupied by a Class A designated nonconforming structure or use of land shall be given an opportunity to present evidence in opposition to rescission.
    - B. Subsequent to the hearing, the Planning Commission's decision with regard to the rescission shall be made and written notification provided to said property owner, ~~or the owner,~~ operator, or person having beneficial use of land occupied by a Class A designated nonconforming structure or use of land.
  - 7. ***Class A designations for existing single-family residential dwellings:*** Single-family residential dwellings, which are so used and so existing in non-residential zoning districts before the effective date of this Ordinance or amendments thereto, are hereby designated as Class A nonconforming structures and Class A nonconforming uses of land. Such dwellings and accessory buildings may be repaired, expanded, or replaced if destroyed, subject to the following conditions:

- A. The expansion of the dwelling or accessory structures shall conform with all applicable yard dimensions, setbacks, and other requirements for the most similar single-family residential zoning district.
- B. If an existing structure is destroyed, the replacement dwelling or accessory structure shall conform with all applicable yard dimensions, setbacks, and other requirements for the most similar single-family residential zoning district.
- C. The dwelling and accessory structures shall conform to all other applicable federal, state, county and Township laws, Ordinances, regulations, and codes.
- D. The use of the dwelling and associated parcel of land shall remain single-family residential, unless an application and site plan in accordance with Article 9 is submitted that conforms to the Ordinance provisions for the district in which it is located.

**Sec. 1603. - Nonconforming lots:**

- 1. *Division of nonconforming lots:* Parcels shall not be divided in a manner that increases nonconformity, causes an existing structure or site improvement to become nonconforming or creates one (1) or more nonconforming lots.
- 2. *Use of a nonconforming lot:* Any nonconforming lot shall only be used as permitted in the district in which it is located. A single nonconforming lot may be developed or improved with a principal building, and customary accessory structures, provided that the following conditions have been met:
  - A. The structures and lot shall conform with all applicable yard dimensions, setbacks, and other requirements, other than minimum lot width and lot area, for the district in which the lot is located.
  - B. The lot is not under contiguous single ownership with other lots that could be combined into one or more conforming lots.
  - C. The lot and principal building shall be served by public water and public sanitary sewer.
- 3. *Use of contiguous nonconforming lots under the same ownership:* If two (2) or more lots or combinations of lots with contiguous frontage in single ownership are of record at the time of passage or amendment of this Article, and if all or part of the lots do not meet the requirements for lot width and area as established by this Article, the lots or combination of lots involved shall be considered to be an undivided parcel for the purposes of this Article. No portion of said parcel shall be used or occupied in a manner which diminishes compliance with lot width and area requirements established by this Article, nor shall any division of the parcel be made which creates a lot width or area below the requirements stated in this Article.

**Sec. 1604. - Nonconforming structures:**

- 1. *Class A nonconforming structures:* See Section 1602.
- 2. *Class B nonconforming structures:* No such structure may be enlarged or altered in a way that increases its nonconformity, except as provided for herein. Such structures may be enlarged or altered in a manner that does not increase its nonconformity.



3. ***Normal repairs and maintenance:*** Normal repair, maintenance, or replacement of Class B nonconforming structures may be permitted in accordance with applicable code requirements, provided that such improvements do not result in an enlargement of a nonconforming structure or an expansion of a nonconforming use of land, and provided that the cost of such improvements does not exceed the assessed value or, if higher, fifty percent (50%) of the replacement cost of the structure.
4. ***Buildings under construction:*** Nothing in this Ordinance shall require a change in the plans, construction, or designated use of any building for which construction was lawfully begun prior to the effective date of this Ordinance or amendments thereto and diligently carried on until completion. Construction shall include the placement of materials in a permanent manner or demolition and removal of an existing structure preparatory to rebuilding in accordance with an approved site plan.
5. ***Damaged or unsafe structures:*** Class B nonconforming structures that are declared to be physically unsafe by the Building Official, or otherwise damaged or destroyed by any means to an extent greater than the assessed value or, if higher, fifty percent (50%) of the replacement cost of the structure shall not thereafter be restored, repaired, or rebuilt except in conformity with the provisions of this Ordinance.
6. ***Active farm operations:*** Class B nonconforming structures used in active farm operations may be expanded if approved by the Zoning Administrator, subject to the following requirements:
  - A. Agriculture is a permitted use in the district in which it is located and is the intended use of the structure .
  - B. The expansion shall meet all requirements of the zoning district in which it is located.
7. ***Single-family dwellings:*** See Section 1602.7.

