



## **REGULAR MEETING AGENDA**

**TUESDAY, June 27, 2023**

**6:30 P.M.**

**If you need any assistance due to a disability, please contact the Planning Department at least 48 hours in advance of the meeting at [planning@ypsitownship.org](mailto:planning@ypsitownship.org) or 734-544-4000 ext. 1.**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF THE JUNE 13, 2023, REGULAR MEETING MINUTES
4. APPROVAL OF AGENDA
5. NEW BUSINESS
  - A. **PRELIMINARY SITE PLAN – SKETCH PLAN – PASCHALL APARTMENTS – NEW APARTMENT OFFICE – 1155 E. FOREST AVENUE – PARCEL K-11-03-400-033 – TO CONSIDER THE PRELIMINARY SITE PLAN APPLICATION OF MR. LAMKIN TO PERMIT THE CONSTRUCTION OF AN APARTMENT OFFICE BUILDING FOR A 4.20 ACRE SITE ZONED RM-LD – MULTIPLE FAMILY (LOW DENSITY).**
  - B. **DRAFT YPSILANTI TOWNSHIP ZONING ORDINANCE AMENDMENTS – DRAFT ZONING ORDINANCE AMENDMENTS TO BE INTRODUCED TO THE PLANNING COMMISSION. NO PUBLIC HEARING IS SCHEDULED.**
6. OPEN DISCUSSION FOR ISSUES NOT ON THE AGENDA
  - A. CORRESPONDENCE RECEIVED
  - B. PLANNING COMMISSION MEMBERS
  - C. MEMBERS OF THE AUDIENCE
7. TOWNSHIP BOARD REPRESENTATIVE REPORT
8. ZONING BOARD OF APPEALS REPRESENTATIVE REPORT
9. TOWNSHIP ATTORNEY REPORT
10. PLANNING DEPARTMENT REPORT
11. OTHER BUSINESS
12. ADJOURNMENT

**Please Note: This meeting is being recorded.**

**CHARTER TOWNSHIP OF YPSILANTI  
PLANNING COMMISSION MEETING  
Tuesday, June 13, 2023  
6:30 pm**

**COMMISSIONERS PRESENT**

Bill Sinkule, Vice-Chair  
Elizabeth El-Assadi  
Gloria Peterson  
Larry Doe  
Muddasar Tawakkul

Caleb Copeland

Bianca Tyson

**STAFF AND CONSULTANTS**

Jason Iacoangeli, Planning Director

i. **CALL TO ORDER/ESTABLISH QUORUM**

**MOTION:** Mr. Sinkule called the meeting to order at 6:30 pm.

ii. **APPROVAL OF APRIL 25, 2023, REGULAR MEETING MINUTES**

**MOTION:** Ms. Peterson **MOVED** to approve the April 25, 2023, Meeting Minutes. The **MOTION** was **SECONDED** by Mr. Tawakkul and **PASSED** by unanimous consent.

iii. **APPROVAL OF AGENDA**

**MOTION:** Mr. Tawakkul **MOVED** to approve the proposed agenda. The **MOTION** was **SECONDED** by Mr. Doe and **PASSED** by unanimous consent.

iv. **PUBLIC HEARINGS**

- a. **Rezoning – 6016 Merritt Road – Parcel K-11-32-200-034** – to consider the rezoning application of Mr. Daniel Jurca to rezone the 10.010-acre parcel located at 6016 Merritt Road – Parcel K-11-32-200-034 from R1, one-family residential, to R-1, one-family residential with an agricultural overlay.

Mr. Iacoangeli addressed the Planning Commission and explained the request to rezone a 10-acre parcel from R-1, One-Family Residential to R-1, One-Family Residential with

an Agricultural Overlay, located at 6016 Merritt Road (K-11-32-200-034). There is currently a single-family home on the property with no agricultural activity.

All the surrounding parcels are zoned R1, and two parcels across the street on Merritt and Stoney Creek are vacant or used as an agricultural lot that is currently active. The parcel at 2840 is occasionally farmed and owned by the County Park System, and all the neighboring properties on Stoney Creek Road are zoned R1. This area of the township has been zoned for Agricultural Preservation. And the request is to permit the agricultural overlay district to include this parcel.

The applicant's request is to establish fruit trees, gardens, honeybees, and animals on the property. Mr. Iacoangeli informed the Commission that some of these pursuits are permitted under the current zoning, including keeping chickens and tilling a portion of the property for household consumption. Based on the current zoning standards, keeping outdoor animals would not be permitted on an R1 property. Properties located on the North and West of the property have overlay zoning and are part of the agricultural preservation area of the township. The category conserves agricultural lands for small, medium, and larger farms. The Agriculture Preservation area is intended to preserve agricultural lands and prime agricultural soils for farming, stabilize the farming economy, and promote economic development.

Mr. Iacoangeli shared with the Commission that it's clearly stated in the zoning ordinance that this overlay zoning district is intended only for existing farm operations. This overlay zoning district is intended only for existing farm operations when adopting this Zoning Ordinance or areas designated for farmland or open space preservation by the Master Plan.

These overlay zoning districts are meant to support existing farms and extend to them rights they don't otherwise have under the zoning ordinance to allow for uses that historically weren't allowed in the township zoning ordinance. Outdoor entertainment, commercial sales, wine-tasting rooms, and wedding barns are considered part of the outdoor or agricultural overlay district. Residents in the township can own chickens if they have an acre of land or more and are not located in a subdivision.

The agricultural overlay district is a toolbox extended to the existing farm operations providing them with opportunities that weren't otherwise afforded under the old ordinance (outdoor entertainment).

Mr. Iacoangeli expressed the planning department's hesitancy regarding the future intent of the farming operation on the property and keeping track of the progress over the years.

Mr. Iacoangeli stated Mr. Carlisle's points for the Planning Commission to consider:

- If the property is rezoned to the Agriculture Overlay, under the Right-to-Farm Act, the applicant would be permitted any farming use as permitted if the use meets the Generally Accepted Agricultural and Management Practices (GAAMPs). If rezoned to the agriculture overlay, the only way to limit the property's future use for farming and animal use is if the applicant were to voluntarily place conditions on the future use of the property.
- The size of the property, 10 acres, does not meet many GAAMP requirements for impactful uses, such as livestock farms.
- Mr. Carlisle has also provided the standards, impacts, and general safety requirements.

Mr. Iacoangeli stated that Merritt Road and Stoney Creek Road is an area with active agricultural pursuits, and changing the zoning wouldn't change that area's fabric too much. The recommendation from Mr. Carlisle is that if the Planning Commission finds that the potential farming and animal use on the property is limited and shall not negatively impact adjacent properties, they would recommend rezoning.

Mr. Tawakkul inquired if there is any agreement/contractual obligation to bind the homeowner; Mr. Iacoangeli stated that rezoning might have conditions, but it would be challenging to condition things with unforeseen nature.

Ms. El-Assadi clarified on the two acres for an orchard with a garden, honeybees, and chickens and the permit for farm animals; Mr. Iacoangeli stated that the issue is of extending a bunch of additional tools that come along with the agricultural overlay for a piece of property that is not active farm. The current permit allows chickens and tilling of the two acres. The garden is not permitted in the front yard (ordinance standards). The other obstacle is having farm animals.

Ms. Peterson inquired if the farm animals would be kept toward Rolling Hills, how many animals are intended, and how many acres that is used for the farming; Mr. Iacoangeli stated that it was up to the homeowner as to how many acres they would want, and the only limitation is with the garden. The township zoning ordinances state a garden cannot be in the front yard, but it is permitted in the rear yard.

The Planning Commission discussed this with Mr. Iacoangeli.

Mr. Jurca (Applicant: 6016 Merritt Road, Ypsilanti, MI 48197) shared with the Commission that he intends on having a couple of goats and chickens, fruit trees in the front, putting up some bees in the back yard, and a little garden on the other side of the house.

Ms. Peterson inquired about the number of goats/chickens and if they would be in a pen. Mr. Jurca stated two goats and about 20 to 30 chickens. The chickens would be kept within a fenced area with a chicken coop, and the goats would be restricted within a fenced area.

The Commission inquired if the produce was for home consumption; Mr. Jurca stated that the plan was also to sell eggs and milk. There is no plan for outer buildings except for the chicken coop and a shelter for the goats. The current plan is not to have a barn.

Ms. Peterson inquired if the number of animals would make a difference in the approval; Mr. Iacoangeli's recommendation is to permit the applicant to start his pursuits, and once the farm is established, the applicant can come back for the protection of the overlay district.

Ms. El-Assadi shared her view that there was nothing for the Commission to vote on since no farm had been established; Mr. Jurca stated that he wanted to keep all paperwork legal for him to have goats/chickens on the property.

Mr. Tawakkul informed Mr. Jurca (applicant) that about 90% of the plans he wanted could be executed except for the goats. Mr. Tawakkul's recommendation to the applicant is to establish the orchards and the chickens, and once it is established, the applicant can return to get the rezoning designation.

Mr. Jurca inquired if he intends to have other farm animals and giving him a permit right away would allow him to; Mr. Iacoangeli stated that it is too early for the Planning Commission to designate a farm operation when there isn't one yet. Ms. El-Assadi stated that according to the zoning, something must be established before granting any additional permit.

#### **PUBLIC HEARING OPENED AT 6:59 PM**

Gabe Stephen (6072 Merritt Road) stated that he has been a resident for 23 years, and based on what was stated earlier, the current purpose for the adjacent farmland that is off the applicant's property is there is no faction put into place to see this through without infringing on the adjacent farmland that was purposed for farmland. Mr. Sinkule stated it would be addressed later since it was a public comment session.

Mr. Stephen shared with the Commission that the applicant's semi-trucks on the property create a lot of noise when down the street. The other concern is that the area is not used for a truck stop since it is a residential area.

## **PUBLIC HEARING CLOSED AT 7:02 PM**

Commission inquired if this was permitted, currently or in the future, to become an agriculture overlay, and how it would impact the adjacent properties; Mr. Iacoangeli stated that any farm that existed under the overlay district predominantly would not impact disruption to the neighbors. Merritt Road and Stoney Creek residents are aware of the seasonal need to put up with additional traffic and people in their neighborhood. The agricultural overlay district is meant to protect existing farms. For someone who has a long-standing history of raising farm animals, and when someone builds a subdivision next to it and then two years later, the people who move in there start complaining because it smells like manure, the overlay district, and the Right to Farm Act protect the farmer from nuisance lawsuits because they were there first. The state extends its rights based on that.

Mr. Iacoangeli's recommendation is for Mr. Jurca to come back in the future, once he is established, and to present a case again to extend the protections of the agricultural overlay district.

The Commission inquired about Mr. Jurca's semi-truck; Mr. Jurca stated that he is self-employed and uses his truck for transporting things for establishing the garden, and the area is not used as a truck stop.

The Commission and Mr. Iacoangeli discussed a motion of denial vs. no action. Mr. Iacoangeli stated that the applicant usually takes more than a year to establish the farm.

**MOTION:** Mr. Tawakkul **MOVED** to deny the rezoning request of a 10-acre parcel from R-1, One-Family Residential, to R-1, One-Family Residential with an Agricultural Overlay, located at 6016 Merritt Road (K-11-32-200-034) for the following reasons:

- Currently, there is no farming operation at this location.
- The applicant can apply after one year unless conditions have changed, or new information is provided to the Planning Department.

The **MOTION** was **SECONDED** by Mr. Doe.

**Roll Call Vote:** Mr. Tawakkul (Yes), Ms. El-Assadi (Yes), Mr. Doe (Yes), Mr. Sinkule (Yes), Ms. Peterson (Yes), Ms. Tyson (Yes), Mr. Copeland (Yes).

**MOTION PASSED.**

### **b. Special land use – Choice Hotels – Comfort Inn & Suites – 800 S. Hewitt**

**Road – Parcel K-11-18-100-022** – to consider the special land use permit application to permit the construction of a 78-room, 4-story hotel for a 2.7-acre site zoned RC – Regional Corridor with a site type C designation.

Mr. Iacoangeli addressed the Planning Commission and explained the request for a special conditional use application for a new Comfort Inn and Suites located at 800 South Hewitt Avenue. The applicant has a 2.7-acre parcel that is currently vacant. The petition to the Planning Commission is for a special conditional use and site plan approval for a new 78-room, four-story Comfort Inn, and Suites Hotel. The site is currently zoned Regional Corridor with a site type C designation. This site type allows for mixed-use and the use of the property as a hotel.

The Township Engineers and Consultants reviewed the plans with the following reports:

- OHM recommendation approval for this stage of the process.
- YCUA has recommended preliminary site plan approval.
- Ypsilanti Township Fire Department letter dated May 8, 2023, recommends preliminary site plan approval.
- Washtenaw County Road Commission has made no comments since they don't take issue with this project because it has access off a signalized intersection at the corner of Hewitt and US12.

Mr. Iacoangeli shared with the Commission on the special land use:

- The surrounding properties are all zoned RC regional corridor, and it's mixed in with the office and light industrial commercial uses.
- To the east, there is a medical office building.
- To the west, the master plan designation for this area is also a regional corridor, which permits uses such as a Comfort Inn and Suites since it's immediately adjacent to I94.

**Site Plan Issues:**

- Based on the woodland's summary, there were 54 trees surveyed, and 51 trees will be removed. The total replacement of trees required would be 51.
- No wetlands on the site.
- The building height in stories and feet did not comply with the current setbacks or ordinance requirements. This project requires a variance from the Zoning Board of Appeals for a four-story building that's 46.4 feet tall, above the 38 feet minimum requirement for this zoning district.
- The site is accessed via a shared private drive off S. Hewitt Road. The private drive is shared with the former Ford UAW building (Currently a medical office and Wendy's/ Tim Hortons)

- The applicant would install a pathway for the sidewalk along Michigan Avenue, which the ordinance requires.
- Parking and loading are 86 spaces; the requirement is 85 spaces. The applicant does not provide a loading space on site. The Planning Commission may waive the loading space requirement. A requirement for a hotel, the front vestibule area typically serves as a loading and unloading zone. The loading and zone requirements are for commercial properties like retail or restaurant-type businesses where periodically, a larger truck will make deliveries, and there needs to be an area for that. These types of hotels don't have periodic or daily or weekly large truck deliveries. The requirement for a loading and unloading zone for a hotel is minimal.
- The applicant has addressed the required lighting for the site. They indicate ten proposed parking lot lights on 25-foot poles. The fixed light fixtures will be underneath the canopy, and the photometrics meet all the ordinance requirements.
- All exterior lighting fixtures in non-residential districts shall be turned off between 11:00 p.m. and sunrise, except where used for security purposes or where the use of the property continues after 11:00 p.m. The applicant has added a note to the plans that indicate lights will be turned off after hours or can be dimmed.
- The landscaping requirements have all been met except for the tree mitigation based on the woodlands survey.
- Along the western elevation, 30% transparency is required, and the applicant only provides 11%. The applicant shall either increase transparency or seek a variance from the Zoning Board of Appeals.
- The trash enclosure is screened with a masonry wall.
- Hotel use requires a Special Use Standards for Special Use review as set forth in Section 1003:
  1. Will be harmonious and in accordance with the objectives, intent, and purpose of this ordinance.
  2. Will be compatible with the natural environment and existing and future land uses in the vicinity.
  3. Will be compatible with the Township master plans.
  4. Will be served adequately by essential public facilities and services.
  5. Will not be detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property, or the public welfare.
  6. Will not create additional requirements at public costs.