**Sec. 1605. - Nonconforming uses of land:**

1. ***Class A nonconforming uses of land:*** See Section 1602.
2. ***Class B nonconforming uses of land:*** Such uses may continue after the effective date of this Ordinance or amendments thereto, subject to the following conditions:
  - A. The property owner, ~~or the owner,~~ operator, or person having beneficial use of land occupied by a Class B nonconforming use of land shall demonstrate that the use is maintained in compliance with all other applicable federal, state, county and Township laws, Ordinances, regulations, and codes. Failure to do so, or failure to bring the use into compliance with revised laws, Ordinances, regulations, and codes within six (6) months of their effective date, shall constitute grounds for the Township to seek court approval to terminate or remove the use at the owner's expense.
  - B. The use shall not be enlarged or increased, extended to occupy a greater area of land, or moved in whole or in part to any other portion of the parcel or structure. No additional signage shall be permitted.
  - C. If the use ceases for a period of more than one hundred eighty (180) days, the use shall not be resumed, and subsequent uses of such land shall conform to Ordinance provisions for the

- district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.
- D. No additional structures may be constructed in association with the nonconforming use. If the structure associated with a nonconforming use is removed or destroyed, the nonconformity shall be deemed removed and subsequent uses of such land shall conform to Ordinance provisions for the district in which it is located.
  - E. If the use is superseded by a permitted use, subsequent uses of such land shall conform to Ordinance provisions for the district in which it is located.
3. *Determination of status of a use of land as nonconforming:* A determination of the status of a use of land as nonconforming shall be made by the Zoning Administrator only upon finding that the following conditions have been met:
- A. A finding that the use of land does not conform to the use regulations of the district in which it is located.
  - B. A finding that the use of land is in compliance with all other applicable federal, state, county and Township laws, Ordinances, regulations, and codes.
  - C. A finding that evidence from a minimum of three (3) of the following sources clearly demonstrates that the use of land was legally established as a conforming use prior to the date of adoption of this Ordinance or amendments thereto:
    - (1) Local and county government files or records: Such evidence may include, but shall not be limited to permits, inspection reports, dated photographs, or notarized statements of Township officials, agents, representatives, or employees.
    - (2) The "R.L. Polk City Directory" or other dated telephone directories serving Washtenaw County.
    - (3) Utility records, including, but not limited to telecommunication service providers, Detroit Edison, Michigan Consolidated Gas Co., or the Ypsilanti Community Utilities Authority.
    - (4) Dated advertising or other information published in a newspaper or magazine serving Washtenaw County.
    - (5) Dated aerial photos from Washtenaw County governmental departments, the Southeastern Michigan Council of Governments (SEMCOG) or other sources as approved by the Zoning Official.
    - (6) Other relevant information, as may be accepted by the Zoning Official: Such evidence may include but shall not be limited to date-stamped photographs, diary or log entries, affidavits, or notarized statements.
4. *Determination of cessation of a nonconforming use of land:* A Class B **nonconforming use** that is determined to be abandoned shall not be reestablished, and any subsequent use shall conform to this Ordinance.
5. *Substitution of nonconforming uses of land:* Upon petition, the Planning Commission shall hold a public hearing for consideration of a request to substitute one (1) nonconforming use for another nonconforming use on the same parcel. Subsequent to a public hearing, the Planning Commission may grant approval of such a request upon finding that all of the following conditions exist:

- A. The proposed nonconforming use is equally appropriate or more appropriate to the district than the existing nonconforming use. Where a nonconforming use is changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
- B. Signage: Signage associated with the proposed nonconforming use shall be in compliance with Article 15.
- C. Plan for site improvements: A plan for site improvements has been submitted in accordance with the preliminary site plan requirements in Section 910, that is satisfactory to the Planning Commission. The Planning Commission may require improvements to landscaping, site design and layout, pedestrian access, building materials, screening, off-street parking, exterior lighting, or other improvements as deemed necessary to protect surrounding uses.
- D. Other conditions may be attached to the approval to assure that the use of land does not become contrary to the public health, safety or welfare, or the spirit and purpose of this Ordinance.