Mr. Iacoangeli informed the Commission that Carlisle Wortman had reviewed the items and stated that West Michigan Avenue includes a mix of uses, including commercial and office and institutional uses. This use would be complementary to the surrounding uses, including the budding Wendy's location that is off I94, and is appropriate for this type of use.

Regional mixed-use corridor areas are located along the busiest corridors, supporting a high volume of local and regional traffic. This area may include large national chains, regional retailers, and auto-oriented users that draw customers regionally and locally. Compared to neighborhood mixed-use corridor areas, they are high-intensity and feature the largest scale of commercial development. Provided the site plan issues are addressed, we find that the use complies with the Master Plan. Public utilities, highways, streets, police fire protection, and drainage adequately serve the use. The use is not detrimental or hazardous to the neighbors. And the use will not create additional requirements of the public cost.

Carlisle Wortman's recommendation to the Planning Commission for the approval of the preliminary site plan with the following report:

- Planning Commission to consider loading space waiver.
- Applicants request to pay into the tree fund.

Planning Commission approves the special conditional land use and preliminary site plan with the following conditions:

- Obtain necessary variances from the Zoning Board of Appeals.
- Any additional conditions as discussed by the planning commission, especially the tree replacement.
- The township has a policy now codified for the requirement for cameras and a license reader as part of the special conditional use.

Ms. El-Assadi inquired about the elevation requirements; Mr. Iacoangeli stated that 30% transparency is required along the western elevation, and the applicant only provides 11%. Based on the nature of a hotel, you cannot make all of it glass. There must be a window for each room.

#### **PUBLIC HEARING OPENED AT 7:26 PM**

Louis Fries said he supported the project because it would improve the northwest area and bring jobs around the Ypsilanti Township.

Mr. Fries was concerned with his property; Mr. Sinkule stated that it would be addressed separately by the Planning Department.

Tina Steven shared her concern about the road condition. Michigan Avenue is under construction from I94, and with the additional traffic already in the area with an added four-story building with a parking area, the main concern is the traffic that can develop. Mr. Iacoangeli stated that the County Road Commission had reviewed the anticipated traffic pattern for the hotel. The travelers would come off at I94 and use the interchange at US12, and they don't anticipate any traffic.

#### **PUBLIC HEARING CLOSED AT 7:30 PM**

Ms. Peterson inquired about the commencement of the project. Mr. Iacoangeli stated that the project had started before COVID. When COVID happened, many of the hotel projects went away. The applicants are the first ones to come back to pursue the project.

Mr. Patel (applicant) shared with the Commission that they plan to have seven to ten employees. Depending on the approval process and the construction documents, the plan is to have the breaking ground by the end of 2023. It would typically take 12 to 18 months to complete depending on any unforeseen circumstances that may happen. If the project starts in October 2023, the plan is to complete it in April 2025.

Mr. Tawakkul inquired about how many hotels are being managed; Mr. Patel said this would be their third hotel. The existing ones are in Hillsdale and Jackson.

The Commission extended its appreciation on behalf of the township for the job opportunities the hotel would bring.

Mr. Patel shared his concern on the transparency variance since the west side is the back house facilities (laundry), and from a practical standpoint, it would be hard to put windows for the laundry rooms.

**MOTION:** Mr. Tawakkul **MOVED** to approve the special land use permit approval for construction of a 78-room, four-story Comfort Inn and Suites for a site zoned RC – Regional Corridor with a Site Type C Designation, located at 800 S. Hewitt Road, Parcel K-11-18-100-022, with the following conditions:

- 1) The applicant shall obtain required variances from Zoning Board of Appeals.
- 2) Applicant shall address all outstanding comments from reviewing agencies prior to Final Site Plan approval.
- 3) Applicant shall obtain all applicable internal and outside agency permits prior to construction and any other condition based upon Planning Commission discussions.

The **MOTION** was **SECONDED** by Mr. Doe.

**Roll Call Vote:** Mr. Tawakkul (Yes), Ms. El-Assadi (Yes), Mr. Doe (Yes), Mr. Sinkule (Yes), Ms. Peterson (Yes), Ms. Tyson (Yes), Mr. Copeland (Yes).

**MOTION PASSED.**

v. **OLD BUSINESS**

None to report.

vi. **NEW BUSINESS**

- a. **Preliminary site plan – Choice Hotels – Comfort Inn & Suites – 800 S. Hewitt Road – Parcel K-11-18-100-022** – to consider the preliminary site plan application to permit the

construction of a 78-room, four-story hotel for a 2.7-acre site zoned RC – Regional Corridor with a site type C designation.

**MOTION:** Mr. Tawakkul **MOVED** to approve the preliminary site plan approval for construction of a 78-room, four-story Comfort Inn and Suites for a site zoned RC – Regional Corridor with a Site Type C Designation, located at 800 S. Hewitt Road, Parcel K-11-18-100-022, with the following conditions:

- 1) The applicant shall obtain required variances from Zoning Board of Appeals.
- 2) Applicant shall address all outstanding comments from reviewing agencies prior to Final Site Plan approval.
- 3) Applicant shall obtain all applicable internal and outside agency permits prior to construction and any other condition based upon Planning Commission discussions.

The **MOTION** was **SECONDED** by Mr. Doe.

**Roll Call Vote:** Mr. Tawakkul (Yes), Ms. El-Assadi (Yes), Mr. Doe (Yes), Mr. Sinkule (Yes), Ms. Peterson (Yes), Ms. Tyson (Yes), Mr. Copeland (Yes).

**MOTION PASSED.**

vii. **OPEN DISCUSSIONS FOR ISSUES NOT ON AGENDA**

A. **Correspondence received.**

None to Report.

B. **Planning Commission members**

None to Report.

C. **Members of the audience**

None to Report.

viii. **TOWNSHIP BOARD REPRESENTATIVE REPORT**

None to Report

ix. **ZONING BOARD OF APPEALS REPRESENTATIVE REPORT**

None to Report

x. **TOWNSHIP ATTORNEY REPORT**

None to Report

**xi. PLANNING DEPARTMENT REPORT**

Mr. Iacoangeli informed the Planning Commission about the office addition to an apartment complex located on Forest Avenue, which would be presented at the next meeting. The existing home would be torn down and replaced with an office for the apartment complex. Mr. Iacoangeli stated that the ordinance amendments would be back. The plan is to request the Planning Commission to set a public hearing for the second meeting in July.

**xii. OTHER BUSINESS**

None to Report.

**xiii. ADJOURNMENT**

**MOTION:** Ms. El-Assadi **MOVED** to adjourn at 7:41 pm. The **MOTION** was **SECONDED** by Mr. Doe and **PASSED** by unanimous consent.

Respectfully Submitted by: Minutes Services



**Staff Report**  
**Paschall Apartments: New Office Building**  
**1155 E. Forest Avenue, Ypsilanti, MI 48197**  
**Sketch Plan Review**

**June 27, 2023**

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**Applicant:** Race Lamkin

**Project Name:** New Apartment Office

**Plan Date:** 05-24-2023

**Location:** 1155 E. Forest Avenue - Parcel #K-11-03-400-033 – +/- 4.20 Acres

**Zoning:** RM – LD Multiple Family (Low Density)

**Action Requested:** Sketch Site Plan Consideration

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**Case Location and Summary**

The Office of Community Standards is in receipt of a Sketch Site Plan Application from Mr. Lamkin representing Paschall East Apartments requesting authorization for the demolition of an existing single-family home on the property and the construction of a new 4,040 sq. ft. office building and 9 parking spaces, one of which is an ADA space.

**Cross References**

- Article 4, District Regulations
- Article 9, Site Plan Review
- Article 12, Access, Parking, Loading
- Article 13, Site Design Standards

**Subject Site Use, Zoning and Comprehensive Plan**

The Charter Township of Ypsilanti 2040 Master Plan designates this site for Neighborhood Preservation, a designation for established residential neighborhoods primarily north of Ford Lake and I-94. The intent is to preserve and strengthen neighborhoods through investment, rehabilitation, and infill.

Township Supervisor  
Brenda L. Stumbo  
Township Clerk  
Heather Jarrell Roe  
Township Treasurer  
Stan Eldridge



# YPSILANTI TOWNSHIP

— PLANNING & ZONING DEPARTMENT —

Trustees  
John Newman II  
Gloria Peterson  
Debbie Swanson  
Ryan Hunter

## Aerial Photograph – 2020



Township Supervisor  
 Brenda L. Stumbo  
 Township Clerk  
 Heather Jarrell Roe  
 Township Treasurer  
 Stan Eldridge



**YPSILANTI  
 TOWNSHIP**  
 — PLANNING & ZONING DEPARTMENT —

Trustees  
 John Newman II  
 Gloria Peterson  
 Debbie Swanson  
 Ryan Hunter

**Street View Photograph – August 2022**



**Adjacent Uses, Zoning and Comprehensive Plan**

<i>Direction</i>	<i>Use</i>	<i>Zoning</i>	<i>Master Plan</i>
North	Residential	R-4 – One-Family Residential	Neighborhood Preservation
South	Residential	R-5 – One-Family Residential	Neighborhood Preservation
East	Residential	RM-LD – Multiple Family (Low Density)	Neighborhood Preservation
West	Residential	RM-LD – Multiple Family (Low Density)	Neighborhood Preservation



## Natural Features

**Topography:** The subject parcel is relatively flat.

**Woodlands:** The site does not have woodlands present. The applicant is willing to keep as many existing mature trees as possible for a landscape buffer.

**Wetlands:** There are no wetlands on the subject property. According to FEMA MAP 26161C0430E, Dated April 3, 2012, the site is in an area of minimal flood hazard.

## Analysis:

### Sec. 407 – Residential Multiple-Family Low Density:

	Required / Allowed	Provided	Complies with Sec. 407– Residential Multiple Family (Low Density)
Lot Area	1-3 Acres	+/- 4.20 Acres	Complies
Lot Width	80'	96.36'	Complies
Front Yard Setback (Forest Avenue)	30'	+/- 73.2'	Complies
Side Yard Setback (Western Lot Line)	30' Minimum	+/- 38.2'	Complies
Side Yard Setback (Eastern Lot Line)	30' Minimum	10'	Requires Variance
Rear Yard Setback (Northern Lot Line)	30' Minimum	+/- 77.3'	Complies
Building Height for New Building (Feet)	3 Story / 35' Maximum	15'	Complies
Maximum Lot Coverage (All Buildings)	25% or 45,738 sq. ft. Lot Coverage Maximum	44,876 sq. ft. of lot coverage.	Complies

### Sec. 420 – Residential Use Table



Proposed Use	Complies with Sec. 420 Residential Use Table
Apartment Office Building / Maintenance Building	Complies

**Article 12, Access, Parking, Loading**

**Business offices or professional offices:**

One (1) space per three hundred (300) square feet gross floor area (Max. one (1) per one hundred-fifty (150) sq. ft.).

Office Building = 4,040 sq. ft. – 4,040/300 = 13 Parking Spaces.

Mr. Lamkin is proposing nine (9) parking spaces which is below the minimum requirement of thirteen (13) parking spaces. The Planning Department is confident that the number of spaces provided is sufficient for both residents of the apartment complex and workers who will use the office space daily.

Per Sec. 1205 of the Township Zoning Ordinance, 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 reasons:

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 to incorporate transit stops, pedestrian connections to nearby transit stops or bicycle parking facilities.



## Article 13, Site Design Standards

### Sec. 1301 – 3.C. – Street Yard Landscaping

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
  - a. There is 96.36 ft. of frontage.  $96.36 / 40 = 2.4 = 2$  trees.
2. A minimum of one (1) ornamental tree shall be planted for each one hundred (100) lineal feet of frontage or portion thereof, plus
  - a. There is 96.36 ft. of frontage.  $96.36 / 100 = 0.9636 =$  one (1) tree.
3. A minimum of one (1) shrub shall be planted for each ten (10) lineal feet of frontage, or portion thereof.
  - a. There is 96.36 ft. of frontage.  $96.36 / 10 = 9.636 = 10$  shrubs.
4. Creative placement of the trees, such as staggering, clustering, and/or other methods, is encouraged to eventually achieve a canopy.

**Suggested motions:** *The following suggested motions and conditions are provided to assist the Planning Commission in making the most appropriate motion for this application. The Commission may utilize, add, or reject any conditions suggested herein, as they deem appropriate.*

#### **Motion to Table:**

*“I move to table the Preliminary Site Plan of Mr. Lamkin representing Paschall East Apartments to permit the construction of a 4,040 sq. ft. office building and referenced site improvements located at 1155 E. Forest Avenue, Ypsilanti, MI 48198 Parcel #K-11-03-400-033 in order to further consider the comments made during this meeting.”*

#### **Motion to Approve:**

*“I move to approve the Preliminary Site Plan of Mr. Lamkin representing Paschall East Apartments to permit the construction of a 4,040 sq. ft. office building and referenced site improvements located at 1155 E. Forest Avenue, Ypsilanti, MI 48198 Parcel #K-11-03-400-033. This motion is further made with the following conditions:*

1. *The applicant shall address all outstanding comments from reviewing agencies prior to Final Site Plan approval.*
2. *The applicant shall obtain all applicable internal and outside agency permits prior to construction.*
3. *The applicant shall include a landscaping plan detailing plantings as required by Sec. 1301 – 3.C. – Street Yard Landscaping of the Township Zoning Ordinance.*

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**Township Supervisor**  
Brenda L. Stumbo  
**Township Clerk**  
Heather Jarrell Roe  
**Township Treasurer**  
Stan Eldridge



**YPSILANTI  
TOWNSHIP**  
— PLANNING & ZONING DEPARTMENT —

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**Trustees**  
John Newman II  
Gloria Peterson  
Debbie Swanson  
Ryan Hunter

4. *The applicant shall obtain required setback variances from the Zoning Board of Appeals prior to Final Site Plan approval.*
5. *The applicant shall provide a sidewalk connection from the proposed office building to the existing sidewalk along Forest Avenue.*

**Motion to Deny:**

*“I move to deny the Preliminary Site Plan of Mr. Lamkin representing Paschall East Apartments to permit the construction of a 4,040 sq. ft. office building and referenced site improvements located at 1155 E. Forest Avenue, Ypsilanti, MI 48198 Parcel #K-11-03-400-033 due to the following reasons:”*

---

Respectfully submitted,

Fletcher Reyher, Planning & Development Coordinator  
Charter Township of Ypsilanti Planning Department

## *Planning Director's Report*

Project Name: Paschall East Apartments Office

Location: 1155 E. Forest Avenue, Ypsilanti, MI 48198

Date: 06-21-2023

- |   |   |
|---|---|
| <input type="checkbox"/> Full Preliminary Site Plan Review #<br><input checked="" type="checkbox"/> Sketch Preliminary Site Plan Review # 1<br><input type="checkbox"/> Administrative Preliminary Site Plan Review #<br><input type="checkbox"/> Detailed Engineering/Final Site Plan Review #<br><input type="checkbox"/> Special Use Permit<br><input type="checkbox"/> Public Hearing | <input type="checkbox"/> Rezoning<br><input type="checkbox"/> Tentative Preliminary Plat<br><input type="checkbox"/> Final Preliminary Plat<br><input type="checkbox"/> Final Plat Process<br><input type="checkbox"/> Planned Development Stage I<br><input type="checkbox"/> Planned Development Stage II |
|---|---|

Contact / Reviewer	Consultants, Departments, & Agencies	Approved	Approved with Conditions	Denied	N/A	See email/letter attached or comments below
Jason Iacoangeli, Planning Director	Township Planning Department	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	See comments below
Carlisle/Wortman Associates	Planning Consultant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
OHM / Stantec	Engineering Consultant	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	See letter dated 06-20-2023
Steven Wallgren, Fire Marshal	Township Fire Department	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	See letter dated 06-22-2023
Dave Bellers, Building Official	Township Building Department	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Brian McCleery, Deputy Assessor	Township Assessing Department	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Scott Westover, Engineering Manager	Ypsilanti Community Utilities Authority	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	See email dated 06-09-2023
Gary Streight, Project Manager	Washtenaw County Road Commission	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Theresa Marsik, Stormwater Engineer	Washtenaw County Water Resources Commission	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
James Drury, Permit Agent	Michigan Department of Transportation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

### Planning Director's Recommended Action:

At this time, Paschall East Apartments is eligible for consideration for Preliminary Site Plan approval by the Planning Commission. This project is being placed on the Planning Commission agenda for Tuesday, June 27, 2023 at the regularly scheduled meeting. It would be the Planning Department's recommendation that the Planning Commission grant Preliminary Site Plan approval as this project meets the conditions of the Township Zoning Ordinance for a development of this type. The approval should be contingent on the applicant addressing the remaining engineering and Planning Department comments. In addition, the applicant must seek approval from all required outside agencies as is required as part of the final site plan / detailed engineering review. Lastly, the approval should be contingent on the applicant addressing the conditions of approval presented in the Planning Department's Staff Report / Planning Commission Meeting.

June 15, 2023

**Revised: June 20, 2023**

Mr. Jason Iacoangeli  
Township Planning Director  
Charter Township of Ypsilanti  
7200 S. Huron River Drive  
Ypsilanti, MI 48197

RE: Paschall East Apartments  
Preliminary Site Plan Review #1

Dear Mr. Iacoangeli:

We have completed the first preliminary site plan review of the plans dated May 1, 2023, with a latest revision date of May 24, 2023, and stamped received by OHM Advisors on June 5, 2023.

At this time, the plans are recommended for approval for the Planning Commission's consideration, contingent on the following comments being addressed. It should be noted that the site plan comments, which are primarily focused on missing information, could affect site layout. Existing utility information and other details that are required during the site plan review have not been provided and potential conflicts could result in a site plan amendment. It is recommended that a meeting is held to discuss the site plan comments and requirements for detailed engineering to avoid multiple future submittals. This meeting can be coordinated through the Township or this office. Preliminary detailed engineering comments have also been provided to the applicant as a courtesy and shall be addressed prior to submitting detailed engineering plans for review.

A brief description of the project has been provided below (Section A), followed by our comments (Section B and C) and a list of anticipated required permits and approvals (Section D). Comments in Section C are detailed in nature, do not influence the overall site layout, and can be addressed during the detailed engineering drawing submittal.

**A. PROJECT AND SITE DESCRIPTION**

The applicant is proposing to demolish the existing 2-story house and garage located at 1155 E Forest Ave on the south side of the property and construct a new office building in its place to accommodate the existing apartments on-site. Existing utility and stormwater management has not been provided on the submitted site plan at this time.

**B. SITE PLAN COMMENTS**

**Site Utilities**

1. The applicant shall show all existing and proposed utilities (water, sanitary, storm), including size and material, on the plans.

**Stormwater Management**

2. The applicant shall provide a stormwater narrative on the plans clarifying how the existing stormwater runoff is managed, as well as if any storm water management systems are being proposed.



### **Paving/Grading/Site Layout**

3. The applicant shall provide a sidewalk connection from the proposed office building to the existing sidewalk along Forest Ave.
4. The applicant shall provide a fire truck turning template to ensure sufficient accessibility is provided. This office defers to the Ypsilanti Township Fire Department on the review and approval of site accessibility and hydrant layout.
5. The applicant shall provide the location of the barrier-free parking space(s) and access aisle(s) near the proposed office building. The applicant shall also note that an accessible route shall be provided.
6. The applicant shall delineate the proposed pavement removal limits on the plans. It is recommended the applicant provide curb and gutter along the proposed driveway and parking lot improvements.

### **C. PRELIMINARY DETAILED ENGINEERING PLAN COMMENTS**

The following comments shall be addressed by the applicant during the detailed engineering drawing submittal, and do not affect the recommendation for approval to the Township of Ypsilanti Planning Commission. It should be noted that this is not an all-inclusive list and additional comments may be generated as new information is presented.

1. The applicant shall provide spot elevations at all four (4) corners of all barrier-free parking spaces and access aisles, as well as along both sides of all proposed sidewalk at 50-foot intervals. The applicant shall note that the cross-slope shall not exceed 2%, per ADA Standards.
2. The applicant shall provide a drainage area map that provides drainage areas corresponding to each existing catch basin, including their acreages, C-factors, and C-factor calculations.
3. The applicant shall provide a soil erosion and sedimentation control (SESC) sheet within the plan set. All applicable standard details shall also be provided.
4. The applicant shall provide a maintenance schedule for all proposed permanent soil erosion and stormwater management activities both during and after construction. The schedule shall include the frequency of activities as well as the party responsible.
5. The applicant shall provide a Certificate of Outlet, signed and sealed by a registered engineer in the State of Michigan, on the plans.
6. The applicant shall note that the plans, including digital sets, shall be signed and sealed by a registered engineer in the State of Michigan.

### **D. REQUIRED PERMITS & APPROVALS**

The following outside agency reviews and permits will be required for the project. Copies of any correspondence between the applicant and the review agencies, as well as the permit or waiver, shall be sent to both the Township and OHM Advisors (email: [stacie.monte@ohm-advisors.com](mailto:stacie.monte@ohm-advisors.com)).

- **Ypsilanti Community Utilities Authority (YCUA):** Review and approval of all water main and sanitary sewer improvements will be required.
- **Ypsilanti Township Fire Department:** Review and approval is required.
- **Washtenaw County Water Resources Commissioner's Office (WCWRC):** Review and approval may be required.
- **Washtenaw County Road Commission (WCRC):** Review and approval may be required.



- ▼ **Michigan Department of Environment, Great Lakes & Energy (EGLE):** An EGLE Act 399 and Part 41 permit will be required for construction of all public water main and sanitary sewer systems improvements.
- ▼ **Ypsilanti Township Office of Community Standards:** A Soil Erosion and Sedimentation Control permit shall be secured from the Ypsilanti Township Office of Community Standards.
- ▼ The Township's Planner will inspect the landscaping for this site.
- ▼ If dewatering should be needed, the contractor/applicant shall be responsible for obtaining necessary approvals from the Township and the Township Engineer, permission from all impacted adjacent properties and/or permits from MDOT, WCWRC's Office, or the WCRC.
- ▼ Record plans shall be provided to the Township Engineer following the completion of construction.

Should you have any questions regarding this matter, please contact this office at (734) 466-4580.

Sincerely,  
OHM Advisors

Matthew D. Parks, P.E.

Stacie L. Monte

MDP/SLM

cc: Fletcher Reyher, Township Staff Planner  
Doug Winters, Township Attorney  
Steven Wallgren, Township Fire Marshall  
File

P:\0000\_0100\SITE\_YpsilantiTwp\2023\0098231040\_1155 E Forest Ave\_Paschall East Apartments\MUNI\01\_SITE\PSP#1\Paschall East Apartments\_PSP#1\_2023-06-20\_Revised.docx

# CHARTER TOWNSHIP OF YPSILANTI FIRE DEPARTMENT

## BUREAU OF FIRE PREVENTION

222 South Ford Boulevard, Ypsilanti, MI 48198



June 22, 2023

Jason Iacoangeli, Planning Director  
Charter Township of Ypsilanti  
7200 S. Huron River Drive  
Ypsilanti, MI 48197

RE: Preliminary (non-residential) Site Plan Review #1

Project Name:	Accessory Building
Project Location:	1155 E Forest St. Ypsilanti, MI 48198
Plan Date:	5/24/2023
Job Number:	23-D-5232
Applicable Codes:	IFC 2018
Project consultant:	David Arthur Consultants, Inc.
Engineer Address:	110 Main St. Dundee, MI 48131

### Status of Review

**Status of review:** Approved as Submitted  
Sheets C1 and A.1 were reviewed.

### Site Coverage - Access

**Comments:** Complies with IFC 2018

Sincerely,

A handwritten signature in cursive script that reads "Steve Wallgren".

Steve Wallgren, Fire Marshal  
Charter Township of Ypsilanti Fire Department  
CFPS, CFI I

1155 E. Forest Avenue - Preliminary Site Plan #1 - Sketch Plan

2 messages



From: "Scott Westover" <SWestover@ycua.org>

June 9, 2023 9:23 AM

To: "Fletcher Reyher" <freyher@ypsitownship.org>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I had a telephone conversation with a contractor (I think) about this project a few weeks ago and it is my understanding that they will reuse both the existing water service and sanitary lateral that are currently connected to the house. YCUA has no objections or comments regarding this project.

**SCOTT WESTOVER** | Director of Engineering  
Telephone: (734) 484-4600 ext. 220  
[swestover@ycua.org](mailto:swestover@ycua.org)

**Ypsilanti Community Utilities Authority**  
2777 State Road | Ypsilanti, Michigan USA 48198-9112  
[www.ycua.org](http://www.ycua.org)

This Internet message and any attachments may contain information that is confidential and/or legally privileged. It is intended for use only by the named recipients. If you are not a named recipient, please notify me immediately, and do not use this message or any attachments for any purpose, or distribute or otherwise disclose its contents to any person, or copy or store it in any medium. Neither this information block, the typed name of the sender or anything else in this message is intended to constitute an electronic signature for purposes of the Uniform Electronic Transactions Act or the Electronic Signatures in Global and National Commerce Act ("E-Sign"). The recipient should check this email and any attachments for the presence of viruses. YCUA accepts no liability for any damage caused by any virus transmitted by this email. Thank you.

Charter Township of Ypsilanti  
Office of Community Standards  
7200 S. Huron Drive, Ypsilanti, MI 48197  
Phone: (734) 485-3943  
Website: <https://ytown.org>

RECEIVED  
BY ARI  
MAY 24 2023  
YPSILANTI TOWNSHIP  
OCS

# SITE PLAN REVIEW APPLICATION

## I. APPLICATION/DEVELOPMENT TYPE

### Development:

- Subdivision
- Multi-family/Condominium
- Site Condominium
- Planned Development
- Non-residential

### Application:

- Administrative Site Plan Review
- Sketch Site Plan Review
- Full Site Plan Review
- Revisions to approved plan
- Tentative Preliminary Plat
- Final Preliminary Plat
- Final Plat Process
- Stage I (for Planned Development)
- Stage II (for Planned Development)

## II. PROJECT LOCATION

Address: 1155 E Forest City: Ypsilanti State: MI Zip: 48197  
Parcel ID #: K-11-03-460-033 Zoning: \_\_\_\_\_  
Lot Number: \_\_\_\_\_ Subdivision: \_\_\_\_\_  
Property dimensions: 914' x 246' Acreage: 4.2  
Name of project/Proposed development: New Apartment Office  
Legal description of Property:

# See site plan

Describe Proposed Project (including buildings/ structures/ # units):  
Removal of existing structure, construct new office to accompany  
apartments.

## III. APPLICANT INFORMATION

Applicant: Race Lamkin Phone: [REDACTED]  
Address: [REDACTED]  
Fax: \_\_\_\_\_ Email: [REDACTED]  
Property owner (if different than applicant): Jo Mat Realty Phone: 734 483 1136  
Address: 813 E Michigan Ave City: Ypsilanti State: MI Zip: 48197  
Fax: \_\_\_\_\_ Email: pschall/brosconstruction@gmail.com  
Engineer: Daniel Arthur Consultants Phone: 734 923-5080  
Address: 110 Main St City: Pondicherry State: MI Zip: 48131  
Fax: \_\_\_\_\_ Email: \_\_\_\_\_

# SITE PLAN REVIEW APPLICATION

## VI. SCHEDULE OF FEES

Preliminary Site Plan Review		
	Non-refundable fee	Refundable deposit
Full	\$500	Less than one (1) acre: \$2,000 One (1) acre to five acres: \$4,000 Over five (5) acres to ten (10) acres: \$5,500 Greater than ten (10) acres: \$5,500 + \$50 per acre over ten (10) acres
Sketch	\$500	Less than one (1) acre: \$1,500 One (1) acre to five acres: \$2,000 Over five (5) acres to ten (10) acres: \$2,500 Greater than ten (10) acres: 25,500 + \$50 per acre over ten (10) acres
Administrative	\$100	Less than one (1) acre: \$1,000 One (1) acre to five acres: \$1,200 Over five (5) acres to ten (10) acres: \$1,500 Greater than ten (10) acres: \$1,500 + \$50 per acre over ten (10) acres
Planned Development Stage I and Rezoning	\$1,500 + \$20 per acre	Less than one (1) acre: \$3,000 One (1) acre to five acres: \$4,000 Over five (5) acres to ten (10) acres: \$5,500 Greater than ten (10) acres: \$5,500 + \$50 per acre over ten (10) acres
Final Site Plan Review		
	Non-refundable fee	Refundable deposit
Full	\$500	Less than one (1) acre: \$3,000 One (1) acre to five acres: \$4,000 Over five (5) acres to ten (10) acres: \$5,500 Greater than ten (10) acres: \$5,500 + \$50 per acre over ten (10) acres
Sketch	\$500	Less than one (1) acre: \$1,500 One (1) acre to five acres: \$2,000 Over five (5) acres to ten (10) acres: \$2,500 Greater than ten (10) acres: \$2,500 + \$50 per acre over ten (10) acres
Administrative	\$100	Less than one (1) acre: \$1,000 One (1) acre to five acres: \$1,200 Over five (5) acres to ten (10) acres: \$1,500 Greater than ten (10) acres: \$1,500 + \$50 per acre over ten (10) acres
Planned Development Stage I and Rezoning	\$1,500 + \$20 per acre	Less than one (1) acre: \$3,000 One (1) acre to five acres: \$4,000 Over five (5) acres to ten (10) acres: \$5,500 Greater than ten (10) acres: \$5,500 + \$50 per acre over ten (10) acres