**Sec. 1606. - Nonconforming sites:**

The purpose of this section is to encourage improvements and minor modifications to nonconforming sites by establishing standards for prioritizing site improvements that are designed to gradually bring the site into compliance with the site design requirements of this Ordinance. Nonconforming sites shall not be improved or modified in a manner that increases noncompliance with this Ordinance. Nonconforming sites subject to review in accordance with Section 1602 and Article 9 may be improved or modified without a complete upgrade of all site elements under the following conditions:

- 1. The proposed site improvements shall include exterior lighting, landscaping, screening, and building improvements that are in reasonable proportion to the scale and construction cost of proposed building improvements, expansions, or other improvements.
- 2. The proposed site improvements resolve public safety deficiencies, including building and fire code violations, emergency access and pedestrian/vehicle conflicts.
- 3. The proposed site improvements include the installation, restoration or expansion of sidewalks and non-motorized paths within and through the site consistent with the provisions of this Ordinance.
- 4. A reasonable timeline for completion of site improvements may be approved as part of any site plan approval. Failure to complete improvements in accordance with an approved timeline shall be deemed a violation of the approved site plan.

**Sec. 1606- Change in Tenant or Ownership**

There may be a change of tenancy, ownership, or management of an existing non-conforming use, building or structure, provided there is no change in the nature of character, extent, or intensity of such non-conforming use, building, or structure.

## **ARTICLE XVII - ZONING BOARD OF APPEALS**

### **Sec. 1700. - Creation and membership:**

1. There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act Public Act 110 of 2006, as amended, MCL 125.3101, et seq., and in such a way that the objectives of this Ordinance shall be observed, public safety, and welfare secured, and substantial justice done.
2. The Zoning Board of Appeals shall be composed of five (5) members. The first regular member of the Zoning Board of Appeals shall be a member of the Planning Commission. The remaining members shall be selected from the electors of Ypsilanti Township. The members selected shall be representative of the population distribution and of the various interests present in the Township. One (1) regular member may be a member of the Township Board. An elected officer of the Township shall not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the Township Board may not serve as a member of the Zoning Board of Appeals.
3. The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called upon as specified herein to sit as a regular member of the Zoning Board of Appeals in the absence of a regular member if a regular member is absent from or unable to attend one (1) or more consecutive meetings. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate having been appointed shall serve in the case until a final decision has been made. While serving, the alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
4. Terms shall be for the three (3) years, except for members serving because of their membership on the Planning Commission, or Township Board, whose terms shall be limited to the time they are members of the Planning Commission, or Township Board, respectively, and the period stated in the resolution appointing them. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.
5. Members of the Zoning Board of Appeals shall be removable by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.
6. Conflict of Interest. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself constitutes malfeasance in office.

### **Sec. 1701. - Meetings:**

1. The Zoning Board of Appeals shall adopt rules and regulations to govern its procedures. The Zoning Board of Appeals shall elect a chairman, vice-chairman, and secretary from its membership.

2. A concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary for any decision. The Zoning Board of Appeals shall not conduct business unless a majority of its members is present.
3. Any person may appear on his or her behalf at a hearing or may be represented by an agent or attorney.
4. The Zoning Board of Appeals shall decide upon all matters within a reasonable time, not to exceed ninety (90) days from the filing date. The decision of the Zoning Board of Appeals shall be in the form of a resolution containing a full record of its findings and determinations in each case. The time limit may be extended by agreement between the applicant or appellant and the Zoning Board of Appeals.
5. Meetings of the Zoning Board of Appeals should be held at the call of the chairman and at such times as the Zoning Board of Appeals and its rules and regulations may specify. Minutes shall be kept of each meeting and the Zoning Board of Appeals shall record into the minutes all findings, conditions of approval, facts, and other relevant factors and all of its official actions. A vote of each member upon a question, or absence or abstention, shall be recorded into the minutes of the meeting. All meetings and records shall be open to the public. All minutes shall be filed in the office of the Township Clerk.

**Sec. 1702. - Appeals:**

Appeals may be taken by the person, firm, or corporation aggrieved or by any officer, department, board, agency, or bureau of the Township or, state governments. In addition, a variance in the Zoning Ordinance may be applied for and granted under Section 4 of the Uniform Condemnation Procedures Act, 1980 PA 87, MCL 213.54, and as provided under the Michigan Zoning Enabling Act, Public Act 110 of 2006, (MCL 125.3101, et seq). The Zoning Board of Appeals shall state the grounds of any determination made by the Board.

**Sec. 1703. - Fees:**

The Township Board may from time to time prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the Zoning Board of Appeals. A fee shall be paid to the Township Treasurer at the time of filing the appeal and shall be deposited in the Township's general fund.