\$ 2,000 FEE TOTAL

## V. APPLICANT SIGNATURE

  
 \_\_\_\_\_  
 Applicant Signature

Race Lamkin  
 \_\_\_\_\_  
 Print Name

5/24/23  
 \_\_\_\_\_  
 Date

# SITE PLAN REVIEW APPLICATION

Site Plan Review applications	
<input checked="" type="checkbox"/> The application is filled out in its entirety and includes the signature of the applicant and, if different than the applicant, the property owner.	<input checked="" type="checkbox"/> Proposed Plans
<input checked="" type="checkbox"/> Fees	<input checked="" type="checkbox"/> One (1) signed and sealed copies (24"x36") of the proposed plan
<input checked="" type="checkbox"/> Check made out to Ypsilanti Township with appropriate fees. <i>Please note: The same preliminary site plan review fee will be charged for each subsequent submittal</i>	<input checked="" type="checkbox"/> One (1) copy (11"x17") of the proposed plan
<input type="checkbox"/> Fees paid separately to Ypsilanti Community Utilities Authority	<input checked="" type="checkbox"/> One (1) PDF digital copy of the proposed plan
<input type="checkbox"/> Fees paid separately to Washtenaw County Road Commission and Water Resources Commissioner's Office	<input checked="" type="checkbox"/> All contents detailed on the next pages for administrative, sketch, and full site plans.
<input type="checkbox"/> Additional Documents:	
<input checked="" type="checkbox"/> Woodland Protection application or the No Tree Affidavit, if applicable	
<input checked="" type="checkbox"/> Traffic Impact Questionnaire	
<input checked="" type="checkbox"/> Appropriate application and plans submitted to the Washtenaw County Road Commission and Water Resources Commissioner's Office	

# "PASCHALL EAST APARTMENTS"

1155 E. FOREST AVENUE  
YPSILANTI, MICHIGAN 48198



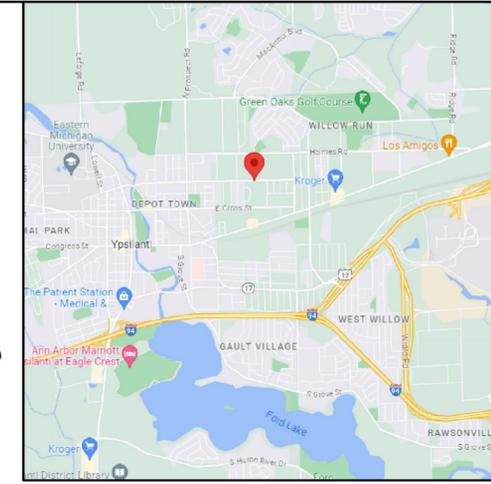
FOREST AVENUE  
(66' WIDE, ASPHALT)

**DETAIL SITE PLAN**  
SCALE: 1" = 20'

**NOTE**

THE LOCATION AND ELEVATION OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THESE DRAWINGS ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT LOCATION AND ELEVATION OF EXISTING UTILITIES AND PROPOSED UTILITY CROSSINGS IN THE FIELD PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IF ANY CONFLICTS ARE APPARENT OR IF THE LOCATION OR DEPTH DIFFERS SIGNIFICANTLY FROM THE PLANS.

NOTE: DO NOT SCALE DRAWING, USE PRINTED DIMENSIONS ONLY. IF DRAWING IS REPRODUCED IN A SIZE OTHER THAN 24" x 36", SCALE MAY DIFFER. THIS DRAWING SHALL NOT BE DUPLICATED, MODIFIED, TRANSFERRED OR ISSUED WITHOUT THE WRITTEN CONSENT OF DAVID ARTHUR CONSULTANTS, INC. - COPYRIGHT 2023.



**LOCATION MAP**  
N.T.S.

**LEGAL DESCRIPTION**

PARCEL #K-11-03-400-033

YP#3-67C COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4, THENCE SOUTH 89° 58' WEST 428.74' FEET TO THE PLACE OF BEGINNING; THENCE NORTH 0° 23' WEST 914.90 FEET; THENCE NORTH 89°57' WEST 246.36 FEET; THENCE SOUTH 0° 23' EAST 631.90 FEET; THENCE NORTH 89° 58' EAST 150.00 FEET; THENCE SOUTH 0° 23' EAST 283.00 FEET; THENCE NORTH 89° 58' EAST 96.36 FEET TO THE PLACE OF BEGINNING.

BEING PART OF SECTION 3, T3S, R7E, YPSILANTI CHARTER TOWNSHIP, WASHTENAW COUNTY, MICHIGAN.

PARCEL CONTAINS 4.20± ACRES

**NARRATIVE**

THE PROJECT CONSISTS OF THE REMOVAL OF AN EXISTING TWO STORY HOUSE, GARAGE, DRIVEWAY AND SIDEWALKS AND SHALL BE REPLACED WITH A SINGLE STORY BUILDING TO BE USED TO MANAGE THE EXISTING APARTMENTS ON SITE. THE PROPOSED BUILDING IS AN ACCESSORY USE TO THE EXISTING APARTMENTS ON-SITE.

THE BUILDING WILL INCLUDE OFFICES FOR MANAGEMENT, CONFERENCE ROOM(S) AND ACCESSORY SPACES TO SUPPORT THE TENANTS OF THE EXISTING APARTMENTS COMPLEX. THE IMPROVEMENTS WILL ALSO INCLUDE THE REQUIRED PARKING FOR THE COMPLEX MANAGER ALONG WITH ADA COMPLIANT SPACES AND AN ACCESSIBLE PATH FROM THE PARKING SPACES TO THE NEW BUILDING ENTRANCE.

NO OTHER CHANGES ARE PROPOSED ON SITE.

EXISTING PROPERTY ZONING: RM-LD (RESIDENTIAL MULTIPLE-FAMILY: LOW DENSITY)

THERE IS NO PROPOSED CHANGE IN USE OF THE SITE

EXISTING MINIMUM REQUIRED SETBACKS:

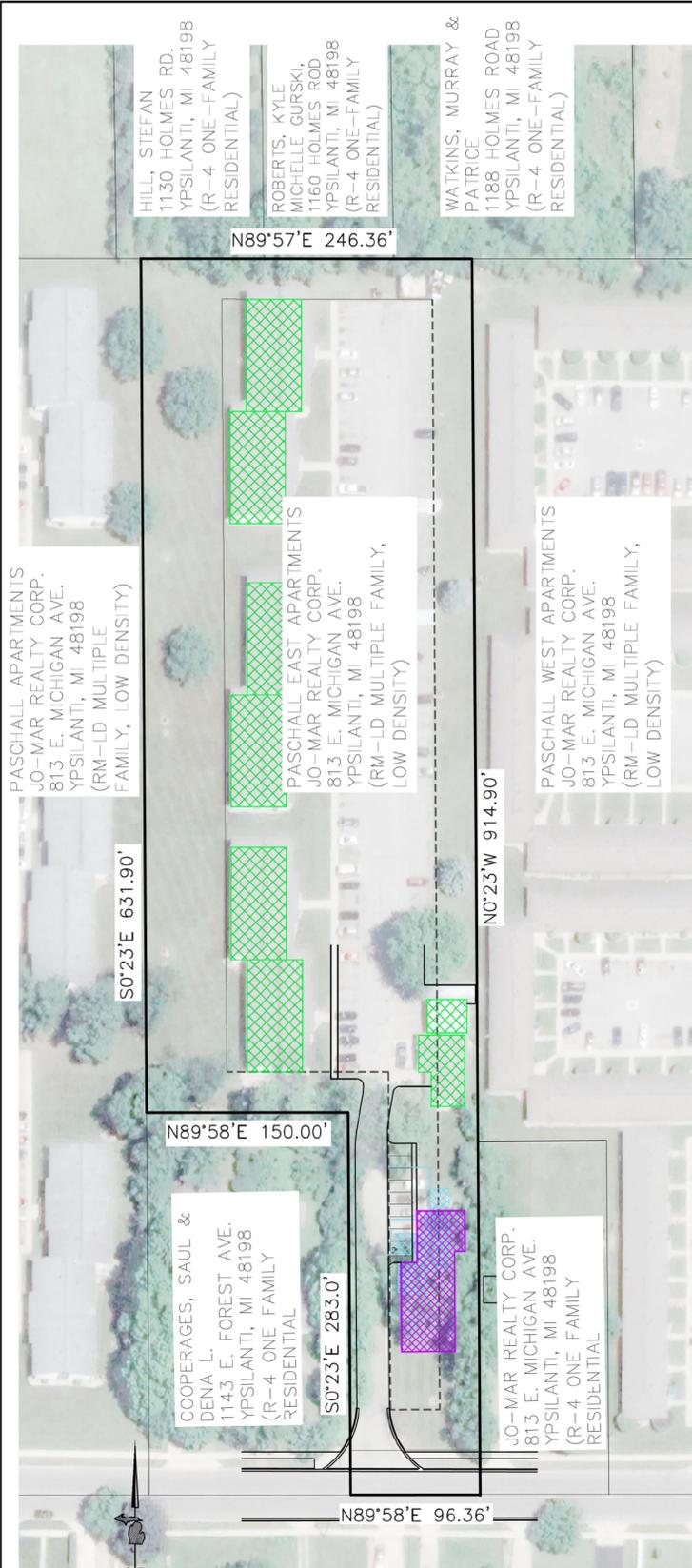
- FRONT - 30'
- REAR - 30'
- SIDE - 30' LEAST/ 60' TOTAL

PROPOSED BUILDING SETBACK DISTANCES:

- FRONT - 50'
- REAR - N/A
- SIDE - 10' (MIN.)/50' TOTAL

**VARIANCE AS REQUESTED:**

	ORDINANCE SECTION	CURRENT ORDINANCE REQUIREMENTS	REQUESTED VARIANCE	COMMENTS
①	SIDE YARD SETBACK	30'	10'	IN ACCORDANCE WITH SECTION 802, 7, NO ACCESSORY BUILDING SHALL BE LOCATED CLOSER THAN 5' TO ANY SIDE YARD LOT LINE.
		60'(BOTH)	48'(BOTH)	



**OVERALL SITE PLAN**  
SCALE: 1" = 60'

DAVID ARTHUR CONSULTANTS, INC.  
110 MAIN STREET, DUNDEE MI 48131  
PHONE: (734) 823-5080

**FOR REVIEW**

**PASCHALL EAST APARTMENTS**

1155 E. FOREST AVENUE,  
YPSILANTI, MICHIGAN 48198

**VARIANCE SITE SKETCH**

**DEVELOPER/OWNER:**

PASCHALL EAST APARTMENTS  
DOUG PASCHALL  
JO-MAR REALTY GROUP  
813 E. MICHIGAN AVENUE  
YPSILANTI, MICHIGAN 48198  
PHONE:  
FAX

REVISIONS	DATE	BY
FOR REVIEW	05/10/23	JRN
FOR REVIEW	05/22/23	JRN
FOR REVIEW	05/24/23	JRN

SCALE\* AS NOTED  
PLOT DATE 5/24/23  
JOB NO. 23-D-5232  
SHEET NO.

C1



FOR REVIEW

PASCALL EAST APARTMENTS

1155 E. FOREST AVENUE,  
YPSILANTI, MICHIGAN 48198

CONCEPTUAL DESIGN

DEVELOPER/OWNER:

PASCALL EAST APARTMENTS

DOUG PASCALL

JO-MAR REALTY GROUP

813 E. MICHIGAN AVENUE

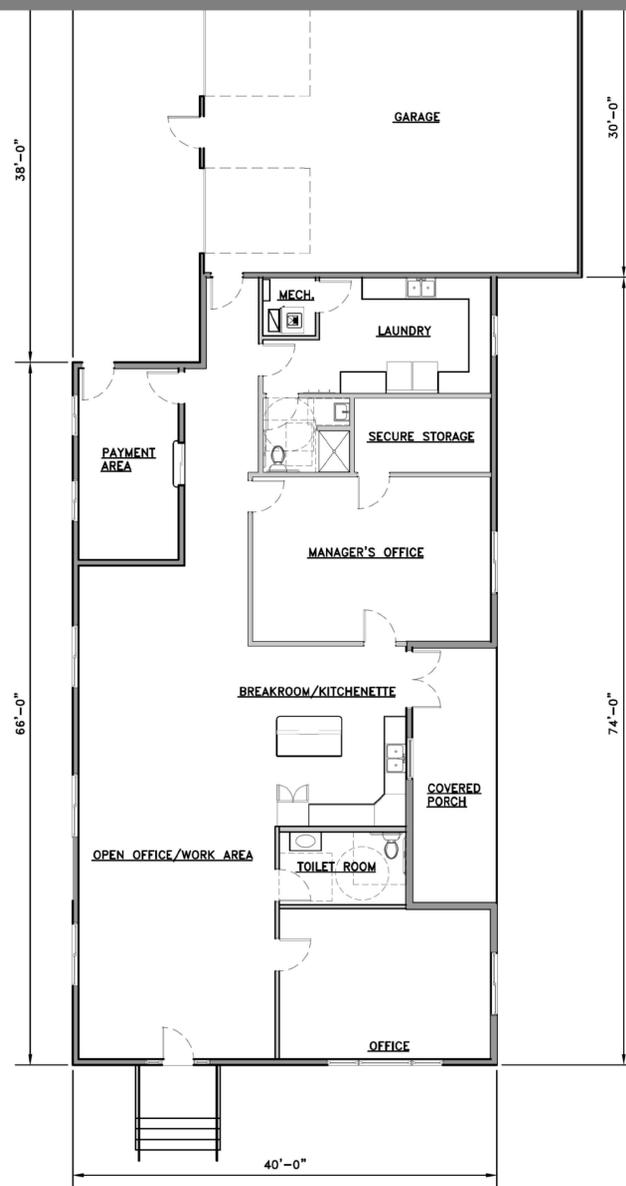
YPSILANTI, MICHIGAN 48198

PHONE: FAX:

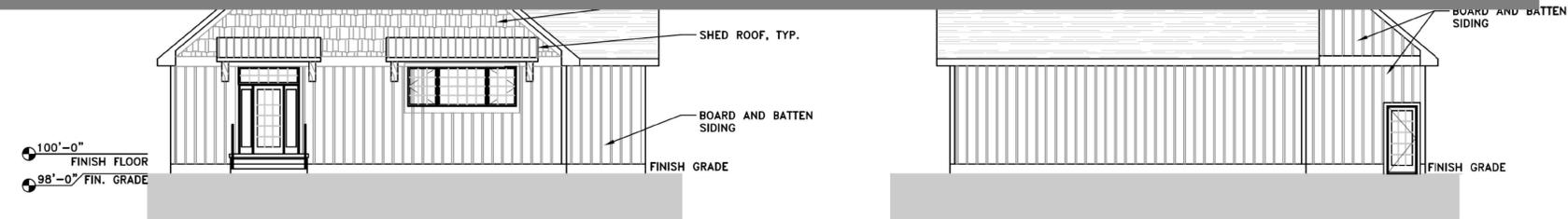
REVISIONS	DATE	BY	REVIEWED BY
FOR REVIEW	05/10/23	JRN	
FOR REVIEW	05/22/23	JRN	
FOR REVIEW	05/24/23	JRN	

SCALE\* AS NOTED  
PLOT DATE 5/24/23  
JOB NO. 23-D-5232

SHEET NO. A.1



CONCEPTUAL FLOOR PLAN  
SCALE: 1/8" = 1'-0"



SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"

NORTH ELEVATION  
SCALE: 1/8" = 1'-0"



WEST ELEVATION  
SCALE: 1/8" = 1'-0"



EAST ELEVATION  
SCALE: 1/8" = 1'-0"

**NOTE**  
THE LOCATION AND ELEVATION OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THESE DRAWINGS ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT LOCATION AND ELEVATION OF EXISTING UTILITIES AND PROPOSED UTILITY CROSSINGS IN THE FIELD PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IF ANY CONFLICTS ARE APPARENT OR IF THE LOCATION OR DEPTH DIFFERS SIGNIFICANTLY FROM THE PLANS.

NOTE: DO NOT SCALE DRAWING, USE PRINTED DIMENSIONS ONLY. IF DRAWING IS REPRODUCED IN A SIZE OTHER THAN 24" x 36", SCALE MAY DIFFER. THIS DRAWING SHALL NOT BE DUPLICATED, MODIFIED, TRANSFERRED OR ISSUED WITHOUT THE WRITTEN CONSENT OF DAVID ARTHUR CONSULTANTS, INC. - COPYRIGHT 2023.

Article 4 – District Regulations

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:

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

(Ord. No. 99-224, § 1, 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.

## Article 4 – District Regulations

### 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.

Article 4 – District Regulations

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	20							
R-5	5,400	50		35%						

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.

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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.

C. The expansion or construction of a single-family dwelling or accessory structure shall conform with the applicable minimum yard and setback requirements of the most comparable single-family zoning district.

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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.

Article 4 – District Regulations

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			
in acres	Width in feet		Stories	Feet	Front	Side		Rear
					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.

- C. The expansion or construction of a single-family dwelling or accessory structure shall conform with the applicable minimum yard and setback requirements of the most comparable single-family zoning district.

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

- Intent:* The intent is to provide sites for high-density multiple-family dwelling structures, and related uses.
- Use regulations:* Section 420 sets forth permitted, accessory and special land uses within the RM-HD residential district.
- 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

Article 4 – District Regulations

<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.

C. The expansion or construction of a single-family dwelling or accessory structure shall conform with the applicable minimum yard and setback requirements of the most comparable single-family zoning district.

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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.

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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:

Article 4 – District Regulations

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.

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- 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 specific and targeted 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.

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- 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

#### Article 4 – District Regulations

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.

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- 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:

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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:

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- (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 schedule of use regulations identifies uses as follows:

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- 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-LD 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>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.
Single-Family Residential Plat or Site Condominium	SL_TB	P	—	—	—	—	
Two-family residential	—	—	P	P	—	—	Must have with individual entrances and garages for each dwelling unit

Article 4 – District Regulations

Residential Districts Use Table	R-1 to R-3	R-4 to R-5	RM-LD 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							
Townhouses	-	-	P	P	-	-	Subject to regulations in Section 1163.
Multiple-family dwelling units	—	—	P	P	—	—	Subject to regulations in underlying zoning district.
Senior independent and assisted living	—	—	P	P	—	—	Subject to regulations in Section 1160.
Convalescent and nursing homes	—	—	SL-TB	SL-TB	—	—	Subject to conditions in Section 1114.
Mobile Home Parks	—	—	—	—	—	P	Subject to conditions in Section 1162.
<b>Accessory Uses</b>							
Accessory home occupations	A	A	A	A	A	A	Subject to conditions in Section 1102.
Keeping of up to four (4) hens	A	A	—	—	—	—	Subject to conditions in Section 1103
Garage and Yard Sales	A	A	-	-	-	-	Subject to conditions in Section 1158.
Accessory buildings and uses customarily incident to any of the permitted uses in this table	A	A	A	A	A	A	
<b>State-licensed residential child and adult care facilities</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

Article 4 – District Regulations

Residential Districts Use Table	R-1 to R-3	R-4 to R-5	RM-LD 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							
							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
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.

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Residential Districts Use Table	R-1 to R-3	R-4 to R-5	RM-LD 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							
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.
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

Article 4 – District Regulations

Residential Districts Use Table	R-1 to R-3	R-4 to R-5	RM-LD 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							
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>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	

Article 4 – District Regulations

Residential Districts Use Table	R-1 to R-3	R-4 to R-5	RM-LD 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							
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.

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

Article 4 – District Regulations

Business Districts Use Table	NB	GB	Notes
P = Permitted Use SL-PC = Special Use Planning Commission Approval SL-TB = Special Use Township Board Approval A = Accessory Use — = Not permitted			
			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.
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

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Business Districts Use Table	NB	GB	Notes
P = Permitted Use    SL-PC = Special Use Planning Commission Approval SL-TB = Special Use Township Board Approval    A = Accessory Use    -- = Not permitted			
			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
Restaurants	P	P	
<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.
Hotels	--	SL-PC	Subject to conditions in Section 1123.
Extended Stay Hotels	--	SL-PC	Subject to conditions in Section 1124.

Article 4 – District Regulations

<b>Business Districts Use Table</b>	<b>NB</b>	<b>GB</b>	<b>Notes</b>
P = Permitted Use    SL-PC = Special Use Planning Commission Approval SL-TB = Special Use Township Board Approval    A = Accessory Use    -- = Not permitted			
Motels	–	SL-PC	Subject to conditions in Section 1122.
<b>Civic/Institutional</b>			
Houses of worship	SL-PC	SL-PC	
Public/government buildings	P	P	
Public utility buildings, without storage yards; water and sewage	–	–	Water and sewage pumping stations are excluded in the OS-1 and B-1 districts.
Business schools and colleges or private schools operated for profit	--	SL-PC	
<b>Recreation</b>			
Theaters, public assembly halls, concert halls or similar places of public assembly	–	P	Conducted completely within enclosed buildings.
Outdoor batting cages, archery ranges and similar uses	–	–	Subject to conditions in Section 1130.
Outdoor children's amusement parks, miniature golf courses, golf driving ranges and similar uses	–	–	Subject to conditions in Section 1130.
Health clubs, fitness centers, gyms and aerobic clubs, health, and fitness center	–	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.

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Business Districts Use Table	NB	GB	Notes
P = Permitted Use SL-PC = Special Use Planning Commission Approval SL-TB = Special Use Township Board Approval A = Accessory Use — = Not permitted			
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	
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:

Industrial Districts Use Table	I-T	L-M	ICR	Notes
P = Permitted Use SL-PC = Special Use Planning Commission Approval SL-TB = Special Use Township Board Approval A = Accessory Use — = Not permitted				
<b>Industrial Uses</b>				

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Industrial Districts Use Table	I-T	L-M	ICR	Notes
<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>				
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	<u>SL-PC</u>	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		<u>SL-PC</u>	<u>SL-PC</u>	
<del>Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant</del>		<del>P</del>		<del>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</del>
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		<del>P</del>	<u>SL-PC</u>	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
<del>Lumber and planing mills</del>	<del>SL-PC</del>	<del>SL-PC</del>		<del>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</del>
<u>Product Assembly</u>				
<u>Manufacturing and Production</u>	<u>SL-PC</u>	<u>SL-PC</u>	<u>SL-PC</u>	

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Industrial Districts Use Table	I-T	L-M	ICR	Notes
<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>				
<del>Manufacture of corrosive acid or alkali, cement, lime, gypsum, or plaster of Paris.</del>		P	P	<del>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</del>
<del>Manufacture of musical instruments, toys, novelties and metal or rubber stamps, or other small, molded rubber products</del>	SL-PC	P		<del>In I-T, must be in enclosed building</del>
<del>Manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas</del>	SL-PC	P		<del>In I-T, must be in enclosed building</del>
<del>Manufacture or assembly of electrical appliances, electronic instruments and devices, radios, and phonographs</del>	SL-PC	P		<del>In I-T, must be in enclosed building</del>
<del>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.</del>	SL-PC	P		<del>In I-T, must be in enclosed building</del>
<del>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</del>	SL-PC	P		<del>In I-T, must be in enclosed building</del>
<del>Metal plating, buffing, and polishing</del>	SL-PC	SL-PC		<del>Subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances</del>

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Industrial Districts Use Table	I-T	L-M	ICR	Notes
<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>				
Self-Storage Facilities and storage buildings for lease to the public	<del>SL-PC</del>	SL-PC	<u>P</u>	Subject to conditions in Section 1134.
Petroleum or other inflammable liquids, production, refining or storage		<u>P</u>	<u>SL-PC</u>	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
<del>Sand and gravel extraction</del>		<u>P</u>		<del>Subject to conditions in Section 1148.</del>
<del>Smelting of copper, iron, or zinc ore</del>		<u>P</u>		<del>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</del>
Last mile logistics and distribution warehouses and uses.		<u>P</u>	P	
Large Scale Customer Fulfillment Centers		<u>P</u>	P	
Laboratories, experimental technology testing facilities.	<u>P</u>	<u>P</u>	P	
Avionic repair and manufacturing including airplanes, helicopters, and drones.		<u>P</u>	P	
<del>Green infrastructure and technology</del>			<u>P</u>	
Data centers for the storage and warehousing of computer servers.		<u>P</u>	P	
Outdoor Storage and Contractors/Landscapers Yard	<u>P</u>	<del>PSL-PC</del>	<u>SL-PC</u>	Subject to conditions in Section 1157.
<del>Open Air Business</del>	<del>SL-PC</del>	<del>SL-PC</del>		<del>Subject to condition is Section 1119.</del>
Warehouses and <u>indoor</u> storage	<u>P</u>	P	<u>P</u>	

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Industrial Districts Use Table	I-T	L-M	ICR	Notes
<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>				
<del>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</del>	<del>SL-PC</del>	<del>SL-PC</del>		
<del>Laboratories, experimental, film or testing</del>	<del>SL-PC</del>	<del>P</del>		<del>In I-T, must be in enclosed building</del>
Medical laboratories	P	P		
<del>Research and development, including laboratories, prototype development and testing facilities, design and pilot or experimental product development</del>	<del>P</del>	<del>P</del>		<del>In I-T, must be in enclosed building</del>
<b>Green Industry and Energy</b>				
<u>Green technology research and manufacturing</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Solar Farms</u>		<u>SL-PC</u>	<u>SL-PC</u>	
<u>Green Battery Manufacturing</u>		<u>P</u>	<u>P</u>	
<u>Hydrogen Technology and alternative green fuels</u>		<u>SL-PC</u>	<u>P</u>	
<u>Research and development, including laboratories prototype development and testing facilities design and pilot or experimental product development</u>	<u>P</u>	<u>P</u>		
<b>Agricultural</b>				
<del>Farm operation</del>	<del>P</del>	<del>P</del>		
Greenhouse and plant material nursery (materials grown and sold on-site)	P	P	<u>P</u>	
<del>Community Supported Agriculture</del>	<del>SL-PC</del>			

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Industrial Districts Use Table	I-T	L-M	ICR	Notes
<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>Office and Financial</b>				
Office buildings	P	<u>P</u>	<u>P</u>	
Data processing and computer centers, including service and maintenance of electronic data processing equipment	P	<u>P</u>	<u>P</u>	
<b>Retail and Services</b>				
Sexually Oriented Businesses			SL-PC	Subject to conditions in Section 1139.
<del>Adult/child day care center + preschools</del>	<del>SL-PC</del>			
Commercial kennels/ pet day care	<del>PSL-PC</del>	P	<u>P</u>	Subject to conditions in Section 1161
<del>Massage therapy</del>			<del>SL-PC</del>	<del>Subject to conditions in Section 1140.</del>
<del>Pawnbroker, secondhand dealer, and junk dealer facilities</del>			<del>SL-PC</del>	<del>Subject to conditions in Section 1141.</del>
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			P	

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Industrial Districts Use Table	I-T	L-M	ICR	Notes
<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>				
Grower (may grow up to one thousand-five hundred (1,500) marijuana plants)				
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	
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.

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Industrial Districts Use Table	I-T	L-M	ICR	Notes
<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>				
Restaurants	<del>SL</del> <del>PCP</del>			
<b>Civic/Institutional</b>				
Hospitals	P			
Trade or industrial schools	P	P	<del>P</del>	No outdoor storage
Parole or probation offices			SL-PC	Subject to conditions in Section 1143.
Public/government buildings	P	<del>P</del>	<del>P</del>	
Public utility buildings, excluding wastewater treatment plants	P	P	<del>P</del>	
Transfer and electricity and gas service buildings and yards	P	P	<del>SL-PC</del>	
Wastewater treatment plants		P	<del>SL</del> <del>PCP</del>	Subject to conditions in Section 1154.
<b>Recreation</b>				
Assembly halls, display halls, convention center, theater, or similar places of assembly	<del>PSL</del> <del>PC</del>			Conducted in completely enclosed building
Health clubs, fitness centers, gyms and aerobic clubs, health, and fitness center	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.