**Sec. 1704. - Jurisdiction:**

The Zoning Board of Appeals has the power to act on matters as provided in this Ordinance and the Michigan Zoning Enabling Act, Public Act 110, of 2006, as amended (MCL 125.3101 et. seq.). The specific powers of the Board are enumerated in the following Sections of this Article. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this Ordinance but does have power to act on those matters where this Ordinance provides for an administrative review, interpretation, exception or to authorize a variance as defined in this Section and laws of the State of Michigan. Said powers include:

1. ***Administrative review:*** To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by an administrative official or body charged with enforcement of any of the provisions of this Ordinance.

Appeals shall be filed within sixty (60) days of the decision in question. The appeal shall be filed with the Zoning Administrator and a copy shall be filed with the Zoning Board of Appeals, and a copy shall be filed with the person or body whose decision is appealed. The appellant shall submit a clear description of the order, requirement, decision, or determination for which the appeal is made and the grounds of the appeal. The appellant may be required by the Zoning Board of Appeals to submit additional information to clarify the appeal. The administrative person or body appealed from shall transmit to the Zoning Board of Appeals copies of all papers constituting the record upon which the action appealed from was taken.

2. ***Variance:*** To authorize, upon an appeal, a variance from the strict application of the provisions of this Ordinance where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this Ordinance or amendments to this Ordinance or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance. Undue hardships are situations created by circumstances unique to an individual property that do not generally occur to land or buildings in the neighborhood or zoning district of the property in question and which circumstances make the use of such property in question infeasible under conditions imposed by this Ordinance. Hardship shall not include personal or financial hardship or economic disadvantage, nor shall it constitute circumstances that are self-created.

In granting a variance, the Zoning Board of Appeals may attach thereto such conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Ordinance. A violation of any condition imposed shall be a violation of this Ordinance under Section 1900, Violations, civil infractions, herein and shall result in revocation of any variance granted. In granting a variance, the Zoning Board of Appeals shall state the grounds upon which it justifies the granting of a variance.

- A. An application for a variance shall be filed with the Zoning Administrator by the record owner of the property in question or by a person authorized to act on the record owner's behalf. The application shall consist of a completed application form, fee, and the information required. The Zoning Administrator shall transmit the application and information to the Zoning Board of Appeals and to the Township Clerk.
- B. An application for a variance shall contain, at a minimum, the following information:
  - (1) Legal description, address, and tax parcel number of the subject property.
  - (2) An accurate scale drawing of the property, showing all property lines, dimensions, and bearings or angles correlated with the legal description; and all existing and proposed structures and uses on the property; and dimensions of structures and the dimensional locations; lot area calculations necessary to show compliance with the regulations of this

Ordinance; and location of drives, sidewalks, and other paved areas on the property and on the adjacent streets.

- (3) Location and dimensions of the nearest structures on adjacent properties.
- (4) Name and address of the applicant, property owner, and the interest of the applicant in the property.
- C. The filing fee for a variance as determined by the Township Board shall be paid to the Township at the time of the filing of the application for variance and shall be deposited in the Township's general fund.
- D. Findings. The Zoning Board of Appeals may grant a dimensional or non-use variance only upon a finding that compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would create a practical difficulty and unreasonably prevent the use of the property. A finding of practical difficulty shall require demonstration that all the following conditions are met:
  - (1) That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties or classes of uses in the same zoning district. Exceptional or extraordinary circumstances or conditions include but may not be limited to:
    - a. exceptional narrowness, shallowness, or shape of a specific property;
    - b. exceptional topographic conditions;
    - c. any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary; or,
    - d. development characteristics of land immediately adjoining the property in question that creates an exceptional constraint.
  - (2) That a variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity;
  - (3) That the authorizing of such variance will not be a substantial detriment to adjacent property, will not be harmful to or alter the essential character of the area, and will not materially impair the purposes of this Ordinance or the public interest;
  - (4) The problem and resulting need for the variance has not been self-created by any action of the applicant or the applicant's predecessors; and
  - (5) The proposed variance will be the minimum necessary and no variance shall be granted where a different solution not requiring a variance would be possible.
- E. Private Road Ordinance (Chapter 47 of the Township Code). When there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Article, such as topographical and other physical characteristics of a parcel, the Zoning Board of Appeals shall have the power to vary or modify the application of the provisions of Chapter 47 of the Township Code so that the intent and purpose of this Chapter shall be observed, public safety secured, and substantial justice done.