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Industrial Districts Use Table	I-T	L-M	ICR	Notes
<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>				
<del>Outdoor spat ball, simulated war games and similar activities</del>		<del>p</del>		<del>Subject to conditions in Section 1151.</del>
Outdoor theaters		SL-PC	<del>SL-PC</del>	Subject to conditions in Section 1138.
Racetracks (including midget auto and karting tracks) and dirt tracks		<del>p</del>	<del>SL-PC</del>	Subject to conditions in Section 1150.
<b>Automotive/Transportation</b>				
Airports	<del>SL-PC</del>	SL-PC	<del>SL-PC</del>	Subject to conditions in Section 1133.
Auto engine and body repair, and undercoating shops	<del>SL-PC</del>		<del>SL-PC</del>	When conducted in enclosed building
Automobile mechanical component dismantling and recycling			SL-PC	Subject to conditions in Section 1142.
Freight terminals	<del>p</del>	p	<del>p</del>	
Railroad transfer and storage tracks, railroad rights-of-way	p	p	<del>p</del>	
Railroad lines, rail spurs and similar rail transport access facilities	p	p	<del>p</del>	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 as identified 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 feature addresses 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:*

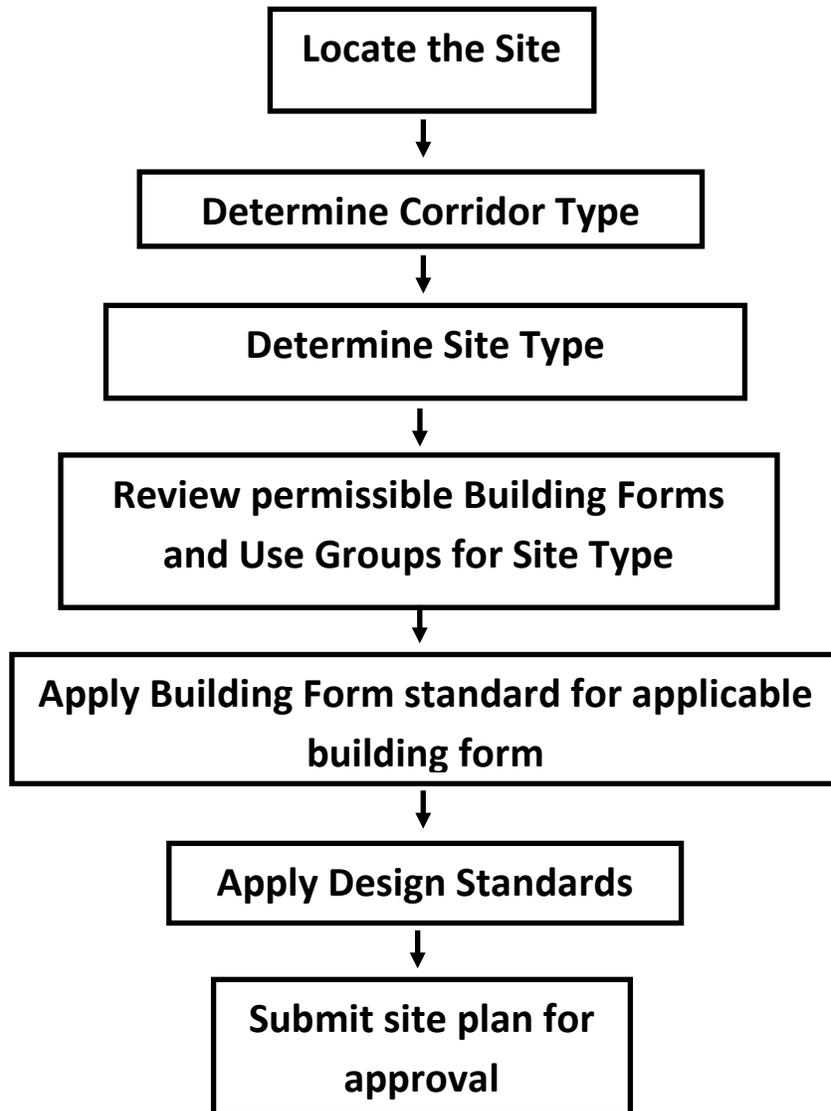
- A. Any new use or expansion of existing use that requires site plan review shall comply with the requirements of this Article and other applicable requirements of this Ordinance.
- B. The requirements of this Article shall not apply to:
  - (1) Continuation of a permitted use within an existing structure.
  - (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, and are 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 Township Core 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 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:

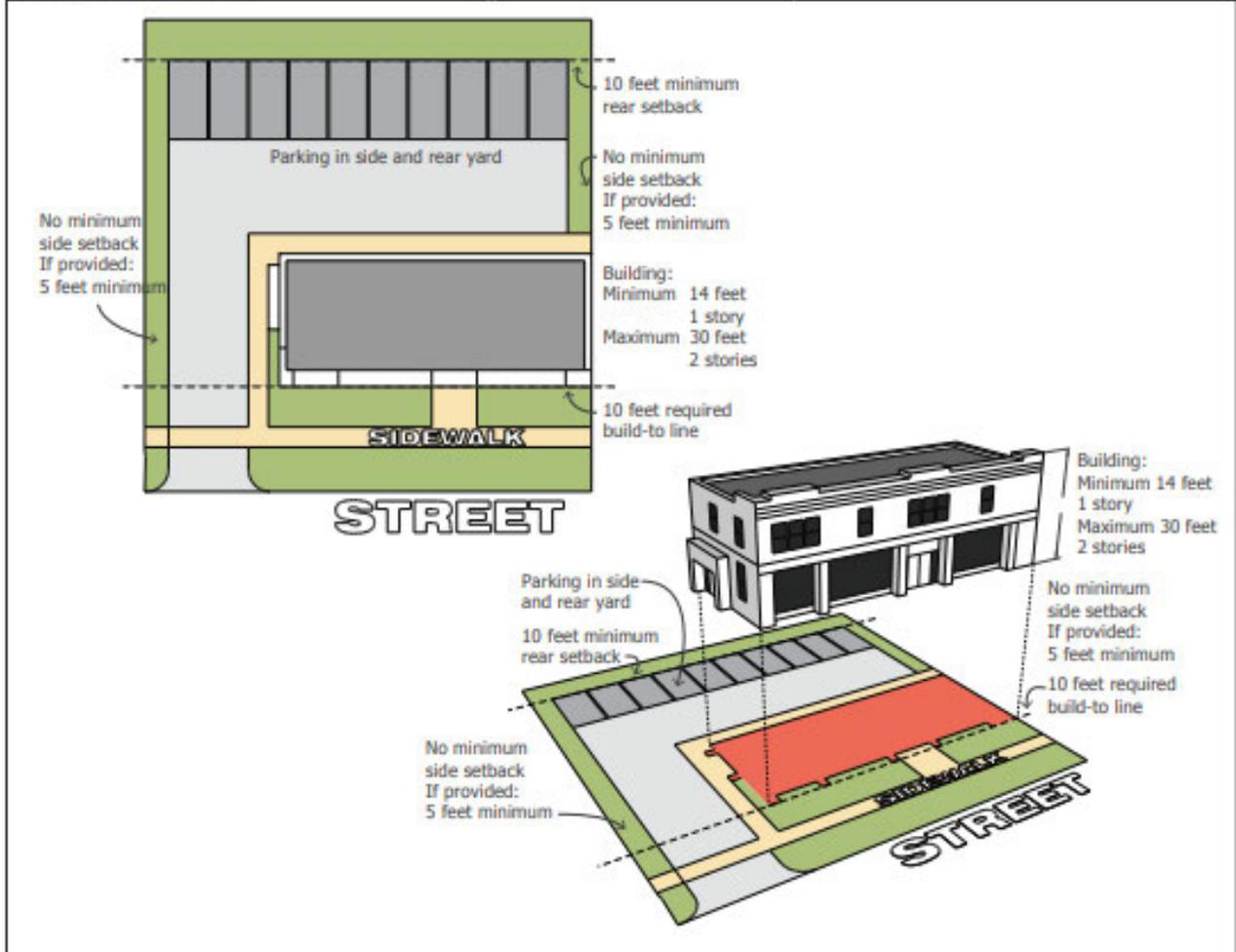
- a. Height, setback, and greenbelt deviations may be granted by the Planning Commission if the following is found:
  - i. The deviation shall not adversely impact public health, safety, and welfare.

- 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.

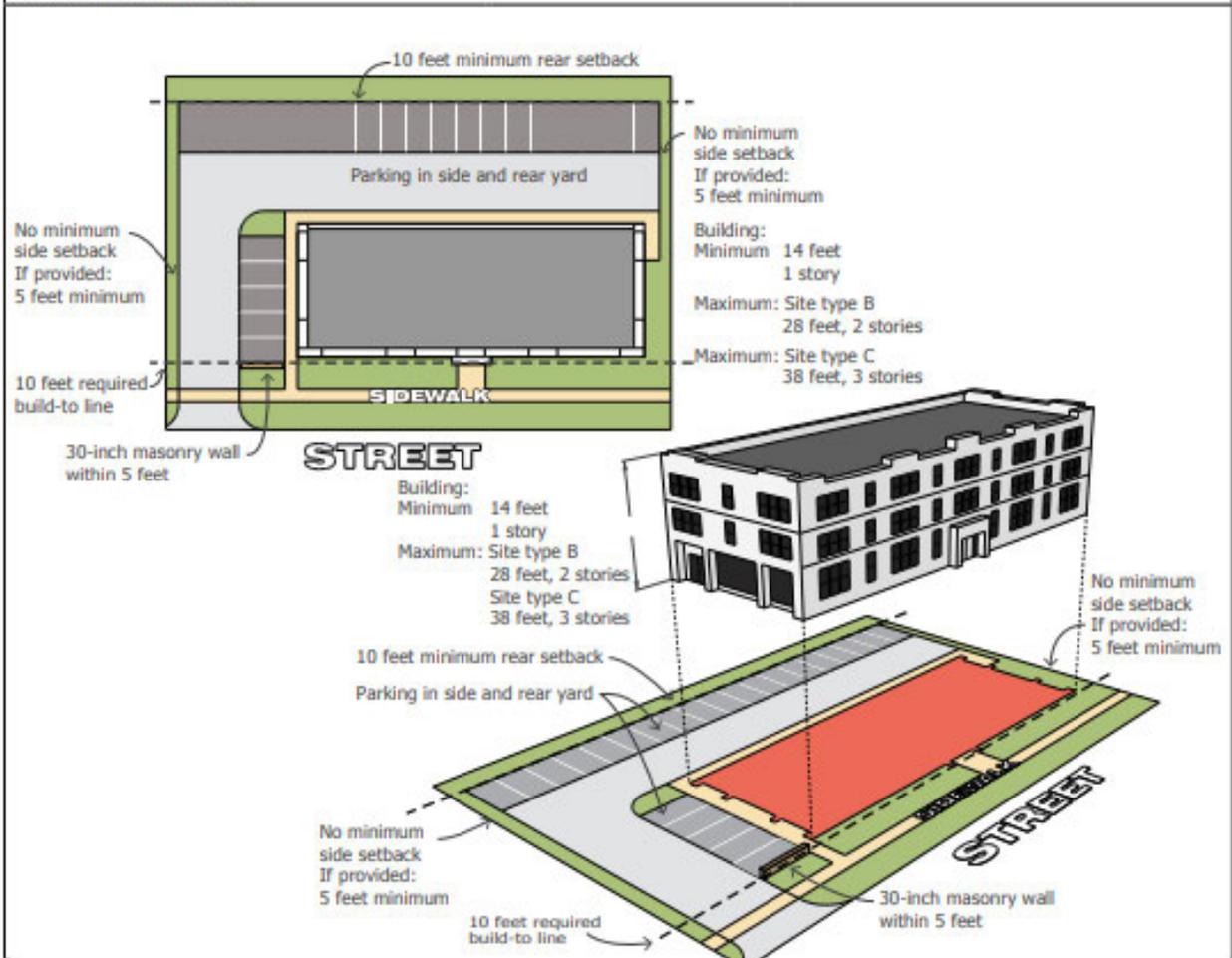
4. Building Form Types:

<b>Building Form A.1</b>		
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.		
<p>The diagram illustrates the building placement and setbacks for Building Form A.1. It shows a building footprint on a lot bounded by a STREET, an ALLEY, and another STREET. Key features include:</p> <ul style="list-style-type: none"> <li><b>10 feet minimum rear setback</b> from the rear street.</li> <li><b>10 feet required build-to line</b> along the front street.</li> <li><b>No minimum side setback</b> - If provided: 5 feet minimum.</li> <li><b>Parking in side and rear yard</b> is shown.</li> <li><b>Building Height:</b> <ul style="list-style-type: none"> <li>Minimum: 14 feet, 1 story</li> <li>Maximum: Site type A &amp; B: 28 feet, 2 stories</li> <li>Maximum: Site type C: 38 feet, 3 stories</li> </ul> </li> <li><b>3D rendering:</b> Shows a row of buildings with a red highlighted building footprint. It notes <b>10 feet minimum rear setback</b>, <b>No minimum side setback - If provided: 5 feet minimum</b>, and <b>10-feet required build-to line</b>.</li> </ul>		

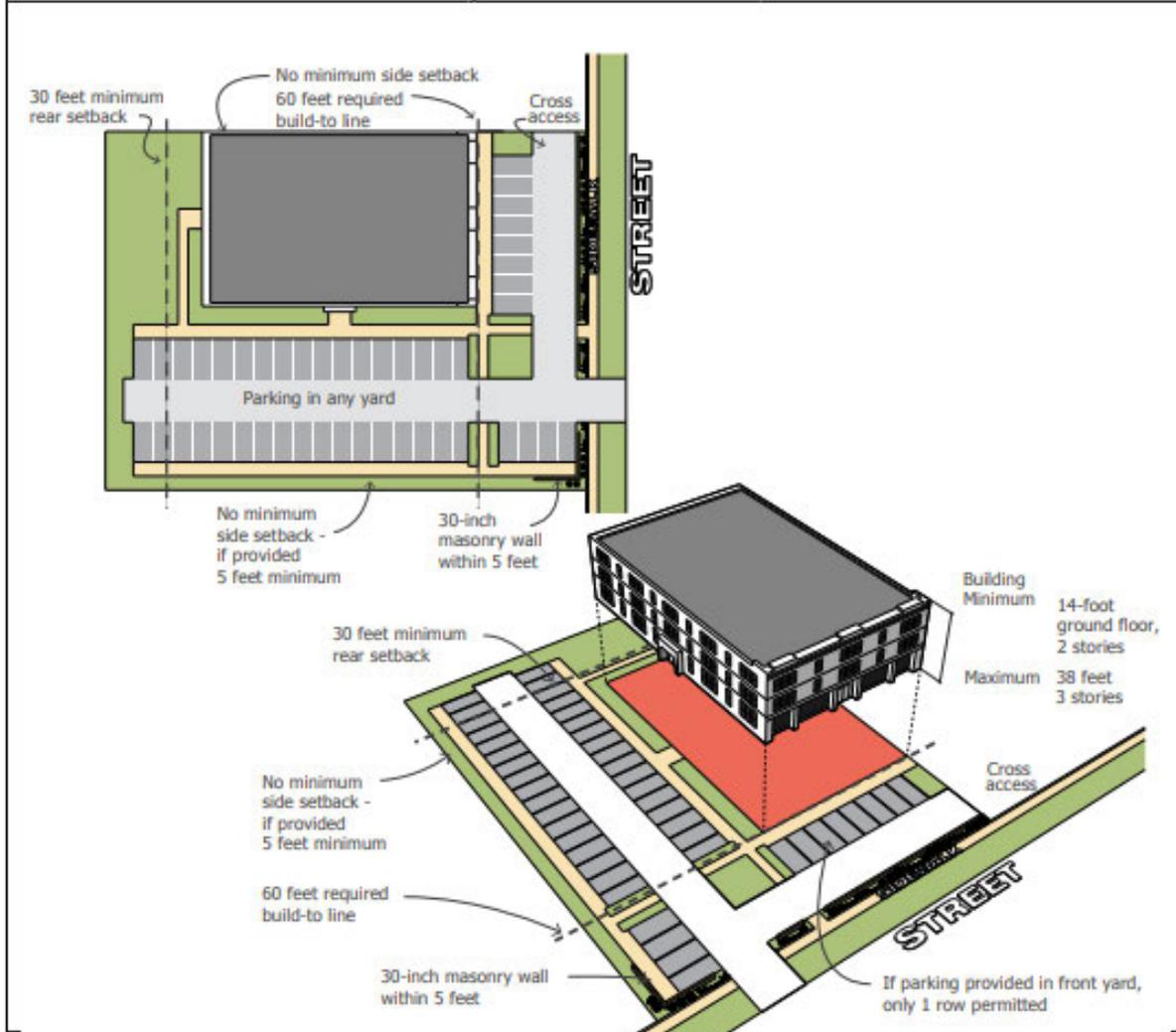
<b>Building Form A.2</b>		
Building Form A.2: Small, generally single-purpose buildings for retail, office, restaurant, or service uses. Typically situated on a smaller lot within the district. Adjacent to single-family residential.		
<b>Building Height</b>		
Minimum 1 story, 14-foot height, Maximum 2 stories, 30-foot height		
<b>Building Placement</b>		
<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
<b>Lot</b>		
<b>Impervious Surface:</b> Maximum 80%	<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.		



<b>Building Form B</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.		
<b>Building Height</b>		
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)		
<b>Building Placement</b>		
<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
<b>Lot</b>		
<b>Impervious Surface:</b> Maximum 80%	<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.		



<b>Building Form C</b>		
<p><b>Building Form C:</b> 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.</p>		
<b>Building Height</b>		
<p><b>Minimum</b> 2 stories, Ground floor 14-foot minimum height, <b>Maximum</b> 3 stories, 38-foot height, Ground floor 14-foot min. height</p>		
<b>Building Placement</b>		
<p><b>Front Yard:</b> Maximum 60-foot required build-to line.</p>	<p><b>Side Yard:</b> No minimum side setback If provided, minimum 5 feet</p>	<p><b>Rear Yard:</b> Minimum 30-foot rear setback</p>
<b>Lot</b>		
<p><b>Impervious Surface:</b> Maximum 80%</p> <p><b>Access and circulation:</b> Driveways may access the site from any side, pedestrian pathways must be provided from the right-of-way.</p>	<p><b>Parking location:</b> 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</p>	



<b>Building Form D</b>		
<p>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.</p>		
<b>Building Height</b>		
<p><b>Minimum:</b> 2 stories, no minimum height, <b>Maximum:</b> 4 stories, 45-foot height, <b>Ground floor:</b> No minimum height</p>		
<b>Building Placement</b>		
<p><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.</p>	<p><b>Side Yard:</b> No minimum side setback <b>If provided,</b> minimum 5 feet.</p>	<p><b>Rear Yard:</b> Minimum 10-foot rear setback</p>
<b>Lot</b>		
<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>		

<b>Building Form E</b>		
<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>		
<b>Building Height</b>		
<p><b>Rear Building:</b> Minimum 14-foot minimum ground floor; Maximum 38 feet, 3 stories</p> <p><b>Front Buildings:</b> Minimum 14-foot minimum ground floor; Maximum 30 feet, 2 stories</p>		
<b>Building Placement</b>		
<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>
<b>Lot</b>		
<p><b>Building Frontage:</b> Minimum 70% of lot frontage for 2-story buildings and 50% for 3-story buildings or more</p> <p><b>Impervious Surface:</b> Maximum 90%</p> <p><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.</p> <p><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>		
<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.</p>		

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 3, or 4 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. Ecourse Road Form Based Code District Regulating Plan Table:

Site Type	Building Form		Use Group-Table	
			Permitted Use Group	Special Use Group
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	Special Use Group
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	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 3, or 4 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.
<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:



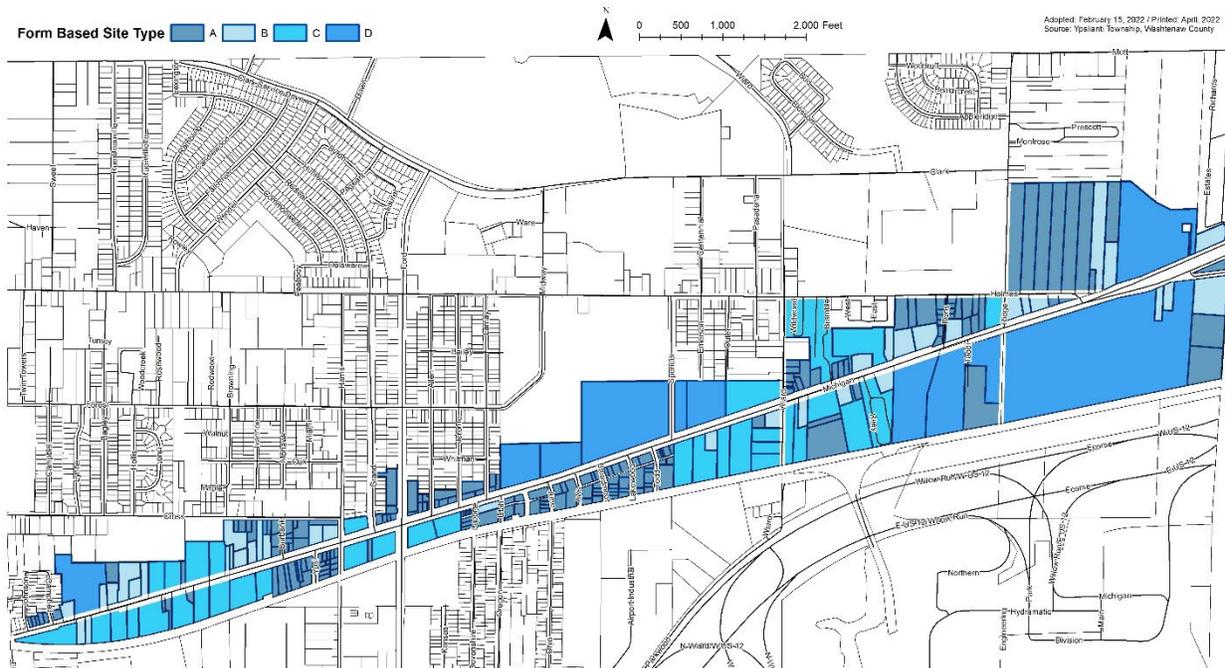
B. Washtenaw Avenue Form Based Code District Regulating Plan Table:

Site Type	Building Form		Use Group-Table	
			Permitted Use Group	Special Use Group
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 outlet 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	
			Permitted Use Group	Special Use Group
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:

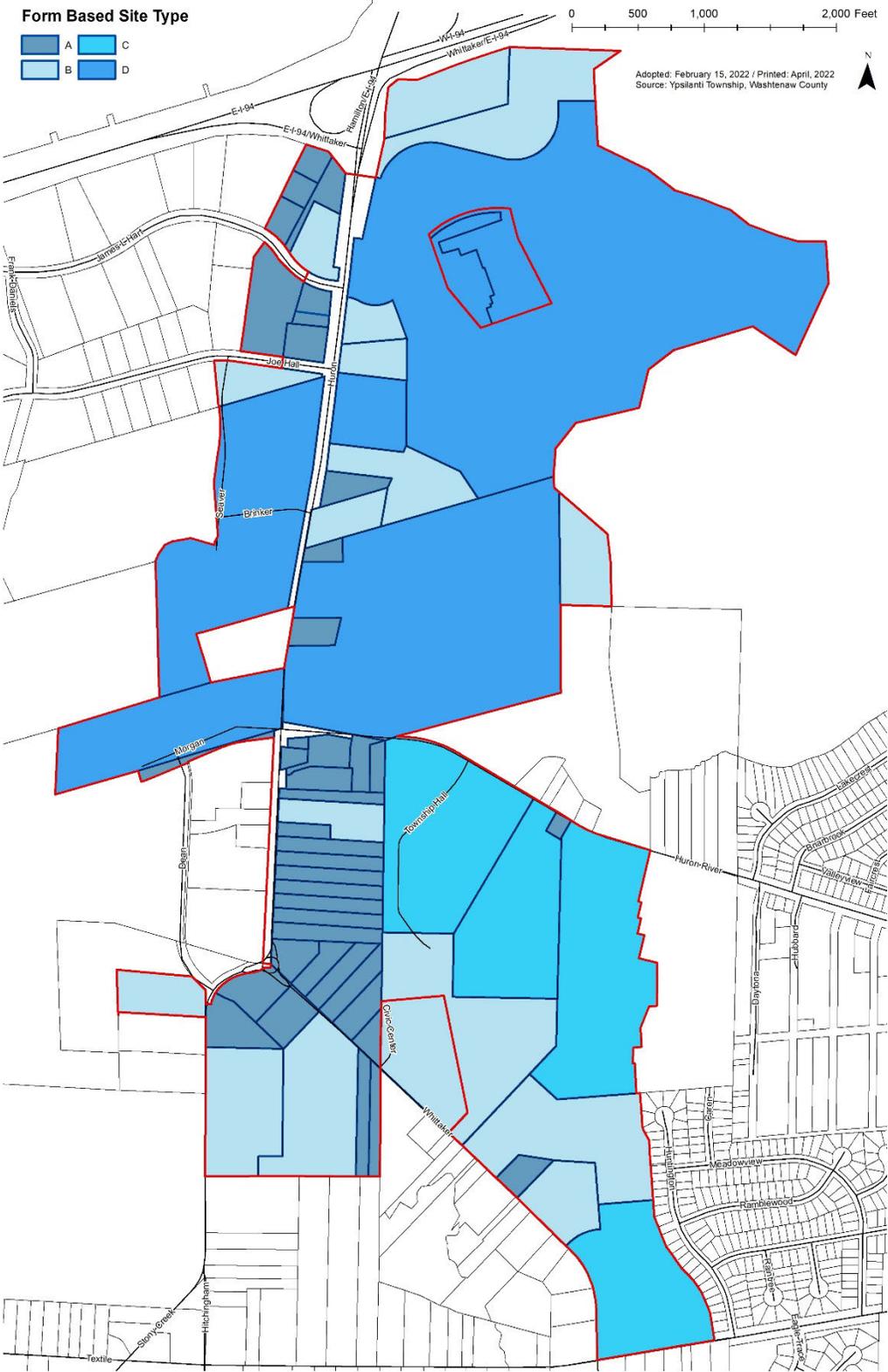
<b>Town Center Corridors</b>
<b>Use Group 1</b>
<b>Residential Uses:</b>
One-Family detached and attached dwellings, subject to regulations in Section 1101.
Two-Family dwellings.
<b>Use Group 2</b>
<b>Misc. Residential/Related Uses:</b>
Mixed-use. Any combination of uses located in group 1, 2 3, or 4 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	Special Use Group
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	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.
  - d. 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.
- 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. 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 though 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, and utilities. 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 receptables 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.

- H. Transparency alternatives. The following alternatives may be used singularly or in combination for any side or rear facing facade which requires transparency. If used in combination, they may count toward no more than 50% of the transparency requirement. Transparency alternatives may be used but cannot be counted towards the transparency requirements for facades that face on a right-of-way.
- (1) Wall design. Wall designs must provide a minimum of three of the following elements, occurring at intervals no greater than 25 feet horizontally and 10 feet vertically:
    - a. Expression of structural system and infill panels through change in plane not less than three inches.
    - b. System of horizontal and vertical scaling elements, such as: belt course, string courses, cornice, pilasters.
    - c. System of horizontal and vertical reveals not less than one inch in width/depth.
    - d. Variations in material module, pattern, and/or color.
    - e. System of integrated architectural ornamentation.
  - (2) Outdoor dining/seating: inclusion of outdoor dining/seating located between the building and the primary street lot line.
  - (3) Permanent art: noncommercial art or graphic design of sufficient scale and orientation to be perceived from the public right-of-way and rendered in materials or media appropriate to an exterior, urban environment and permanently integrated into the building wall.

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 and progress toward conclusion of project is made. 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 and progress toward conclusion of project is made.
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 11 - Specific Use Provisions

### ARTICLE XI. - SPECIFIC USE PROVISIONS<sup>[2]</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

## Article 11 - Specific Use Provisions

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.

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- 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 principal 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:

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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 (1.5) 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.
6. Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence, six (6) feet in height, and entry shall be provided by means of a controlled gate.

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### 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.

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### 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 in addition to any required parking.
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:

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- (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 one-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 the hours of 7:00 am to 7:00 pm.
  - 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)

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### 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.

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[\(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.

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- 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. 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:

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- 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:

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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:

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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 am.

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 am.

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### 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 am.

### 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 and 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/landscaper's 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

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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.

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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 for more than forty-eight (48) hours unless awaiting repair for which a "work order," signed by the owner of the vehicle, is posted in the vehicle so as to be visible from outside the vehicle.
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.

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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 and 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.
  - K. 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.
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. A. 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:

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- 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. – 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:

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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 am to 10:00 pm.

[\(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 am.
  - 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.

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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.

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- 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.

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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 pm.
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.

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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, L.L.C. v. City of Littleton*, No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001) (finding retail adult store’s “argument that it is not an adult entertainment establishment” to be “frivolous at best”); *People ex rel. Deters v. The Lion’s Den*, Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005) (noting that adult store manager’s testimony was “less than candid” and “suggested an intention to obscure the actual amount of sexually explicit material sold”); *City of New York v. Hommes*, 724 N.E.2d 368 (N.Y. 1999) (documenting manipulation of inventory to avoid regulation); *Taylor v. State*, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002) (noting that “the nonadult video selections appeared old and several of its display cases were covered with cobwebs”). The manner in which an establishment holds itself out to the public is a reasonable consideration in determining whether the establishment is a sexually oriented business. See, e.g., *East Brooks Books, Inc. v. Shelby County*, 588 F.3d 360, 365 (6<sup>th</sup> 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.”);

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*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 on 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.*

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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); MJG 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,

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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 "floor space" 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

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- (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 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

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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 MODEL STUDIO: A place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. This definition does not apply to any place where persons appearing in a state of semi-nudity did so in a class operated:
  - (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:

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- (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.

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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:

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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.

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- (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, special land uses. Applications, reviews and approvals for wireless communication towers and antennas shall be in accordance with the following:
  - a. The application is considered to be complete when the 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.

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- 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

Situation/Use	Township Board	Planning Commission	Administrative Permits	Exempt
Construction of cellular and similar communications towers.	X	X		
Co-location of antennas on an existing approved tower.			X	
Replacement or enlargement of an existing tower within allowance of The Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended, M.C.L. 125.3101 et seq.).			X	
Enlargement, in excess of permitted in Act 110, The Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended, M.C.L. 125.3101 et seq.)	X	X		
Construction of an alternative tower structure.	X	X	X	
Installation of antennas on an existing building.	X	X	X	
Installation of satellite dish antennas with a diameter of less than 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	

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Situation/Use	Township Board	Planning Commission	Administrative Permits	Exempt
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:

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- 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.

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- (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 \$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.

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- (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.

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- 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, and 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.

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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.

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- 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 333.12505et 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:

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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.

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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

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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

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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.

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- 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).

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(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).

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- 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,

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nature and height of stockpiles, walls, berms, fences and 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.

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- 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

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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 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

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- 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."

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### 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.

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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.

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- (5) Nature trails.
  - (6) Open air or covered picnic area with restrooms.
  - (7) Educational classes, lectures, 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.

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- (5) Maintenance plan for disposal, etc.
  - (6) Any proposed signs.
  - (7) Any proposed lighting.
  - (8) Maximum number of employees at any one 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.