- F. An application for variance which has been denied wholly or in part by the Zoning Board of Appeals shall not be resubmitted for a period of three hundred sixty-five (365) days from the date of denial, except on grounds of new evidence or changed conditions found by the Zoning Board of Appeals to be valid.
- G. A variance granted shall not be the basis of a request for a further variance.
- H. Violations. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance, and punishable under Section 1900, Violations, civil infractions.
- I. Each variance granted under the provisions of this Ordinance shall become null and void unless: 1) The construction authorized by such variance or permit has been commenced within one hundred eighty (180) days after the granting of such variance and pursued diligently to completion; or 2) The occupancy of land or buildings authorized by such variance has taken place within one hundred eighty days (180) days after the granting of such variance. of this Ordinance.

3. *Interpretation:*

- A. The Zoning Board of Appeals shall hear and decide requests for interpretation of this Ordinance or the Zoning Map, taking into consideration the intent and purpose of the Ordinance and the Master Plan. In an interpretation of the Zoning Map, the Zoning Board of Appeals shall be governed by the Rules of Interpretation set forth in Section 402, District boundaries interpreted. The Zoning Board of Appeals shall not have the power to alter or change zoning district boundaries, except where uncertainty exists as to the location of a boundary, land use classifications of any property, or Zoning Ordinance text.
- B. A record shall be kept by the Zoning Board of Appeals of all decisions for interpretation of this Ordinance or Zoning Map. The Zoning Board of Appeals may request the Planning Commission to initiate an Ordinance amendment that would correct or clarify the Ordinance.

4. *Delegated authority:* The Zoning Board of Appeals has the delegated authority to:

- A. Permit temporary buildings for periods not to exceed two (2) years in undeveloped sections of the Township and for periods not to exceed six (6) months in developed sections.
- B. Permit a temporary use not to exceed twelve (12) months with the granting of twelve (12) month extensions being permissible. The Zoning Board of Appeals, in granting permits for the above temporary uses, shall do so under the following conditions:
  - (1) The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.
  - (2) The granting of the temporary use shall be granted in writing stipulating all conditions as to time, nature of development permitted, and arrangements for removing the use at the termination of said temporary permit.
  - (3) All setbacks, land coverage, off-street parking, lighting, and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the Charter Township of Ypsilanti, shall be made



at the discretion of the Zoning Board of Appeals or Planning Commission as the case may be.

- (4) In classifying uses as not requiring capital improvement, the Zoning Board of Appeals shall determine that they are either demountable structures related to the permitted use of the land; recreation developments, such as, but not limited to: golf driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems or sanitary connections.
- (5) The use shall be in harmony with the general character of the district.
- (6) No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as further provided for in this Ordinance.

**Sec. 1705. - Orders:**

In exercising the above powers, the Zoning Board of Appeals may reverse or affirm wholly or partly, or may condition or modify the orders, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought be to be made, and to that end shall have all the powers of the administrative official or body from whom the appeal is taken.

**Sec. 1706. – Site Plan Requirements:**

If an application to the Zoning Board of Appeals requires site plan approval by the Planning Commission pursuant to the provisions of Article 6, the applicant shall first apply for site plan approval as set forth in Article 9. The Planning Commission shall review the site plan, including site layout and other design features, but shall not grant Preliminary Site Plan approval nor make a recommendation on the variance. The Planning Commission shall then transmit the site plan and the minutes related to said site plan to the Zoning Board of Appeals. The Zoning Board of Appeals shall transmit its decision related to the application to the Planning Commission. The Planning Commission shall then take action on the site plan.

**Sec. 1707. - Miscellaneous:**

No order of the Zoning Board of Appeals permitting the erection of a building shall be valid for a period longer than one (1) year unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

1. Use variances as described in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, (MCL 125.3101, et seq.), shall not be permitted in the Township. In the event an application is made for such a use variance, the Zoning Administrator shall deny the application and advise the applicant that use variances are prohibited in the Township by the Act.
2. Dimensional Variance in Special Use Approval and Planned Unit Developments.
  - A. The Zoning Board of Appeals may grant dimensional or other site plan related variances (e.g., lot dimensions, setbacks, building height, lot coverage, parking, etc.) for special approval uses.

The Zoning Board of Appeals shall not have the power to reverse or modify the Planning Commission's decision to approve or deny a special use permit, nor grant variances to any conditions placed on special use approval.

- B. The Zoning Board of Appeals shall not have the authority to grant variances to any regulations or any requirement placed upon a project approved as a Planned Unit Development or conditional rezoning. However, the Zoning Board of Appeals shall have the authority to decide appeal requests by individual lot or unit owners for variances from other sections of the Zoning Ordinance following final approval of a Planned Unit Development, provided such variances do not affect the terms or conditions of the original approval.

(Ord. No. 2008-385, 10-7-08)

**Sec. 1708 - Notice:**

Notice shall be provided for each variance, appeal of an administrative decision, exception, or special approval in advance of a Zoning Board of Appeals meeting in accordance with the provisions of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, MCL 125.3101, et. seq.

(Ord. No. 2008-385, 10-7-08)

**ARTICLE XVIII - CHANGES AND AMENDMENTS**

**Sec. 1801. - Initiation of amendments:**

The Township Board may from time to time, on recommendation from the Planning Commission, amend, supplement, or change the district boundaries or the regulations herein, or subsequently established herein. Amendments to the provisions of this Ordinance (i.e., Ordinance text amendment) may be initiated by the Township Board, the Planning Commission or by petition from one (1) or more residents or property owners of the Township. An amendment to the Official Zoning Map (i.e., rezoning) may be initiated by the Township Board, the Planning Commission, or by the owner or owners of the property that is the subject of the proposed amendment. All proposed amendments to the provisions of this Ordinance or the Official Zoning Map shall be referred to the Planning Commission for public hearing and recommendation to the Township Board, prior to consideration thereof by the Township Board.

**Sec. 1802. - Application procedure:**

An amendment to this Ordinance text or the Official Zoning Map shall be initiated by submission of a completed application on a form supplied by the Zoning Administrator, including an application fee, which shall be established by resolution of the Township Board. Amendments initiated by the Township Board or Planning Commission do not require an application or fee.

1. In the case of an amendment to the Official Zoning Map, the application shall be accompanied by the following, at a minimum:
  - A. The name and address of the owner of the subject property and a statement of the applicant's interest in the subject property, if not the owner in fee simple title;
  - B. A legal description and street address of the subject property;
  - C. A written description of how the requested rezoning satisfies the requirements identified in Section 1804;
  - D. A site analysis plan, the scale of which shall be no less than one (1) inch = two hundred (200) feet and includes the following information:
    - (1) A title indicating the nature of the rezoning request, the applicant's name and the site address, or general location;
    - (2) A legend indicating the owner of record, the engineer, surveyor, or drafter, as applicable, the date of submission, scale, and north arrow;
    - (3) A boundary survey of the subject property;
    - (4) The location of existing site boundary lines, buildings, structures or other improvements, parking areas, driveways, points of ingress and egress for the site and adjacent parcels;
    - (5) The location, width, and names of existing streets and public or private easements adjacent to the site;
    - (6) The location of existing and proposed man-made features, including but not limited to drainage or utility structures or improvements;

- (7) The location of existing natural features, including but not limited to the location of existing drainage courses, regulated floodplains or wetlands and other relevant information the Planning Commission has determined to be necessary and essential to making an informed recommendation to the Township Board; and
- (8) Existing and proposed zoning classification(s) of the site and adjacent parcels.

**Sec. 1803. - Amendment procedure—Public hearing and notice:**

1. Upon certification by the Zoning Administrator that the application for amendment is complete, the item shall be forwarded to the Planning Commission.
2. In all cases of a text amendment or rezoning of individual or multiple properties, the Planning Commission shall conduct a public hearing to present the request and to receive comments. Notice of the hearing shall be given in accordance with the requirements of Section 103 of the Michigan Zoning Enabling Act, Act 110 of 2006, as amended. An affidavit of mailing shall be maintained.
3. If an individual property or several adjacent properties are proposed for rezoning, the Township shall give separate notice for each property for which approval is being considered. Such notice shall be consistent with the notice required by subsection 2 above.
4. A sign shall be placed on the subject property to inform the public that a request for rezoning has been filed, and to indicate where additional information may be obtained. The sign shall be placed in a conspicuous location where it is readable from the public road, not less than fifteen (15) days prior to the date the application will be considered for approval. The sign shall meet the following requirements:
  - A. The sign shall be a minimum of three (3) feet by three (3) feet in area, with a white background and black lettering.
  - B. The sign shall state "This property is petitioned for rezoning. If you have any questions call the Charter Township of Ypsilanti Planning Department" with the most current telephone number entirely in four (4) inch tall block letters.
5. Following the public hearing, the Planning Commission shall identify and evaluate factors relevant to the petition and the criteria in this Article and shall make its recommendation to the Township Board.
6. The Zoning Administrator shall forward a copy of the application, Planning Commission recommendation and minutes of the public hearing to the Township Board and request the Township Clerk place the application on the agenda of a regularly scheduled meeting of the Township Board.
7. Following receipt of the findings and recommendation of the Planning Commission, the Township Board shall consider the proposed amendment. The Township Board shall conduct two (2) readings on the proposed amendment. The Township Board then shall approve or deny the amendment, based on the criteria contained in this Article.