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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:

1. A minimum site size of not less than ten acres shall be provided.
2. 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.
3. 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.
4. The facility shall abut a major thoroughfare and shall provide all vehicle access to the facility from such abutting thoroughfare.
5. 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.
6. 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.
7. Noise levels shall not exceed sixty-five (65) decibels at any property line of the site.
8. Hours of operation shall be limited from 8:00 am to 8:00 pm.
9. 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.
10. The Township Board may impose such reasonable conditions as it deems necessary to protect the public health, safety and general welfare from excessive noise, traffic, obnoxious odors, and any detrimental effects from the operation of the facility.

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

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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

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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.

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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~~State of Michigan licensing rules. Documentation of such compliance with state requirements shall be provided.
  - C. The site shall comply with the sign provisions of ~~Section 2109~~Article 15.
  - 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.

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- (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.

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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 and yard sales:

- 1. *Standards:* The owner or occupant of any one-or two-family residence may conduct up to six (6) garage, rummage, or yard sales per calendar year. Each sale may be for a period not to exceed seventy-two (72) hours. Signage for said sale(s) shall be as permitted in Article 15.

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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.

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- 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.

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- 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 access 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

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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.

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6. Private clubs are required to register with the Township.

Sec. 1166. – Food trucks: Food trucks may be a temporary use in the NB, GB, NC, and RC zoning districts, and may be permitted in any zoning district in conjunction with a special event for which township approval has been granted.

1. Applicant must obtain a zoning compliance permit yearly and display at service. All applications for Zoning Compliance Permit shall include documentation of property owner permission for any proposed location, which may be amended over course of permit term, and Washtenaw County or other applicable Health Department approval.
2. The property owner of site of proposed food truck shall sign zoning compliance permit application.
3. The food truck vendor shall provide trash and recycling receptacles for customers to dispose of waste. Such receptacle shall be located no more than ten feet from the vendor.
4. The food truck vendor is responsible for removing all associated trash litter and refuse from the site at the end of each day. This includes food wrappers food utensils paper products cans bottles, food, and other such waste discarded improperly by customers.
5. A food truck vendor shall not cause any parking traffic vehicular accessibility or pedestrian or other non-motorized conflicts or impediments on the property. A food truck vendor shall not block or obstruct any fire lanes.
6. Vendors shall not use any flashing, blinking or strobe lights or similar effects to draw attention to the food truck; all exterior lights over 60 watts shall contain opaque hood shields to direct the illumination downward.
7. No loud music amplification devices or crying out or any other audible methods to gain attention which causes a disruption or safety hazard shall be permitted.
8. There shall be no signage used by vendors except for what is allowed on the food truck itself.
9. Hours of operation of the food truck may not exceed twelve (12) consecutive hours and may not extend past 10:00 p.m.
10. A food truck shall not be left unattended and/or unsecured at any time. The food truck shall not be parked or stored in violation of township ordinances.
11. No dining area, including but not limited to tables and chairs, benches, etc, shall be permitted.

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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.
  - 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 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 (4) 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. Rain gardens 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
Subject Property	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		

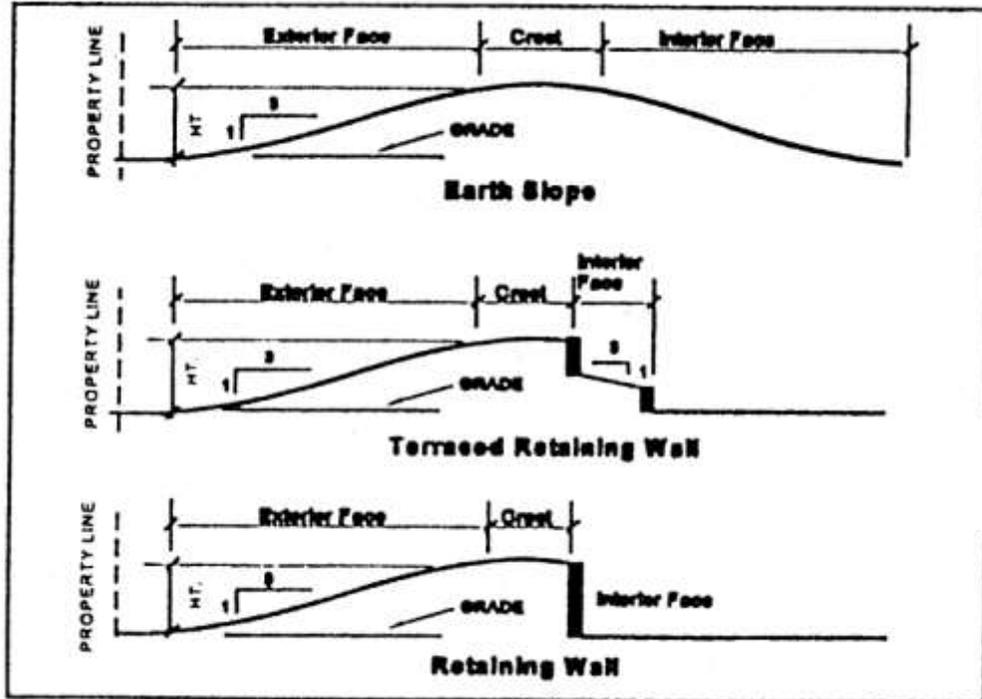
(2) Screening Requirement Table

Screen	Minimum Quality	Type
1	One 1 tree per three (3) lineal feet	Narrow Evergreen
2	One 1 tree per ten (10) lineal feet	Large Evergreen
3	One 1 tree per ten (10) lineal feet; and	Large Evergreen
	One 1 tree per three (3) lineal feet	Narrow Evergreen

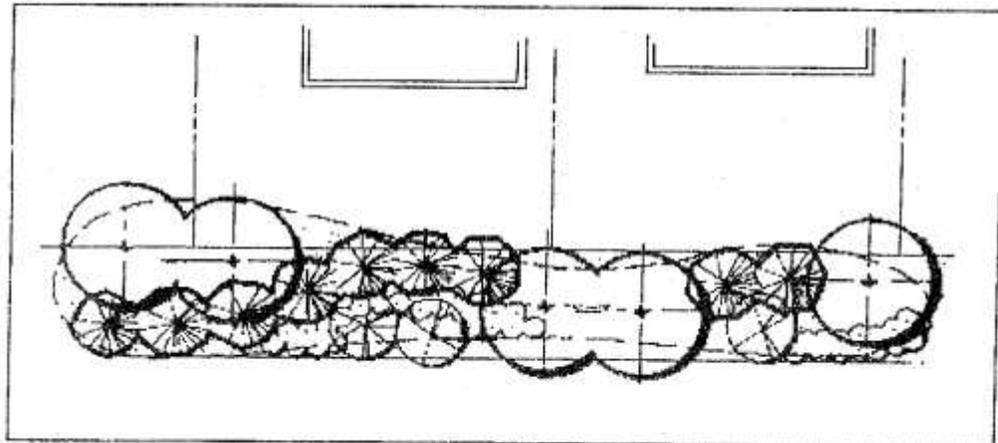
- (3) Landscape buffers shall be located on the property line but no closer than four (4) feet from a fence and/or property line unless otherwise provided for in this Ordinance or by the Planning Commission.
- (4) Solid Wall or Fence. Where a land use activity creates noise, light, dust, or other similar 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.

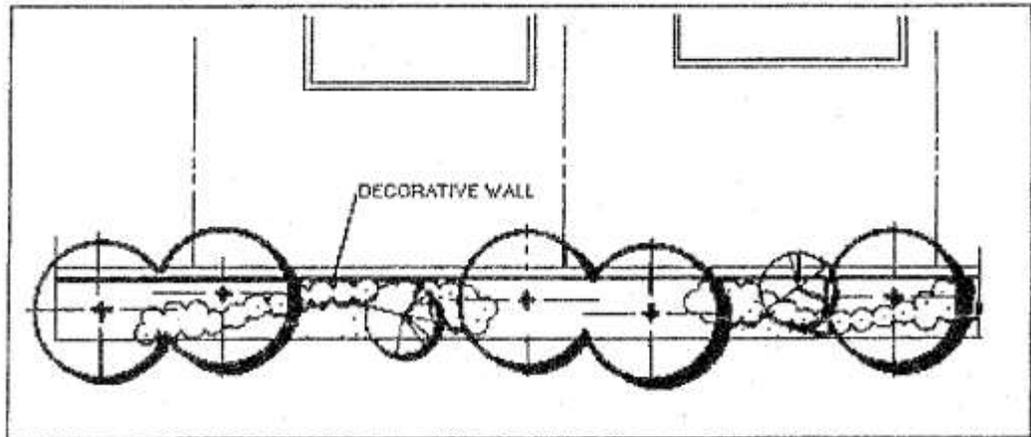
- (1) Berms shall be at least three (3) feet above the grade elevation and shall be constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal with at least a two (2) foot flat area on the top. For the purposes of this provision, grade elevation shall be the ground 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. A minimum of one (1) evergreen tree per fifty (50) lineal feet or fraction thereof, plus
  - b. A minimum of one (1) deciduous tree per one hundred (100) lineal feet or fraction thereof, plus
  - c. A minimum of one (1) shrub per twenty (20) lineal feet or fraction thereof.



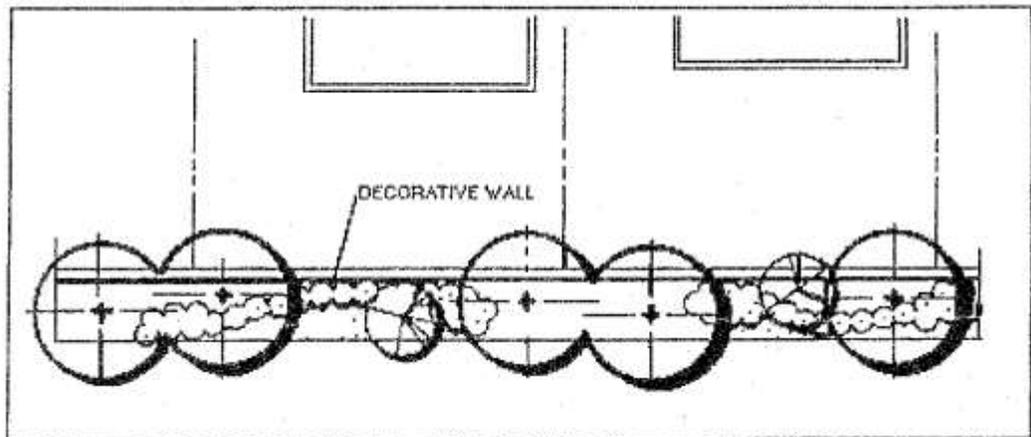
Berm Illustrations



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 two (2) 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	Acer saccharinum
Box Elder	Acer negundo
Tree of Heaven	Alianthus altissima
European Alter	Alnus glutinosa

Chinese Elm	Ulmus parvifolia
Siberian Elm	Ulmus pumila
<p>* A native species but prohibited due to Emerald Ash Borer.                  ** A native species but tends to be invasive.                  *** Except cultivars that are resistant to Dutch Elm Disease.</p>	
<b>Shrubs</b>	
<b>Common Name</b>	<b>Scientific Name</b>
Porcelain Berry	Ampelopsis brevipedunculata
Japanese Barberry	Berberis thunbergii
Common Barberry	Berberis vulgaris
Oriental Bittersweet	Celastrus orbiculatus
Autumn Olive	Eleagnus umbellata
Russian Olive	Eleagnus angustifolia
Burning Bush	Euonymus alatus
Wintercreeper	Euonymus fortunei
English Ivy	Hedra helix
Eastern Red Cedar	Juniperus virginiana
Privet	Ligustrum vulgare
Honeysuckle (all)	Lonicera
Common Buckthorn	Rhamnus cathartica
Glossy Buckthorn	Rhamnus frangula
Multiflora Rose	Rosa multiflora
Guelder Rose	Viburnum opulus var. opulus
<b>Grasses</b>	
<b>Common Name</b>	<b>Scientific Name</b>
Chinese Silver Grass	Miscanthus sinensis
Giant Reed	Phragmites communis
Reed Canary Grass	Phalaris arundinacea
<b>Flowers and Ground Cover</b>	
<b>Common Name</b>	<b>Scientific Name</b>
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:*

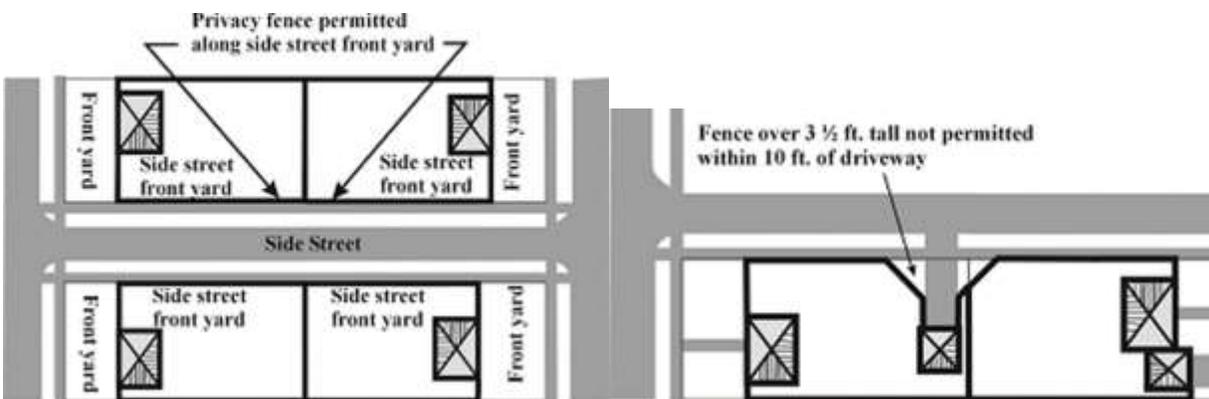
- A. Construction and maintenance: Fences and walls shall be securely constructed in conformance with this article and all applicable building codes and shall consist of durable, weather-resistant materials as approved by the Building Official. Masonry piers may be used as part of a fence installation 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. In the case of a through lot, fences between four and six feet in height located in the secondary front yard shall maintain a ten (10) foot setback.

- 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, and 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 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:

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- 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.

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- 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.

<b>Maximum Height, Maximum Area and Minimum Setback Requirements for Ground Signs Table 3.B</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'

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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-

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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:

Maximum Size, Maximum Height, and Permitted Type of Temporary Signs Table 5.B				
Use	Permitted Types	Maximum Area of All Temporary Signs	Maximum Area of Any Individual Signs	Maximum Height (Ground)
Single-Family Residential	Ground	8 square feet	4 square feet	4 feet
	Wall	NA	NA	
Multiple Family Residential	Ground	32 square feet	16 square feet	6 feet
	Wall	4 square feet	2 square feet	
All Non-Residential Districts and Non-Residential Uses in Residential districts	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-unit** 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

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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>	
Area of Sign Sq. ft.	Measurement Distance (ft.)
10	32
15	39
20	45
25	50
30	55
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

Area of Sign Sq. ft.	Measurement Distance (ft.)
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.
10. *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.
  - G.H. ~~No sign shall be painted directly onto the façade of the building wall or related architectural feature,~~
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.

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- 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.