**Sec. 1804. - Criteria for amendment of the Official Zoning Map:**

In considering any petition for an amendment to the Official Zoning Map, the Planning Commission, and Township Board shall consider the following criteria in making its findings, recommendations, and decision:

1. Consistency with the goals, policies, and future land use map of the Charter Township of Ypsilanti Master Plan, including any sub-area or corridor plans. If conditions have changed since the master plan was adopted, the rezoning may be found to be consistent with recent development trends in the area.
2. Compatibility of the site's physical, geological, hydrological, and other environmental features with all uses permitted in the proposed zoning district compared to uses permitted under current zoning.
3. The compatibility of all uses permitted in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values compared to uses permitted under current zoning.
4. The capacity of Township utilities and services sufficient to accommodate all the uses permitted in the requested district without compromising the health, safety, and welfare of the Township.
5. The capacity of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
6. The apparent demand for the types of uses permitted in the requested zoning district in the Township, and surrounding area, in relation to the amount of land in the Township, and surrounding area, currently zoned, and available to accommodate the demand.
7. The boundaries of the requested zoning district are sufficient to meet the dimensional regulations for the zoning district listed in Article IV, schedule of regulations.
8. The requested zoning district shall be more appropriate from the Township's perspective than another zoning district.
9. The requested rezoning will not create an isolated and unplanned spot zone.
10. The request has not previously been submitted within the past one (1) year, unless conditions have changed, or new information has been provided.
11. Other criteria as determined by the Planning Commission or Township Board which would protect the health and safety of the public, protect public and private investment in the Township, and enhance the overall quality of life in Charter Township of Ypsilanti.

**Sec. 1805. – Conditional Rezoning Procedures:**

1. *Authorization and limitations.* The Township Board shall have the authority to place conditions on a rezoning, provided the conditions have been voluntarily offered in writing by the applicant and are acceptable to the Township Board. In exercising its authority to consider a conditional rezoning, the Township is also authorized to impose the following limitations:

- A. An owner of land may voluntarily offer written conditions relating to the use and/or development of land for which a conditional rezoning is requested. This offer may be made either at the time the application for conditional rezoning is filed, or additional conditions may be offered at a later time during the conditional rezoning process as set forth below.
  - B. The owner's offer of conditions may not authorize uses or developments not permitted in the requested new zoning district. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which the conditional rezoning is requested.
  - C. Any use or development proposed as part of an offer of conditions that would require special use approval under the terms of this Ordinance may only be commenced if special use approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
  - D. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
  - E. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the terms of this Ordinance.
2. *Amendment of conditions.* The offer of conditions may be amended during process of conditional rezoning consideration, provided that any amended or additional conditions are entered voluntarily by the owner and confirmed in writing. An owner may withdraw in writing all or part of its offer of conditions any time prior to final rezoning action of the Township Board, provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing and recommendation of the original rezoning request, then the rezoning application shall be referred back to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.
3. *Procedure.* The procedure for consideration of Conditional Rezoning request shall be the same as provided in Section 1804 for other rezoning requests and the requirements of said Sections shall be applicable to Conditional Rezoning Agreement shall include the following:
- A. A Conditional Rezoning request shall be initiated by the submission by the applicant of a proposed Conditional Rezoning Agreement. A Conditional Rezoning Agreement shall include the following:
    - (1) A written statement prepared by the applicant that confirms the Conditional Rezoning Agreement was proposed by the applicant and entered into voluntarily.
    - (2) A written statement prepared by the applicant that confirms that the property shall not be used or developed in a manner that is inconsistent with conditions placed on the rezoning.
    - (3) A list of conditions proposed by the applicant.
    - (4) A time frame for completing the proposed improvements.
    - (5) A legal description of the land.

- (6) A Sketch Plan in sufficient detail to illustrate any specific conditions proposed by the applicant.
- B. The Notice of Public Hearing on a Conditional Rezoning request shall include a general description of the proposed agreement being considered. A review of the proposed agreement shall be conducted at the public hearing.
- C. A Conditional Rezoning may only be approved upon a finding and determination that all of the following are satisfied:
  - (1) The conditions, proposed development, and/or proposed use of the land promote public health, safety, and welfare.
  - (2) The conditions, proposed development, and/or proposed use are not in material conflict with the Master Plan, or, if there is material conflict with the Master Plan, such conflict is due to one of the following:
    - a. A change in Township policy since the Master Plan was adopted.
    - b. A change in conditions since the Master Plan was adopted.
    - c. An error in the Master Plan.
  - (3) The conditions proposed development and/or proposed use are in accordance with all terms and provisions of the zoning district to which the land is to be rezoned, except as otherwise allowed in the Conditional Rezoning Agreement.
  - (4) Public services or facilities affected by a proposed development will be capable of accommodating service and facility loads caused by use of the development.
  - (5) The conditions proposed development and/or proposed use shall insure compatibility with adjacent uses of land.
- 4. *Amendment to zoning map.* Upon approval by the Township Board of a Conditional Rezoning request and a Conditional Rezoning Agreement, as provided by this Section, the Zoning Map shall be amended to reflect a new zoning classification along with a relevant designation that will provide reasonable notice of the Conditional Rezoning Agreement.
- 5. *Expiration.* A Conditional Rezoning Approval shall expire following a period of two (2) years from the effective date of the rezoning unless progress has been diligently pursued and substantial completion has occurred in accordance with permits issued by the Township.
  - A. In the event the conditional rezoning expires, the rezoning and the Conditional Rezoning Agreement shall be void and of no effect.
  - B. If the Conditional Rezoning becomes void, no development shall be undertaken and no permits for development shall be issued until such time as a new zoning district classification of the property has become effective as a result of one (1) or both of the following actions that may be taken:
    - (1) The property owner seeks a new rezoning classification for the property; and/or
    - (2) The Township initiates a new rezoning request for the property to a reasonable district classification, in accordance with the conventional rezoning procedure.

6. ***Recording.*** A Conditional Rezoning Approval shall not become effective until the Conditional Rezoning Agreement is recorded with the Washtenaw County Register of Deeds and a certified copy of the Agreement is filed with the Township Clerk.
7. ***Violation of conditional rezoning agreement.*** If development and/or actions are undertaken on or with respect to the property in violation of the Conditional Rezoning Agreement, such development and/or actions shall constitute a violation of this Ordinance and deemed a nuisance per se. In such case, the Township may issue a stop work order relative to the property and seek any other lawful remedies. Until curative action is taken to bring the property into compliance with the Conditional Rezoning Agreement, the Township may withhold, or, following notice and an opportunity to be heard, revoke permits and certificates, in addition to or in lieu of such other lawful action to achieve compliance.



**ARTICLE IXX. - ENFORCEMENT, PENALTIES AND OTHER REMEDIES**

**Sec. 1900. - Violations, civil infractions:**

Any person, firm or corporation violating any provision of this Ordinance shall be responsible for a civil infraction and shall be subject to a fine as follows:

1. The fine for any first violation shall be one hundred dollars (\$100.00);
2. The fine for any violation which the violator has, within the past two (2) years, been found in violation of once before, shall be two hundred fifty dollars (\$250.00);
3. The fine for any violation which the violator has, within the past two (2) years, been found in violation of twice before, shall be five hundred dollars (\$500.00).

**Sec. 1901. - Public nuisance per se:**

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

**Sec. 1902. - Owners knowingly assisting:**

Any person, firm, or corporation which owns a building, structure, or premise or part thereof, where any condition in violation of this ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation, shall be responsible for a civil infraction and shall be subject to a fine as set forth in Section 1900.

**Sec. 1903. - Each day a separate civil infraction:**

A separate civil infraction shall be deemed committed upon each day during or when a violation occurs or continues.

(Ord. No. 96-151, 6-18-96)

I, Heather Jarrell Roe, Clerk of the Charter Township of Ypsilanti, County of Washtenaw, State of Michigan hereby certify adoption of Ordinance No. 2022-498 by the Charter Township of Ypsilanti Board of Trustees assembled at a Regular Meeting held on February 15, 2022 after first being introduced at a Regular Meeting held on January 18, 2022. The motion to approve was made by member Jarrell Roe and seconded by Wilson YES: Stumbo, Jarrell Roe, Eldridge, Newman, Swanson, Peterson and Wilson ABSENT: None NO: None ABSTAIN: None.



Heather Jarrell Roe, Clerk

Charter Township of Ypsilanti